APPROVAL NO. 2008-
RECORD OF THE COUNCIL OF THE CITY OF PALO ALTO
LAND USE ACTION FOR 4249 AND 4251 EL CAMINO REAL:
TENTATIVE MAP 07PLN-00140
(SUMMERHILL HOMES, APPLICANT)

At its meeting on March 24, 2008, the City Council of the City of Palo Alto approved the Tentative Map to subdivide a parcel (approx. 6.79 acres) into two lots, which would be developed into residential multi-family homes on one lot and a new fraternal lodge on the other lot, 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. Proposed by SummerHill Homes on behalf of the Benevolent and Protective Order of Elks (BPOE), this project involves the subdivision of the Elks Lodge site (approx. 6.79 acres total) into two lots. Lot 1, to be retained by BPOE, would be 122,872 square feet and would be developed with a new Elks Lodge and Lot 2, to be sold to SummerHill Homes, would be 172,891 square feet and developed with 45 multi-family dwelling units. In addition, .34 acres of the Elks Lodge site would be dedicated to the City as a public right of way to create Deodar Street.

B. The Tentative Map plan set includes information on the existing parcels, onsite conditions, and the layout of the proposed new lots. These drawings are in compliance with the applicable provisions of the City’s Subdivision Ordinance. These plans contain all information and notations required to be shown on a Tentative Map (per PAMC Sections 21.12), as well as the design requirements concerning the creation of lots, streets, walkways, and similar features (PAMC 21.20).

C. Because of financial reasons and the purchase agreement between BPOE and SummerHill Homes, the buyer and developer of Lot 2, the existing Elks Lodge will not be demolished until after the final map for the two lot subdivision is recorded. In effect, the proposed lot line subdividing the Elks Lodge site into two lots would slice through the existing Elks Lodge structure. City Staff has discussed the logistics of the demolition with the applicant and an agreement was reached that a bond or letter of credit would be provided by the applicant to the City to guarantee the demolition of the Elks Lodge prior to final map recordation. The actual demolition of the Elks Lodge and accessory structures would occur immediately after final map recordation. Conditions pertaining to the demolition of the Elks
Lodge are included in the attached draft Record of Land Use action. With the incorporation of conditions relating to the demolition of the Elks Lodge, Staff and City departments have determined that the two-lot Tentative Map application is in compliance with zoning, subdivision, and other codes and ordinances.

D. The City Council hearing was continued from January 22, 2008 to allow staff and the applicant to respond to Council’s request for the provision of a more direct pedestrian and bicycle access across the site to Wilkie Way.

SECTION 2. Environmental Review. The California Environmental Quality Act (CEQA) lists a land division of property in an urbanized area into four or fewer parcels as exempt from CEQA if the subdivision is in conformance with all zoning regulations. As such, the proposed two lot subdivision would generally be exempt from the requirements of CEQA. However, CEQA requires that a Lead Agency examine the potential environmental impacts of the ‘whole of an action’ which has the potential to physically change the environment, directly or ultimately, and not just the act of merely subdividing a parcel into two lots. In this case, the two lot subdivision would ultimately facilitate the construction of two developments - a new fraternal lodge and a 45 unit multi-family development - which are not exempt from CEQA requirements.

Prior to Architectural Review approval of the proposed SummerHill Homes multi-family development, Staff prepared an Initial Study and Draft Mitigated Negative Declaration which discussed the potential impacts of the two lot subdivision, the SummerHill Homes development and the new Elks Lodge development. The documents were made available for a 20 day public review period between August 31, 2007 and September 19, 2007. No public comments were received during this review period. The Environmental Assessment found that the impacts produced by the project, including the development of the single-family homes and the new Elks Lodge, would have less than significant impacts on the environment with the incorporation of mitigation measures. Since state law requires the adoption of an Initial Study and Mitigated Negative Declaration prior taking action on a discretionary project, these environmental documents were adopted on October 25, 2007 by the Director of Planning and Community Environment, prior to Architectural Review of the proposed SummerHill Homes development.

SECTION 3. Tentative Map Findings.

A legislative body of a city shall deny approval of a Preliminary Parcel Map, if it makes any of the following findings (California Government Code Section 66474):
1. That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451:

This finding can not be made in the affirmative. The site does not lie within a specific plan area and is consistent with the provisions of the Comprehensive Plan. The land use designation in the area of the subdivision is Multiple Family Residential and the zoning designations are RM-15 and RM-30. The proposed development of multi-family dwelling units on Lot 2 is consistent with the land use and zoning designations of the site. The reconstruction of a new Elks Lodge on Lot 1 is allowed as a grandfathered use on the site pursuant to City of Palo Alto Ordinance No. 3892.

2. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans:

This finding can not be made in the affirmative. The map is consistent with the following Comprehensive Plan policies: (1) Policy L-1 - Limiting future urban development to currently developed lands within the urban service area; (2) Policy L-6: Where possible, avoid abrupt changes in scale and density between residential and non-residential areas and between residential areas of different densities; (3) Policy L-12 - Preserve the character of residential neighborhoods by encouraging new or remodeled structures to be compatible with the neighborhood and adjacent structures; (4) Policy L-35 - Establish the South El Camino Real area as a well-designed, compact, vital, Multi-neighborhood Center with diverse uses, a mix of one-, two-, and three-story buildings, and a network of pedestrian-oriented streets and ways. The new Elks Lodge would be situated at the El Camino Real frontage such that there is desirable definition of the streetscape compared to the existing site where a large parking lot exists. The new Elks Lodge would act as a buffer to the proposed multi-family homes by SummerHill Homes.

3. That the site is not physically suitable for the type of development:

This finding can not be made in the affirmative. The site can accommodate the proposed subdivision. The lots conform to the width, depth, and area requirements of the RM-30 and RM-15 districts. The design of the multi-family units by SummerHill Homes and the new Elks Lodge require Architectural Review approval. The proposed multi-family development by SummerHill Homes was granted Architectural Review approval on October 30, 2007 after a recommendation of approval from the Architectural Review Board on October 18, 2007. The Preliminary Architectural Review of the new Elks Lodge was reviewed by the Architectural Review Board on August
2, 2007. A formal application for the Elks Lodge has not yet been submitted.

4. That the site is not physically suitable for the proposed density of development:

The subdivision would be consistent with the site development regulations of the RM-30 and RM-15 districts and would not affect the location of the existing property lines at the perimeter of the site.

5. That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat:

The subdivision would not cause environmental damage or injure fish, wildlife, or their habitat, as the site is currently developed with accessory uses and facilities of the permitted fraternal organization on the site. However, the applicant is required to implement mitigation measures to reduce impacts to tree-nesting raptors and trees during demolition and construction on Lots 1 and 2 as specified in the Mitigated Negative Declaration and as reflected in the conditions of Section 6 of this Record.

6. That the design of the subdivision or type of improvements is likely to cause serious public health problems:

This finding can not be made in the affirmative. The subdivision of the existing parcel into two lots will not cause serious public health problems.

7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

The subdivision of the existing parcel will not conflict with easements of any type, in that the subdivision is compatible with the emergency vehicle access easement along the northern property line and any utility easements that would be required to serve the proposed developments on Lots 1 and 2.
SECTION 4. Approval of Tentative Map. Tentative Map approval is granted by the City Council under Palo Alto Municipal Code ("PAMC") Sections 21.13 and 21.20 and the California Government Code Section 66474, subject to the conditions of approval in Section 6 of this Record.

SECTION 5. Final Map Approval. The Final Map submitted for review and approval by the City Council of the City of Palo Alto shall be in substantial conformance with the Tentative Map prepared by Brian Kangas Foulk titled "Tentative Map Elks Subdivision", consisting of five pages, date stamped December 3, 2007, except as modified to incorporate the conditions of approval in Section 6.

A copy of this Tentative Map is on file in the Department of Planning and Community Environment, Current Planning Division.

Within two years of the approval date of the Tentative Map, the subdivider shall cause the subdivision or any part thereof to be surveyed, and a Final Map, as specified in Chapter 21.08, to be prepared in conformance with the Tentative Map as conditionally approved, and in compliance with the provisions of the Subdivision Map Act and PAMC Section 21.16 and submitted to the City Engineer (PAMC Section 21.16.010[a]).

SECTION 6. Conditions of Approval.

Department of Planning and Community Environment

Planning Division

1. A Final Map, in conformance with the approved Tentative Map, all requirements of the Subdivision Ordinance (PAMC Section 21.16), and to the satisfaction of the City Engineer, shall be filed with the Planning Division and the Public Works Engineering Division within two years of the Tentative Map approval date (PAMC 21.13.020[c]).

2. To the extent practical, construction activities should be performed or vegetation removed from September through February to avoid the general nesting period of birds. If demolition, construction or vegetation removal can not be performed during this period, pre-demolition and construction surveys should be performed by a qualified biologist no sooner than 14 days prior to demolition and construction activities to locate any active nests prior to the start of demolition/construction and prior to removal of any tree. If
active nests are observed, buffer zones will be established around active nesting trees, with a size acceptable to the California Department of Fish and Game. Construction activities shall avoid buffered zones and no tree will be removed until the young have fledged or the nest is otherwise abandoned.

3. To the maximum extent possible, the project shall comply with all Design Guidelines 6.1 and 6.2 Protection Measures of 'A Tree Protection Plan for the Elks Residential Development' by David L. Babby, RCA, June 20, 2007 and all guidelines stated in Section 4.2 and Section 7.0 Tree Protection Guidelines of 'A Tree Protection Plan for the New Elks Lodge,' by David L. Babby, August 24, 2007.

4. Applicant shall file a tree removal permit for the trees planned for removal.

Public Works Department

Prior to Final Map Recordation:

5. The Elks Lodge shall be abandoned.
6. All utilities servicing the Elks Lodge must be disconnected in accordance with the City of Palo Alto Utilities Department guidelines.
7. The Elks Lodge shall be “red-tagged” by the Building Division.
8. The Elks organization shall provide Public Works Engineering (PWE) a copy of an executed contract with a licensed demolition contractor providing for the demolition of the existing Elks Lodge.
9. The Elks organization shall provide the City of Palo Alto with a bond or letter of credit to guarantee the demolition of the Elks Lodge. The amount of the bond or letter of credit shall be determined by PWE and based upon the review of the estimate of demolition as provided by the contractor.
10. A Construction and Demolition (C&D) plan and permit for the demolition of the existing structure shall be submitted and approved and shall accompany the contract and bond for that demolition.

SECTION 7. Term of Approval.

Tentative Map. All conditions of approval of the Tentative Map shall be fulfilled prior to approval of a Final Map (PAMC Section 21.16.010[c]).
Unless a Final Map is filed, and all conditions of approval are fulfilled within a two-year period from the date of Tentative Map approval, or such extension as may be granted, the Tentative Map shall expire and all proceedings shall terminate. Thereafter, no Final Map shall be filed without first processing a Tentative Map (PAMC Section 21.16.010[d]).

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

APPROVED:

City Clerk

Director of Planning and Community Environment

APPROVED AS TO FORM:

Senior Asst. City Attorney

PLANS AND DRAWINGS REFERENCED:

At its meeting on __________, the City Council of the City of Palo Alto approved the Vesting Tentative Map to subdivide a parcel (approx. 3.97 acres) into 45 multi-family residential condominium lots, private streets, and dedicated park land, 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. Proposed by SummerHill Homes on behalf of the Benevolent and Protective Order of Elks (BPOE), this project involves the subdivision of the 3.97-acre portion of the Elk’s Lodge site into 45 multi-family residential condominium lots and private streets. In addition, 0.48 acres of the site would be dedicated to the City as a public park with public access easements.

B. The Vesting Tentative Map plan set includes information on the existing parcels, onsite conditions, and the layout of the proposed new lots. These drawings are in compliance with the applicable provisions of the City’s Subdivision Ordinance. These plans contain all information and notations required to be shown on a Vesting Tentative Map (per PAMC Sections 21.12 and 21.13), as well as the design requirements concerning the creation of lots, streets, walkways, and similar features (PAMC 21.20).

SECTION 2. Environmental Review. Prior to Architectural Review approval of the proposed SummerHill Homes multi-family development, Staff prepared an Initial Study and Draft Mitigated Negative Declaration which discussed the potential impacts of the two lot subdivision, the SummerHill Homes development and the new Elks Lodge development. The documents were made available for a 20 day public review period between August 31, 2007 and September 19, 2007. No public comments were received during this review period. The Environmental Assessment found that the impacts produced by the project, including the development of the single-family homes and the new Elks Lodge, would have less than significant impacts on the environment with the incorporation of mitigation measures. Since state law requires the adoption of an Initial Study and Mitigated Negative Declaration prior taking action on a discretionary project, these environmental documents were adopted on October 25, 2007 by the Director of Planning and
Community Environment, prior to Architectural Review of the proposed SummerHill Homes development.

SECTION 3. Vesting Tentative Map Findings.
A legislative body of a city shall deny approval of a Vesting Tentative Map, if it makes any of the following findings (California Government Code Section 66474):

1. That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451:

   This finding can not be made in the affirmative. The site does not lie within a specific plan area and is consistent with the provisions of the Comprehensive Plan. The land use designation in the area of the subdivision is Multiple Family Residential and the zoning designations are RM-15 and RM-30. The proposed development of multi-family dwelling units is consistent with the land use and zoning designations of the site.

2. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans:

   This finding can not be made in the affirmative. The map is consistent with the following Comprehensive Plan policies: (1) Policy L-1 - Limiting future urban development to currently developed lands within the urban service area; (2) Policy L-6: Where possible, avoid abrupt changes in scale and density between residential and non-residential areas and between residential areas of different densities; and (3) Policy L-35 - Establish the South El Camino Real area as a well-designed, compact, vital, Multi-neighborhood Center with diverse uses, a mix of one-, two-, and three-story buildings, and a network of pedestrian-oriented streets and ways.

3. That the site is not physically suitable for the type of development:

   This finding can not be made in the affirmative. The site can accommodate the proposed subdivision. The lots conform to the width, depth, and area requirements of the RM-30 and RM-15 districts. The design of the multi-family units by SummerHill Homes and the new Elks Lodge require Architectural Review approval. The proposed multi-family development by SummerHill Homes was granted Architectural Review approval on October 30, 2007 after a recommendation of approval from the Architectural Review Board on October 18, 2007.
4. That the site is not physically suitable for the proposed density of development:

The subdivision would be consistent with the site development regulations of the RM-30 and RM-15 districts and would not affect the location of the existing property lines at the perimeter of the site.

5. That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat:

The subdivision would not cause environmental damage or injure fish, wildlife, or their habitat, as the site is currently developed with accessory uses and facilities of the permitted fraternal organization on the site. However, the applicant is required to implement mitigation measures to reduce impacts to tree-nesting raptors and trees during demolition and construction on Lots 1 and 2 as specified in the Mitigated Negative Declaration and as reflected in the conditions of Section 6 of this Record.

6. That the design of the subdivision or type of improvements is likely to cause serious public health problems:

This finding can not be made in the affirmative. The subdivision of the existing parcel into 45 multi-family residential condominium lots, private streets and dedicated park land will not cause serious public health problems.

7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

The subdivision of the existing parcel will not conflict with easements of any type, in that the subdivision is
compatible with the emergency vehicle access easement along the northern property line and any utility easements that would be required to serve the proposed developments.

SECTION 4. Approval of Vesting Tentative Map. Vesting Tentative Map approval is granted by the City Council under Palo Alto Municipal Code ("PAMC") Sections 21.13 and 21.20 and the California Government Code Section 66474, subject to the conditions of approval in Section 6 of this Record.

SECTION 5. Final Map Approval. The Final Map submitted for review and approval by the City Council of the City of Palo Alto shall be in substantial conformance with the Tentative Map prepared by Brian Kangas Foulk titled "Vesting Tentative Condominium Map SummerHill Elks Residential", consisting of ten pages, dated February 27, 2008.

A copy of this Vesting Tentative Map is on file in the Department of Planning and Community Environment, Current Planning Division.

Within two years of the approval date of the Vesting Tentative Map, the subdivider shall cause the subdivision or any part thereof to be surveyed, and a Final Map, as specified in Chapter 21.08, to be prepared in conformance with the Tentative Map as conditionally approved, and in compliance with the provisions of the Subdivision Map Act and PAMC Section 21.16 and submitted to the City Engineer (PAMC Section 21.16.010[a]).

SECTION 6. Conditions of Approval.

Department of Planning and Community Environment

Planning Division

1. A Final Map, in conformance with the approved Vesting Tentative Map, all requirements of the Subdivision Ordinance (PAMC Section 21.16), and to the satisfaction of the City Engineer, shall be filed with the Planning Division and the Public Works Engineering Division within two years of the Tentative Map approval date (PAMC 21.13.020[c]).

2. To the extent practical, construction activities should be performed or vegetation removed from September through February to avoid the general nesting period of birds. If demolition, construction or vegetation removal can not be
performed during this period, pre-demolition and construction surveys should be performed by a qualified biologist no sooner than 14 days prior to demolition and construction activities to locate any active nests prior to the start of demolition/construction and prior to removal of any tree. If active nests are observed, buffer zones will be established around active nesting trees, with a size acceptable to the California Department of Fish and Game. Construction activities shall avoid buffered zones and no tree will be removed until the young have fledged or the nest is otherwise abandoned.

3. To the maximum extent possible, the project shall comply with all Design Guidelines 6.1 and 6.2 Protection Measures of 'A Tree Protection Plan for the Elks Residential Development' by David L. Babby, RCA, June 20, 2007 and all guidelines stated in Section 4.2 and Section 7.0 Tree Protection Guidelines of 'A Tree Protection Plan for the New Elks Lodge,' by David L. Babby, August 24, 2007.

4. Applicant shall file a tree removal permit for the trees planned for removal.

5. A Below Market Rate agreement must be executed prior to City Council Action on the Final Map and recorded concurrently with the subdivision agreement and map.

Utilities Department, Electric Engineering Division

6. The transformers adjacent to Street A and Street D shall have a 10' x 10' public utility easement.

7. A 3' x 5' public utility easement shall be required in front of the transformer on Street D.

8. The public utility easement for the transformer adjacent to the intersection of Street C and Street B shall have a 10' x 20' public utility easement.

9. Where CPAU electric utility facilities are installed in private streets/PUEs for condominium and town home projects the CC&Rs and final map shall include the statement: "Public Utility Easements: If the City's reasonable use of the Public Utility Easements, which are shown as P.U.E on the Map, results in any damage to the Common Area, then it shall be the
responsibility of the Association, and not of the City, to Restore the affected portion(s) of the Common Area. This Section may not be amended without the prior written consent of the City”.

10. The applicant shall secure a public utilities easement for facilities installed in private property. The applicant’s engineer shall obtain, prepare, record with the county of Santa Clara, and provide the Utilities Engineering section with copies of the public utilities easement across the adjacent parcels as is necessary to serve the development.

11. Street light conduits on private streets shall not be in the joint trench.

Utilities, Water, Gas, Wastewater Division

12. The improvement plans for utility construction need to show the abandonment of the existing 6” water main on Deodar Street and the relocation of the existing fire hydrant.

13. All Irrigation meters, double check assemblies and RPPA backflows need to be shown in the improvement plans.

14. All fire sprinklered residences shall have an approved double check assembly installed just downstream of water meter (can be in a vault). Show all backflow preventers on the improvement plans for utility construction.

15. All fire hydrants, water meters, gas mains and water mains shall be located in a PUE.

16. Sanitary sewer mains and laterals on private streets are to be privately owned and maintained and shall be designated as such on the plans. The Cities responsibility for wastewater will start at a manhole or cleanout where the onsite wastewater system enters the public street right of way (this shall be included in the CCRs).

17. All meters (water, gas, electric, fire svc detector) on this project shall be AMR equipped

18. Onsite public water mains will be 8” diameter minimum limited to two loops through the property in private/public streets as currently shown on the plans and will require a minimum 20’ wide public utility easement with limited street parking in
the private streets. All city owned water meters shall be within a public utility easement outside of the paved street surface (locate in the sidewalk, driveway or planting strip). All other onsite water lines shall be private water lines and shall be designated as such on the plans. **No dead end water lines are allowed on the public water system.** The water line stubs at the end of street A and street D shall be 2” CU with 2” blow-offs at the end per STD. DWG. WD-28.

19. Where the water main is in an easement and the Customer’s water service is directly connected thereto, the Customer (or condo association) owns and is responsible for maintenance of the water service pipe from, and including the house to the point where the line connects to the corporation stop or shut-off valve at the water main. The City still has sole ownership and responsibility for the water meter. *(This shall be included in the CCRs.)*

20. Onsite public gas mains will be limited to two loops as currently shown on the plans through the property in private/public streets in the same 20’ easement with the water main or a dedicated minimum 10’ public utility gas easement.

21. Gas mains will follow a straight route through the development and be within 3’ of the curbline. Gas mains shall be in a separate trench (gas is not allowed in a joint trench). A separate gas service is required for each building. Gas meters shall be ganged at each separate building per the WGW Utility Standards.

22. **The applicant shall create a separate gas main and services plan under the direction of CPAU.** The applicant shall supply CPAU with an AutoCAD copy of the approved gas plan.

23. All improvements to the public gas system will be performed by City of Palo Alto Utilities. The applicant’s contractor shall supply trenches per the WGW utility standards for all gas mains and services to be installed by CPAU. The applicant’s contractor shall perform all backfilling per WGW utility standards after CPAU installs the gas pipes.

24. The applicant shall provide third party inspection services acceptable to CPAU to witness and inspect all public water and wastewater utility installations.
25. At the completion of the project, the applicant shall supply CPAU with AutoCAD based as-built drawings for the public (Palo Alto portion) gas, water, and wastewater systems. The as-built drawings must be approved by CPAU prior to acceptance of the project by the City. The AutoCAD based as-builds shall use the state plane coordinate system and be developed with the use of GPS base geospositional equipment with margin of error less than 1".

26. Water well, or auxiliary water supply is not allowed.

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

28. Sewer drainage piping serving fixtures located below the next upstream sewer manhole cover shall be protected by an approved backwater valve per California Plumbing Code 710.0. The upstream sewer manhole rim elevation shall be shown on the plans.

29. The applicant's engineer shall submit flow calculations and system capacity study showing that the on-site and off-site water and sanitary sewer mains and services will provide the domestic, irrigation, fire flows, and wastewater capacity needed to service the development and adjacent properties during anticipated peak flow demands. Field testing may be required to determined current flows and water pressures on existing water main. Calculations must be signed and stamped by a registered civil engineer. The applicant may be required to perform, at his/her expense, a flow monitoring study of the existing sewer main to determine the remaining capacity. The report must include existing peak flows or depth of flow based on a minimum monitoring period of seven continuous days or as determined by the senior wastewater engineer. The study shall meet the requirements and the approval of the WGW engineering section. No downstream overloading of existing sewer main will be permitted.

30. For contractor installed water and wastewater mains or services, the applicant shall submit to the WGW engineering section of the Utilities Department four copies of the installation of water and wastewater utilities off-site
improvement plans in accordance with the utilities department
design criteria. All utility work within the public right-of-
way shall be clearly shown on the plans that are prepared,
signed and stamped by a registered civil engineer. The
contractor shall also submit a complete schedule of work,
method of construction and the manufacture's literature on the
materials to be used for approval by the utilities
engineering section. The applicant's contractor will not be
allowed to begin work until the improvement plan and other
submittals have been approved by the water, gas and wastewater
engineering section.

31. The applicant shall pay the capacity fees and connection fees
associated with the installation of the 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.

32. Each unit shall have its own water service and gas meter shown
on the plans.

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

34. An approved reduce pressure principle assembly (RPPA backflow
preventer device) shall be installed for separate irrigation,
community water connections and master meters from Palo Alto
Utilities to comply with requirements of California
administrative code, title 17, sections 7583 through 7605
inclusive. The RPPA shall be installed on the owner's property
and directly behind the water meter. Show the location of the
RPPA on the plans. Inspection by the utilities cross
connection inspector is required for the supply pipe between
the meter and the assembly.

35. An approved double detector check valve shall be installed 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.

36. The applicant shall secure a public utilities easement for facilities installed in private property. The applicant's engineer shall obtain, prepare, record with the county of Santa Clara, and provide the utilities engineering section with copies of the public utilities easement across the adjacent parcels as is necessary to serve the development.

37. Where public mains are installed in private streets/PUEs for condominium and town home projects the CC&Rs and final map shall include the statement: "Public Utility Easements: If the City's reasonable use of the Public Utility Easements, which are shown as P.U.E on the Map, results in any damage to the Common Area, then it shall be the responsibility of the Association, and not of the City, to Restore the affected portion(s) of the Common Area. This Section may not be amended without the prior written consent of the City".

38. The new gas mains/services will not be put in service (connected to the City gas distribution system) until the public/private streets are paved, the public utility easements are recorded, and an as-built of the gas mains and services is received and approved by CPAU.

39. All existing water and wastewater services that will not be reused shall be abandoned at the main per WGW utility's procedures.

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

**Fire Department**

41. All Emergency Vehicle Access Roadways shall be posted NO PARKING - FIRE LANE. Applicant shall work with Police Department to determine enforceable marking method. Applicant shall also identify the entity responsible for enforcing parking rules on site and verify that Bylaws or other governing rules will ensure ongoing enforcement.
42. All structures over 3,600 sq. ft. gross floor area or more than 2 stories in height shall be fire sprinklered in accordance with an applicable NFPA Standard.

Public Works Department

Prior to Final Map Recordation:

43. The Final Map submitted by SummerHill under application 07PLN-00140 must be recorded prior to the recordation of the Final Map resulting from this Vesting Tentative Map (07PLN-00335).

SECTION 7. Term of Approval.

Tentative Map. All conditions of approval of the Tentative Map shall be fulfilled prior to approval of a Final Map (PAMC Section 21.16.010[c]).

Unless a Final Map is filed, and all conditions of approval are fulfilled within a two-year period from the date of the Vesting Tentative Map approval, or such extension as may be granted, the Tentative Map shall expire and all proceedings shall terminate. Thereafter, no Final Map shall be filed without first processing a Tentative Map (PAMC Section 21.16.010[d]).

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:                                APPROVED:

City Clerk                                      Director of Planning and
                                                Community Environment

APPROVED AS TO FORM:

Senior Asst. City Attorney
PLANS AND DRAWINGS REFERENCED:

Those plans prepared by Brian Kangas Foulk titled, "Vesting Tentative Condominium Map SummerHill Elks Subdivision", consisting of ten pages, dated February 27, 2008.
TO: HONORABLE CITY COUNCIL
FROM: CITY MANAGER
DEPARTMENT: PLANNING AND COMMUNITY ENVIRONMENT
DATE: JANUARY 22, 2008
CMR: 100:08
SUBJECT: APPROVAL OF A TENTATIVE MAP AND A RECORD OF LAND USE ACTION TO SUBDIVIDE THE ELKS LODGE SITE INTO TWO LOTS, FOR A NEW LODGE AND A MULTI-FAMILY RESIDENTIAL PROJECT LOCATED AT 4249 AND 4251 EL CAMINO REAL.

RECOMMENDATION
Staff and the Planning and Transportation Commission (Commission) recommend that the City Council approve the proposed Tentative Map which proposes to subdivide the Elks Lodge site into two lots, based upon findings and conditions contained within the draft Record of Land Use Action (Attachment A).

DISCUSSION
The Tentative Map proposed by SummerHill Homes on behalf of the property owner, Benevolent and Protective Order of Elks (BPOE), involves a two-lot subdivision of the approximately 7-acre Elks Lodge site to enable the construction of a new Elks Lodge on Lot 1 and the development of a 45 unit, multi-family residential community by SummerHill Homes on Lot 2. Although the applicant’s request is for only a two-lot subdivision, PAMC 21.04.030 requires a Tentative Map for certain minor subdivisions involving less than five lots or units where the total acreage involved exceeds five acres or for any subdivision where an individual lot created exceeds two acres.

The proposed two lot subdivision would create one 2.82 acre parcel to be retained by BPOE for the future Elks Lodge and a second 3.97 acre parcel to be purchased by SummerHill Homes for its proposed multi-family development. Approximately .34 acres of the Elks Lodge site, which is currently a public access easement for a portion of Deodar Street, would be permanently dedicated. A preliminary architectural review application for the new Elks Lodge was reviewed by the Architectural Review Board on August 2, 2007. A formal application for architectural review of the new Elks Lodge has not yet been submitted. The proposed 45 unit, multi-family SummerHill Homes development on Lot 2 was granted architectural review approval on October 30, 2007. A Tentative Map for the separate SummerHill Homes development on Lot 2 will be presented for Commission recommendation and City Council approval after the approval of this subject two-lot subdivision.
Because of the terms of the purchase agreement between BPOE and SummerHill Homes, the existing Elks Lodge will not be demolished until after the final map for the two-lot subdivision is recorded. In effect, the proposed lot line subdividing the Elks Lodge site into two lots would slice through the existing Elks Lodge structure. City staff has discussed the logistics of the demolition with the applicant and an agreement was reached that a bond or letter of credit would be provided by the applicant to the City to guarantee the demolition of the Elks Lodge upon final map recordation. The actual demolition of the Elks Lodge and accessory structures would occur immediately after final map recordation. Conditions pertaining to the demolition of the Elks Lodge are included in the attached draft Record of Land Use action. With the incorporation of conditions relating to the demolition of the Elks Lodge, staff has determined that the two-lot Tentative Map request is in general conformance with the requirements set forth in Chapter 18 (Zoning) and Chapter 21 (Subdivisions) of the Palo Alto Municipal Code (PAMC). Background information related to the project’s details and history has been included in the attached draft Record of Land Use Action.

BOARD/COMMISSION REVIEW AND RECOMMENDATIONS

On November 28, 2007, the Commission conducted a public hearing and recommended (6-0-0-1) that the City Council approve the Tentative Map to subdivide the Elks Lodge site into two lots, as submitted, based upon the findings and conditions contained within the draft Record of Land Use Action. At the hearing, the Commission had questions regarding drainage impacts of the proposed development which were addressed by the applicant’s civil engineer. Three members of the public spoke regarding access to Wilkie Way from the proposed development at the Elks Lodge site, and traffic concerns on Deodar Street and El Camino Real. The Commission also posed questions regarding pedestrian and bicycle connectivity to Wilkie Way, and street design and circulation within the proposed development by SummerHill Homes. Staff explained to the Commission that these issues will be considered with the Tentative Map for the 45-unit SummerHill Homes condominium development (the site planning for which was granted architectural review approval on October 30, 2007) to be presented to the Commission for review and recommendation to the City Council within the next three months. Draft minutes from the Commission hearing are included in Attachment C.

RESOURCE IMPACTS

The proposed map, a lot split, will not result in any cost or revenue impacts to the City. After acting on the final map for the lot split, Council will review the tentative map allowing for the 45-home condominium project. The CMR for the second tentative map will contain information about resource impacts of the condominium development, with its associated development impact fees and provision of public parkland. The Elks Lodge site plans are not yet developed, but in general the new lodge will replace the old with little change in size and use. The Elks Lodge project will be reviewed by the Architectural Review Board for recommendation to the Planning Director. All development review costs for both projects will be recovered through permit fees.

POLICY IMPLICATIONS

The proposed map is consistent with the Comprehensive Plan in that the site is zoned for multi-family residential use and the continued use and renovation of the Lodge was expressly permitted by prior action of the Council. Design and compatibility policies are addressed by the Architectural Review Board during design review of each project.
ENVIRONMENTAL REVIEW

The California Environmental Quality Act (CEQA) lists a land division of property in an urbanized area into four or fewer parcels as exempt from CEQA if the subdivision is in conformance with all zoning regulations. As such, the proposed two lot subdivision would generally be exempt from the requirements of CEQA. However, CEQA requires that a Lead Agency examine the potential environmental impacts of the ‘whole of an action’ which has the potential to physically change the environment, directly or ultimately, and not just the act of merely subdividing a parcel into two lots. In this case, the two lot subdivision would ultimately facilitate the construction of two developments – a new fraternal lodge and a 45 unit multi-family development – which are not exempt from CEQA requirements.

Prior to Architectural Review approval of the proposed SummerHill Homes multi-family development, Staff prepared an Initial Study and Draft Mitigated Negative Declaration which discussed the potential impacts of the two lot subdivision, the SummerHill Homes development and the new Elks Lodge development. The documents were made available for a 20 day public review period between August 31, 2007 and September 19, 2007. No public comments were received during this review period. The Environmental Assessment found that the impacts produced by the project, including the development of the multi-family homes and the new Elks Lodge, would have less than significant impacts on the environment with the incorporation of mitigation measures, and less than significant impact on public services. These impacts are described in the assessment contained in Attachment D. Since State law requires the adoption of an Initial Study and Mitigated Negative Declaration prior to taking action on a discretionary project, these environmental documents were adopted on October 25, 2007 by the Director of Planning and Community Environment, prior to Architectural Review of the proposed SummerHill Homes project.

PREPARED BY:

ELENA LEE
Senior Planner

DEPARTMENT HEAD:

STEVE EMSLIE
Director of Planning and Community Environment

CITY MANAGER APPROVAL:

EMILY HARRISON
Assistant City Manager
ATTACHMENTS
A. Draft Record of Land Use Action
B. Planning & Transportation Commission Staff Report, November 28, 2007
C. Excerpt of the Draft Planning & Transportation Commission Minutes, November 28, 2007
D. Initial Study and Mitigated Negative Declaration, adopted October 25, 2007
E. Tentative Map (Councilmembers only)

COURTESY COPIES
James E. Baer, Premier Properties
Elaine Breeze, SummerHill Homes
Carlin Otto
Penny Ellson
Jean Olmsted
Denis Lose
PLANNING & TRANSPORTATION DIVISION

STAFF REPORT

TO: PLANNING & TRANSPORTATION COMMISSION

FROM: Elena Lee
Senior Planner

DEPARTMENT: Planning and Community Environment

AGENDA DATE: March 12, 2008

SUBJECT: 4249 El Camino Real [07PLN-00335]: Request by SummerHill Homes, on behalf of the Palo Alto Elks Lodge, for approval of a vesting tentative map to subdivide one lot into 45 condominium units, private streets and dedicated park land for a multi-family residential project. Environmental Assessment: A Mitigated Negative Declaration has been adopted in accordance with the California Environmental Quality Act (CEQA) requirements. Zoning District: RM-15 and RM-30.

RECOMMENDATION
Staff recommends that the Planning and Transportation Commission recommend that the City Council approve the Record of Land Use Action (Attachment A) and proposed Vesting Tentative Map to create 45 multi-family residential condominium units, private streets and dedicated park land at 4249 El Camino Real.

SUMMARY OF LAND USE ACTION
Background information related to the project’s details and history has been included within the Record of Land Use Action, which contains findings and conditions of approval. The Tentative Map drawings are in conformance with the requirements set forth in Chapter 18 (Zoning) and Chapter 21 (Subdivisions) of the Palo Alto Municipal Code (PAMC). Various code requirements have also been incorporated into the draft conditions of approval for this application. The action required of the Planning and Transportation Commission (Commission) is a recommendation on the Vesting Tentative Map.
On August 16, September 20, and October 16, 2007, the site design, architecture and Design Enhancement Exception for the 45 multi-family homes, private streets and dedicated park land were reviewed and recommended by the Architectural Review Board (ARB). The Director of Planning and Community Environment (Director) approved the ARB application on October 30, 2007. The site/landscape plan from the approved ARB set is provided to the Commissioners (Attachment F) for information.

Scope of Commission Review
The scope of the Commission’s review for the purposes of this Vesting Tentative Map application is limited to the “design” and “improvement” of the proposed subdivision. In this context, the terms “design” and “improvement” are defined in the Subdivision Map Act as follows:

"Design" means: (1) street alignments, grades and widths; (2) drainage and sanitary facilities and utilities, including alignments and grades thereof; (3) location and size of all required easements and rights-of-way; (4) fire roads and firebreaks; (5) lot size and configuration; (6) traffic access; (7) grading; (8) land to be dedicated for park or recreational purposes; and (9) other specific physical requirements in the plan and configuration of the entire subdivision that are necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan as required pursuant to Section 66473.5.

(Government Code, section 66418)

(a) "Improvement" refers to any street work and utilities to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final map thereof.

(b) "Improvement" also refers to any other specific improvements or types of improvements, the installation of which, either by the subdivider, by public agencies, by private utilities, by any other entity approved by the local agency, or by a combination thereof, is necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan.

(Government Code, section 66419)

The design and improvement of the subdivision should be distinguished from the design of the approved structures to be located within the subdivision. (The approved ARB plan is provided to Commissioners for information.)

Development Background
The proposed Benevolent and Protective Order of Elks (BPOE) Palo Alto Elks Residential project is part of a larger plan for the entire seven-acre site that has been under study by the
BPOE for several years. The entire Elks Lodge site is proposed to be redeveloped into three projects:

- Juniper Homes is developing a five parcels fronting Wilkie Way with five single-family detached homes. The development was approved by the City Council on July 30, 2007. Three of the five homes have received Architectural Review Board approval and the remaining two received staff level ARB approval.

- The approximately three-acre site fronting El Camino Real would be retained by BPOE and developed as a new Elks Lodge. The Preliminary Architectural Review of conceptual plans by the ARB in a public hearing on August 2, 2007, provided a forum for comments on a two-story, 40-foot tall building over a one-level underground parking garage. The new Elks Lodge development plans have not yet been finalized and submitted for formal ARB review and action.

- The subject middle 3.97-acre parcel will front Deodar Street and will be located between the Juniper Homes development and the future Elks Lodge. SummerHill Homes is in process of acquiring this site to develop 45 multi-family units and a park. The project received ARB approval on October 16, 2007.

The Vesting Tentative Map plan set includes information on the existing parcels and onsite conditions. These plans contain all information and notations required to be shown on a Vesting Tentative Map (per PAMC Sections 21.12 and 21.13), and conform to the design requirements concerning the creation of lots, streets, and similar features (PAMC 21.20).

**SUMMARY OF KEY ISSUES**
The application is a 45-unit condominium subdivision requested by SummerHill Homes on behalf of the property owner, BPOE, of an approximately 3.97-acre portion of the site. The project site is part of a larger BPOE 7-acre property, as discussed above. SummerHill Homes is acquiring the property in order to develop the project. The remainder of the seven-acre site will be developed with a new Elks Lodge by the property owner.

**Two Part Subdivision**
This Vesting Tentative Map application is the second part of a two step subdivision process proposed by the applicant. The first part was for a two-lot subdivision to subdivide the 7-acre Elks site for financing purposes. The two-lot subdivision would create a 2.82-area parcel to be retained by the BPOE for the future Elks Lodge and a second 3.97-acre parcel to be purchased by SummerHill Homes for its proposed multi-family development. Approximately 0.34 acres of the Elks Lodge site would be dedicated to the City as a public right of way to establish Deodar Street.

The second part of the overall project is the Vesting Tentative Map to create 45 residential condominium units, private streets and dedicated park land on the second 3.97-acre SummerHill portion. Staff is bringing this application to the March 12, 2008 Commission hearing to facilitate the process to allow both the two-lot subdivision and the residential condominium map to be
heard on the March 24, 2008 Council hearing, pending Commission recommendation.

The two-lot subdivision map was reviewed and recommended for City Council approval by the Planning and Transportation Commission on November 28, 2007. The City Council considered the item at the January 22, 2008 hearing. The Council continued the hearing to a date uncertain to allow staff and the applicant to explore options to provide a more direct pedestrian/bicycle access across the site from Wilkie Way to El Camino Real. The Council concerns included the lack of direct connections and the use of private streets.

**Connectivity to Wilkie Way**
There has been considerable discussion regarding pedestrian and bicycle access to Wilkie Way and El Camino Real from the proposed SummerHill Homes development. The proposed five-lot development by Juniper Homes is situated along Wilkie Way, adjacent to the subject site. The applicant for Juniper Homes development was receptive to providing a pedestrian and bicycle access along the existing emergency vehicle access route to allow access to Wilkie Way. However, residents of the Charleston Meadows neighborhood were opposed to such access and, accordingly, the Juniper Homes Final Map approval was granted by the City Council without this type of easement. The decision eliminated the most viable option for connectivity to Wilkie Way from the adjacent SummerHill Homes development. SummerHill has proposed private streets for access within the development and public access easements from the second entry drive at Deodar Street for access to the public park. Should a future easement opportunity arise on the adjacent Dinah’s property, the project also includes a four-foot wide public access easement along Street A to facilitate pedestrian and bicycle connectivity from Deodar Street to the adjacent new access point.

**Applicant’s Alternatives**
In response to City Council’s request, the applicant has provided alternative points of connection. Conditioned upon the City’s acquiring access rights on the adjacent Dinah’s property on or before March 24, 2009, the applicant is offering to incorporate into this Vesting Tentative Map a new access point at the southeastern perimeter of the site to lead to the public park from the adjacent property. Should this alternative connection path be provided, the applicant would withdraw providing access along Street A as discussed above.

In response to concerns regarding private streets, the applicant will dedicate public access easements over all of the private streets and circulation sidewalks. The applicant’s detailed proposal is available as Attachment G.

**Site Configuration**
The project site is a 3.97- acre parcel to be developed with 45 multi-family condominium residences. The project site is in the RM-15 and RM-30 zones, with a Multiple Family Residential Comprehensive Land Use Designation, which allows the proposed use. The project includes five pairs of attached units and 35 detached townhome style units that range from two to three story buildings. An approximately 0.34-acre of the Elks Lodge portion of the site would be dedicated to the City as a public right of way to establish Deodar Street, as part of the two-lot subdivision map process. Deodar Street will be constructed with pedestrian walkways on both
sides. The development includes a 0.48-acre dedicated public park, located at the eastern edge of the site, designed to serve project and neighboring residents. The park would be dedicated as parkland with a public access easement over it, retained in ownership and maintained by the project homeowners association. Community Services staff has reviewed and are supportive of the proposal.

The project site would be accessed from two driveways located on Deodar Drive. Vehicular access would be provided by four approximately 20-foot wide private streets (Streets A-D) that bisect the site and connect to Deodar Drive. Street B would provide direct access to the proposed 0.48-acre park. An emergency vehicle access is also proposed along the northeastern portion of the site with access to Wilkie Way across Lot 1 of the Juniper Homes project. A four-foot wide public access easement is proposed along Street A from Deodar Street to the south fence, adjacent to the Dinah property, to provide access should future easement connections occur. Sidewalks would be provided along the perimeter of the site. A paseo in the center of the site would provide pedestrian access to the center units and through the site. Nine units would front onto Deodar Street. The remainder of the units would face the new private streets. Fourteen of the units in the center would front onto a landscaped pedestrian paseo in the center of the site. Five units would surround the park along the south and west. Each of the units would have exclusive use easements in fenced areas located around the units. They would range from ground level side yards to larger rear yards. All garages would be accessed via the private drive. The driveway and common areas would be maintained through the Covenants, Conditions and Restrictions (CC&Rs). Details of the ARB approved project design have been provided for by the applicant and are included in Attachment F.

The footprint of the units defines the locations of the individual condominium units. The remainder of the parcel would be commonly owned and maintained via the CC&Rs and contain driveway area, private streets, private open space, and landscaped public open space (primarily along the street frontages). Pedestrian paths would be provided throughout the private streets and pedestrian paseo.

Staff and City departments, including Public Works and Community Services, have determined that the Vesting Tentative Map application is in compliance with zoning, subdivision, and other codes and ordinances.

The Vesting Tentative Map plan set includes information on the existing parcels and onsite conditions. The drawings are in compliance with the applicable provisions of the City’s Subdivision Ordinance. These plans contain all information and notations required to be shown on a Vesting Tentative Map (per PAMC Sections 21.12 and 21.13). The plans also conform to the design requirements concerning the creation of lots, streets, walkways, and similar features (PAMC 21.20).

**POLICY IMPLICATIONS**

The proposed map is consistent with the Comprehensive Plan in that the site is zoned for multi-family residential use. Design and compatibility policies were addressed by the Architectural Review Board during design review of the project.
ENVIRONMENTAL REVIEW
Prior to Architectural Review approval of the proposed SummerHill Homes multi-family development, staff prepared an Initial Study and Draft Mitigated Negative Declaration which discussed the potential impacts of the two lot subdivision, the SummerHill Homes development and the new Elks Lodge development. The documents were made available for a 20 day public review period between August 31, 2007 and September 19, 2007. No public comments were received during this review period. The Environmental Assessment found that the impacts produced by the project, including the development of the single-family homes and the new Elks Lodge, would have less than significant impacts on the environment with the incorporation of mitigation measures. These potential impacts and mitigations are described in the assessment contained in Attachment C. Since State law requires the adoption of an Initial Study and Mitigated Negative Declaration prior to taking action on a discretionary project, these environmental documents were adopted on October 25, 2007 by the Director of Planning and Community Environment, prior to Architectural Review of the proposed SummerHill Homes project.

TIMELINE
Action: Mitigated Negative Declaration Adopted: October 25, 2007
Vesting Tentative Map Application Received: October 26, 2007
Vesting Tentative Map Application Deemed Complete: February 27, 2008
P&TC Meeting on Tentative Map: March 12, 2008
Scheduled Action by Council on Tentative Map: March 24, 2008

ATTACHMENTS
A. Draft Record of Land Use Action
B. Location Map
C. Initial Study and Mitigated Negative Declaration, adopted October 25, 2007
D. Correspondence to the Planning and Transportation Commission*
E. Applicant’s Project Description*
F. Approved Landscape Site Plan for Information Only (Commissioners Only)*
G. Applicant’s Alternative Connections letter, dated February 27, 2008 (Commissioners Only)*
H. Vesting Tentative Map (Commissioners Only)

*Prepared by applicant; Attachments A, B, and C prepared by staff.

COURTESY COPIES
Elaine Breeze, SummerHill Homes
Jim Baer
Denis Losé, Palo Alto Elks Lodge
Penny Ellson
Carlin Otto
Becky Epstein
Jean Olmstead
TO: PLANNING & TRANSPORTATION COMMISSION
FROM: Lata Vasudevan, AICP Planner
DEPARTMENT: Planning & Community Environment
AGENDA DATE: November 28, 2007
SUBJECT: 4249 and 4251 El Camino Real [07PLN-00140]: Application by SummerHill Homes for a Tentative Map to subdivide the Elks Lodge site into two lots. The proposed 2.82-acre lot would be the site of a new Elks Lodge and the other 3.97-acre lot would be developed as a multi-family residential project by SummerHill Homes. Zone District: Multiple-Family Residential (RM-15 and RM-30). Environmental Assessment: a Mitigated Negative Declaration has been adopted for the development of the Elks Lodge site.

RECOMMENDATION:
Staff requests that the Planning and Transportation Commission (Commission) provide a recommendation of approval to the City Council regarding the proposed Tentative Map to subdivide the Elks Lodge site into two lots, based upon the findings and conditions contained within the Record of Land Use Action (Attachment A).

SUMMARY OF LAND USE ACTION:
Background information related to the project’s details and history has been included in the attached draft Record of Land Use Action. The Tentative Map drawings are in general conformance with the requirements set forth in Chapter 18 (Zoning) and Chapter 21 (Subdivisions) of the Palo Alto Municipal Code (PAMC). Various code requirements and special conditions pertaining to the demolition of the existing Elks Lodge have also been incorporated into the draft conditions of approval for this application. The only action required of the Planning and Transportation Commission is a recommendation to the City Council regarding the Tentative Map.

Scope of Commission Review
The scope of the Commission’s review for the purposes of this Tentative Map application is limited to the “design” and “improvement” of the proposed subdivision. In this context, the terms “design” and “improvement” are defined in the Subdivision Map Act as follows:
"Design" means: (1) street alignments, grades and widths; (2) drainage and sanitary facilities and utilities, including alignments and grades thereof; (3) location and size of all required easements and rights-of-way; (4) fire roads and firebreaks; (5) lot size and configuration; (6) traffic access; (7) grading; (8) land to be dedicated for park or recreational purposes; and (9) other specific physical requirements in the plan and configuration of the entire subdivision that are necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan as required pursuant to Section 66473.5.

(Government Code, section 66418)

(a) "Improvement" refers to any street work and utilities to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final map thereof.

(b) "Improvement" also refers to any other specific improvements or types of improvements, the installation of which, either by the subdivider, by public agencies, by private utilities, by any other entity approved by the local agency, or by a combination thereof, is necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan.

(Government Code, section 66419)

The design and improvement of the subdivision should be distinguished from the design of the proposed structures to be located within the subdivision, which will be reviewed pursuant to the City’s Architectural Review process (or in the case of the SummerHill Homes development, the Architectural Review Board has already made a formal recommendation of approval as described below).

The Tentative Map plan set includes information on the existing parcels and onsite conditions. These plans contain all information and notations required to be shown on a Tentative Map (per PAMC Sections 21.12), and conform to the design requirements concerning the creation of lots, streets, and similar features (PAMC 21.20).

SUMMARY OF KEY ISSUES:
The application requested by SummerHill Homes on behalf of property owner, Benevolent and Protective Order of Elks (BPOE), is a two-lot subdivision of the approximately 7-acre Elks Lodge site to enable the construction of a new Elks Lodge on Lot 1 and the development of a 45 unit, multi-family residential community by SummerHill Homes on Lot 2. Although the applicant’s request is for only a two-lot subdivision, PAMC 21.04.030 requires a Tentative Map for certain minor subdivisions involving less than five lots or units where the total acreage involved exceeds five acres or for any subdivision where an individual lot created exceeds two acres.
The proposed two lot subdivision would create one 2.82 acre parcel to be retained by BPOE for the future Elks Lodge and a second 3.97 acre parcel to be purchased by SummerHill Homes for its proposed multi-family development. Approximately .34 acres of the Elks Lodge site would be dedicated to the City as a public right of way to establish Deodar Street. A preliminary Architectural Review application for the new Elks Lodge was reviewed by the Architectural Review Board on August 2, 2007. A formal application for Architectural Review of the new Elks Lodge has not yet been submitted. The proposed 45 unit, multi-family SummerHill Homes development on Lot 2 was granted Architectural Review approval on October 30, 2007. A Tentative Map for the SummerHill Homes development will be presented for Commission recommendation and City Council approval after the approval of the subject two-lot subdivision.

During the Architectural Review process of the proposed SummerHill Homes development, there was considerable discussion among the public and the Architectural Review Board regarding pedestrian and bicycle access to Wilkie Way and El Camino Real from the proposed SummerHill Homes Development. The proposed five-lot development by Juniper Homes is situated along Wilkie Way, adjacent to the subject two-lot subdivision. The applicant for the Juniper Homes development was receptive to providing a pedestrian and bicycle access along the existing emergency vehicle access route to allow access to Wilkie Way. However, residents of the nearby neighborhood were opposed to such access and, accordingly, the Juniper Homes Final Map approval was granted by the City Council without this type of easement. This decision eliminated the most viable option for connectivity to Wilkie Way from the adjacent, proposed SummerHill Homes development. Nevertheless, the SummerHill Homes development will include a public access easement within its development that would facilitate pedestrian and bicycle connectivity to El Camino Real and/or Wilkie Way should easement opportunities arise in the future on the adjacent Dinah’s property. The proposed public access easement within the SummerHill Homes development will be discussed further in the review of the Tentative Map for the SummerHill Homes development and is not within the purview of the subject two-lot subdivision.

Because of the terms of the purchase agreement between BPOE and SummerHill Homes, the existing Elks Lodge will not be demolished until after the final map for the two-lot subdivision is recorded. In effect, the proposed lot line subdividing the Elks Lodge site into two lots would slice through the existing Elks Lodge structure. City Staff has discussed the logistics of the demolition with the applicant and an agreement was reached that a bond or letter of credit would be provided by the applicant to the City to guarantee the demolition of the Elks Lodge prior to final map recordation. The actual demolition of the Elks Lodge and accessory structures would occur immediately after final map recordation. Conditions pertaining to the demolition of the Elks Lodge are included in the attached draft Record of Land Use action. With the incorporation of conditions relating to the demolition of the Elks Lodge, Staff and City departments have determined that the two-lot Tentative Map application is in compliance with zoning, subdivision, and other codes and ordinances.

**TIMELINE:**

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<tr>
<td>Application Received:</td>
<td>May 3, 2007</td>
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<td>Mitigated Negative Declaration Adopted:</td>
<td>October 25, 2007</td>
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</table>
Tentative Map Application Deemed Complete: November 8, 2007
P&TC Meeting on Tentative Map: November 28, 2007
Scheduled Action by Council on Tentative Map: December 10, 2007

ENVIRONMENTAL REVIEW:
The California Environmental Quality Act (CEQA) lists a land division of property in an urbanized area into four or fewer parcels as exempt from CEQA if the subdivision is in conformance with all zoning regulations. As such, the proposed two lot subdivision would generally be exempt from the requirements of CEQA. However, CEQA requires that a Lead Agency examine the potential environmental impacts of the ‘whole of an action’ which has the potential to physically change the environment, directly or ultimately, and not just the act of merely subdividing a parcel into two lots. In this case, the two lot subdivision would ultimately facilitate the construction of two developments – a new fraternal lodge and a 45 unit multi-family development – which are not exempt from CEQA requirements.

Prior to Architectural Review approval of the proposed SummerHill Homes multi-family development, Staff prepared an Initial Study and Draft Mitigated Negative Declaration which discussed the potential impacts of the two lot subdivision, the SummerHill Homes development and the new Elks Lodge development. The documents were made available for a 20 day public review period between August 31, 2007 and September 19, 2007. No public comments were received during this review period. The Environmental Assessment found that the impacts produced by the project, including the development of the single-family homes and the new Elks Lodge, would have less than significant impacts on the environment with the incorporation of mitigation measures. These impacts are described in the assessment contained in Attachment B. Since State law requires the adoption of an Initial Study and Mitigated Negative Declaration prior to taking action on a discretionary project, these environmental documents were adopted on October 25, 2007 by the Director of Planning and Community Environment, prior to Architectural Review of the proposed SummerHill Homes project.

ATTACHMENTS:
A. Draft Record of Land Use Action
B. Initial Study and Mitigated Negative Declaration
C. Tentative Map Plan Set (Commission Members Only)

COURTESY COPIES:
Elaine Breeze, SummerHill Homes
Jim Baer
Denis Losé, Palo Alto Elks Lodge
Penny Ellson
Carlin Otto
Becky Epstein
Jean Olmsted

Prepared by: Lata Vasudevan, AICP, Planner
Reviewed by: Amy French, AICP, Manager of Current Planning
Planning and Transportation Commission
Verbatim Minutes
November 28, 2007

DRAFT EXCERPT

4249 and 4251 El Camino Real [07PLN-00140]*: Application by SummerHill Homes for a Tentative Map to subdivide the Elks Lodge site into two lots. The proposed 2.82-acre lot would be the site of a new Elks Lodge and the other 3.97-acre lot would be developed as a multi-family residential project by SummerHill Homes. Zone District: Multiple-Family Residential (RM-15 and RM-30). Environmental Assessment: a Mitigated Negative Declaration has been adopted for the development of the Elks Lodge site.

Lata Vasudevan, Planner: Good evening, Commissioners. The two lot subdivision application requested by SummerHill Homes was filed on behalf of the current property owner of the site, the Palo Alto Elks Lodge. One parcel will be retained by the Elks for the future new Elks Lodge and the other parcel would be purchased by SummerHill Homes for its proposed 45-unit multi-family development. Approximately .3 acres, a small portion of the Elks Lodge site, would be dedicated to the City as a public right-of-way to establish Deodar Street, which would connect to El Camino Real.

A preliminary Architectural Review application for the new Elks Lodge was reviewed by the Architectural Review Board on August 2 of this year. A formal application for Architectural Review of the new Elks Lodge has not yet been submitted. The proposed 45-unit multi-family SummerHill Homes development on lot two on the other hand was granted Architectural Review approval on October 30 of this year. A Tentative Map for the SummerHill Homes development will be presented for Commission recommendation and City Council approval after the approval of the subject two lot subdivision that you are reviewing tonight.

As explained in the Staff Report the scope of the Commission’s review for the purposes of this Tentative Map application is limited to the design and improvement of the proposed two-lot subdivision. The design and improvement of the subdivision again is distinguished from the design proposed structures to be located within the subdivision, which will be reviewed pursuant to the City’s Architectural Review process. Again, as mentioned earlier, the SummerHill Homes development was already approved by the Director of Planning and Community Environment after a favorable recommendation from the ARB.

In terms of environmental review CEQA requires that a lead agency examine the potential environmental impacts of the whole of an action. In this case the whole of the action is the two lot subdivision, which would ultimately enable the construction of two developments, a new fraternal lodge and a 45-unit multi-family development, which individually are not exempt from CEQA requirements. Accordingly prior to Architectural Review approval of the SummerHill Homes multi-family development Staff prepared an initial study and draft Mitigated Negative Declaration, which discussed the potential impacts of the two lot subdivision, the SummerHill Homes development, and the new Elks Lodge development. Since state law requires the adoption of an initial study and Mitigated Negative Declaration prior to taking action on a
discretionary project these environmental documents were adopted on October 25 by the
Director of Planning and Community Environment prior to Architectural Review approval of the
SummerHill Homes development project. The approved environmental documents are of course
attached to the Staff Report.

The attached Record of Land Use Action includes conditions related to the mitigation measures
regarding tree protection and protection of the tree nesting raptors during demolition of the Elks
Lodge.

In terms of public comments two letters from citizens were received. One from Ms. Carlin Otto
and another one from Ms. Jean Olmsted which are placed in front of you and which were also
previously forwarded to you. Both of these letters discuss access to Wilkie Way from the
proposed SummerHill Homes development. The proposed public access easement within the
SummerHill Homes development will be discussed further in the review of the Tentative Map
for this SummerHill Homes development itself and is not within the purview of the subject two
lot subdivision.

In conclusion, Staff requests that the Planning and Transportation Commission provide a
recommendation of approval to the City Council regarding the proposed Tentative Map to
subdivide the Elks Lodge site into two lots based upon the findings and conditions contained
within the Record of Land Use Action, which is attached to the Staff Report. I will be happy to
answer any questions you have. The applicant is also available to answer questions. Thank you.

Chair Holman: Could you just restate one thing right at the end, you said something was not
within the purview of the Commission, could you please restate that?

Ms. Vasudevan: Certainly. The proposed public access easement within the SummerHill
Homes development will be discussed further in the review of the proposed Tentative Map for
the SummerHill Homes development itself. So it is not within the purview of this two lot
subdivision.

Chair Holman: Thank you. Commissioner Keller.

Commissioner Keller: You alluded to future reviews of parts or other future reviews of various
stages of this project. It might be helpful at least for the Commission and I assume for the public
as well, if you could identify what other reviews there will be. For example will there be a Site
and Design Review or a Tentative Map or what reviews will there be of each of these projects
that come from this subdivision?

Ms. Vasudevan: Immediately following the proposed or assumed approval of this two lot
subdivision what would be presented before the Commission would be the actual condominium
subdivision for the SummerHill Homes development. Also, what might occur concurrently is
the formal Architectural Review of the Elks Lodge development.

Commissioner Keller: So will there be any Planning Commission review of the Elks
development beyond this?
Ms. Vasudevan: No.

Commissioner Keller: Okay. Of the review of the SummerHill Homes will that be a Tentative Map review or will that be a Site and Design Review or what?

Ms. Vasudevan: The review of the SummerHill Homes will be a condominium Tentative Map that will be reviewed by the Planning and Transportation Commission, which will make a recommendation to the City Council.

Commissioner Keller: So that Tentative Map is different from Site and Design Review, which is what we did on Alma Plaza because this is not a PC. Is that right?

Ms. Vasudevan: That is correct.

Commissioner Keller: Thank you.

Mr. Williams: I also want to clarify that you also do Site and Design Review on mixed use developments in commercial zones. This is not a commercial zone this is a multi-family zone, which is why that since it is zoned RM-30 is why there is not a Site and Design process with this. If this were a CS zone for instance then there would be a Site and Design Review that the Commission and Council would also see.

Commissioner Keller: Thank you that is very helpful.

Chair Holman: Commissioner Tuma, clarifying question?

Commissioner Tuma: I am assuming that this just an oversight or typographical error because we are all talking about multi-family residence here but on the last page of the Staff Report it refers to the development of the single family homes in this project. Is that just an oversight?

Mr. Williams: Yes, they are in some respects single family in character like others that we have seen in other projects but they are in a multi-family zone. Because they are not on R-1 size lots they are considered multi-family not single family. The reference at the end probably is due to the character of the home.

Commissioner Tuma: We are not looking at a subsequent subdivision into a bunch of fee lots within this? Okay. I just want to clarify that because sometimes when you talk about single family home, okay.

Chair Holman: Other clarifying questions? Commissioner Lippert.

Commissioner Lippert: With regard to, and you will have to excuse me is it Deodar Street? Okay.

Chair Holman: Deodar is a conifer tree.
Commissioner Lippert: Okay, excuse me. Is that a street easement or a dedicated street?

Mr. Larkin: It is a dedicated street easement.

Commissioner Lippert: Street easement?

Mr. Larkin: It is dedicated public right-of-way.

Commissioner Lippert: Okay.

Chair Holman: Commissioner Keller, you have another clarifying question?

Commissioner Keller: Yes. I am not sure if this is a clarifying question or when the right time for this is, but what is the narrowest point of Deodar Street along this and has somebody checked to make sure that it satisfies all the rules for?

Chair Holman: I am not sure that would be a clarifying question. I think that is a question for later.

Commissioner Keller: Okay, thank you.

Mr. Larkin: Just to answer it, Public Works will review this to ensure that it meets the standards for public streets.

Commissioner Keller: I understand that Deodar Street is partially donated by the development in the former Hyatt property, Arbor Real, and partially donated by the subject development.

Mr. Larkin: Dedicated rather than donated but that is essentially correct. It was actually entirely dedicated by Arbor Real because Arbor Real obtained an easement for the Elks Lodge portion of the street in order to allow public access during the time that this project is being developed. Once that dedication occurs then the entire thing will become one public right-of-way.

Commissioner Keller: And the improvements would all occur to the street prior to its transference to the City of Palo Alto?

Mr. Larkin: The improvements, and this is getting into a little more detail than we normally get into, but prior to the issuance of the Final Map there will be a Subdivision Improvement Agreement executed between the City and the developer that will define exactly what public improvements are to be made, the standards for those public improvements, and then provide for rather than holding up the map until those improvements are made. They provide for financial security so that in the event they are not made the City can go out and do the improvements themselves.

Commissioner Keller: Thank you.
Chair Holman: Seeing no other clarifying questions we can go to members of the public and actually the applicant. I believe that would be Elaine Breeze and you will have 15 minutes.

Ms. Elaine Breeze, SummerHill Homes: Good evening. We are headquartered here in Palo Alto and we are excited to have an opportunity to be back here working in your city. We appreciated the feedback that we did receive through the ARB process and the approval that we received.

The Staff Report is clear and thorough for us, the process that we are going through in requesting your recommendation of the Tentative Map before you. We agree with all the conditions of approval as presented, and we welcome any questions that you have. I have our BKF civil engineer here, Scott Schork, to answer any questions as well as the Elks representatives are here as well. Thank you.

Chair Holman: You have 14 minutes and 16 seconds left. Are there questions for the applicant at this moment? Perhaps they will come. We have two other cards from members of the public Jean Olmsted to be followed by Bob Moss. You will have five minutes.

Ms. Jean Olmsted, Palo Alto: I am here in support of bicycle and pedestrian access. You have my letter about this so I am going to be brief too. I would like to thank you for your thoughts on this issue. I hope your committee will develop further recommendations about bicycle and pedestrian access to send onto the City Council. There should be a general citywide policy in support of access so the issue does not have to be dealt with on a site-by-site basis. The City ordinance requiring connectivity should help, that is 18.23.080(B)(ii).

I also wish something could be done now to provide access from Wilkie to El Camino through the Elks property. We don’t know when or if Dinah’s land will be available we lost the opportunity for the access easement, which Juniper Homes was willing to provide because a few people opposed access. I believe they did not represent the majority of Charleston Meadows residents.

I think it is time for more concern for the public good and perhaps less concern for parking. I thank you.

Chair Holman: Thank you. The next speaker is Bob Moss and if anyone else wishes to speak they should turn a card in at this time.

Mr. Bob Moss, Palo Alto: Thank you Chairman Holman and Commissioners. I have a couple of concerns looking at the Staff Report and what they are saying you can do. One of the things that I thought was rather strange is that supposedly tonight one of the things you are addressing the design which means street alignments, grades, widths, drains, sanitary sewage, and so on. But none of that information is presented. You look at that map and you can’t tell if those streets are ten feet wide or 50 feet wide, whether they are so narrow that they only can be private streets or if they are intended to be public streets. That has a huge impact on the project and the viability of the circulation there. So I think it is inappropriate to say you are reviewing the design when the design details, especially something as critical as the street patterns and layout, are really not specified in any of the public documents. Maybe you got something that was given only to the
Commission that the public doesn’t have but looking at what is on the wall there are no dimensions on that either. So I think that has to be resolved before you can approve the project and approve the lot setup.

The second thing is there is a discussion about mitigation where they are going to take a look at the traffic at the new intersection at El Camino and if the traffic is bad they are going to make some adjustments. El Camino is a state highway and I don’t believe the City is capable of making any adjustments to El Camino. You might make some adjustments to the access roads but if there is a problem, which is created from this project or this project plus the old Hyatt Rickey’s combined on El Camino, what could the developer or the City do on El Camino that would mitigate the traffic? I think that has to be addressed.

The other thing that concerns me is not nearly as significant is the assumption that we are going to have less traffic from this project and we are not going to have a significant impact on the highway system. If you look at the report where they give traffic counts all of these intersections, every one that they look at except for Charleston and Wilkie is going to go from a Level D to a Level E or F, which is a significant negative impact. Now it is not caused only by this project it is caused by the combination of this project plus Hyatt Rickey’s plus Campus for Jewish Life plus several others that are being built in this area. In order to have a proper Environmental Impact you must look at incremental changes and at the overall impact of all the projects. You can’t piecemeal and look at just this project and that project and the other project and assume that they aren’t going to interact, they do. So I really think the traffic impacts should be addressed and addressed more carefully.

I think the way to approach this really is to look at what the street layout is, what the widths are, if the widths are appropriate, and I know the City Council has made statements previously in other projects that this is the last project we ever want to approve that has private streets. And then another project comes in and well, this is going to be the last project that has private streets. At some point you have to put a nail in the ground and say no more private streets. We are going to require that the streets meet the requirements that the City imposes for public streets and make them public because otherwise over time we are keep on building developments where in 20 or 30 years the streets are going to wear out and the property owners are going to have to pay to fix them, and they aren’t going to be able to afford it. This has happened before in Palo Alto. What happens in the end is the City goes in and shares the cost. It essentially becomes a public street because the private property owners can’t afford to maintain them. It gets the developer off the hook but in the long run it creates a significant cost impact for both the property owners who live there and for the City and the overall community. So I would like to see all the streets be public streets from the very beginning if possible. Thank you.

Chair Holman: Thank you. We do have one additional card submitted by Carlin Otto.

Ms. Carlin Otto, Palo Alto: Good evening. I am President of the Charleston Meadows Neighborhood Association. I come tonight to speak to you for the position of more than 90 percent of the people who live in the Charleston Meadows Neighborhood and all but one of the residents who live on Wilkie Way. I am speaking to you about the access. It is really
unfortunate that we have to take this position, it really is, it is tragic in fact for the City of Palo Alto.

Let me just point out two of the decisions that the City has made in the past that causes my neighborhood to feel compelled to take this position. One of them is let’s just look at the exit/entry for Deodar onto El Camino which is projected to be about 16 minutes, 200 seconds, per car with a line of about five to six cars. That is 16 minutes to get out of your neighborhood. What are you going to do? The most obvious thing is to go park next door on the public streets. You can’t park inside because then you are trapped so you park on the public streets, that is Wilkie, and then you make the quick little walk across the pedestrian walk which is just a short distance and you jump in your car and you get out A rates, LOS A, at Wilkie and Charleston rather than LOS F at Deodar and El Camino and Charleston and El Camino.

Another issue, 17 percent of the households of Palo Alto in the year Census of 2000 had three or more cars. There are only two parking spaces per car in both DR Horton and Summerhill. If 17 percent of those houses have a third car where are they going to put it? They can’t put it in the street. They are going to try to put it in a local neighborhood on a public street. There is no parking on the private streets inside DR Horton or Summerhill. Those cars will be parked in our neighborhood. That is 17 percent of the City of Palo Alto that is the Census from 2000. As we all know, it is more than that because so many people in Palo Alto use their garage for other things.

I have covered these issues in the letter that I wrote you representing the position of my neighborhood. There are many others those are just two of the sort of most egregious of the reasons we really feel at risk of having significant parking in our neighborhood if a pedestrian path is put between these high-density housings and Wilkie.

Thank you for your time. I am terribly sorry to have to take this position it is so un-Palo Altoan I understand but really we don’t have any choice. We don’t feel good about the position but we do feel we must protect our quality of life. I am really sorry.

Chair Holman: Ms. Otto, I think we have a question for you from Commissioner Keller.

Commissioner Keller: I have a question about what I refer to as dueling statistics. It says you had an annual meeting at which there were 35 people who voted against access and four people who for access, which you say is 90 percent of the 39 people. Then the statistic offered by the proponents through form letters are 55 for which the denominator is somehow 325. So I am wondering if you can explain what the silent majority of your neighborhood feels because I think that somehow we only have less than 100 out of the 325 homes actually weighing in. Also, it is not clear which homes the 55 or 39 actually represent. Sometimes multiple people from a single household show up at a meeting or sign the document.

Ms. Otto: Very, very true. The way we figured that is we figured there were the 325 houses in the neighborhood and we figured there were two adults that could vote from that neighborhood, it could be different but we figured two, and then we took that as the possible silent majority. The 55 are when they canvassed the neighborhood trying to get signatures in favor of the bike
path. We figured the people who didn’t sign would either have showed up at the meeting or they
would have signed if they had the opportunity, they didn’t. So we just assumed that 90-plus
percent is against it. I have good reason to believe that is a good accurate figure even though the
90 percent is the silent majority. I have good faith that we do have a large percentage of people
against it.

I walked person-to-person, household-to-household on Wilkie. There was only one house in that
neighborhood that was for access the rest of them were terrified they were going to have parking
all over their street from DR Horton and SummerHill if there was pedestrian access. Then we
had our meeting, our neighborhood meeting, and people knew what the issues were there and
those who showed up were the ones who were interested and the vote was 35 to four.

Commissioner Keller: Thank you. My understanding is that tonight we are actually not making
that decision. Just for you benefit in order to facilitate this decision the next time I would
suggest that you try to have an apples-to-apples comparison and you might want to canvass the
neighborhood in the same manner thereby you can actually have dueling petitions and it will be a
lot easier for the numbers to be compared much more effectively. In terms of the larger issue I
guess we will have to address that at some point.

Ms. Otto: Yes, thank you very much for the suggestion. You can be very well assured we will
do that if we need to. Thank you.

Chair Holman: Thank you very much. I have no other cards from members of the public.
Commissioner Lippert you have a question for?

Commissioner Lippert: With regard to public versus private roads what is within our purview on
the housing site?

Mr. Larkin: The only road that is proposed in this is a public road, Deodar.

Commissioner Lippert: So streets A, B, C that are on there?

Mr. Larkin: Not part of this map.

Mr. Williams: You will see that map subsequently.

Ms. Vasudevan: The Commission will see that as part of the Tentative Map approval for the
condo subdivision for the SummerHill Homes development.

Commissioner Lippert: Is it within our purview at that point to make them street easements or is
it within our purview to make them dedicated streets or keep them private?

Mr. Williams: It is certainly within your purview to make a recommendation on which of those
you think it should be.

Commissioner Lippert: Okay, thank you.
Chair Holman: Commissioner Keller.

Commissioner Keller: I would like to understand is the nature of Deodar Street and its interconnection to El Camino Real within the purview of what we are studying tonight?

Mr. Larkin: That was part of the prior map with Arbor Real. If it was a new public street then yes, but this isn’t a new public street. It has already been dedicated as part of the Arbor Real Tentative Map and Final Map.

Commissioner Keller: Okay. I am looking at this map and I am trying to figure out are people only turning right from Deodar onto El Camino or are they turning left. It looks like there is a median with trees in the middle so I am confused.

Ms. Vasudevan: The developer of the SummerHill Homes project is proposing a left turn lane into Deodar Street from El Camino Real. So the median on El Camino Real is going to be modified.

Commissioner Keller: So the median that used to go into the Hyatt is basically being moved further south, the entrance in, so one could enter southbound onto El Camino into the property but one cannot exit turning left out of the property. Is that the idea?

Mr. Larkin: I am not entirely sure. I know this was also part of the Arbor Real Tentative Map and Final Map approval.

Chair Holman: Commissioner Lippert, did you have a question?

Commissioner Lippert: If Deodar has already been dedicated then hasn’t the through to Wilkie Way already been determined?

Mr. Larkin: Yes.

Chair Holman: Commissioner Garber.

Vice-Chair Garber: And there is no access through Wilkie way, right?

Mr. Williams: Right, Deodar has no access.

Chair Holman: Commissioner Keller.

Commissioner Keller: My understanding is that there is no access at Deodar onto Wilkie Way for cars.

Mr. Williams: That is correct.
Commissioner Keller: However, there is an easement that connects for emergency vehicles to Wilkie Way along what looks like the part of the Juniper homes at the logical north end of this. I realize north is pointing in a slightly different direction but the logical north side of this. So if that were an emergency access how would you not allow pedestrians through it and somehow allow emergency vehicles through it?

Chair Holman: Commissioner Garber.

Vice-Chair Garber: So following up on Commissioner Keller’s question, this emergency vehicle easement is that within our purview this evening to discuss? It already exists on the Wilkie Way pieces so I assume that that’s approved.

Mr. Williams: That is approved. The Final Map has been approved. Those are separate lots than this property. A portion of it is on this property but the part where it connects to Wilkie Way is on the Juniper Homes properties, which have already been Final Mapped.

Vice-Chair Garber: Just for clarification that easement is owned by whom?

Mr. Williams: The Juniper Homes owner and subsequently by the owner of that particular lot.

Vice-Chair Garber: So if I were a member of the public I would have to get permission from that homeowner in order to go across their property.

Mr. Williams: That’s right and that has been designed basically for that emergency vehicle access to be using the driveway essentially of that particular property. So that it is very much not open for residents or anyone else to go through and it will be gated beyond that so that fire vehicles have access to get through there with emergency vehicles but not pedestrians.

Vice-Chair Garber: Thank you.

Chair Holman: Commissioner Keller.

Commissioner Keller: So when you say gated does that mean the fire truck pulls up to it, somebody gets out, unlocks a key, and opens it up, and then drives through it? Or does a fire truck simply drive over whatever is there and figure fence be damned or what?

Mr. Williams: I don’t know. That is not specific and it is not part of this review.

Chair Holman: I have a question. It is one I had raised previously. The maps that we had in our packet, and this helps somewhat, but part of our purview is to look at dedicated open space, parks, that sort of thing. What I was hoping we would have would be something we could have on an overhead that would have some description. These help but they are literally, physically disjointed. They are even backwards for how they fit together. So I am having a hard time knowing what we can look at and then having something to look at.
Mr. Larkin: With regard to the housing project that map isn’t in front of you yet. That will come.

Chair Holman: I understand that but it what is in front of us as I understand it and as is in our Staff Report is how much open space there is on the project as a whole. It is going to be divided into two parcels and I have no problem dividing it into the two parcels but I don’t have real good information.

Mr. Larkin: The proposal for the Elks Club hasn’t been submitted yet so there is nothing to provide with regard to the Elks side. With regard to the SummerHill side you will be getting that, it is not in front of you yet.

Chair Holman: So this is literally just looking at whether this two lot subdivision is appropriate. Basically the only thing then is whether there is reasonable access to the second lot from El Camino.

Mr. Larkin: For the most part and easements to the extent that the Commission wants to comment on things like drainage.

Chair Holman: Okay. So it is my misunderstanding. So I am reading the Staff Report and it tells what is in our purview. It is broader than actually is our purview given the stage that we are currently addressing.

Mr. Larkin: It is your purview but only with regard to the two lot subdivision not with regard to the total project, which will mostly come before you in pieces.

Just to respond to a comment that was made by the public, even though we are talking about your purview with regard to this map the CEQA analysis was done as to the project as a whole including the SummerHill site as well as what we know about the Elks Club site. Then if what we anticipate about the Elks Club site changes then we could be required to revisit our analysis. Under CEQA we are required to analyze what we know is coming in total regardless of how the project itself comes forward or whether that comes forward in pieces. So the CEQA is complete and it is complete for the entire project.

Chair Holman: Okay, thank you that is helpful. Commissioner Keller.

Commissioner Keller: I remember with respect to the Juniper Homes incremental subdivision to this property that there was some sort of discussion about some sort of drainage pipe that somehow exited onto Wilkie Way. I am wondering if that drainage condition is being corrected as a result of the sub-development that is happening.

Mr. Williams: We might want to ask the applicant about that. I believe that since this is not adjacent to Wilkie Way I don’t think it is part of this project. The Wilkie Way immediately adjacent to the Juniper Homes property I think is where that drainage problem was along Wilkie Way. So I don’t recall whether we required that applicant to do some upgrade. I know we required them to put some sidewalk in there but I don’t recall specifically what the drainage
situation was but that is not immediately adjacent to this particular subdivision since the Juniper
Homes are adjacent to Wilkie Way and would encumber that fix if that was to be required.

Commissioner Keller: Do you want to respond to that?

Ms. French: I was just going to mention that the civil engineer is here to talk about where the
drainage from this parcel goes which is El Camino.

Commissioner Keller: Okay. What I understood is that there was some drainage that was
coming from somewhere in the El Camino side and it was going through some properties to
Wilkie Way. So I am wondering what that drain was, where it was coming from, and if it is
going to still do that?

Chair Holman: If you could state your name.

Mr. Scott Schork, BKF Engineers: I have been on this project for years even back when it was
working with Elks. I didn’t do the actual Rickey’s and Wilkie Way subdivision but historically
the whole site sheet flowed from El Camino to Wilkie Way. There wasn’t a storm system at all.
Currently, with the five lots on Wilkie Way I am not sure if they are proposing some sort of
drainage system in their backyards. I don’t think they are. I know they are adding a pipe in that
20-foot stretch, the northern stretch, which is the EVA. It is just an under-drain pipe that is
treating the runoff from the pavement areas. I am not sure what you concern was with an
existing storm drainpipe unless you are referring to sanitary sewer.

Chair Holman: Vice-Chair Garber.

Vice-Chair Garber: Perhaps the question could be asked slightly differently. Although it is
outside of our purview this evening presumably you are the design civil engineer for the project
that is being considered to be put on the property.

Mr. Schork: Correct.

Vice-Chair Garber: Will you be controlling water in that design such that it does not go offsite
except as through your sewer system that you are designing?

Mr. Schork: There will be a storm drain line that we do run that picks up all of the SummerHill
residential development that goes through the EVA, which is also a public utility easement and
ultimately connects to the Wilkie Way storm drain system. So that is how the storm water from
the SummerHill subdivision will be drained. Then going the other direction with the Elks Lodge
they will not be coming to Wilkie Way. They will be going out to Deodar and out towards El
Camino.

Vice-Chair Garber: Therefore there will not be sheet flow that goes from either of these
properties over to the Wilkie Way properties.
Mr. Schork: The only sheet flow potentially will be from the park. The proposed park, which is roughly half an acre I think, we are not allowed to touch grade to respect all the trees. So a portion of that park will mostly sheet flow down that 20 foot public utility easement but there won’t be any sheet flowing across properties into the new lots that are being proposed with the exception of that 20 foot easement that is within lot one I believe it is, the northerly lot, of the Wilkie Way subdivision.

Vice-Chair Garber: Does that help?

Chair Holman: Actually, if I could clarify, I believe the drainage and grade is under our purview this evening. So with that one clarification, Commissioner Keller.

Commissioner Keller: Yes, if I remember correctly it was the Wilkie Way resident, Roger Kohler, who brought this up when we were considering the Juniper subdivision. I believe it was some sort of pipe that was draining I believe from the Elks property and it ended up at the curb. So it didn’t actually tie to some storm drain it tied to the curb, and therefore there was runoff along the edge of Wilkie Way and it ponded there. So what I want to ensure is that there is no drainage pipe that winds up at a curb that it all runoff from these subdivided parcels will go to storm drains directly and not to curbs. I am wondering in terms of this what my esteemed Vice-Chair Garber refers to as the sheet flow, which is a new word that I just learned. The extent to which the volume of that in terms of running along the easement and how you ensure that the park sheet flow does not enter any of the other portions of the homes along Juniper.

Mr. Schork: There are really two issues with the sheet flow. Contrary to what I said about zero grading in the park there will be some minor grading that will ensure that general drainage won’t enter those homes. The issue of sheet flow is in a large storm event whether it is a ten-year or 100 year the water will travel over the surface and make its way to the 20 foot EVA section. Even in a larger event it is not going to go through the yards.

Mr. Larkin: If I could just clarify one thing. The reason that the Commission was unable to address this runoff issue when the Juniper Homes maps came forward was that the runoff was not coming from the Elks site it was coming from the other side of the property line and impacting the Elks site. That was why it wasn’t addressed in that map it is actually on the Dinah’s hotel side of the property line.

Chair Holman: Curtis.

Mr. Williams: The other thing I wanted to add was is standard Public Works review of this project will require number one that sheet flow be directed as much as possible to natural drainage and the storm system and away from impacting any private properties, and number two that the volume of water leaving the site is less than or certainly not any more than the existing volume of water in rate of runoff from the site. So there will be probably some retention on the site in some locations and such but that is all part of the standard Public Works review process that will assure that there are not any blockages of pipes dumping out right next to a curb and not getting passed into the storm drain system or natural drainage system.
Chair Holman: Any other questions?

Mr. Schork: Could I make one clarification since I am up here?

Chair Holman: Of course.

Mr. Schork: The Deodar Street is completely constructed so it is not a proposed street. It is a public street that was completely constructed. The half street on the Arbor Real side, the north side, was dedicated with their map. On the south side the Elks Lodge offered up dedicated essentially for street purposes an easement, they didn’t dedicate the land yet, and with this map we will be dedicating the land and making that a full right-of-way as suggested. The physical road itself is built in it entirety with the exception of just the sidewalk on the south side, on the Elks side, it has not been installed but on the Arbor Real side it has. This map also provides for an easement to put that public sidewalk in.

Chair Holman: Commissioner Keller.

Commissioner Keller: I would like to ask a question of Staff. In terms of this development and its density could you tell me what the density is in terms of units per acre and what the minimum density is for this zone? I realize it is split.

Chair Holman: I think that is not in our purview tonight. That would be in a future meeting.

Mr. Williams: That is correct. We have the numbers. I think we can quickly tell you that but that is not at issue here.

Ms. Vasudevan: The proposed SummerHill Homes development is about 11.3 or 11.4 dwelling units per acre.

Commissioner Keller: I guess it is mostly RM-30 with a small amount of RM-15, is that right? And, what is the minimum density required for an RM-30?

Mr. Williams: There is not a minimum density required. There is only a maximum.

Commissioner Keller: Thank you.

Chair Holman: Any other questions? Seeing none I will close public testimony and thank all the speakers for coming and presenting their views. We will go to comments from Commissioners.

Commissioner Garber.

MOTION

Vice-Chair Garber: I would like to make a motion that the Planning and Transportation Commission recommend the Staff Report and we recommend approval to the City Council regarding the proposed Tentative Map to subdivide the Elks Lodge site into two lots based on the findings and conditions contained with the Record of Land Use Action seen in Attachment A.
SECOND

Commissioner Lippert: I will second that.

Chair Holman: Vice-Chair Garber, would you care to speak to your motion?

Vice-Chair Garber: Yes. Having reviewed the Tentative Map findings that have been articulated in Attachment A, I find no exception to them and propose that we move forward with this as previously stated. Thanks.

Chair Holman: Commissioner Lippert, would you care to speak to your second?

Commissioner Lippert: I completely concur with everything that my colleague has said.

Chair Holman: Commissioners, any other comments? I have just one that is a clarifier for Staff. Given that Deodar Street is already in place, given that there is the emergency access across the Juniper home at the back, the future possibilities for access from El Camino to Wilkie could you please identify those?

Mr. Williams: Well, the primary and maybe the only but certainly the primary potential access point is immediately past the boundary line of the Dinah’s hotel site property. That runs all the way from Wilkie to El Camino so we think there is potential that we would like to explore of looking at that. There is essentially a kind of narrow strip of land along there now that is not really being used for any particular purpose. It has some drainage difficulties and such. So that is potentially a connection. We know we will have to do work with the neighbors and see if that is a viable thing to look at on a trial basis or something like that but it is down the road a ways. We don’t know what the schedule for redevelopment of Dinah’s might be so it might be that we need to wait for that or it might be that we can sort of proactively, if there seems to be support for it, work with those property owners to see if there is a potential to do something there. If that would materialize and we could make that connection along there what you will see when you see the SummerHill project Tentative Map is internally it will have a connection that would allow someone, if that other easement existed, to be able to access internal to their subdivision which could then actually tie over to the Arbor Real subdivision, also to the park internal to the SummerHill property that is proposed. So that option is preserved but it may be quite some time before we actually could, if desired, affect that connection between El Camino and Wilkie Way through the Dinah’s property.

Chair Holman: Sorry I flipped back into a question. On the south side of the Elks property is there no additional dedication of land that would help facilitate that kind of access than is currently being proposed?

Mr. Williams: You mean within this project site?

Chair Holman: Yes.
Mr. Williams: I don’t know that it would facilitate it because until we get the portion adjacent to
the Juniper Homes site there is no connection to Wilkie. So it would mean that you would sort
of leave that area blank and then if that happened at some point in time where you could make
that connection you would have to jog into this property and come down it. That could be done.
I don’t know if that facilitates it. Either way we are going to have to get a chunk of area along
that property line from the Dinah’s site one way or the other it is just theoretically we could get
less of it and run something along this property. That strip is not really a usable area so our
thought is that it probably makes more sense to just have one straight shot along the Dinah’s
property all the way from one street to the other.

Chair Holman: It has adequate width?

Mr. Williams: Yes. I think it is at least ten feet wide.

Chair Holman: Okay. Commissioner Keller.

Commissioner Keller: I would just like to make two comments before we vote. One comment is
that I have concern about the general trend of building multi-family housing that is simply
detached individual homes on tiny lots.

Chair Holman: Commissioner Keller, that is not part of our purview this evening. You could
make that comment in the future or send that comment to Staff. It is not part of this two lot
subdivision.

Commissioner Keller: Okay.

Chair Holman: Sorry.

Commissioner Keller: Thank you. I think that we will have to figure out the issue of the general
differences in terms of the easement issues and access issues. I think we will have to address
that at some point because of the concerns of immediate neighbors versus the concerns of people
who are further away. I think that that is something that will be worth exploring in a more
general topic because it came up with Alma Plaza, it is coming up here several times, and I
expect it will come up in the future. So that is worthwhile exploring.

MOTION PASSED (6-0-0-1, with Commissioner Burt absent)

Chair Holman: It may come up when we get the next maps in front of us. So you will have
opportunity I think. Seeing no other comments, are we ready to vote on the motion? All those in
favor of the motion to support Staff recommendation say aye. (ayes) That passes on a six to
zero vote with Commissioner Burt not present. Thank you all very much.
Planning and Transportation Commission
Verbatim Minutes
March 12, 2008

DRAFT EXCERPT

4249 and 4251 El Camino Real*: Request by SummerHill Homes on behalf of the Palo Alto Elks Lodge, for review of a vesting tentative map to subdivide one lot into 45 condominium units, private streets, and dedicated parkland for a multi-family residential project.

Environmental Assessment: A Mitigated Negative Declaration has been adopted in accordance with the California Environmental Quality Act (CEQA) requirements. Zoning District: RM-15 and RM-30.

Chair Holman: Thank you for your patience again. We will now go to item number four, 4249 and 4251 El Camino Real. A request by SummerHill Homes on behalf of the Palo Alto Elks Lodge, for approval of a vesting tentative map to subdivide one lot into 45 condominium units, private streets, and dedicated parkland for a multi-family residential project. Would Staff care to make a presentation?

Ms. Elena Lee, Senior Planner: Thank you Chair and members of the Commission. The project before you is a second part of a subdivision of the Elks Lodge/SummerHill project. The applicant is requesting approval of a vesting tentative map for subdivision of the rear 3.97-acre lot of the Elks Lodge site to create 45 residential condo units, private streets, and a public park. This subdivision request cannot be approved until the earlier two-lot subdivision of the entire seven-acre site is approved.

The proposed project is consistent with the Subdivision Map Act, the City Subdivision Ordinance, and with ARB plans approved for the project last year. Subsequent to the distribution of the Staff Report Staff has made available for the Commission via email and at places a February 28 letter from the attorney for SummerHill Homes from Berliner Cohen, to the City Council regarding the pedestrian/bicycle access issue. Staff is bring this project to the Planning and Transportation Commission hearing to facilitate bringing both this map request and the earlier two lot subdivision to the March 24 City Council hearing.

The City Council continued the two lot subdivision request from January 22 to allow further exploration and providing more direct pedestrian and bicycle access to the proposed 0.48 public park. The proximity of the pedestrian and bicycle access and particularly to Wilkie Way was a significant issue for City Council, this Commission, the ARB, and the public. Members of the public have spoken out both for and against providing direct pedestrian access to Wilkie Way at the various public hearings on this project.

Due to previous decisions and map approvals on the adjacent Juniper Homes site the SummerHill property does not have any frontage or direct access to Wilkie Way and cannot provide direct access to that street. In response to PTC, ARB, and Council comments the applicant has provided an alternative for access for more direct pedestrian access to the park.
This alternative is proposed in the applicant’s February 27 correspondence. The applicant is proposing to reconfigure lots at the rear to place a new more direct access point with a four-foot wide path at the southeastern perimeter of the site to lead to the public park from adjacent Dinah’s property. This is condition upon the City’s acquiring access rights to the adjacent property on or before March 24, 2009. Should this alternative be provided the applicant would withdraw the currently proposed public access easement along Street A to provide connection from Deodar Street to the Dinah’s property on the other side of the development.

To address concerns regarding private streets and the appearance of gated communities the applicant is also proposing to dedicate public access easements over all the private streets and sidewalks.

Development review costs will be covered through permit fees. The property owners will be required to pay impact fees as well as ongoing associated taxes for the development. The applicant is also finalizing with City Staff the BMR Agreement.

Staff has reviewed the project in depth and cannot make the findings for denial as reflected in the Record of Land Use Action. If Commission cannot make findings for denial the Commission can recommend either the Council approve the proposed vesting tentative map or the vesting tentative map with the applicant’s pedestrian /bicycle access alternative. This concludes Staff’s report. Staff and the applicant are both available to answer questions. Thank you.

Chair Holman: Commissioners, are there any questions for clarification from Staff? If not, we will go to the applicant. You will have 15 minutes, Elaine Breeze.

Ms. Elaine Breeze, Summerhill Homes: Good evening. Tonight we are requesting your recommendation to the City Council to approve the Record of Land Use and proposed vesting tentative map to create 45 multi-family residential condominium units, private streets, and dedicated parkland on a portion of the Elks property as recommended in the Staff Report and in conformance with the Palo Alto Municipal Code and the Subdivision Map Act.

This is the proposed map in front of you. The proposed subdivision is a single lot condominium subdivision containing 45 residential condominium units. Each unit owner will own their own unit, which is defined as the residential structure including the building exterior. In addition, each owner will be granted exclusive use easements for any enclosed yards, decks, driveway aprons, and fences. Each unit owner will be responsible for the maintenance of the residential structure and improvements within their respective exclusive use areas.

The private roadways, common area landscaping and walkways, parking areas, and park facilities will be owned by the community’s homeowners association.

I would like to address two topics briefly that were outlined in my letter to the City Council dated February 27, which is included in your packet. The first being public access to and from the site and the second being public access on the site. As you are aware and as was stated in the Staff Report there is no direct connection from the subject parcel to Wilkie Way. The Staff Report and my letter outline the history of consideration of public access from Wilkie Way via
the DR Horton and Juniper Homes projects. Specific to our project we met with the Board
Members of the Charleston Meadows Neighborhood Association in February of 2007 to review
our proposed plans. We also held a neighborhood meeting of the entire Charleston Meadows
Neighborhood Association in July of 2007. At both meetings it was stated that the majority of
the Association was opposed to a pedestrian connection from Wilkie Way. Our initial
application to the ARB did not include a future connection point for potential access to Wilkie
Way.

Recognizing that our site has no access or no frontage rather to Wilkie Way the City Staff and
the ARB requested that our plans provide a future connection point in the event the adjacent
property, the Dinah’s property, were to be redeveloped. That connection was provided here
during that ARB review process. The connection is visible to the public it is off of our main
entry street, Street A. It will provide for approximately a 50-foot wide opening. It was a direct
route from Deodar Street and it is approximately 350 feet away from here and approximately 470
feet from Wilkie Way and from the future park.

Here is a blow up of that entrance. In response to the meeting in January at the City Council we
have done a blow up of how we would envision in the event access was obtained on the Dinah’s
property. We have included in your packet provisions in the CC&Rs the City would be able to
modify the fence, create this approximate 50-foot opening, the path coming through here, and
again this visual access as well. We would also include in the CC&Rs the feasibility for the City
to add way finding signage onsite, which would say “To Deodar Street,” “To Park,” if the City
so desired.

This illustrates the experience along Deodar, which is a public street. We show the same
landscape architects the Elks Lodge and SummerHill and have worked together to create a
pedestrian friendly and attractive experience down Deodar. What is illustrated here is the public
access experience from the Elks along Deodar, the SummerHill frontage into the park. We
picked the redwood grove. If you have been out to the site there is a very intense redwood grove
of trees here, and here, and using that as our design theme we would anticipate the Elks working
with a redwood grove berm along Deodar with open space and a large public plaza. We have
proposed specimen size redwoods framing our first entry to compliment the second entry. If you
see these balloons here these are the existing redwoods that frame our entrance. If you have been
to the site and going down Deodar right now this is a paved street so notably that will be
removed and folded as an EVA where it will actually be landscaped area and a pedestrian
circulation area and fold into the park. So that whole Deodar experience is going to be quite
attractive.

As noted in the Staff Report at the January 22 meeting there was discussion about alternative
access. The City Attorney pointed out that there was in fact no legal nexus by which the City
could require SummerHill at that point to revise its plans to add additional access or for that
matter require offsite land. We agree with the City Attorney’s position but we were asked by
City Staff to consider the question and to consider revising our plans to incorporate a second
alternative access point. That is shown on your exhibit here. If you recall this was the access in
the current map and this would be the alternative access this being Wilkie Way. This is the
orange path leading into the future park, which would be offered for dedication. In order to
accomplish this we revised parking spaces, transformer, and some site plan locations. So should
the City want us to pursue this design we would have that reflected in our final plans, in our
construction drawings rather, and that would allow for that year process to determine if the City
was able to acquire the connection to Wilkie Way. If that were the case then the first path would
not be offered for dedication.

The second item that was discussed was the actual public access within the site. These are
private streets, which I believe is what has been approved with all the more recent multi-family
projects within the city. There was a concern about gating communities so what we are offering
for dedication in response to that concern is everything you see here would be offered as a public
access easement. So all the streets, all the circulating sidewalks, we had already offered the
entire park area as public access easements as well. So we would be prepared to do that as part
of our final map process.

In conclusion, we accept the conditions of approval that were outlined in the Staff Report and we
request your recommendation tonight and are available for any questions as well. Thank you.

Chair Holman: Commissioners, are there any questions for the applicant at this time? Curtis.

Mr. Williams: I guess I am just wondering because of the speaker situation if it would be more
efficient to just go to the public and hear those comments.

Chair Holman: Why don’t we see if we have any clarifying questions but then longer-term
questions will wait until later? Is yours a clarifying question, Commissioner Keller?

Commissioner Keller: You said that if in the event that the City were to acquire access through
the Dinah’s property along there to the park that you would then offer that and not offer the other
access to the park. I am wondering why you wouldn’t offer both accesses to the park at that
time. What is the problem with offering the access from Street B or Deodar to the park at that
point?

Ms. Breeze: I guess we could offer both. I think it was probably that the discussion was that the
interest of having a limited acquisition was the goal, to only have this portion. So it didn’t seem
relevant that you would have that as well.

Chair Holman: Commissioner Lippert, clarifying question?

Commissioner Lippert: Yes, I was going to ask something very similar to that. Why not just
extend the public access along A just to the property line and leave it there undeveloped? Street
A straight down to the southern property line and just leave it and let it go and what happens
happens?

Ms. Breeze: That is our current plan. This is what is in our current plan.

Chair Holman: Okay, thank you. I am sure we will have questions later.
So we have ten cards from members of the public. We will take five minutes and if you can be more concise than that then that’s great. Our first speaker is Bob Fleck to be followed by Eric Stietzel.

**Mr. Bob Fleck, Palo Alto:** I am President of the Palo Alto Elks. Thank you for allowing me to speak briefly here.

First I would like to just say on behalf of the Palo Alto Elks that nationally we contribute about $200 million in time and money to charity and we appreciate all the support that Palo Alto has given to the Palo Alto Elks. When we finally get a new facility we are going to invite you all to join.

My purpose here is to really read a statement into the record. I would like to state on behalf of the Palo Alto Elks I am here to support this project and ask that the Planning Commission recommend that the City Council approve the proposed vesting tentative map. Thank you.

**Chair Holman:** Thank you. Eric Stietzel to be followed by Carlin Otto.

**Mr. Eric Stietzel, Palo Alto:** I live in this neighborhood. For years we have been fighting to keep the traffic out of our neighborhood from Rickey’s and the overflow traffic from the Elks when there have been events. We fought the Rickey’s development to have no access to our neighborhood except for emergency vehicles. We have had success with the City on this issue. We have had continual battles having it come back up and up and up and up. We have gone back and had agreement that it would not happen. It comes up again. The last neighborhood meeting we had the vote was seven to one not to have more access onto Wilkie and we are back here again.

There is another bike path within 100 yards across the bike bridge and out Monroe. This path that is being talked about by Dinah’s goes out to El Camino where there is no bike path, it offers access only to the Elks and to Trader Vic’s. There is no place else to go. There is no crosswalk. There is no bike path. I don’t understand why the City would ever consider spending any money to develop a bike path there.

The only people that could use it would be people who wanted to park their cars on Wilkie or Whitelem or Edlee and walk to their home or to the Elks Club for a special event. I don’t get it. It makes no sense. Let’s spend that money, if we are going to spend any, someplace else or take a walk out to El Camino on Monroe across the bike bridge where there is a crosswalk and you can cross safely. Thank you very much.

**Chair Holman:** Mr. Stietzel, could I ask you a question? You said the vote was seven to one. Was that seven people to one person or a seven to one ratio?

**Mr. Stietzel:** It is a seven to one ratio.

**Chair Holman:** With how many people approximately attending?
Mr. Stietzel: I think it was in the neighborhood of 50.

Chair Holman: Thank you very much. Carlin Otto to be followed by John Klein.

Ms. Carlin Otto, Palo Alto: Good evening. I am President of the Charleston Meadows Neighborhood Association. I am here to present the findings we did as we promised a survey of our entire neighborhood. We gave a survey form to every single household in the Charleston Meadows neighborhood and we got a 24 percent response rate.

Our neighborhood is actually divided in half by Charleston Meadows itself. In the neighborhood that is on the south or east side which is the affected neighborhood by this particular proposal 72 percent of the people are against a pathway that would allow people to access Wilkie Way from these new housing developments and from the Elks Club. Specifically they were against a path that ran from Wilkie to El Camino allowing Elks or new residents to access Wilkie Way. That is 72 percent of the people against it.

For the entire neighborhood that includes both sides of Charleston 58 percent of the people are against this. The reason is they have experienced enormous, horrible, you cannot imagine the level of overflow parking and traffic that we have experienced over the years. I will say the City has done nothing to help us. We have experienced it for years. We will not stand for this to happen again. We fully believe it is going to happen. I have walked through the neighborhood, the brand new neighborhood of DR Horton, which is very minorly occupied. Every single guest parking is occupied already every night. You go walk through there. They are all occupied. Guest parking. These people are not parking in their garages. They are going to be parking on Wilkie if you provide a way for them to walk between Wilkie and their neighborhoods.

Our neighborhood concerns are not per se against biking or walking. We are against overflow parking and traffic on our streets.

The SummerHill/Horton proposal which was outlined, the one that allows you to provide a small access from Dinah's with an access into the park provides such a circuitous path that perhaps there might be less risk but providing a path that allows Elks Club to walk straight down to Wilkie is completely unacceptable. This is what 72 percent of the neighborhood said they do not want.

We did not vote on this last proposal, which SummerHill just outlined. It might be less onerous and less threatening to us.

My neighborhood is very likely to be coming to the City if we experience overflow parking, we feel so strongly about this, to ask for one of those local residents only parking permits. We will ask you to not only implement it but to enforce it. This is a very strong issue in our neighborhood. I know we have some people mostly living on the other side, the unaffected side of our neighborhood, who actually want this access. Like Eric said before me we don't understand why they want it. My neighborhood is not against public access. We want public access but this particular one doesn’t make any sense to us. Thank you very much.
Chair Holman: I believe we have a couple of questions. One is would people in your neighborhood want to use the park?

Ms. Otto: We didn’t actually ask that question but we have two wonderful parks in our neighborhood both much larger. Monroe Park, which is just south of the bike bridge, is quite a bit larger than this little park and we have Robles Park. Both of those parks are used by our neighborhood. When people were asked to weigh whether use of the park was more important than the risk of parking they always said I don’t want the park I want the freedom from parking.

Chair Holman: Thank you and there is one other question for you.

Commissioner Sandas: Ms. Otto you said that 24 percent of the neighborhood who were surveyed responded to the survey. Then 70-plus percent of the people who responded in the neighborhood that is closest expressed their concern.

Ms. Otto: Yes, true. That is right. In fact most of the responses to this I have to admit came from the concerned side because they feel strongly. They feel very threatened.

Commissioner Sandas: Thank you.

Chair Holman: Thank you. John Klein to be followed by Bob Moss.

Mr. John Klein, Palo Alto: Good evening. I will make it brief because it is past my bedtime. I was born and raised in New York City and at one time lived on a street with more than 1,000 people. Then I spent nine months overseas in a tent with 15 other GIs during World War II. So I think from that you can see how I would appreciate my serenity and privacy. We moved to Newberry Court in 1955 hoping we would get that privacy and serenity. About every day I walk at least a mile through that whole area which is south of Charleston. Since we moved there two apartment complexes have been built on Wilkie Way right by the creek and there have been a lot of two story homes built. So it has really increased the traffic, the pedestrians, and the parking. On Wilkie Way, which used to be Rickey’s, there are about ten new homes built from Charleston down to the road between the Elks and Rickey’s. The second and third home from the access road, they are just new, just opened up, they had people coming through their driveways to get to their cars parked on Wilkie so they had to put a rope barrier at the back of the property. On each property in front they had to put a sign private property, no trespassing. So I can just see what would happen when all these buildings are completed and people are living there.

I try to be civic minded and I was on the steering committee for our neighborhood watch when it began years ago. I was on the PANDA, that was my name, I designed that for the disaster program and am still active in it. So I feel I am civic minded. I know I have my whole life ahead of me but age 88 I don’t know how long that will be and I would still like to have some serenity left. So I feel access anywhere onto Wilkie will not be helpful. Thank you.

Chair Holman: Thank you, Mr. Klein. Bob Moss to be followed by Deborah Ju.
Mr. Bob Moss, Palo Alto: Thank you Chairman Holman and Commissioners. This proposal that you are asked to look at tonight has two items in it, which are quite problematic and I want to ask that you address them appropriately.

The first one is the dedicated public park, which is supposedly going to be maintained by the homeowners association. This is the second time in about a year the proposal has come before us with this request that it be a public park but that the homeowners association maintain it and pay for it. First I have real doubts that that’s legal under state law. Typically the homeowners association when they pay for something they are the only people who are allowed to use it.

The second part of that is this project like all projects of this size in Palo Alto is going to have BMR units. While the BMR units will probably be able to pay the homeowners dues initially over time those dues are going to increase and the impact on the BMR owners is going to be far more significant because their income is more limited than the market rate units. We are not going to see it now but in ten or 15 years you are going to have people from this development coming to you just like the people from the Hamlet did and say we can’t pay to maintain this public park with our increased homeowners dues. I am sure you are familiar with the problem at the Hamlet and other projects in town over time have had the same problem and the BMR people are going to come in and basically ask for the City to bail them out. The City has done that in one case and may have to in others. So I think that asking the homeowners association to pay for the park is a real blunder. If it is a public park it should be public. Take it off the table for the homeowners association.

The second is something the City Council has taken up repeatedly but not actually addressed adequately and that is the private streets. Project after project over the past four years has come in with private streets. Let me make a mild suggestion. This Commission and the City Council absolutely prohibits private streets for any development with more than ten units. I can cite developments in town where six to ten unit projects have private streets and they are essentially just extensive driveways. It works. But for a project with this density and this number of square feet even though it is going to be publicly dedicated again the homeowners association is going to be asked to maintain those streets and the streets are going to be too narrow. Private streets are only about 20 feet wide and you need 25 to 30 feet to have adequate room for traffic and for parking.

You have heard complaints from people on Wilkie Way already about people not parking within the project and about the project next door not having enough off street parking. That is a constant problem in all of these where the streets are so narrow that you can’t have people park and also have people drive in both directions. So the streets should be public streets. If that means narrowing the lots or even taking out one or two homes so be it. The important thing is to have a functional and economically viable traffic and transportation and circulation system. Again, I don’t know how many of you are familiar with the disaster at Miranda and Miranda Green but this is another example of where a private street over time could not be maintained by the homeowners association and the City had to come in and pay half of the cost of maintaining it. These are things by the way that you can address in the scope of the Commission’s charter tonight. I would suggest that you ask that the streets be made public and the park be made public and not ask the homeowners association to pay for either one of them.
I have a few minutes left so just as a comment about people parking on Wilkie and going onto
the property. That was a real problem when we had a hotel there. I have doubts in my own mind
whether that is going to be a problem when it is housing only. I think providing access for
people to get to the park from the neighborhood and to get from the neighborhood out to Wilkie
and over to the schools actually is beneficial. So I wouldn’t eliminate the proposal the developer
has put in for modifying the access to the park by going in closer to Wilkie Way rather than all
the way down near El Camino.

Chair Holman: Thank you Mr. Moss. Deborah Ju to be followed by Becky Epstein.

Ms. Deborah Ju, Palo Alto: Good evening. I have been a member of the Board of the
Charleston Meadows Neighborhood Association for over ten years. During that whole time our
neighborhood has had development issues involving both the Hyatt and the Elks properties.

Prior to the redevelopment of these sites our neighborhood historically had a problem with
overflow parking every time there was a large event at either site. One consistent goal of our
neighborhood association and our Board has been to ensure that the new residential
developments not result in overflow parking into our neighborhood. This issue was raised with
the Planning Department Staff at the outset and consistently, and we were repeatedly assured that
the City would ensure that overflow parking would not encroach into our neighborhood.

I want to say quite frankly I am not happy at all about being here tonight standing in front of you
and saying that I am opposed to pedestrian access. The fact of the matter is that the design of
this project as approved by the City leaves us no choice. This is a problem of the City’s making.
Both Arbor Real and the Summerhill project were allowed to build out with private streets that
were designed as narrow as legally possible in order to get a higher unit count. Both
developments prohibit people from parking on the street in front of their own unit. While most
units have two car garages the City’s own demographic data shows that many of these units will
have more than two cars. Also many of the units will be like my house and possibly your house
where you have things in your garage. You have bicycles, you have household items, and I can’t
fit one car in my garage much less two. So we cannot assume that people with two cars are
going to be able to park two cars in their garage. By design these developments are intended to
shift their overflow parking into our neighborhood. I think that is shameful and it should not be
allowed.

Placing a pedestrian path from the development onto Wilkie Way is an open invitation and
makes absolutely certain that overflow parking will result. Even more worrisome is the
possibility of an access path that goes all the way from Wilkie to the new Elks Lodge because
that is even more certain to cause frequent large-scale overflow parking problems when there is
an event at the Elks.

Again, we are not happy about this situation. We are not happy about having to take this
position. I want to underscore the City created this problem and we are in the very unenviable
position of having to stand here and say we are opposed to access. I think that is a real shame.
There is already a bicycle and pedestrian bridge on Wilkie just a stone’s throw from the path that is being proposed. Unlike the proposed path the existing access provides a crosswalk for safe crossing at El Camino. It would be a large waste of taxpayer money to duplicate the existing connection and it would be a violation of repeated promises from the City that it would not allow the new developments to result in overflow parking on our streets. If you are going to grant an access you are going to have to find a way to deal with this problem or you are being extremely unfair to our neighborhood. Thank you.

Chair Holman: Thank you. Becky Epstein to be followed by Jean Olmsted.

Ms. Becky Epstein, Palo Alto: I have children who are in elementary school and who have recently become confident enough bikers that we have been able to enjoy the city’s bike paths. My husband and I have reviewed the maps that were included with the Staff Report and we just don’t see how another bike path that is placed anywhere between the existing Wilkie Way bike bridge and Charleston would further increase our bicycle activity or promote greater pedestrian activity on our part. We also don’t see the incentives of greater bicycle and pedestrian activity for future residents of SummerHill or the Horton developments because they already have multiple paths on Charleston and they can hookup with the Wilkie Way bike bridge by those paths if they want to make all right turns. If they don’t they can go through Mill or Monroe. So what I fear is that the real users of a path situated in this location connecting Wilkie and El Camino would be drivers who would want to park in Charleston Meadows when they cannot find parking or habitually because they want to avoid El Camino. It is my understanding that Deodar is coming in already at a failing grade when the site is fully occupied.

I will also share with you a memory I have concerning Rickey’s. It involves a Rickey’s employee who stood out in the parking lot during a large event with a nicely painted sign that directed drivers to Wilkie Way when the Hyatt lot was full. Now Rickey’s stopped using that sign when neighbors objected but overflow parking and cut-through traffic persisted in our neighborhood. So it is a very real concern and I think it is even more of a concern now just because of the increased density from the new residences as well as the lodge is going to have significantly new facilities and meeting spaces as well as the community center at Horton. So I think when you do a cost benefit analysis about where this path is situated and the cost to Charleston Meadows the path comes out as not really being something that we should pursue.

Lastly, I just want to emphasize that the negative consequences I see of having a path between Wilkie and El Camino are a direct result of the City’s policy to date about these private streets that prohibit on street parking. It is my impression that this policy is largely moot for this particular applicant but I think it is so worth saying and repeating in the record because I would hate to see it adversely affect other neighborhoods around town. Thank you.

Chair Holman: Thank you. Jean Olmstead to be followed by our last speaker, Linnea Wickstrom.

Ms. Jean Olmsted, Palo Alto: I am a Charleston Meadows resident who would very much like to have pedestrian and bicycle access between Wilkie and El Camino. Most of the problems that are being foreseen about parking are going to happen regardless of bike and pedestrian access.
The sidewalks that the Horton project have left open makes it very convenient for people to run back and forth is all these things are going to happen. The effect of the bicycle and pedestrian access is going to be very small if any. Actually it might get people out of their cars.

The idea that there is no reason to get to El Camino kind of astounds me. There is a signalized crossing up there. There are bus stops. If you can get to El Camino you can get to the rest of the world.

I was interested in the survey that ended on the 27th and this is the first word I have heard of the results. I think what happens is people are told bicycle and pedestrian access is going to cause horrible parking problems. So they say we don’t want that. Most people don’t understand, Mr. Stietzel doesn’t understand what is up on El Camino. I am sorry that this group made it difficult to accept Juniper Homes offer. Really I would believe that walkway systems are really a community need and perhaps the community should be doing a brilliant decision about whether we have it or whether we don’t. Do you have any questions for me?

Chair Holman: Seeing none, Ms. Olmsted. Thank you very much. Linnea Wickstrom is our final speaker.

Ms. Linnea Wickstrom, Palo Alto: Good evening. I realize I am way too late to have any input here but had I been in time I would have also urged access for pedestrians and bicycles. I agree with the last speaker that there are a lot of reasons to get to El Camino. Though I don’t live in the Charleston Meadows east side I do live on Monroe Drive and I would love to be able to have my son, my husband, and I riding bikes to get to through there or walking to be able to get some of the locations on El Camino.

I understand the concerns about parking though and people walking to their cars. We on Monroe Drive are facing a high intensity development closer to us too. So we will be looking at some of the same issues.

I would follow Bob Moss perhaps in urging that the park be made public. It is in a very awkward location for a park that supposedly is open to the public. If I had my druthers after listening to all of the pieces that have been put forward tonight I would probably simply argue for the path that Summerhill has proposed that would use the possible access from Dinah’s along Street B and into the park. That would at least be some compromise.

One question I would have apropos of one of the pieces is how people would get out of this development to go to Palo Alto schools or to get going along Wilkie Way to the bike bridge to get to Monroe Drive, which is part of the Palo Alto bike path to access El Camino. I don’t see any way they can get out of their development to Wilkie Way to get to the bike bridge. I think that’s it.

Chair Holman: Thank you very much. Commissioners, since we have a microphone issue I think we won’t use the lights and we will just go down the row. So if there are questions for the applicant or members of the public now is your opportunity. Commissioner Lippert, would you care to start? Are there questions for the applicant and members of the public first? It is true the
applicant does get five minutes to comment or wrap up. Thank you for the reminder,
Commissioner Keller.

Ms. Breeze: I just want to say that we respect the concerns of the neighborhood. This has been
an interesting process. We are open to having the connections or not so I just want to make that
known. Either way is fine.

Chair Holman: Thank you. Are there any questions for the applicant? Seems like not so we will
close the public hearing and take questions for Staff. Commissioner Lippert.

Commissioner Lippert: Since we are looking at an entire parcel still including the Elks Club the
housing SummerHill Homes housing development, they comply with their on site parking
requirement. Is there potential for a nexus to have an off site parking agreement with the Elks
Club that overflow parking for the SummerHill Homes could be on the Elks site when their
facility was not being used for an event?

Mr. Williams: I think there is the ability to create such an agreement. I don’t think there is a
nexus if we can’t find that they are not complying with the parking requirements then there is not
a connection. If we were finding that they weren’t and it was necessary to have more parking
then that might be a solution but that is not in fact the case so we don’t have any basis for that
kind of requirement.

I also wanted to clarify this is not both parts of the map this is just the SummerHill part now.
You started your statement saying that we are looking at both pieces including the Elks but we
are not tonight. The other piece is still at the Council and has not been acted on yet if that is
what you meant.

Commissioner Lippert: Correct. Neither one has been acted on so whatever we move forward
here would go to Council. They asked specifically in their hearing that they wanted to look at
the tentative condominium map in relationship to the subdivision of the properties. So my
assumption is that our comments here would be forwarded to them.

Commissioner Sandas: I have a question about the private streets. How wide are the streets in
this development compared to regular old city streets like Wilkie Way?

Mr. Williams: The streets in this project are 20 to 22 feet. I think generally streets are 26 feet, I
believe for public street are 26 feet wide to accommodate parking as well. In this case the
parking is provided in some bays that are off the street rather than on street parking. That
excludes Deodar Street it is wider because it is a public street. It varies because it goes around
the trees and things like that.

Commissioner Sandas: I caught that. The other question that I had is on a slightly different
subject, dedicating the parkland. I too noticed what Mr. Moss spoke about where the applicant is
willing to dedicate the parkland but have it maintained by the homeowners association. We did
tackle this issue once already with Alma Plaza wherein I think the Commission was pretty clear
about not having the homeowners association pay for public parks. If I were one of the
 homeowners and I was paying for that park and the public were using it I wouldn’t feel too great about it. So I do want to make a recommendation that we just nix that idea from here going forward in any project like this. That’s it for now, thanks.

Chair Holman: Vice-Chair Garber.

Vice-Chair Garber: Nothing for the moment. Commissioner Keller.

Commissioner Keller: In follow up to Commissioner Sandas’ question about the width of streets I had the impression that typical right-of-ways that were obtained for streets were on the order of 50 feet rather than 26 feet when you include sidewalks, and when you include parking, and whatever. Is it more like 50 or 60 feet?

Mr. Williams: It is generally a minimum of sometimes 40, but generally at least 40, and 50 is very common, and 60 if it is a collector type street but that does include width for sidewalks and planting strips and street trees. In this case the widths I was quoting were just pavement widths, just curb-to-curb for the project or for public pavement widths. So you are right, the right-of-way would be larger. In this case there are sidewalks and areas along the street there that might have trees in them and such that are not in that 20 to 22 feet that I mentioned as well.

Commissioner Keller: Are there any public streets in Palo Alto that are comparable to this in terms of having 20 feet or if you add a few more feet to it but basically narrow sidewalks and a street without parking? Are there streets like that or is this sort of the kind of thing you only find in terms of private streets?

Mr. Williams: Are there any public streets that are this kind of?

Commissioner Keller: Of narrow configuration.

Mr. Williams: Not that I know of.

Commissioner Keller: Commissioner Sandas followed up with a question about the South Gate neighborhood but I think that is probably wider too than this.

Mr. Williams: I am not aware of any that are this size and those generally would allow parking as well so they would really be narrow for having parking and having cars go through if it were down to 20 or 22 feet on a public street like that.

Commissioner Keller: Is there a requirement for public streets to have parking on them?

Mr. Williams: There is not. Generally they are planned that way but there is not a necessity that they do that. There are ways that we can prohibit parking on public streets. So just because they are public doesn’t necessarily mean we can’t prohibit parking on them.

Commissioner Keller: Is it correct that Deodar Street is a right turn only onto El Camino?
Mr. Williams: I don’t think that is the case but let’s check. It is?

Commissioner Keller: If I remember correctly there is actually egress with the street that is in the middle of the DR Horton property in both directions because that is the former Hyatt access but I believe that Deodar Street at least last time I drove around there you can only turn right. So I am just asking for confirmation of that.

Mr. Williams: Okay. We can get back to you on that let us look it up.

Commissioner Keller: Should we let the applicant speak to that? Okay. The other question is there were some issues about getting to El Camino and such. Are there any protected or walkways or whatever across El Camino between the traffic light at Dinah’s Court and the traffic light at Charleston? I believe that there are no crosswalks or other ways of getting across the street in a pedestrian or bicycle fashion between those two intersections and I would just like a confirmation of that.

Mr. Williams: I can’t think of any but I didn’t go out there in the last couple of weeks so I am not sure. I could verify that but I don’t recall any.

Commissioner Keller: So any pedestrian or bicycle access through Deodar Street to El Camino would essentially be northbound only, either northbound onto it or off it onto northbound. Is that correct?

Mr. Williams: We are checking to see if there is a restriction on that right turn.

Commissioner Keller: For pedestrians they can walk either way but bicyclists would have to go obviously in a northbound direction or let me put it this way, pedestrians would have access only to the northbound sidewalk. Okay, with that research going on I am going to pass the microphone.

Ms. French: I think we can answer this one. The Mitigated Negative Declaration does say under a mitigation measure that they intersection could be modified to prohibit left turns out and/or a traffic signal installation could be considered. So it seems to me based on this wording that there could be left turns now.

Commissioner Keller: There is a median there, isn’t there?

Mr. Williams: There is a median opening.

Commissioner Keller: There is a median on El Camino.

Mr. Williams: There is a median opening shown on the plans on TM-8. It shows Deodar Street having left turn and right turn out and left turn and right turn in.
Commissioner Keller: I note that the audience seems to be shaking their head to indicate that there isn’t currently access. Perhaps what is going on is that the proposed plans involve a modification to El Camino.

Mr. Larkin: And you will recall, not all of the Commissioners will recall but those Commissioners who were on the Commission when the DR Horton came through this was a subject of discussion for those plans as well.

Commissioner Keller: I am a little confused. Let me just clarify this. Looking at TM-8.0 it appears as if the current access road that is two-way goes from DR Horton is being replaced with an access being moved further south to Deodar Street. Is that what is happening? So the left turn lane that currently goes from El Camino onto whatever that road is where the DR Horton is that used to go into the Hyatt is now being shifted south to go onto Deodar. Is that what is going on?

Ms. French: That is right, yes.

Commissioner Keller: Okay.

Mr. Williams: It is not there now but that is what the plans are showing.

Commissioner Keller: So that is being shifted as part of this development.

Mr. Williams: Right, and they are finishing Deodar Street through the project as well.

Ms. French: That was the plan with Arbor Real too. This has been long in the making when one thinks about it.

Commissioner Keller: Okay, thank you. Next we have Commissioner Fineberg.

Commissioner Fineberg: Could Staff explain a little bit more about why the parcel subdivisions are being handled separately, the maps are separate, and why the criteria for BMRs and other things like that are being taken at the less than five acre site size rather than if you took the site in its entirety it would be over five acres?

Mr. Williams: Your question is why the City is doing it this way. There were some circumstances initially with the back lots on this property and the combination of the back lots and the childcare site needing to be moved and subdividing those lots into residential, and there were financing connections there. Then also between this project and the Elks that they have to have the property divided before they can move forward with their portion. They can actually purchase it and move forward with this. So there was a sequence of events that were sort of laid out in the beginning and I won’t say that we wouldn’t do it differently if we saw it today. We think that overall while it would have been preferable to look at the whole thing as one picture that as far as the BMR, the BMR would be just on the residential portion which is not over five acres and we are whole as far as the BMR issue goes and as far as the parkland issue goes. So we were cognizant of that as we moved sort of incrementally through it. They are treated
different ways in terms of fees basically on the single family lots at the back and the park being set aside in the SummerHill property but not including the acreage in those five lots being reflected there. It kind of works out but obviously yes it would have been better if we all looked at this as one whole and saw that but there were some drivers there starting again with the childcare facility that needed to be gone so that the transactions could take place, and then the sequence of transactions that needed to take place for SummerHill to be able to move forward with their project.

If the Elks had been ahead of SummerHill maybe it would have been different but they weren’t.

Commissioner Fineberg: Okay, thank you. My next question I am not quite sure where to hang this but I know Staff has not had time yet to explore the costs of acquiring the easement on the Dinah’s property but could, will, or should Staff consider as an alternative if it is more cost effective acquiring the Juniper Homes site that is adjacent to the emergency right-of-way? Is it possible to have that as an alternative if it is more effective and where might that come into being considered?

Mr. Williams: I don’t think there is any doubt in our mind that it would be much more expensive to purchase the Juniper Homes site that has essentially been planned for a house than a strip of right-of-way to get from Wilkie down to this location is a little more than 100 feet or something like that of this pretty much unusable strip of land from the Dinah’s site. So I think we are pretty comfortable that that’s not a close call.

Commissioner Fineberg: Okay, thank you. My last question is could you repeat some of the language that you used when we had our study sessions on approving maps and you talked about the map is fundamentally a picture of the land uses? Am I jogging your memory? I think that might be a helpful refresher.

Mr. Williams: I think what we were basically saying there is, and I am thinking about it more, the map is not essentially land uses. The map does not define land uses. The map determines the ownership pattern of property i.e., what part is publicly owned in terms of streets or parks or utility easements, etc., etc., what part is privately owned and how those lotting patterns are setup, and those kinds of relationships. So the map is essentially a two-dimensional thing that we are looking at. The design is three-dimensional as far as what ARB looks at. Then the uses are established primarily by the zoning. There are some types of applications that you see where uses are at issue in terms of PCs, rezonings, to some extent Site and Design types of permits.

Commissioner Fineberg: Thank you.

Commissioner Keller: I would just like to clarify something that Commissioner Fineberg mentioned. I think she did not refer to buying the entire homes site on the Wilkie Way but rather obtaining access through the emergency access easement in one of the parcels. So there is a home that is already recessed a certain distance because there has to be an emergency access easement for fire trucks or whatever to have access through Wilkie Way. I think her intent was to talk about access through there. I am not saying it is good or bad to do but I think that is what she meant. Is that what you meant, Commissioner Fineberg?
Commissioner Fineberg: No, I actually meant depending on what Dinah’s would cost that might be a cost effective alternative. Then obviously there would be a question of what would the City do with the home site.

Mr. Williams: You would like the other question answered?

Commissioner Keller: I like the other question, which is instead of buying the whole home site you buy that access easement.

Mr. Williams: That obviously would not be as expensive. We could talk about that. I think the problem with that is that we have a home site that has essentially been designed with that as its driveway to the house and that would be very problematic and probably would be expensive if not in terms of dollars in terms of the pain and agony of trying to obtain that.

Mr. Larkin: I should just point out the potential acquisition of property is a separate matter that is not on tonight’s agenda. So I think it is fine to ask a couple of questions for purposes of inquiry but it is not something we should have a discussion about.

Vice-Chair Garber: Just to note that the microphone has been passed to Commissioner Garber. So the scope of the Commission’s review, we can review design which includes street alignments, grades, and widths. Do I understand that to mean that we can as part of our purview here this evening recommend changes to the street widths that are here and the alignments of those streets that have been displayed for instance on TM-7.0 in addition to the other exhibits that are here?

Mr. Larkin: If you can make a finding that the street widths as proposed are inconsistent with zoning or the Comprehensive Plan but unless you can make those findings then no.

Vice-Chair Garber: Given that this is a vesting tentative map are the housing units actually a part of that vesting and does it include the parcels or is it simply just the streets and other utilities?

Mr. Larkin: Because it is a vesting tentative map, I understand Council will be having discussion on some of these issues at a future meeting, but because it is a vesting tentative map any changes that Council or the Commission recommend wouldn’t apply to this map. So if there is a change that would require different size parcels, different road widths, anything like that once this tentative map is approved those changes would not apply to this tentative map. It would apply to future tentative maps but not to this one.

Vice-Chair Garber: Thank you.

Chair Holman: I have question similar to Commissioner Garber’s having to do with street width because I think there are impacts here and issues having to do with Comprehensive Plan policies and goals, specifically connectivity and walkability. The streets being the width that they are,
they are two-way streets, confirmed. There is not width enough to allow parking along the curb
it would not seem.

Ms. French: No, not the whole length of the street just where the 90-degree parking is.

Chair Holman: So just briefly what was the thought process in reviewing the project that would
result in narrow private streets that did not allow parking along the curb given the current pattern
of people to not use their garages for parking?

Ms. French: I will just start by citing Comprehensive Plan Policy L-17 that says wide modern
streets are undesirable. So back to an earlier question that Commissioner Keller had about just
how wide are streets? Well, our Comprehensive Plan is keen on looking at traffic calming and
these kinds of things so they have been wider in the past. We are not necessarily seeking wide,
wide streets now. The other policy I thought I would bring up is T-35 which says reduce
neighborhood street widths as appropriate, which could include widening the planting strips and
those kinds of things. I guess what I would say is that once an applicant proposes a street that
isn’t meeting the City’s wider standards, we have not reduced our standards down any smaller or
less wide than they have been in the last couple of decades. So once they come in with
something that doesn’t meet City standards the Public Works Department says well these are not
going to be City streets because they don’t meet our standards. So it is an applicant generated
proposition. We then say okay, this is what you want then this has to be private.

Chair Holman: Thank you, Amy. So having to do with Policy L-17, wide modern streets are not
desirable, it is one of those situations where I think perhaps the Comprehensive Plan isn’t
specific enough although it maybe shouldn’t be that specific. I see some of the streets in South
Palo Alto that are way too wide. Some narrower streets provide for slower traffic but I guess it is
a matter of interpretation. So what wide streets are we referring to?

Do you have L-17? Can you read it?

Ms. French: Yes, we have the actual page here. It says, “Treat residential streets as both public
ways and neighborhood amenities, provide continuous sidewalks, healthy street trees, benches,
and other amenities that favor pedestrians.” Then it says, “Some of the features of modern street
design have turned out to be undesirable for pedestrians.” So earlier I wasn’t quoting. Wide
streets and large curb radii at intersections encourage speeding and cars are often parked on the
sidewalk in areas with rolled curbs. So that could be part of the modern description is a rolled
curb. Then it continues on about sidewalks. It does say that the quality of a street environment
helps define the character of a neighborhood and should be an important consideration in the
design of the infrastructure. So if you are looking at establishing a quiet neighborhood less wide
streets tend to encourage slower traffic and more walkability.

Chair Holman: Less wide streets and street trees both. For that matter cars parked along curb.
All of that provides for slower traffic and walkability frankly because it is slower traffic. So I
think I am going to stop there for this moment. Commissioner Sandas, questions for Staff?
Commissioner Lippert, questions for Staff? Commissioner Fineberg, questions for Staff? 
Commissioner Fineberg: I guess I would like to think a little bit more if we have standards for street widths and there are reasons that those widths are defined then isn’t there just an inherent conflict of saying therefore if the street doesn’t meet the goals and policies of why we have certain size streets they will be private and then the requirements don’t apply. Doesn’t that mean that we are defeating the whole purpose of having a standard?

Ms. French: Well different cities have different standards. I know that based on the Toll Brothers project that we are looking at Mountain View has a narrower standard street that they approve as a public street, narrower than what Palo Alto has as their standard. So I guess it depends on what you are looking at. We have standards that have been in place for awhile and our Comprehensive Plan came along after that. I may not be answering your question.

Mr. Williams: I will just add to that that the standards are for streets that the City wants to and intends to maintain. That is one of the main reasons why we established those standards. The City’s budget is such that the Public Works Department will tell you that there are locations, especially when there is not a through street that doesn’t connect, if Street D connected all the way through to Wilkie Way I think we would be having a different discussion about that. When they are internal streets like this that it is a burden for the City to be maintaining those streets and because the streets are primarily used by those residents that it is appropriate in those cases to allow for those. Those are the kind of discussions Public Works has around a project. It is not like any time someone wants to do a street that it can be narrower than what our usual standard is. So in those cases then it becomes an issue of do the engineers and does the fire department believe that these streets are safe streets. They look at the width of the street and you have to use materials that are constructed to basic engineering standards that the Public Works Department approves of and such, but we will not accept the streets and do not really want to maintain them and incur the cost of maintenance for them. So we will require the appropriate legal documentation that there is a maintenance agreement in effect and that the homeowners will maintain those streets. So those are the kinds of calls they make. I think it is a good discussion.

It is a good point of discussion because we are having a lot of these. Next week at the Council meeting the Council has two of those discussion items on its agenda. Actually it is a week before this item and the other map will be back before the Council. One of the items is public streets versus private streets and whether to direct us, and I assume they will, to work with Public Works and try to come up with a policy as to when which is appropriate. We have heard some suggestions here about maybe a number of lots it takes when it can be private, maybe if it is a through street, etc., etc. Then the other item that is on their agenda next week is your other question essentially of the bigger picture when we have a fairly decent size project is there another process that we can use to be sure that we are looking at the whole of the project and it doesn’t get cut up into smaller pieces and all you see is the map towards the end of the project and have your hands tied. So that will be discussed and I think any input you have on that is certainly germane at this point to that discussion.

Commissioner Fineberg: Okay. So is there a reason why the project would not benefit then from having private streets that meet City standards that would then have more available onsite parking, more comfort for pedestrians walking on those streets, being shielded from the cars
going by, more room for trees, all the reasons we have those things built into our standards? It wouldn’t necessarily have to be a public street but meeting the standards of that.

Mr. Williams: I don’t know that I can say there is a benefit or not a benefit to doing that. I think the key thing is is enough parking provided? According to our parking regulations it is enough parking. So in groups instead of stripped out along the street whether there are any street trees are certainly appropriate, and we want to be sure that there is room allowed for that. My understanding is that we would have that but obviously it is not the same as a public right-of-way would be. That is something that ARB did look at and that was part of their purview with the landscaping specifically. So certainly if we had wider streets and right-of-ways we could accommodate more of those things but a lot of the reason you will see a lot of this kind of private street development I think not just in Palo Alto but in a lot of places now is to try to minimize the amount of street pavement, extra parking area, and that on sites as well. So it is partly a trend towards not having excessive pavement on a project but we need to have enough obviously to make the project work too. So I just think those are policy determinations that we need to come to grips with.

Commissioner Fineberg: Okay. One more question. In Policy T-25 it talks about when constructing or modifying roadways plan for the usage of the roadway space by all users including motor vehicles, transit vehicles, bicyclists, and pedestrians. Underneath it it lists the hierarchy of roadways. My assessment would be that the private streets within the project as it scoped now would be local streets and then they are going to spill out directly onto El Camino, which I believe would be an arterial street. That is not maintaining the hierarchy of the roadways because a local street isn’t going into a collector or a residential arterial street.

Mr. Williams: Actually, they are going into Deodar, which in this location is basically the collector. It is kind of a hybrid because it sort of is trying to wind its way around trees and such. So it is not a uniform sort of width but it is collecting the traffic from this project and from the DR Horton project and then taking it out onto El Camino. So I think that hierarchy does consist here.

Commissioner Keller: With respect to Deodar Street my understanding is Deodar Street would be a publicly dedicated street.

Mr. Larkin: It is.

Commissioner Keller: And, to what extent does Deodar Street meet the typical standards that you referred to in terms of width and sidewalks and such like that?

Mr. Williams: That is a good question. I think it generally does but there are locations of it where it does not. I know Public Works has on occasion accepted streets that don’t particularly where topography or trees or other design issues present constraints, might narrow it in some areas. Also knowing again that I think there are some areas along it where you can park but it is not a street that you can park along the whole length of. So I don’t think it would meet strictly all the public street standards but I think it is close enough in this case and recognizing the
constraints that Public Works found that acceptable for a public street. Again, it is a collector
street that is serving more than just the one project.

Commissioner Keller: Right, it is a collector street that serves SummerHill and Elks and DR
Horton. Do you know how many housing units Deodar Street services?

Ms. French: It would serve all of the DR Horton and all of SummerHill so we can get you that
exact number.

Mr. Williams: DR Horton is 170 exclusive of the Wilkie Way homes.

Ms. French: Right because they wouldn't use it.

Mr. Williams: So it is 215 to 220.

Commissioner Keller: So for 215 to 220 housing units would you expect that the collector street
serving 215 to 220 housing units would have dedicated bike lanes on them?

Mr. Williams: I don't know. I don't know at what point that is required.

Commissioner Keller: So basically considering that Policy T-25 refers to constructing or
modifying roadways, plan for usage of the roadway by all users including motor vehicles, transit
vehicles, bicycles, and pedestrians, we have a dedicated street here that is serving 200-plus units
with no provision for a bike lane.

Mr. Larkin: That is a done deal. Deodar Street has already been dedicated through the DR
Horton project and has been largely built. So there is nothing that the Commission can do about
Deodar Street tonight so it is probably better to focus on the map that you do have in front of
you.

Commissioner Keller: Good, let me focus on the map that I do have in front of me. Could you
tell me where in the Comprehensive Plan it indicates provisions for private streets? Tell me
where in the Comprehensive Plan it indicates private streets are compatible?

Mr. Williams: Mr. Keller, I think if you have a suggestion or a motion you could go ahead and
make that. I don't think this is an appropriate line of inquiry.

Commissioner Keller: Okay. Well, let me just say that Policy T-24 says maintain a hierarchy of
streets that includes freeways, expressways, arterials, residential arterials, collectors, and local
streets and I didn't find private streets as part of that hierarchy. So that is my concern that
private streets are not expressly compatible with the Comprehensive Plan and there is no
provision for them as far as I can tell here. Thank you.

Mr. Williams: I should let Elena look first. It doesn’t say public or private. So it is not saying
the hierarchy has to be public streets either.
Vice-Chair Garber: Are there specific policies in the Comprehensive Plan either under the L or T categories that do in addition to the ones that have been directly spoken of which are T-25...

Ms. French: T-35.

Vice-Chair Garber: That is the public shuttle and shopping center, no. I was looking for the one that does want to connect.

Ms. French: I am sorry. Earlier I had mentioned Policy T-35 not Program T-35.

Vice-Chair Garber: Sorry. Where is that?

Ms. French: Page T-21, the second to last policy on T-21.

Vice-Chair Garber: Yes. There is another one specifically in the T that talks about connections of bicycles. Here it is, Policy T-17 increase cooperation with surrounding communities and other agencies to establish and maintain off road bicycle and pedestrian paths and trails, etc. Are there any other policies that directly talk about the alignment of streets and the connections of new streets with existing and/or other modes of transportation be they bicycle, automotive, etc.? I wasn’t seeing one but I am just curious as to where that would fall. For instance there is Policy L-6, which talks about abrupt changes in scale and density but it doesn’t specifically address streets, paths, and things of that sort. You can get back to me. I will pass the microphone here.

Chair Holman: Can Staff comment on whether the park satisfies the public open space requirement for multi-family?

Ms. French: It exceeds the requirement. They have provided more area than the minimum required ratio.

Chair Holman: Does it also satisfy the private open space requirements?

Ms. French: Yes that was analyzed as part of the Architectural Review approval of the SummerHill Homes project.

Chair Holman: The reason I ask is because one of the things we are supposed to look at is general and specific plan requirements so that is why I ask.

What are the lot sizes here just generally speaking, lot size and then footprint since we are looking at two-dimensional?

Ms. French: Okay, when you say lot size, we are talking about condominiums not fee simple lots.

Chair Holman: Okay, that’s true. Okay. Commissioner Sandas has one more question.
Commissioner Sandas: I am wondering is there is no pedestrian or bike access to Wilkie Way how will bicyclists or pedestrians from SummerHill get to the bike bridge and other Palo Alto bike boulevards?

Ms. French: Well they would have to go to El Camino and around to Charleston and then around to Wilkie or they could go back to Monroe going opposite. They could go on the wrong side of the street and stay on the same side of El Camino and go against traffic.

Commissioner Sandas: Somebody is saying that is not true although the public hearing is closed.

Ms. French: I have not biked it myself so perhaps there is another way I don’t know.

Chair Holman: Since the public is having a large reaction to that and knows the neighborhood I am going to reopen the public hearing and Carlin Otto would you care to respond to that question? Actually, Commissioner Sandas would you restate your question and then have Carlin Otto respond?

Commissioner Sandas: Okay. If there is no pedestrian/bike access from SummerHill to Wilkie Way how will bicyclists and pedestrians from the SummerHill project get to the bike bridge and other Palo Alto bike boulevards?

Ms. Otto: The main bike boulevard is Charleston and Wilkie that is true. The way they get there is they go across Deodar through the private streets of DR Horton out the four exits, there are four exists, bike/pedestrian exists, from DR Horton that flow onto Charleston.

Chair Holman: On the private streets you said of DR Horton.

Ms. Otto: Yes, it is DR Horton’s private streets. DR Horton also has private streets. There is no public access.

Chair Holman: Commissioner Sandas do you have follow up questions?

Commissioner Sandas: No I was just making a comment.

Mr. Williams: That was our response to go out to El Camino. So they could go through there if nobody contests that it is private streets.

Ms. French: There is no explicit easement for bicycle access across DR Horton private streets.

Chair Holman: Okay. Two members of the public I think have something to say. So since I have reopened public comment Ms. Wickstrom do you have something pertinent to add to this particular point?

Ms. Wickstrom: Well I haven’t walked through DR Horton thoroughly but from going on Charleston by bike and by car constantly I recall nothing but little four-foot sidewalks between very narrow houses out to Charleston. Also, it seems to me to be patently ridiculous that
someone going to Mountain View for instance from the SummerHill development would have to
go north across DR Horton’s private and narrow little sidewalks to get to Charleston to come
back to go all the way down Wilkie to the bike bridge to get to Monroe Drive, which by the way
Monroe to El Camino has no designated bike path.

Chair Holman: Thank you. I am going to close again the public hearing. I am sorry okay I will
leave it open. Deborah Ju did you have one comment pertinent to this topic and then we will
close the public hearing again.

Ms. Ju: I am not sure it is.

Chair Holman: Well, give it a shot.

Ms. Ju: It is something I thought you all were going towards before and didn’t. I just wanted to
ask whether it is possible to require these narrow streets to be one-way so there could be parking
on both sides?

Chair Holman: Thank you. We will close the public hearing again. Commissioner Garber.

Vice-Chair Garber: In Exhibit A, number C-2.0 that is the only exhibit that has the Horton
subdivision in it, is this the current plan of the subdivision? I am not seeing any street way that
goes out to West Charleston. Are there pedestrian and bikeways that do?

Ms. French: Not with public access I don’t believe.

Vice-Chair Garber: Understood, but I am not seeing any path that goes from their streets to West
Charleston there. Is that just because it is not shown on this map or do they not exist or do they
exist or do we know?

Ms. French: It doesn’t look like they are paved if they exist.

Mr. Williams: As I recall there are in some of these sort of green spaces between the buildings
there were some pedestrian connections.

Chair Holman: Are there more questions or are we ready for comments, Commissioners? Are
we finished with questions? Okay, Commissioner Lippert, comments.

Commissioner Lippert: Well first of all I would like to begin by thanking the members of the
public for coming out here today and speaking on this. I am very torn between two groups, the
groups that wants the site not to have any access through it and the group that does.

Let me begin by saying that if you look at the City of Palo Alto, the City of Palo Alto is a fabric.
It is not a patchwork quilt. Part of the problem is that whenever we have a new development it
can become a piece of a patchwork quilt when in fact what we need is for it to be woven into the
fabric of the community and work with the community.
Part of the problem that I see here is that access through this site is very limited and as such it becomes an enclave onto itself or in some ways a gated community. There are two lines of reasoning that when you create these enclaves there is a certain amount of safety or sense of private property associated with it. When in fact it is really the other way around. When you have activity on the street, when the streets are open, when the streets are used by the general public they are much safer.

So in looking at this what I would want to see is this, and I appreciate SummerHill coming forward and volunteering having the public access easements. I think that is a very important part of making this community or this little area work. I am in support of what your initial proposal is which is to have it open, Street A, through to the property line. I am not in support of the alternative although I understand why that was offered up to us. Part of it is that I think that if you look at it we are looking at a property line that is over 300 feet, almost the length of a football field there. It would make it very difficult for people to traverse that length simply just to park in the Wilkie Way area. That in fact, it is cumbersome to get through unless you are a pedestrian and you need to get through to El Camino Real or you are a bicyclist and you really want to get through. I think that one of the important things here to think about is we are talking about the neighbors on Wilkie Way and Edlee but there are also residents that are now going to be residing on the Elks site and they are entitled to be able to get through into the adjacent neighborhood as well. They are going to be residents of Palo Alto. They are going to want to be able to get around the neighborhood. They are going to want to be able to get through and onto Charleston and bicycle through to Charleston shopping center. They are going to want to be able to get through and not be encumbered either. So I think the success of this really is to be able to have open streets and pedestrian access and bicycle access through this site.

Just in closing I want to say that I live in Downtown North. Every day I am impacted by people who work in the Downtown area that park in my neighborhood, they park in front of my house. It doesn’t upset me terribly much in fact it gives me some comfort to know that there is activity on the street in front of my house. I know that there are other neighborhoods that are impacted by people that park in those neighborhoods. A good example is the South Gate neighborhood where in the fall when we have Stanford stadium full of spectators the implication is that people want to park in the South Gate neighborhood and walk to the stadium. The City doesn’t allow that they put these No Parking signs. The idea is that activity on those streets adds life, they add vitality, they make neighborhood actually livable and walkable.

I am looking at the future neighborhood context proposed site, C-2.0 and I am looking at the pink, the future path point of connection, that is the one that I am in support of not the orange alternative path of connection.

Mr. Larkin: I am sure the applicant will correct me if I am wrong but I think it is not a function of which is the preference it is just a question of how much if anything of the Dinah’s property the City is willing or able to acquire. So that was the purpose for the alternative.

Commissioner Lippert: Right, but I am just telling you which one I am in support of.

Chair Holman: Comment, Vice-Chair Garber.
Vice-Chair Garber: I am sorry I am not quite understanding Staff’s instruction there. The recommendation is?

Mr. Larkin: I think it is fine if you want to express a preference about whether or not the City should be looking at acquiring a longer strip of Dinah’s property. It is not necessarily direction for the applicant but it is direction for Council to kind of get feedback on what if anything they should be looking at acquiring.

Vice-Chair Garber: If they should do it at all, if they should it short, or if they should do it long, those are the comments. Relative to the applicant the instruction is bring you pathway to the edge of the property or not in any location.

Chair Holman: Comments? Commissioner Keller.

Commissioner Keller: There are a couple of things going on for me about this. First of all I think that this is a property that is zoned RM-30 and RM-15 for part of it. What we essentially have is something that has a lot fewer units per acre but they are essentially detached units not on small lots because they are not lots they are condos. Essentially what we are creating is something that is akin to single-family residences without the usual amenities of single-family residences of normal streets, normal sidewalks, and all of that.

I notice that this thing is somewhat pedestrian friendly but it isn’t very bicycle friendly and that concerns me. I am going to read Policy T-23 into the record this is on page T-15. Encourage pedestrian friendly design features such as sidewalks, street trees, on street parking, public spaces, gardens, outdoor furniture, art, interesting architectural details. I think that these streets are not designed in terms of that. Now I understand that there are other policies in terms of having narrow streets but the idea is not narrow rights-of-way but narrow streets with wider rights-of-way so that you put other architectural details on there such as sidewalks, and planting, and parking, and things like that on there. So I am concerned with the idea of this thing that this is neither a dense multi-family dwelling system nor a single-family residential thing. It is somewhere in between that doesn’t seem for me to work very well in terms of this.

We are seeing more of these kinds of developments and it is not the kind of development that works for me in terms of my perspective. I think that in some sense what I heard a while ago from Steven Levy is that what we need to build for Palo Alto is housing for empty nesters and housing for people who are 20 and 30-somethings without kids. This is definitely not that. This is housing for families who want to send their kids to Gunn High School. I wouldn’t be surprised if as soon as thing is built within a couple of years this will be filled with people who want to send their kids to Gunn High School and add two or three classrooms worth of students at Gunn High School from this. I think to be honest that is what is being built. I am concerned about that. So let me pass it on.

Commissioner Fineberg: To follow up Arthur’s comments I know the Mitigated Negative Declaration is not within our purview tonight but I would have to concur with Commissioner Keller that the impacts on the school.
Mr. Larkin: You are not allowed to consider impacts on the school when making a decision on a specific project.

Commissioner Fineberg: Okay. So let me just leave it there. It is a concern. The issue I am struggling with on this project is how to weigh the goals of the Comprehensive Plan, to have additional housing units to fulfill the ABAG requirements, to build density, and yet to still honor many of the goals of new urbanism like street connectivity, people being able to walk places, having adjoining developments be able to interact with each other, having the roadways connect multiple ways, having street layouts that people can drive alternate ways. This project and a couple of others that are adjoining, the DR Horton project and the Elks, are all going only to Deodar Street which I think creates some negative consequences. Maybe they are unavoidable at this point in time but I don’t think that honors the spirit of good planning and I don’t think it honors the spirit in the Comprehensive Plan. I am not sure how to sort of untangle some of the issues that we are dealing with tonight. I am struggling with how to fix any of those things that I am struggling with and I don’t have any brilliant answers.

I am looking at Goal T-5 which can I read into the record? We are passing copies of Comprehensive Plans back and forth. T-5, transportation system with minimal impact on residential neighborhoods. We have conflicting priorities in this project. One I believe the neighbors in the existing single family homes should not bear undue impacts of the residents flowing off into their neighborhood for extra parking, for events, but at the same time we are building a community that we are saying in a sense they are second-class citizens and they don’t deserve the standard roadways, they don’t deserve the amenities that come with the way other neighborhoods in Palo Alto have been built. I don’t think it is good that we are building communities within Palo Alto that don’t get the benefit of good design, that don’t get the benefit of being able to take their bike and connect easily to the bike path, being able to use the kinds of services and amenities that benefit the rest of the community. I think it is a mistake to build lesser because it is private. That’s it for me.

Vice-Chair Garber: I share a lot of the comments that have been made by my fellow Commissioners here. I hear very strongly the neighborhood’s reiteration of the City’s failing in terms of controlling parking and traffic, etc. into its neighborhood. However, I don’t think that should preclude the City from doing the right thing when it comes to open, inclusive neighborhoods, and supporting its commitment to walkable cities and to getting people out of cars and having a sustainable environment. It does mean that the City needs to do better to have the neighborhoods operate the way that they should be operating. To that point, I think as Commissioner Lippert has pointed out, the issue of enclaves, of resisting a common approach to planning that is only inwardly looking the real desire is to create communities that open out and are part of the overall city fabric.

Regarding the topics of streets, their widths, their uses, etc. the issue of neighborhood scale I think plays a large part here. In retrospect there may have been comments that would have been more appropriate made earlier in the process. However, for what I am thinking about in terms of scale here is that if the unit of measure is a city block obviously the city block should have streets which should have the width that then allows for parking all the way up and down, the
parking strip, sidewalk, etc. Within smaller units it is perfectly imaginable to me that you would
have streets, which are much narrower, that do not have parking, etc. There isn’t as has been
noted anything in the general plan that I have been able to find that directly addresses something
that is of this size and this scale. To that point when I look through the findings that we are
being asked to make I am not finding specific arguments to be made directly from the general
plan that I would find that differently than the Staff has in terms of their recommendation.
Although, there are two other Commissioners waiting to give us their comments and they may
have insights that I do not.

Chair Holman: I think unfortunately we face here is a situation where nobody is going to win.
There are concerns that Commissioners have expressed. I think there has almost been an
injustice done by looking at this project as three different projects. Actually the combined
property is three different projects. I think there has been an injustice done to both aspects of the
neighborhood, to the developer. I think this hasn’t resulted in the best project. Any one of these
three I don’t think is the best project. What we have ended up doing is we have an applicant who
has done due diligence. We have one aspect of the neighborhood who wants connectivity,
another aspect of the neighborhood that wants connectivity but feel compelled because of past
experience to oppose it. It is a really horrible situation. I think it is most unfortunate.

When it comes to the street widths there are private streets that can have minimum widths but I
don’t know that there is any maximum width. I have never heard any or read anything that said
there are maximum widths to private streets. So I think one of the large failings of this is in the
review that didn’t require wider streets that would allow parking along the street. All you have
to do is drive down almost any street in Palo Alto and it is quite obvious how people’s use of
their garages has changed. When I moved to Palo Alto in 1975 you couldn’t park overnight on
the streets it was prohibited. That has long since past. People park on the streets overnight and
sometimes like in my neighborhood you can’t even find a place to park at night. I don’t live in
Downtown North.

There are Comprehensive Plan policies that talk about protecting neighborhood character. The
neighborhood along Wilkie Way and the neighborhoods behind this project are more suburban
neighborhoods where there is little parking on the streets. So I can appreciate that if there are
large impacts to the character of the streets back there it is a change to their neighborhood.

I think I am going to stop with comments there and look for a motion.

Commissioner Sandas: I haven’t had a chance to make comments and I don’t want to reiterate
everything that I have already heard here tonight. I do want to say one thing that is separate and
slightly off topic. In a city like Palo Alto where we are completely built out I think everybody
here does their best to redevelop and develop properties as best they can.

We have ended up with something that nobody is really completely satisfied with but I don’t
think there is a method yet to not end up this way. So I think this is something we might want to
talk about in a longer-term study session or a retreat or something about how we can ensure
connectivity. I am not going to say any more it is too hard when other people are talking.
MOTION

Commissioner Lippert: I am going to make a motion here. I will make a motion that we recommend Staff’s recommendation to the City Council to approve the Record of Land Use Action and proposed vesting tentative map to create 45 multi-family residential condominium units, private streets, and dedicated parkland at 4249 El Camino Real.

In addition to that I would like to add three additional points. Number one that the dedicated park not be paid for by the homeowners association. Number two, that we accept SummerHill Homes’ proposal with regard to the access on the private streets. The third is the preferred access being indicated in the pink, which would be at the property line at the end of Street A.

Mr. Larkin: Just by clarification, you mean the maintenance of the park.

Commissioner Lippert: Correct, the maintenance of the park. The homeowners association not pay for the maintenance of the park the City would take care of that.

SECOND

Commissioner Sandas: I second.

Commissioner Lippert: I just want to make a couple of clarifying points here. I appreciate what the neighboring residents said with regard to making the streets one-way. It becomes a little problematic doing that. I am mindful of that. If you have one-way and you are parking there we don’t have the width for fire truck access. I thought about that first thing and unfortunately it doesn’t quite work.

The second thing is I want to address some of the comments my fellow Commissioners made. I think that they are pretty important that both Commissioner Keller and Commissioner Fineberg made. This is a site that was designated as a housing site and they are building half the housing that they would normally be permitted to build on that site. I think that is solace in this proposal. So I would encourage you to support the motion. Thank you.

Commissioner Sandas: No, I don’t want to speak to my second. I looked up at the faces of the Staff and they look real tired.

Chair Holman: Commissioners, any other comments on the motion? Commissioner Keller.

SUBSTITUTE MOTION

Commissioner Keller: I would like to make a substitute motion. I move that we deny the vesting tentative map based on the finding that this project is not consistent with the applicable general and specific plans. In particular it is not applicable to Policy L-13, which is on page L-16, which suggests we evaluate alternative types of housing that increase density and provide more diverse housing opportunities. This isn’t multi-unit housing it is basically a bunch of individual homes, large homes that are detached. Policy L-17 that says treat residential streets as
both public ways and neighborhood amenities, provide continuous sidewalks, healthy street
trees, benches, and other amenities that favor pedestrians. The streets that are on this do not
satisfy that. Policy T-23, on page T-15, which says encourage pedestrian friendly design
features such as sidewalks, street trees, on street parking, public spaces, gardens, outdoor
furniture, art, and interesting architectural details. This design fails to do that. It is basically
designed for cars and occasionally pedestrians. Policy T-25, which says when constructing or
modifying roadways plan for usage of the roadway by all users including motor vehicles, transit
vehicles, bicycles, and pedestrians. These streets fail to provide adequate support for bicycles.
Policy T-35, which is reduce neighborhood street intersection width and widen planting strips as
appropriate but I don’t see any planting strips based on this. Instead what we have is the result of
narrowing the streets has been to give the adjacent properties more land as opposed to create
planting strips. So in terms of that that is my position. Thank you.

SECOND

Commissioner Fineberg: I will second the motion.

Commissioner Keller: I think I have given enough detail in terms of this thing. I will just say
one more thing. I think that the issue here is that if we had a project that basically had wider
streets that were actually usable for various uses and involved units that were more clumped
together as opposed to a bunch of individual units around I think that would be more likely to
satisfy the provisions of the Comprehensive Plan as far as I can interpret them. I think that in
some sense we have had a series of these projects that sort of behave like this and I have not been
on the Commission when those project were approved and so I don’t feel that this....for example
those two projects on East Meadow Circle that are similar in terms of narrow streets, DR Horton
is similar, and I don’t think that that’s the kind of thing we should continue.

Commissioner Fineberg: I would also like to add that I don’t think the map is consistent with
Comprehensive Plan Policy C-30, which says to facilitate access to parks and community
facilities by a variety of transportation modes.

Commissioner Keller: I will amend my statement to include the thing that Commissioner
Fineberg just said. Thank you.

Vice-Chair Garber: I am extremely appreciative of the two Commissioners’ amendment here,
however, I will not be supporting it because I believe that these are topics that have been
discussed in previous meetings. We have given direction to the applicant already. So I would
find it inappropriate for me to support it.

Chair Holman: Do you have a question, Commissioner Sandas? I find myself in an interesting
position here because I also cannot make one of the findings for the map, however, I do not agree
with all of the Comprehensive Plan policies that have been listed as a part of the motion. So if
Commissioners Keller and Fineberg would consider eliminating L-13, the variety of types of
housing, is that a policy or a program? If you would consider eliminating that from the motion
and if you would also consider eliminating Policy T-35. Okay. Commissioner Fineberg would
you agree with both of those being eliminated?
I already stated what I think has gone wrong here and it is not a good situation for anybody. I feel badly for everybody involved and certainly with the applicant. At the same time this is our one shot to get this right and I think there is just too much wrong here. I don’t fault the developer or either aspect of the neighborhood. I think our process has led us astray here, frankly.

Just one comment, while we don’t have necessarily destination points in front of the Elks site for people to go to on El Camino right now we are getting ready to undertake a Comprehensive Plan Update. As a part of that we will probably be looking at El Camino as well. I hope we will be looking for at least potential future locations for neighborhood centers and attraction of retail, which has been a long time city goal as well. So I think we have to accommodate a connection which I think the people who oppose this connection now will support it if they feel like the project itself is adequately parked. I think to do that the streets have to be widened to accommodate on street parking so that it can sufficiently park itself.

So the last comment, not a part of the motion, is if the Council should agree to this we may have a three to three here and so no recommendation. If the Council should happen to agree with this, again not part of the motion, but should this not be successful then that the Council undertake a neighborhood parking permit program for the neighborhood to satisfy the desires of the neighborhood and Comprehensive Plan policies of protecting neighborhood character. Those are my comments.

Commissioner Garber.

Vice-Chair Garber: I need to retract one of my statements in that we have not heard this project before so I misspoke previously. So given that I will rethink your proposal here in the next couple of moments.

Chair Holman: Commissioner Lippert.

Commissioner Lippert: I just want to say with regard to the neighborhood parking there are other alternatives, which are restricted time limits on street parking during certain hours. That might also work as opposed to a parking permit program, which would outright ban non-neighborhood vehicles from that neighborhood.

MOTION FAILED (3-3-0-1 with Commissioners Lippert, Sandas, and Vice-Chair Garber voting against and Commissioner Tuma absent.)

Chair Holman: Thank you. So I guess we are at a point where we will vote on the substitute motion. All those in favor of denying based on the Comprehensive Plan policies and programs listed in the motion say aye. (ayes) Opposed? (nays) We have three Commissioners voting aye, Commissioners Fineberg, Keller, and Chair Holman and three Commissioners voting nay, Commissioners Lippert, Sandas, and Vice-Chair Garber with Commissioner Tuma absent.
So we need not vote on the second motion or as a matter of protocol do we need to vote on the original motion?

Mr. Larkin: You need to vote on the original motion even if we think we know how it is going to turn out.

Chair Holman: Okay. So all those in favor of the original motion to approve the map with the three conditions that Commissioner Lippert added. Staff could you read those conditions, please?

Mr. Williams: He asked that the park not be maintained by the homeowners association but by the City, that we accept the public access easements over the streets, and that the pathway access be retained at the Street A as the preferred connection.

Chair Holman: Commissioner Garber has an amendment to this motion.

Vice-Chair Garber: The maker had made the recommendation that the connection to the property line be at the El Camino side versus the pink as opposed to the orange path, the pedestrian path, which would mean that the property the City would consider purchasing would be connecting from Wilkie Way to the pink which is a longer area versus from just the Wilkie Way to the orange path. I am wondering is the maker would reconsider that to have the connection be to the pedestrian path, the orange path, rather than the pink. That allows you to transverse the entire site and get from El Camino all the way to Wilkie Way without having to go outside of that particular neighborhood.

Commissioner Lippert: Let me just explain what my point of view there is Vice-Chair Garber. I am not accepting it but let me explain why. What it does is create a zigzag and so people from the development park in the neighborhood would be less inclined to use it because of the length of the walk. It would be a football field basically. The idea would be that people in the adjacent neighborhood could cut-through the site relatively easily to get to El Camino Real and vice-versa. That’s all. It is preferred it is not a hard and fast pink.

MOTION FAILS (3-3-0-1, with Chair Holman, Commissioners Fineberg and Keller voting nay and Commissioner Tuma absent.)

Chair Holman: Commissioner Garber do you care or not care to make it a separate amendment? Okay. So all those in favor of approving the Staff recommendation with the three conditions listed by Staff say aye. (ayes) All those opposed say nay. (nays) So that motion fails.

Mr. Larkin: It fails so it will get forwarded to Council with no recommendation.

Chair Holman: Yes, and that was with Vice-Chair Garber, Commissioners Lippert and Sandas voting aye and Chair Holman, Commissioners Fineberg and Keller voting nay. So with a three to three there is no recommendation.
**Mr. Larkin:** There is no recommendation from the Planning and Transportation Commission
there will be recommendations from Staff and the City Attorney's Office.

**Chair Holman:** Yes. So thank you to everyone for coming and I am sorry this has been such a
long arduous process.
City of Palo Alto
Department of Planning and Community Environment
California Environmental Quality Act
MITIGATED NEGATIVE DECLARATION

I. DESCRIPTION OF PROJECT

Date: October 25, 2007

Application Nos.: 07PLN-00000-00168 and 07PLN-00000-00140

Address of Project: 4249 and 4251 El Camino Real

Assessor’s Parcel Number: 148-01-004 and 008

Applicant/Owner: SummerHill Homes
Elaine Breeze
777 California Avenue
Palo Alto, CA 94304

Benevolent and Protective Order of Elks (BPOE)
Jim Baer
171 University Avenue
Palo Alto, CA 94301

Project Description and Location:
The 7.13 acre (gross) project site is located in the southern section of the City of Palo Alto, in the northern part of Santa Clara County, west of U.S. Highway 101 and east of State Route 82 (El Camino Real). The site is located southwest of Wilkie Way and southeast of the intersection of West Charleston Road and El Camino Real as shown on Figure 1, Vicinity Map. The topography of the site is relatively flat, with a site elevation that ranges between 50 and 56 feet above mean sea level sloping to the northeast.

The proposed project includes the demolition of the existing Elks Lodge and accessory facilities, the subdivision of the 7.13 acre property into two parcels, the development of one of the parcels with a proposed multi family development called Palo Alto Elks Residential by SummerHill homes on 3.97 acres, the development of the other 2.82 acre parcel with the new Elks Lodge facility. A portion of the existing Elks Lodge site that is .34 acres in size would be dedicated to the City for public street purposes to create Deodar Street.
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 4249 and 4251 El Camino Real 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 BIO-1: The project will be required to implement the following mitigation measure to reduce impacts to tree-nesting raptors.

To the extent practicable, construction activities should be performed or vegetation removed from September through February to avoid the general nesting period of birds. If demolition, construction or vegetation removal can not be performed during this period, pre-demolition and construction surveys should be performed by a qualified biologist no sooner than 14 days prior to demolition and construction activities to locate any active nests prior to the start of demolition/construction and prior to removal of any tree. If active nests are observed, buffer zones will be established around active nesting trees, with a size acceptable to the California Department of Fish and Game. Construction activities shall avoid buffered zones and no tree will be removed until the young have fledged or the nest is otherwise abandoned. This measure will be included in the conditions for project approval.

Mitigation Measure BIO-2: The project will be required to implement the following mitigation measure to reduce impacts to trees on the property and on neighboring sites.

For the Palo Alto Elks Residential portion of the project:
To the extent possible, the project shall comply with all Design Guidelines 6.1 and 6.2 Protection Measures of 'A Tree Protection Plan for the Elks Residential Development,' by David L. Babby, RCA, June 20, 2007. Compliance with the tree protection measures would result in the project having a less than significant impact on the retained protected trees.
For the Elks Lodge Development:
The project shall comply with all guidelines stated in Section 4.2 and Section 7.0 Tree Protection Guidelines of ‘A Tree Protection Plan for the New Elks Lodge,’ by David L. Babby, August 24, 2007.

Mitigation Measure TRAN-1: The El Camino Real / Deodar Street intersection shall be monitored to ensure that adequate gaps are provided. The intersection could be modified to prohibit left-turns out and/or traffic signal installation could be considered if the available gaps do not accommodate the turning movement volumes.

Mitigation Measure TRAN-2: To bring on-site circulation to acceptable standards, the following items shall be implemented in the project:

a. Stop signs along the north-south circulation aisle at the underground garage ramp for the Elks Club parking lot.
b. Crosswalk at the throat of the garage access, near the Elks Club drop-off area.
c. “Exit Only” or “Do Not Enter” signs at the intersection of the drop-off area and garage driveway.
INTRODUCTION AND PURPOSE:

As the Lead Agency under CEQA, the City of Palo Alto has prepared this Initial Study to evaluate the environmental impacts that might reasonably be anticipated to result from the redevelopment of the Elks Lodge site that currently consists of 7.13 acres (gross). The project proposes to demolish the existing Elks Lodge and accessory structures, subdivide the property into two parcels, construct 45 multi-family residential units on one parcel, and construct a new Elks Lodge facility on the other parcel. Impacts of the demolition and the cumulative traffic impacts of the Palo Alto Elks Residential project and the future new Elks Lodge are discussed in this report. A formal application for Architectural Review has been submitted for the Palo Alto Elks Residential portion of the project. However, only a preliminary application has been submitted for the Elks Lodge. General potential environmental impacts of the new Elks Lodge are included in this report based on information provided in the preliminary application. A project specific environmental assessment may be prepared after a formal application for the Elks Lodge is submitted.

This Initial Study of environmental impacts conforms to the requirements of the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations 15000 et. Seq.), and regulations and policies of the City of Palo Alto.

1. PROJECT TITLE

Palo Alto Elks Residential and Elks Lodge Development
4249 and 4251 El Camino Real
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

Lata Vasudevan, AICP, Planner
City of Palo Alto
650-329-2165

4. PROJECT SPONSOR’S NAME AND ADDRESS

SummerHill Homes
Elaine Breeze  
777 California Avenue  
Palo Alto, CA 94304

Benevolent and Protective Order of Elks (BPOE)  
Jim Baer  
171 University Avenue  
Palo Alto, CA 94301

5. APPLICATION NUMBER(S)
07PLN-00000-00168 and 07PLN-00000-00140

6. PROJECT LOCATION
4249 and 4251 El Camino Real, Palo Alto  
Parcel Numbers: 148-01-004 and 008

The 7.13 acre (gross) project site is located in the southern section of the City of Palo Alto, in the northern part of Santa Clara County, west of U.S. Highway 101 and east of State Route 82 (El Camino Real). The site is located southwest of Wilkie Way and southeast of the intersection of West Charleston Road and El Camino Real as shown on Figure 1, Vicinity Map. The topography of the site is relatively flat, with a site elevation that ranges between 50 and 56 feet above mean sea level sloping to the northeast.

7. GENERAL PLAN DESIGNATION:

The project site is in an area that has a Multiple Family Residential land use designation as stated in the Palo Alto 1998 – 2010 Comprehensive Plan. This land use designation allows multi-family dwelling units with net densities that range from 8 to 40 units. The targeted minimum number of homes for the project site, as noted in the Housing Site Inventory of the Housing Element, is 97 dwelling units. This target also includes the area that was originally part of the Elks Lodge site, but has since been purchased by Juniper Homes for its development of five single family homes.

8. ZONING

The project site has a split zoning designation of RM-30 and RM-15 zoning designations. The new Elks Lodge would be located entirely within the RM-30 zoning designation. However, the split zoning would be applicable to the location of the Palo Alto Elks Residential project in that 92,445 square feet of the site area would be in the RM-30 zone and 80,168 square feet of the site area would be in the RM-15 zone. The RM-15 zoning district allows a maximum density of 15 dwelling units per acre, and the RM-30 zone allows a maximum density of 30 dwelling units per acre. The project is a permitted use in both the RM-15 and RM-30 zoning districts, with a proposed density of 11.4 dwelling units per acre. Because of the unusual split zoning of this site, a blended zoning approach is used for the Elks Residential development.
The RM-30 portion of the project site was the subject of a rezoning that occurred in 1989. The RM-15 portion of the project site was not amended in 1989. However, the portion of the project site that is now in the RM-30 zone was originally zoned CS (Service Commercial) and was rezoned to the current designation in 1989. The ordinance rezoning this portion of the project site essentially specifies that the Elks Lodge is a grandfathered use. Therefore, the new Elks Lodge, which is a continuation of the existing grandfathered use, would not be subject to a Conditional Use Permit.

9. PROJECT DESCRIPTION

Background

Various improvements and building additions have occurred throughout the years at the project site which is presently owned by the Benevolent and Protective Order of Elks (BPOE). The existing main Elks Lodge building is approximately 65,000 square feet with a basement fitness center/pool level. Outside facilities include, but are not limited to, an enclosed picnic area and outdoor Olympic-sized pool area. In 1996, the Elks Lodge leased a portion of the parking lot to a cell tower company for construction of a monopole, which has received Architectural Review approval from the City. In 1997, the Elks leased the northeast portion of the site to a private school/child development center. The school address is 4251 El Camino Real and modular buildings were used to create the school buildings. The school vacated the site in April of 2007.

SummerHill Homes is acquiring 3.97 acres of land from BPOE. The proposed Palo Alto Elks Residential project is part of a larger plan for the entire Elks Lodge site that has been under study by BPOE for over ten years. The entire Elks Lodge site is proposed to be redeveloped into three projects:

- Fronting Wilkie Way will be a development consisting of five parcels by Juniper Homes, each with a single-family detached home. Environmental review and City approval of the five-lot subdivision has already occurred, and three of the five homes have received Architectural Review approval.
- Fronting El Camino Real will be an approximately 2.82 acre site that would be retained by BPOE and developed as a new fraternal lodge. An application for Preliminary Architectural Review was submitted and was reviewed by the ARB on August 2, 2007. Based on review of the preliminary plans, the new Elks Lodge will be a two-story building with a maximum height of 40 feet, over a one-level underground parking garage.
- The central parcel, between the Juniper Homes development and the future Elks Lodge site, consists of 3.97 acres. SummerHill Homes proposes to develop this site with 45 detached multi-family townhouse units and a park, called the Palo Alto Elks Residential development. The existing Elks Lodge Building, a cellular antenna pole, a pool, two snack bar structures, several modular buildings, restroom and maintenance structures and an RV dump station are presently situated on this central portion of the Elks Lodge site. The proposed SummerHill Homes project includes the demolition of these structures as well as a cell tower structure in the front parking lot area. It is anticipated that the existing wireless facility (by Cingular) would be relocated on the Elks Lodge portion of the project site. However, plans for its relocation have not yet been finalized.
The proposed project includes the demolition of the existing Elks Lodge and accessory facilities, the subdivision of the 7.13 acre property into two parcels, the development of one of the parcels with a proposed multi family development called Palo Alto Elks Residential by SummerHill homes on 3.97 acres, the development of the other 2.82 acre parcel with the new Elks Lodge facility. A portion of the existing Elks Lodge site that is .34 acres in size would be dedicated to the City for public street purposes to create Deodar Street.

Proposed Multi-family Development by SummerHill Homes (Palo Alto Elks Residential)

The project consists of 45 multi-family units, two and three-story detached townhomes with private streets and a publicly accessible park, as well as pedestrian-oriented landscaped common and private open space areas. The detached townhomes would range from approximately 1768 to 2365 square feet (excluding garage square footage), with three or four bedrooms and two-car attached garages. The project density would be approximately 11.4 units per acre. Primary ingress and egress is provided from Deodar Street at two locations. An emergency vehicle access is also situated along the northeastern portion of the project with access to Wilkie Way across Lot 1 of the Juniper Homes Project.

Seven different floor plans are proposed for the project with 21 different facade designs. Exterior materials will include stucco, lap siding, board and batten, high profile composition shingle roofing, wood-clad windows. Other elements include metal canopies, metal and wood railings, and metal accent roofing. All proposed units will include a 2-car, attached, side-by-side garage with extra storage space for a bicycle, trash and recycling areas.

Fifteen guest parking spaces are provided in four locations on the project site. Seven of these spaces are proposed near the park. The park would be located adjacent to the Juniper Homes site and would be accessible from Deodar Street and from a path that would be located on an internal street within the project that is adjacent to the guest parking spaces. In terms of pedestrian/bicycle circulation to improve street and neighborhood connectivity other than via Deodar Street, the applicant is considering an easement access near the proposed carwash area to the Dinah’s property should this property be redeveloped.

15% BMR Contribution
The project is required to comply with the City’s Below Market Rate (BMR) Program H-36 of the Housing Element of the Comprehensive Plan. The project has a 15% BMR requirement, which for the 45-units proposed equals seven BMR units (45 times 15% equals 6.75 units, which must be rounded up to 7 full units). The standard policy is that BMR units reflect the range of unit types, sizes and models of the market units being constructed. BMR units must also be located throughout the project. There would be 4 three-bedroom units and 3 four bedroom units of various floor plans. Five of the BMR units must be sold at lower moderate income prices and the remaining two BMRs will be sold at the higher moderate income prices.

Parkland Dedication
The project is the first development subject to Palo Alto’s Parkland Dedication Ordinance effective in August 2006 and specified in PAMC Chapter 21.50. PAMC 21.50 requires .0050
acres of land for each multiple family dwelling unit. For the proposed 45 detached townhomes, .23 acres or 9,968 square feet of park area would be required. SummerHill Homes proposes to dedicate approximately .48 acres of parkland. This exceeds the parkland dedication requirement and brings the proposed park closer to a 'mini-park' (.5-acre) category, which is the smallest of the city park categories. The park is anticipated to be used by the residents of the adjacent DR Horton residential project as well as this project. It is proposed that the park would be dedicated as parkland, improved with landscaping and play equipment at the expense of the project applicant, and maintained by the project’s homeowners association.

Sustainable Planning and Green Building
Sustainable community planning and green building features have been incorporated into the proposed project. A New Home Greenpoints Checklist is included in the project file.

Site Utilities and Stormwater Quality
Storm water and water will be served from Wilkie Way via a public utility easement. Water and fire prevention service will be connected to the main in Deodar Street and loop through the project. A new sanitary sewer main to be constructed in Deodar Street will connect the project to the existing main in El Camino Real.

The project will comply with all C-3 requirements. It is anticipated that the proposed project will reduce the amount of impervious surface on the site by more than 50%. Stormwater will be treated using a combination of both biological and mechanical means.

Additional Project Components

Design Enhancement Exceptions are requested for the following aspects of the project:

a. A DEE is proposed for a four-foot setback encroachment of Unit 1 along Deodar Street. The required front setback is 20 feet.

b. A second DEE is proposed for the side setback of Units 18 and 19 where the proposed setback is 16 feet only at a small extent of the facades. The required side setback is 20 feet because the side lot line for these two units is adjacent to R-1 zoned properties.

c. A third DEE is proposed for the minor daylight plane encroachment for Units 15-19, perimeter units within the RM-15 zone. The current zoning requirement for daylight planes in the RM-15 zone is five feet up at the property line and angled over the parcel at 45 degrees.

Proposed new Elks Lodge

As indicated above, only a preliminary application for Architectural Review has been submitted so far and was reviewed by the Architectural Review Board on August 2, 2007. The new Elks Lodge would be situated on a proposed 2.8 acre corner lot abutting El Camino Real and Deodar Street, which is proposed for dedication to the City as a public right-of-way. Pursuant to PAMC 18.04.030(91)(A), the front lot line for the new Elks Lodge parcel would be along Deodar Street since it is shorter in length than the property line along El Camino Real. This orientation is also
consistent with the Palo Alto Elks Residential portion of the project site in that the front lot line for that development would also be along Deodar Street.

The approximate total floor area of the proposed two-story lodge would be 63,250 square feet. The basement parking level does not count towards the allowable floor area limit, and would be 77,400 square feet in size with 221 parking spaces. The proposed on-site landscape features include several outdoor eating/gathering areas, three pools and a small tot lot. There would be 10 grade-level parking spaces near the front entrance to the Elks Lodge complex adjacent to Deodar Street. The new Elks Lodge would provide a more up-to-date community recreational facility for members compared to its existing facility that was originally built in 1941, and was significantly remodeled and expanded in the mid-fifties and again in 1967.

Trees

The new Elks Lodge site would be situated in an area that is currently a paved parking area for the existing Lodge. Therefore, most of the trees that would be impacted as a result of construction of the new Elks Lodge are trees at the periphery of the project site. An Arborist Report prepared for the Elks Lodge development identifies 15 street trees in the project vicinity and four protected trees that are either on the property or are overhanging onto the project site. In all, there would be 14 trees that would be removed to accommodate the proposed new Elks Lodge. Of these trees, only two trees are City-regulated street trees along El Camino Real. According to the Arborist Report, these street trees are small and can easily be replaced. Based on review of the preliminary plans for the Elks Lodge development, the applicant proposes to plant additional street trees. The Arborist has identified mitigations to minimize impacts to the preserved trees.

Parking

According to the traffic report submitted for this project, a detailed parking analysis for the Elks Lodge development is forthcoming once the details of the design have been finalized in a formal application for Architectural Review. The Elks Lodge development will be required to comply with all parking requirements of the Palo Alto Municipal Code.

10. SURROUNDING LAND USES AND SETTING

The project site is bordered to the north and northeast by existing and newly-constructed, unoccupied residential structures; to the south and southeast by an apartment complex, Dinah’s Garden Hotel, Dinah’s Pool Side Grill and Trader Vic’s Restaurant; to the southwest by El Camino Real, and to the west and northwest by vacant land under construction with new residential tracts. In general, the vicinity of the project site consists of residential and commercial properties.

11. OTHER PUBLIC AGENCIES

- County of Santa Clara, Office of the County Clerk-Recorder
12. PROJECT APPROVALS

The proposed project would require the following planning approvals from the City of Palo Alto:
- Tentative and Final Map approvals for a two lot subdivision: one parcel would be for the new Elks Lodge site and the other parcel would be for the Palo Alto Elks Residential project.
- Tentative Map and Final Map approvals for the 45-unit townhouse subdivision.

13. DATE PREPARED: August 28, 2007


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>
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<tr>
<td>a) Substantially degrade the existing visual character or quality of the site and its surroundings?</td>
<td>1, 2, 6, 13</td>
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<td>X</td>
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<tr>
<td>b) Have a substantial adverse effect on a public view or view corridor?</td>
<td>1, 2-Map L4</td>
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<td>X</td>
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<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-Map L4</td>
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<td>X</td>
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<td>d) Violate existing Comprehensive Plan policies regarding visual resources?</td>
<td>2</td>
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<td>e) Create a new source of substantial light or glare which would</td>
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<tr>
<td>Issues and Supporting Information Resources</td>
<td>Sources</td>
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<td>Would the project:</td>
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<td>adversely affect day or nighttime views in the area?</td>
<td>1,2,6</td>
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<td>X</td>
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<tr>
<td>l) 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>6</td>
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<td>X</td>
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</tbody>
</table>

**DISCUSSION:**

a) The proposed homes would be consistent with the character of the surrounding areas that is developed with multi-family and single-family housing. The project would actually be more consistent with the surrounding uses than the current uses (which includes a fraternal lodge and school/childcare facilities) as configured on the site. The new Elks Lodge has been designed to be situated closer to El Camino Real. The siting of the proposed Lodge is consistent with the City's *South El Camino Real Design Guidelines*. This document mentions that if the Elks Lodge site is redeveloped, new buildings shall be placed along El Camino Real to create a more continuous building frontage, and that parking shall be placed behind buildings or underground. Therefore, the project would actually improve the visual character of the area.

b-d) The City of Palo Alto Comprehensive Plan identifies six throughfares that have particularly high scenic value: Sand Hill Road, University Avenue, Embarcadero Rd., Page Mill Rd./Oregon Expressway, Arastradero Rd. and Foothill Expressway-Junipero Serra Blvd. The project site can not be seen from any of these six identified thoroughfares. Due to the flat topography of the project site and surrounding area, views of the project site are limited to the existing vicinity. No other scenic resources or vistas are identified in the city.

The California Department of Transportation administers the state's Scenic Highways Program. Interstate 280 (I-280) is the only Designated California Scenic Highway that is closest to the project site. I-280 is approximately two miles from the project site and can not be viewed from the project site. Therefore the project would have no impact on scenic resources.

e) A lighting study was provided by the applicant for the Palo Alto Elks Residential project and is included in the project plans. Pursuant to PAMC 18.23.030, where a light source is measured from outside the property boundaries, such lighting shall not exceed .5 foot-candle as measured at the abutting residential property line. The project is consistent with this requirement in all places except near unit #18 adjacent to the Wilkie Way Homes. The project will be conditioned such that a bollard is placed in this area such that the foot-candle reading is consistent with the Municipal Code. This is not considered a mitigation measure as this is a specific Municipal Code requirement.

A lighting analysis has not been submitted for the Elks Lodge, but this analysis will be required for the formal application submittal. Compliance with PAMC 18.23.030 (which specifies lighting requirements
to minimize impacts on abutting or nearby residential sites and from adjacent roadways) would be required for this project.

For the reasons described above, the proposed project would not have a substantial adverse effect on a scenic vista or views from a designated scenic highway, would not substantially degrade the existing visual character or the quality of the project site and its surroundings, and would not create a new source of substantial light and glare because the project would be required to comply with City Code requirements.

g) There are no public open spaces in the vicinity of the project site other than the future proposed park. The shading impacts will be less than significant based on review of the shading study included in the project plans for the Palo Alto Elks Residential portion of the project.

Mitigation Measures: None

Significance after Mitigation: N/A

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B. AGRICULTURAL RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland.

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Would the project:</td>
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</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>1,2</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-MapL9, 9</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</td>
<td></td>
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<td>X</td>
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</tbody>
</table>
DISCUSSION:

a-c) 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

Significance after Mitigation: None

<table>
<thead>
<tr>
<th>C. AIR QUALITY</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>
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</thead>
<tbody>
<tr>
<td>Would the project:</td>
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<td></td>
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<td>1,2,8</td>
</tr>
<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>
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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>
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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>
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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>
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<td>X</td>
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<tr>
<td>e) Create objectionable odors affecting a substantial number of people?</td>
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</table>

DISCUSSION:

a-c) The project site is within the San Francisco Bay Area Air Basin. The Bay Area Air Quality Management District (BAAQMD) is the regional governmental agency that monitors and regulates air pollution within the air basin. Air quality and the amount of a given pollutant in the atmosphere are
determined by the amount of pollutant released and the atmosphere’s ability to transport and dilute the pollutant. The major determination of transport and dilution are wind, atmospheric stability, terrain and for photochemical pollutants, sunlight.

Three pollutants are known to exceed the state and federal standards in the project area: ozone, particulates (PM10), and carbon monoxide. Both ozone and PM10 are considered regional pollutants because their concentrations are not determined by the proximity to individual sources, but show a relative uniformity over a region. Carbon monoxide is considered a local pollutant because elevated concentrations are usually only found near the source (e.g. congested intersections).

**Long-Term Air Quality Impacts**

BAAQMD has established thresholds for what could be considered a significant impact on existing air quality. A project that generates more than 80 pounds per day of reactive organic gases (ROG) would have a significant impact on regional air quality, according to BAAQMD CEQA guidelines. BAAQMD generally does not consider that a project generating less than 2,000 vehicle trips per day is likely to exceed their adopted thresholds of significance, and does not recommend preparation of a detailed air quality analysis.

The Transportation Impact analysis completed for the proposed project includes data related to traffic generated by the new Elks Lodge and the Palo Alto Elks Residential project. This analysis has determined that no new net trips would be generated as a result of the two projects. For this reason, the proposed project would not result in significant long term air quality impacts and a detailed air quality analysis was not prepared for this project.

**Short-term Air Quality Impacts**

Project construction has the potential to result in short-term air quality impacts resulting from dust generating activities, the use of solvents, paints and other construction materials that tend to volatize into the atmosphere. Construction-related air quality impacts result from dust generating activities and exhaust emissions from construction equipment. Due to the negligible amount and the short duration of these impacts, all are considered to be less than significant, except for the dust generating construction activities.

Construction activities, such as excavation and grading operations and wind blowing over exposed earth, generate fugitive particulate matter that will affect local and regional air quality. The effects of these dust generating activities will be increased dustfall and locally elevated levels of PM10 downwind of construction activity. Construction dust has the potential for creating a nuisance at nearby properties.

**Standard Measures:**

The project proposes to implement the following standard measures during all phases of construction to prevent visible dust emissions from leaving the site:

- Water all active construction areas at least twice daily and more often during windy periods to prevent visible dust from leaving the site; active areas adjacent to windy periods, active areas
adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives.
- Cover all trucks hauling soil, sand and other loose materials or require all trucks to maintain at least two (2) feet of freeboard.
- Pave, apply water at least three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily (or more often if necessary) to prevent visible dust from leaving the site (preferably with water sweepers) all paved access roads, parking areas, and staging areas at construction sites. Water sweepers shall vacuum excess water to avoid runoff-related impacts to water quality.
- Sweep streets daily, or more often if necessary (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.
- Install wheel washers for all existing trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.
- Install wind breaks or plant tree/vegetative wind breaks at windward side of construction areas. Suspend excavation and grading activities when wind gusts exceed 25 mph.

Therefore, with implementation of the standard measures listed above, the project would not result in a significant air quality impact.

d) Construction activities could expose sensitive receptors to substantial pollutant concentrations. However, with implementation of a dust abatement program described above, this impact would be reduced to less than significant level.

e) As a general matter, the types of land use development that pose potential odor problems include wastewater treatment plants, refineries, landfills, composting facilities and transfer stations. Therefore, the project would not create objectionable odors that would affect a substantial number of people. Also, there are no existing odor sources in the vicinity of the project site that the occupants of the proposed residences would be subjected to.

a-e) Mitigation Measures: None, with the implementation of Standard Measures.

a-e) Significance after Mitigation: N/A

<table>
<thead>
<tr>
<th>D. BIOLOGICAL RESOURCES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Issues and Supporting Information Resources</td>
</tr>
<tr>
<td>Would the project:</td>
</tr>
<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</td>
</tr>
</tbody>
</table>

Palo Alto Elks Residential and Elks Lodge  Page 13  Initial Study
<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: regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</td>
<td></td>
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</tr>
<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>1,2-M</td>
<td></td>
<td></td>
<td></td>
<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>1,2-M</td>
<td></td>
<td></td>
<td>X</td>
<td></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>1,6,7,11</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<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>1,2</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

**DISCUSSION:**
a-c) The project site is located in an urban area that is developed with a fraternal lodge, a school and other accessory structures. The existing site is highly disturbed and has minimal capacity to support sensitive biological resources, with the exception of a chance for raptors to nest in the wooded area of
the project site where the public park is proposed. The project site is not near any natural resource areas as identified in the Natural Environment Element of the City Comprehensive Plan.

An EIR written for the DR Horton Development has identified these ten types of birds in the area: American Crow, Scrub Jay, lesser goldfinch, yellow-rumped warbler, Anna’s hummingbird, bushtit, chestnut-backed chickadee, northern mockingbird, mourning dove and Cooper’s hawk. None of the species observed in the project area are listed as special status species and there are no sensitive species in the area. However, as the EIR noted, a Coopers hawk was seen flying over the project site and heading north to a tall tree to the north of the site. The Coopers Hawk is categorized as a state sensitive status species.

Breeding birds are protected under the California Fish and Game Code 3503 and raptors are protected under Section 3503.5. Potential impacts to breeding or nesting birds occurring as a result of demolition and project construction would be minimized to less than significant level with the implementation of the mitigation measure specified below.

**Mitigation Measure BIO-1:** The project will be required to implement the following mitigation measure to reduce impacts to tree-nesting raptors.

To the extent practicable, construction activities should be performed or vegetation removed from September through February to avoid the general nesting period of birds. If demolition, construction or vegetation removal can not be performed during this period, pre-demolition and construction surveys should be performed by a qualified biologist no sooner than 14 days prior to demolition and construction activities to locate any active nests prior to the start of demolition/construction and prior to removal of any tree. If active nests are observed, buffer zones will be established around active nesting trees, with a size acceptable to the California Department of Fish and Game. Construction activities shall avoid buffered zones and no tree will be removed until the young have fledged or the nest is otherwise abandoned. This measure will be included in the conditions for project approval.

d) The City of Palo Alto has established Tree Preservation and Management Regulations, included as PAMC Chapter 18.10, to provide ‘standards for removal, maintenance, and planting of trees.” PAMC section 8.10.020(j) defines a protected tree as:

a. Any tree of the species *Quercus agrifolia* (Coast Live Oak) or *Quercus lobata* (Valley Oak) which is eleven and one-half inches in diameter (thirty-six inches in circumference) or more when measured four and one-half feet (fifty-four inches) above natural grade;
b. Any Redwood tree (species *Sequoia sempervirens*) that is eighteen inches in diameter (fifty-seven inches in circumference) or more when measured four and one-half feet (fifty-four inches) above natural grade.
c. A heritage tree designated by the city council in accordance with the provisions of this chapter.

A tree survey identified 68 trees of fifteen various species on the Palo Alto Elks Residential portion of the project site; 28 trees are defined as protected according to the City of Palo Alto. Of these 28 trees, 4 trees are protected redwood trees that are proposed for removal. These 4 trees are generally near the second entrance to the project from Deodar Street. A Tree Removal Permit must be obtained from the
City prior to removal of the protected trees. The granting of this Tree Removal Permit is supportable given the design constraints of the project and the number of remaining protected trees. The applicant also proposes to plant many trees throughout the project site which the City Arborist has determined to be sufficient in mitigating the loss of the trees to be removed.

The proposed project has the potential to cause decline to 13 trees as identified in Section 4.2 of the Tree Protection Plan prepared by David L. Babby RCA. The tree survey identifies mitigation measures that shall be incorporated in the plans to reduce the potential impact on retained protected trees to a less than significant level. Most all of the protected trees are in the proposed park area where new homes, utility and other park improvements are proposed. These mitigation measures specified below will be incorporated as conditions of project approval and will mitigate impacts to existing trees on the property to less than significant impacts.

The new Elks Lodge site would be situated in an area that is currently a paved parking area for the existing Lodge. Therefore, most of the trees that would be impacted as a result of construction of the new Elks Lodge are ones on the periphery of the project site. An Arborist Report prepared for the Elks Lodge development identifies 15 street trees in the project vicinity and four protected trees that are either on the property or are overhanging onto the project site. In all, there would be 14 trees that would be removed to accommodate the proposed new Elks Lodge. Of these trees, only two trees are City-regulated street trees along El Camino Real. According to the Arborist Report, these street trees are small and can easily be replaced.

Four trees that are on the neighboring property to the south would most potentially be significantly impacted. Two of these trees are Coast Redwoods that are considered 'protected trees' in the City of Palo Alto. The Arborist Report prepared for the Elks Lodge development identifies several measures to mitigate impacts and achieve reasonable tree survival and stability of these trees. These measures as well as the design guidelines contained in the Arborist Report are included below as mitigation measures.

**Mitigation Measure BIO-2:**

For the Palo Alto Elks Residential portion of the project:
To the extent possible, the project shall comply with all Design Guidelines 6.1 and 6.2 Protection Measures of 'A Tree Protection Plan for the Elks Residential Development,' by David Babby, June 20, 2007. Compliance with the tree protection measures would result in the project having a less than significant impact on the retained protected trees.

For the Elks Lodge Development:
The project shall comply with all guidelines stated in Section 4.2 and Section 7.0 Tree Protection Guidelines of 'A Tree Protection Plan for the New Elks Lodge,' by David Babby, August 24, 2007.

**Significance after Mitigation:** With implementation of the above mitigation with respect to trees and nesting birds, the impacts of the proposed project would be less than significant.
# Cultural Resources

<table>
<thead>
<tr>
<th>Issues and Supporting Information Resources</th>
<th>Sources</th>
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<tbody>
<tr>
<td>Would the project:</td>
<td></td>
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</tr>
<tr>
<td>a) Directly or indirectly destroy a local cultural resource that is recognized by City Council resolution?</td>
<td></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-Map L-8</td>
<td></td>
<td></td>
<td></td>
<td>X</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>
<td></td>
<td>X</td>
</tr>
<tr>
<td>d) Disturb any human remains, including those interred outside of formal cemeteries?</td>
<td>1,2-Map L-8</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-Map L-7</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>f) Eliminate important examples of major periods of California history or prehistory?</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

**DISCUSSION:**

a) There are no City Council recognized cultural resources or in the project site.

b – d) and f) The project site is located in an area designated by the Comprehensive Plan as a moderately sensitive area for archaeological resources. The following standard measures will be applied to the project to reduce impacts to archaeological resources.

**Standard Measures:**

- Should evidence of prehistoric cultural resources be discovered during demolition and construction, work within 50 feet of the find shall be stopped to allow adequate time for evaluation and mitigation by a qualified professional archaeologist. The material shall be evaluated and if significant, a mitigation program including collection and analysis of the materials at a recognized storage facility shall be developed and implemented under the direction of the City’s Director of Planning and Community Environment.
e) The existing structures on the project site are not listed in any City, State or National Historic lists.

Mitigation Measures: None required if standard measures are followed.

Significance after Mitigation: N/A

F. GEOLOGY, SOILS AND SEISMICITY

<table>
<thead>
<tr>
<th>Issues and Supporting Information Resources</th>
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<tr>
<td>Would the project:</td>
<td></td>
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</tr>
<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>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>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.</td>
<td>5,9,12</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>ii) Strong seismic ground shaking?</td>
<td>2-Map N-10</td>
<td></td>
<td></td>
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<td>X</td>
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<tr>
<td>iii) Seismic-related ground failure, including liquefaction?</td>
<td>2-Map N-5</td>
<td></td>
<td></td>
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<td>X</td>
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<tr>
<td>iv) Landslides?</td>
<td>2-</td>
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<td></td>
<td></td>
<td>X</td>
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<tr>
<td></td>
<td>MapN5</td>
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<tr>
<td>b) Result in substantial soil erosion or the loss of topsoil?</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>1,12</td>
<td></td>
<td></td>
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<tr>
<td>c) 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?</td>
<td>X</td>
<td></td>
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<tr>
<td>2-Map N-5, 5</td>
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<tr>
<td>d) 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?</td>
<td>X</td>
<td></td>
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<tr>
<td>2-Map N-5, 4, 5</td>
<td></td>
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<tr>
<td>e) 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?</td>
<td>X</td>
<td></td>
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<td></td>
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<tr>
<td>5, 12</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>f) Expose people or property to major geologic hazards that cannot be mitigated through the use of standard engineering design and seismic safety techniques?</td>
<td>X</td>
<td></td>
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<td></td>
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<tr>
<td>5, 12</td>
<td></td>
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</table>

**DISCUSSION:**

**a-f:**

**Topography, Soil and Groundwater**

The topography of the site is relatively flat. Site elevations range from 50 to 56 feet above mean sea level sloping to the northeast. Subsurface soils at the project site include layers of silty sand and sandy silt in the uppermost 14.5 to 20 feet bgs (below ground surface), with layers of clayey and sandy silt, clayey, silty and gravelly sand, silty clay and sand to depths of 23 to 28 feet bgs. Native soils in the vicinity typically consist of clay loam with a soil component name of Botella.

The project site lies in the Santa Clara Valley Groundwater Basin within the Santa Clara Sub-basin (California Department of Water Resources website). Groundwater bearing formations in the vicinity of the project site consist of Quarternary alluvium. Groundwater was encountered during a subsurface investigation at the depth of 20 to 27 feet bgs. The estimated direction of shallow groundwater flow in the site vicinity is northeast. The project site is located in an area with a historic ground subsidence of 2 feet.
Seismicity
Palo Alto is located in a very geologically active part of the world. The San Andreas Fault passes through the community. The fault is capable of producing a quake with a magnitude 8.4 earthquake. The project site is situated in an area characterized by strong ground shaking. However, the site is not located in an Alquist-Priolo Special Study zone.

Liquefaction
Liquefaction is a seismic hazard in which soils are temporary transformed into a liquid state during the stress of an earthquake. Soils most susceptible to liquefaction are clean, loose, saturated and uniformly graded, fine grained sands. The main constituent of on-site soil is clay. The project site is not located within a liquefaction hazard zone.

Lateral Spreading
Lateral spreading is the horizontal displacement of soil during a seismic event towards an open face such as a body of water, channel or excavation. There are no open faces near the project site. For this reason, the probability of lateral spreading occurring on the project site during a seismic event is considered to be low.

Due to its location within a seismically active region, the proposed would likely be subject to at least one moderate to major earthquake. The project would be designed and constructed in conformance with the Uniform Building Code Guidelines for Seismic Zone 4 to avoid minimize potential damage from seismic shaking on the site. Conformance with standard Uniform Building Code Guidelines would minimize potential impacts seismic shaking on the site.

a-f) Mitigation Measures: None

Significance after Mitigation: None
### G. HAZARDS AND HAZARDOUS MATERIALS

<table>
<thead>
<tr>
<th>Issues and Supporting Information Resources</th>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>Would the project:</strong></td>
<td></td>
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</tr>
<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>5</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<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>5</td>
<td></td>
<td></td>
<td></td>
<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>2,5</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>1</td>
<td></td>
<td></td>
<td></td>
<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>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</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</td>
<td>1</td>
<td></td>
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<td></td>
<td>X</td>
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<tr>
<td><strong>g)</strong> 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>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>h)</strong> Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?</td>
<td>2-MapN7</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>j)</strong> 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>5</td>
<td></td>
<td>X</td>
<td></td>
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</tbody>
</table>

**DISCUSSION:**

a – d) Based upon historical research conducted by LFR in its Phase 1 Environmental Analysis of the project site, the site was used as farmland prior to being developed with the current structures. Various improvements and building additions have occurred throughout the years at the Site. In 1996, the Elks Lodge leased a portion of the parking lot to a cell tower company for construction of a monopole. In 1997, the Elks leased the northeast portion of the site to a private school. The school address is 4251 El Camino Real and modular buildings were used to create the school buildings.

The main Elks Lodge facility includes an indoor swimming pool, a pistol range, a ballroom, a lodge, a large gym, bar and lounge, a billiard room and miscellaneous offices and restrooms. LFR observed small quantities of chemicals used in the pools and maintenance of the building. No evidence of staining or discoloration was observed during LFR’s visit. An RV dump station is connected to the sanitary sewer line, which is located at the entrance to the existing picnic area.

The site is not listed on any regulatory agency databases and there are no environmental liens against the property. There are no public schools and no known private schools within a quarter mile of the project site.

Potential ACM were observed throughout the interior of the main building. Based on the age of the structures, lead-based paint was likely used on the interior and exterior painted surfaces. LFR recommends preparation of a complete demolition survey to assess for ACM’s and LBP prior to demolition and disposal.
Off-site findings:
The property located northwest of the site was formerly Hyatt Ricky’s. This facility was listed as a
LUST facility, however, the facility received closure from the lead agency in 2004. Based upon the
current regulatory status and presumed downgradient position with respect to groundwater flow, this
facility is unlikely to present an environmental concern for the site. As standard procedure, LFR
recommends complete removal of the residual material from the former pistol range area, including any
spent bullets. LFR also recommends that all small quantities of chemicals be removed and disposed of in
accordance with applicable laws prior to demolition of facility.

The project will be required to follow the standard measures listed below to reduce impacts related to
ACMs and lead based paint:

Standard Measures:

1. In conformance with State and Local laws, visual inspection/pre-demolition survey, and possible
sampling will be constructed prior to the demolition of the building to determine the presence of
asbestos-containing materials and/or lead-based paint.
2. All Potentially friable asbestos-containing materials shall be removed in accordance with
National Emission Standards for Hazardous Air pollutants (NESHAP) guidelines prior to
building demolition or renovation that may disturb materials.
3. All demolition activities will be undertaken in accordance with Cal/OSHA standards contained
in Title 8 of the California Code of Regulations (CCR), Section 1529, to protect workers from
exposure to asbestos. Materials containing more than one percent asbestos are also subject to
BAAQMD regulations.
4. During demolition activities, all building materials containing lead-based paint shall be removed
in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code of
Regulations 1532.1, including employees training, employee air monitoring and dust control.
Any debris or soil containing lead-based paint or coatings will be disposed at landfills that meet
acceptance criteria for the waste being disposed.

5) The project is not in the vicinity of a private air strip.
6) The project is approximately 200 feet from El Camino Real which is an evacuation route identified in
the City’s Comprehensive Plan. The proposed project would not interfere with this evacuation route.

Mitigation Measures: None required if standard measures are followed.

Significance after Mitigation: N/A
## H. HYDROLOGY AND WATER QUALITY

<table>
<thead>
<tr>
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<tr>
<td><strong>Would the project:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Violate any water quality standards or waste discharge requirements?</td>
<td>1,2,12</td>
<td></td>
<td></td>
<td></td>
<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>
<td></td>
<td></td>
<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>1,12</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>1,12</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?</td>
<td>1, 12</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>f) Otherwise substantially degrade water quality?</td>
<td>1, 12</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Flood Insurance Rate Map or other flood hazard delineation map?</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>---</td>
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<td></td>
<td></td>
</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></td>
<td>X</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></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>j) Inundation by seiche, tsunami, or mudflow?</td>
<td>2-MapN6 N8</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>k) Result in stream bank instability?</td>
<td>1</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**DISCUSSION:**

a – f) The applicants have submitted a conceptual site grading and drainage plan for both the Palo Alto Elks Residential Project in its formal application and the new Elks Lodge in its preliminary application. In order to address potential storm water quality impacts, the plans identify the Best Management Practices (BMP’s) to be incorporated into the Storm Water Pollution Prevention Plan (SWPPP) that will be required for the project. The SWPPP is required to include permanent BMP’s to be incorporated into the project to protect storm water quality. The elements of the PWE-approved conceptual grading and drainage plan shall be incorporated into the building permit plans.

Prior to submittal for a building permit, the following items will be required of the applicants. These are standard conditions to be incorporated in the conditions of approval for both the Palo Alto Elks Residential Project and the new Elks Lodge.

**Standard Measures:**

1. A Grading and Excavation Permit issued by the City of Palo Alto (CPA) Building Inspection Division is required for the proposed project.
2. The applicant may be required to provide storm water detention on-site to lessen the project’s impact on city storm drains. The applicant’s engineer shall provide storm drain flow and detention calculations, including pre-project and post-project conditions. The calculations must be signed and stamped by a registered civil engineer.
3. The applicant shall submit a final grading and drainage plan to Public Works Engineering. This plan shall show spot elevations or contours of the site and demonstrate the proper conveyance of storm water to the nearest adequate municipal storm drainage system. Existing drainage patterns, including accommodation of runoff from adjacent properties, shall be maintained.
4. The proposed development will result in a change in the impervious area of the property. The applicant shall provide calculations showing the adjusted impervious area with the building permit application. A Storm Drainage Fee adjustment on the applicant’s monthly City utility bill will take place in the month following the final approval of the construction by the Building Inspection Division. The impervious area calculation sheets and instructions are available from...
Public Works Engineering.

5. A construction logistics plan shall be provided, addressing at minimum parking, truck routes and staging, materials storage, and the provision of pedestrian and vehicular traffic adjacent to the construction site. All truck routes shall conform with the City of Palo Alto’s Trucks and Truck Route Ordinance, Chapter 10.48, and the route map which outlines truck routes available throughout the City of Palo Alto. A handout describing these and other requirements for a construction logistics plan is available from Public Works Engineering.

6. A detailed site-specific soil report prepared by a licensed soils or geo-technical engineer must be submitted which includes information on water table and basement construction issues. This report shall identify the current groundwater level, if encountered, and by using this and other available information, as well as professional experience, the engineer shall estimate the highest projected ground-water level likely to be encountered in the future. If the proposed basement is reasonably above the projected highest water level, the engineers shall be able to construct a basement in a conventional manner with a subsurface perimeter drainage system to relieve hydrostatic pressure. If not, measures must be undertaken to render the basement waterproof and able to withstand all projected hydrostatic and soil pressures. No pumping of ground water is allowed. In general, however, Public Works Engineering recommends that structures be constructed in such a way that they do not penetrate existing or projected ground water levels.

7. This proposed development will disturb more than one acre of land. The applicant must apply for coverage under the State Water Resources Control Board’s (SWRCB) NPDES general permit for storm water discharge associated with construction activity. A Notice of Intent (NOI) must be filed for this project with the SWRCB in order to obtain coverage under the permit. The General Permit requires the applicant to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP). The applicant is required to submit two copies of the NOI and the draft SWPPP to the Public Works Department for review and approval prior to issuance of the building permit. The SWPPP should include both permanent, post-development project design features and temporary measures employed during construction to control storm water pollution. Specific Best Management Practices (BMP’s) which apply to the work should be incorporated into the design.

8. The applicant is required to paint the “No Dumping/Flows to Barron Creek” logo in blue color on a white background, adjacent to all storm drain inlets. Stencils of the logo are available from the Public Works Environmental Compliance Division, which may be contacted at (650) 329-2598. A deposit may be required to secure the return of the stencil. Include the instruction to paint the logos on the construction grading and drainage plan. Include maintenance of these logos in the Hazardous Materials Management Plan, if such a plan is part of this project.

**DURING CONSTRUCTION the applicant will be required to comply with the following measures:**

9. The contractor must contact the CPA Public Works Inspector at (650) 496-6929 prior to any work performed in the public right-of-way.

10. No storage of construction materials is permitted in the street or on the sidewalk without prior approval of Public Works Engineering.

11. The developer shall require its contractor to incorporate best management practices (BMP’s) for stormwater pollution prevention in all construction operations, in conformance with the Storm Water Pollution Prevention Plan prepared for the project. It is unlawful to discharge any...
construction debris (soil, asphalt, sawcut slurry, paint, chemicals, etc.) or other waste materials into gutters or storm drains. (PAMC Chapter 16.09).

g-k) Based on the FEMA flood insurance maps for the City of Palo Alto, the project site is not located within a 100-year flood plain. For this reason, the project would have no impact on 100 year flows and would not expose people to flood hazards associated with the 100-year flood. The site is not subject to seiche or tsunami or flooding as the result of dam or levee failure.

a-k) Mitigation Measures: None required with implementation of standard measures.

Significance after Mitigation: N/A

<table>
<thead>
<tr>
<th>I. LAND USE AND PLANNING</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></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Physically divide an established community?</td>
<td>1,2</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<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</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</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</td>
<td></td>
<td></td>
<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</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>g) Convert prime farmland, unique farmland, or farmland of statewide importance (farmland) to non-agricultural use?</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>
DISCUSSION:

a-g) The project site is located in an urban area developed with commercial and residential uses. Existing development on the 3.9 acre project site includes an approximately 65,000 square foot Elks Lodge Building with a basement fitness center/pool level, an approximately 15,000 square foot school/childcare center in separate modular buildings and an enclosed picnic area and outdoor Olympic sized pool area.

The project site is bordered to the north and northeast by existing and newly-constructed unoccupied residential structures; to the south and southeast by an apartment complex, Dinah’s Garden Hotel, Dinah’s Pool Side Grill and Trader Vic’s Restaurant; to the southwest by El Camino Real and followed by Sky Ranch Motel and to the west and northwest by vacant land under construction with new residential tract. In general, the vicinity of the project site consists of residential and commercial properties. The proposed multi-family development is consistent with the Comprehensive Plan land use designation of Multiple Family Residential. The project complies with all zoning regulations with the exception of requested Design Enhancement Exceptions (DEE) with respect to: A DEE is proposed for a four-foot setback encroachment of Unit 1 along Deodar Street. The required front setback is 20 feet. A second DEE is proposed for the side setback of Units 18 and 19 where the proposed setback is 16 feet only at a small extent of the facades. The required side setback is 20 feet because the side lot line for these two units is adjacent to R-1 zoned properties. A third DEE is proposed for the minor daylight plane encroachment for Units 15-19, perimeter units within the RM-15 zone. The current zoning requirement for daylight planes in the RM-15 zone is five feet up at the property line and angled over the parcel at 45 degrees. The requested DEEs are minor in scope and would not have any significant impacts on privacy or access to light on adjacent properties.

With respect to the new Elks Lodge, the RM-30 portion of the project site was the subject of a rezoning that occurred in 1989. The RM-15 portion of the project site was not amended in 1989. However, the portion of the project site that is now in the RM-30 zone was originally zoned CS (Service Commercial) and was rezoned to the current designation in 1989. The ordinance rezoning this portion of the project site essentially specifies that the Elks Lodge is a grandfathered use. Therefore, the new Elks Lodge, which is a continuation of the existing grandfathered use, would not be subject to a Conditional Use Permit.

This project site (8.08 acres including the Juniper Homes Development) is listed in the Housing Sites Inventory of the Comprehensive Plan as one of 16 potential housing sites most suitable for residential purposes. The targeted number of homes for this project site, as noted in the Housing Site Inventory of the Housing Element, is a minimum of 97 dwelling units. A total of 50 residential units are proposed in the Palo Alto Elks Residential development and the Juniper Homes development. This means that there would be a loss of 47 potential housing units. However, this loss has been balanced by other housing development projects that have been approved on sites listed in the Inventory and at other locations not on this list.

A Design Enhancement Exception has also been requested as reviewed in the preliminary application for the new Elks Lodge. The maximum height allowed for structures in the RM-30 zone is 35 feet. The proposed Elks Lodge has a maximum height of 40 feet. However, this maximum height is only at certain
portions of the building elevation and is therefore very minor in scope. Additional DEEs may or may not be requested during the formal review stage. Such additional DEEs, if requested for the new Elks Lodge, would be evaluated in a separate environmental assessment during the formal application review stage for the Elks Lodge.

The project site is not located in an area that is protected by an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state conservation plan.

The proposed project does not include any features that would physically divide an established community. Examples of projects that have the potential to physically divide an established community include new major roadways or railroad lines.

Mitigation Measures: None

Significance after Mitigation: None

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

DISCUSSION:

The project will not impact known mineral or locally important mineral resources.

Mitigation Measures: None

Significance after Mitigation: None
K. NOISE

<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>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</td>
<td>1,2,10</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Exposure of persons to or generation of excessive ground borne vibrations or ground borne noise levels?</td>
<td>1,2</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td>1,2,10</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td>1,2,10</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>e) For a project located within an airport land use plan or, where such a plan has not been adopted, would the project expose people residing or working in the project area to excessive noise levels?</td>
<td>1</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<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</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

DISCUSSION:

a-f) The Natural Environment Element of the City’s Comprehensive Plan identifies noise and land use compatibility standards for various land uses. The City’s goal is to: (1) Locate new land uses and development projects in areas with compatible noise levels, (2) Minimize the noise created by new development and its impact on existing land uses, and (3) minimize disturbances within the City due to excessive noise. Furthermore, new multi-family housing in California is subject to the environmental noise limits in Appendix Chapter 1208A.8.4 of the California Building Code. The noise limit is a maximum interior noise level of 45 dBA DNL (which stands for Day-Night Level and is a 24-hour average of noise levels, with a 10dB penalty applied to noise occurring between 10:00 p.m. and 7:00 a.m.). Where exterior noise levels exceed 60 dBA DNL, a report must be submitted describing the noise.
control measures that have been incorporated into the design of the project to meet the 45 dBA DNL limit.

The local noise environment results primarily from vehicular traffic on El Camino Real and West Charleston Road. Local traffic on Wilkie Way also contributes to measured noise levels away from West Charleston Road. In addition, the sound of train horns from the CalTrain corridor which is approximately one-half mile away are intermittently audible. Based on the Hyatt Ricky’s Hotel and Residential Project Draft EIR, the estimated noise exposure at the El Camino Real street frontage (60 feet from the centerline of the road) is 67 to 69 dBA DNL. Based on this EIR, the noise levels along Wilkie Way (measured at 25 feet from the centerline of Wilkie Way was 61 dBA DNL. Given that the proposed Summerhill Homes development would be located approximately 300 feet from El Camino Real and approximately 200 feet from Wilkie Way, it is anticipated the average noise levels would be below the 60 dBA DNL range. The proposed project includes a public outdoor park area. The shielding provided by the proposed residential homes on Wilkie Way would reduce outdoor noise levels in the common outdoor use area.

The future development of the Elks Lodge and its noise impacts on this project development will be evaluated in a separate environmental assessment. Nonetheless, compliance with the City’s Noise Ordinance would be required for the new Elks Lodge development.

As described in the Transportation section of this report, the project would not result in any net new trips on the roadways. Typically, traffic volumes on a roadway must double to result in a substantial noise increase. Roadway volumes in the project area would not double as a result of the proposed project. Therefore, traffic generated by the proposed project would not result in a significant noise impact.

Typically, small residential project do not generate significant noise impacts when standard construction noise control measures are enforced at the project site and when the duration of the noise generating demolition and construction period. The demolition of the existing Elks Lodge and accessory structures is estimated to last approximately one and one-half months. It has not been specified at this time when the construction of the new Elks Lodge would commence. The construction of the proposed townhomes is anticipated to last a total of 18 months. Construction noises associated with projects of this type are disturbances necessary for the construction or repair of buildings and structures in urban areas. Reasonable regulation of the hours of construction, as well as regulation of the arrival and operation of heavy equipment and the delivery of construction materials is necessary to avoid significant noise impacts. City development standards would reduce potential negative impacts of the project to less than significant.

The project site is not in the vicinity of a private air strip.

**Standard Measure:**
As a standard measure, prior to issuance of building permits, the project developer for the Palo Alto Elks Residential development shall retain a qualified acoustical consultant to check the building plans for all units to ensure that interior noise levels can be sufficiently attenuated to 45 DNL to the satisfaction of the City Building Official. All aspects of the project are required to be in compliance with the City’s Noise Ordinance.
Mitigation Measures: None required with implementation of standard measures.

Significance after Mitigation: N/A

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### 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>
</tr>
</thead>
<tbody>
<tr>
<td>Would the project:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<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>1,2,8</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?</td>
<td>1</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</td>
<td>1</td>
<td></td>
<td>X</td>
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</tr>
</tbody>
</table>

**DISCUSSION:** According to the Comprehensive Plan, in 1996, the population in Palo Alto’s sphere of influence was 58,000 people. The population is projected to increase to 62,880 by 2010. The proposed residential portion of the project would add 45 units to the housing stock and would cumulatively contribute to increased population in the area. The average household size in Palo Alto is 2.24 persons, which would mean the project, with 45 dwelling units, could generate an average of 101 more people.

The project’s cumulative impacts for the purposes of CEQA are also considered less than significant, as the population impact from the project alone is not considerable. City development standards, development fees and standard conditions of project approval reduce potential negative impacts of the project to less than significant.

**Mitigation Measures:** None

**Significance after Mitigation:** N/A
### M. PUBLIC SERVICES

<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>
<td></td>
<td></td>
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<td></td>
</tr>
<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:</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Fire protection?</td>
<td>12</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Police protection?</td>
<td>12</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Schools?</td>
<td>1</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Parks?</td>
<td>1,2</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Other public facilities?</td>
<td>1,2</td>
<td></td>
<td></td>
<td>X</td>
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</tr>
</tbody>
</table>

### DISCUSSION:

**Fire:** The project would not increase the urban area protected by the City’s Fire Department or require new facilities. Development allowed in the proposed project would be constructed in conformance with current fire and building codes. The project design would also be reviewed by the City’s Fire Department.

**Police Service:** The project would not increase the urban area protected by the City’s Police forces or require new police facilities. The project design would be reviewed by the City of Palo Alto Police department to ensure that it incorporates appropriate safety measures to minimize criminal activity. The City’s police department has reviewed and approved the proposed public park design and lighting.
**Schools:** The project site is located within the boundary of the Palo Alto Unified School District (PAUSD). Students from the project development would attend Juana Briones Elementary School, Terman Middle School and Gunn High School.

Using the PAUSD student generation rates: 5 students would be generated from the proposed 7 below market rate units (7 units at a ratio of .70 children per unit), and approximately 35 students from the remaining 38 detached townhouse residences (at a rate of .90 students per unit), for a project total of approximately 40 additional students. Current enrollment in PAUSD is already beyond capacity. PAUSD has already been informed by City Staff of the proposed Palo Alto Elks Residential development and the adjacent Juniper Homes development of five single family homes, and will include the new student figures in its district-wide enrollment forecasts. The California appellate court has determined that overcrowding is not considered a significant effect under CEQA [*Goleta Union School District v. The Regents of the University of California*, 35 Cal. App. 4th 1121 (1995)]. Rather, the increase in students from a project is only significant if such a school would create any environmental impacts. School impact fees are applicable to the Palo Alto Elks Residential portion of the project.

**Parks and Public Facilities:** The City of Palo Alto’s Parkland Dedication Ordinance (PAMC Chapter 21.50) requires residential developers to dedicate public park land or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. The acreage of parkland/fee required is based on a formula specified in PAMC Chapter 21.50. The project developer has chosen to dedicate parkland for public use. According to the formula contained in PAMC chapter 21.50, the applicant is required to dedicate approximately .23 acres. The proposed project more than satisfies this requirement by providing approximately .48 acres.

**Standard Measure:** The project will be required to comply with PAMC Chapter 21.50

**Libraries:** The incremental increase in demand upon library services that would result from the proposed project will not trigger the need to construct a new library and would not result in a significant impact to library facilities.

**Mitigation Measures:** Implementation of the standard measure would result in less than significant impacts.

**Significance after Mitigation:** N/A
### N. RECREATION

<table>
<thead>
<tr>
<th>Issues and Supporting Information Resources</th>
<th>Sources</th>
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<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Would the project:</td>
<td></td>
<td></td>
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<td></td>
<td></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 facility would occur or be accelerated?</td>
<td>1,3,6,12</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?</td>
<td>1,3,6,12</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

**DISCUSSION:** There would not be a significant change in the demand of existing recreational services as a result of the proposed project. The Elks Residential portion of the project proposes a new park that would be dedicated for public use to serve the nearby residents. Its proposed size at .48 acres is similar to a mini-park as defined in the City Code, which is .5 acres in size. The new Elks Lodge would have primarily recreational uses. However, the existing Elks Lodge and the new Elks Lodge have similar square footages and types of recreational uses such that it is expected that there would not be adverse impacts on the environment.

*Mitigation Measures: None*

*Significance after Mitigation: None*

### O. TRANSPORTATION AND TRAFFIC

<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>
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<td>Would the project:</td>
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<td>a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial</td>
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<td>Issues and Supporting Information Resources</td>
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<td>Would the project:</td>
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<td>increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections?</td>
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<td>X</td>
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<tr>
<td>b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?</td>
<td>8</td>
<td></td>
<td></td>
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<td>X</td>
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<tr>
<td>c) Result in change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?</td>
<td>8</td>
<td></td>
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<td>X</td>
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<td>d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</td>
<td>8</td>
<td></td>
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<td>e) Result in inadequate emergency access?</td>
<td>8</td>
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<td>f) Result in inadequate parking capacity?</td>
<td>8</td>
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<td>g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian, transit &amp; bicycle facilities)?</td>
<td>8</td>
<td></td>
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<td>X</td>
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<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>8</td>
<td></td>
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<td>X</td>
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<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>
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<td></td>
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<td>j) Cause a regional intersection to</td>
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<td>Would the project:</td>
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<td>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>8</td>
<td></td>
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<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>8</td>
<td></td>
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<td>X</td>
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<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>8</td>
<td></td>
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<td>X</td>
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<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>8</td>
<td></td>
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<td>n) Impede the development or function of planned pedestrian or bicycle facilities?</td>
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<td>o) Impede the operation of a transit system as a result of congestion?</td>
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<td>p) Create an operational safety hazard?</td>
<td>8</td>
<td></td>
<td></td>
<td>X</td>
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</table>

**DISCUSSION:**

a-p) The existing Elks Lodge facility, including the fitness and recreation center and the 230 student school facility (which is no longer at the site as of April 2007) was estimated to generate 2,323 daily trips, 220 AM peak-hour trips, and 310 PM peak hour trips. Traffic impacts of both the future Elks Lodge and the Palo Alto Elks Residential project were evaluated in the Fehr and Peers traffic analysis.
The proposed project, including the reconstructed Elks Lodge with recreation and fitness facilities for Elks members, and the construction of 45 primarily detached residential units, is estimated to generate 349 fewer daily trips, 126 fewer AM peak-hour trips, and 85 fewer PM peak hour trips. The trip reduction is due to the removal of the 230 student school/child development facility that will not be part of the project. The project proposes a southbound left turn pocket on El Camino Real to access Deodar Street. The applicant for the Palo Alto Elks Residential portion of the project will be seeking the necessary permits from the California Department of Transportation for the proposed modification to El Camino Real.

Intersection Level of Service Analysis

Intersection operations were evaluated at eight study intersections with level of service calculations during the weekday morning (AM) and evening (PM) peak periods for Existing, Background, Project, Cumulative (2015) No Project conditions and Cumulative (2015) Plus Project conditions. All intersections are projected to operate at improved levels of service under the project scenarios compared with the Existing, Background, or Cumulative Conditions for both the AM and PM peak-hours. Thus, no significant impacts were identified.

Project Roadway Analysis

Based on the proposed trip assignment on the project driveways, a southbound left turn pocket of 175 feet is recommended to accommodate inbound vehicles. No significant queues are projected on Deodar Street. However, the Fehr and Peers traffic analysis recommends that this intersection be monitored as described below in Mitigation Measure TRAN-1. The on-site circulation is considered acceptable with the addition of three items at the future Elks Lodge site, as noted in the Fehr and Peers traffic analysis. These requirements have been included as mitigation measures under Mitigation Measure TRAN-2.

Mitigation Measure TRAN-1:

The El Camino Deodar Street intersection shall be monitored to ensure that adequate gaps are provided. The intersection could be modified to prohibit left-turns out and/or traffic signal installation could be considered if the available gaps do not accommodate the turning movement volumes.

Mitigation Measure TRAN-2:

To bring on-site circulation to acceptable standards, the following items shall be implemented in the project:

a. Stop signs along the north-south circulation aisle at the underground garage ramp for the Elks Lodge parking lot.

b. Crosswalk at the throat of the garage access, near the Elks Club drop-off area.

c. “Exit Only” or “Do Not Enter” signs at the intersection of the drop-off area and garage driveway.

Bicycle and Pedestrian Analysis

The project is expected to have a less than significant impact to the pedestrian, bicycle, and transit facilities since adequate pedestrian facilities are provided. The proposed project does not conflict with existing or planned bicycle and pedestrian facilities, and existing transit service is provided within one-
quarter mile of the project site. The Elks Lodge facility will be required to provide the necessary bicycle parking facilities specified in the City Code.

Parking Analysis
On site parking for the Elks Residential portion of the project meets the parking requirements specified in PAMC Chapter 18.83. Parking estimates for the Elks Lodge are on-going and will be evaluated in a more specific environmental assessment for the new Elks Lodge. However, the Elks Lodge facility will be required to provide all required parking spaces on-site based on the uses of the lodge.

Mitigation: None required.

Significance after Mitigation: N/A

<table>
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<th>P. UTILITIES AND SERVICE SYSTEMS</th>
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<td>Issues and Supporting Information Resources</td>
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<td>Issues and Supporting Information Resources</td>
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<tr>
<td>Would the project:</td>
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<tr>
<td>capacity to serve the project’s projected demand in addition to the provider’s existing commitments?</td>
</tr>
<tr>
<td>f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?</td>
</tr>
<tr>
<td>g) Comply with federal, state, and local statutes and regulations related to solid waste?</td>
</tr>
<tr>
<td>h) Result in a substantial physical deterioration of a public facility due to increased use as a result of the project?</td>
</tr>
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</table>

**DISCUSSION:**

a-h) The proposed project would not significantly increase the demand on existing utilities and service systems, or use resources in a wasteful manner. As standard conditions of approval, the applicants for both developments in the project will be required to submit calculations by a registered civil engineer to show that on-site and off-site water, sewer and fire systems are capable of serving the needs of the development and adjacent properties during peak flow demands. Trash and recycling facilities are proposed in the project to accommodate the expected waste and recycling streams that would be generated by the expected uses within the building.

**Mitigation Measures:** None

**Significance after Mitigation:** N/A
## 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>1,2,7</td>
<td></td>
<td>X</td>
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<td>b) Does the project have impacts that are individually limited, but cumulatively considerable? (&quot;Cumulatively considerable&quot; 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>1,2,10</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>1,4</td>
<td></td>
<td>X</td>
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</table>

### DISCUSSION:

a) Based on the analysis conducted in this Initial Study, the project does not have the potential to substantially reduce the habitat of a fish or cause a fish or wildlife population to drop below self-sustaining levels, or reduce the number or restrict the range of a rare or endangered plant or animal. However, the project does have the potential to impact nesting birds and trees on the site as a result of demolition and construction activities. With the implementation of the mitigation measures included in
the project and described in the specific sections of this report, the proposed project would result in less than significant environmental impacts.

b) With the implementation of mitigation and standard measures identified in this environmental document, the proposed project would have no cumulatively considerable impacts. The project has been analyzed with respect to demolition and traffic impacts of the proposed project which includes the Palo Alto Elks Residential development and has taken into consideration potential impacts of the new Elks Lodge for which a formal application has not yet been submitted. Any specific potential impacts with respect to parking, lighting and noise impacts created by the new Elks Lodge would be analyzed further based on review of the formal application for the Lodge, which has not yet been submitted.

c) The potential effects of the proposed project on human beings have been analyzed in this document. The proposed project will not cause substantial adverse effects on human beings, either directly or indirectly, upon implementation of standard measures identified in this report and as will be incorporated in the project conditions of approval.

SOURCE REFERENCES

1. Project Planner’s knowledge of the site and the proposed project.
12. Departmental communication/memos from Fire, Utilities, Public Works, Police, Planning Arborist, Real Estate, Community Services that address environmental issues.
ATTACHMENTS


PREPARED BY

Lata Vasudevan, AICP, Planner

MANAGER REVIEW

Amy French, AICP, Current Planning Manager
DETERMINATION

On the basis of this initial evaluation:

<table>
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<tr>
<th>I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.</th>
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<tr>
<td>I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.</td>
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<tr>
<td>X</td>
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<tr>
<td>I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.</td>
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<td>I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect: 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.</td>
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<tr>
<td>I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.</td>
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</table>

Project Planner

Date: Oct. 25, 2007

Director of Planning and Community Environment

Date: Oct. 25, 2007
February 28, 2008

VIA U.S. MAIL and EMAIL.

Mayor Larry Klein and Members of the City Council
City of Palo Alto
250 Hamilton Avenue
Palo Alto, CA 94301

Re: 4249 El Camino Real - Summerhill Homes
Tentative Maps - City Council Agenda March 24, 2008

Dear Mayor Klein and Members of the Council:

This letter is written on behalf of Summerhill Homes, the applicant on the above-referenced project. We wish to address only the issue of potentially requiring access through the subject property from Wilkie Way.

We understand that, although this matter had been discussed previously and it had been decided that no such access was appropriate, the issue was again raised at the January 28, 2008, City Council meeting.

As the City Council was advised by the City Attorney, there is no nexus between either the two-lot tentative map proposal, or the condominium tentative map proposal to a requirement that such access to Wilkie Way be provided. In other words, this project does not cause any perceived access problem and cannot be required to solve it. See Dolan v. City of Tigard (1994) 512 U.S. 374; Nollan v. California Coastal Commission (1987) 483 U.S. 825; Ehrlich v. City of Culver City (1996) 12 Cal. 4th 854.
Mayor Larry Klein and Members of the City Council  
February 28, 2008

SummerHill is putting forth a proposal that would allow an alternative form of access in the event the City Council takes the appropriate steps to help implement access from Wilkie Way to the project. We believe this is a reasonable proposal but do wish to stress that, absent such a voluntary agreement, such an alternative access cannot be imposed on this project.

The residential development project has been approved by the ARB and the Director of Planning and Community Environment subject to a mitigated negative declaration. That decision was not challenged, and the time for challenging it has now passed. The subdivision maps must be approved, since none of the conditions for denial set out in Government Code Section 66474 exist.

We urge your approval of these maps. If you or the City Attorney have any questions, please feel free to contact the undersigned.

Very truly yours,

BERLINER COHEN

ANDREW L. FABER
E-Mail: andrew.faber@berliner.com

ALF:cem
cc: Jim Baer, Premier Properties
    Elaine Breeze, SummerHill Homes
    Margaret A. Sloane, Esq.
    Gary Baum, City Attorney
    Don Larkin, Assistant City Attorney
    Steve Emslie, Director of Planning and Community Environment
    City of Palo Alto Planning Commission
February 28, 2008

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

Re: 4249 El Camino Real - SummerHill Homes
Vesting Tentative Condominium Map - March 12, 2008 Agenda

Dear Planning Commissioners:

This letter is in reference to the Planning Commission hearing on March 12, 2008 regarding the above-referenced application. The Architectural Review Board and the Director of Planning and the Community Environment approved the subject 45-unit residential project on October 30, 2007. A Notice of Determination for a Mitigated Negative Declaration was recorded with the Santa Clara County Recorder’s Office on October 26, 2007, as required under the California Environmental Quality Act. Both the ARB/Director’s approval and the Notice of Determination are beyond any appeal period. At this time, SummerHill Homes is requesting approval for a Vesting Tentative Condominium Map for a single lot condominium with 45 residential units, subdividing this approved project per the Subdivision Map Act and City of Palo Alto Municipal Code.

Subdivision
The proposed subdivision is a single lot condominium subdivision containing 45 residential condominium units. Each unit owner will own their unit, which is defined as the residential structure including the building exterior. In addition, each owner will be granted exclusive use easements for any enclosed yards, decks, driveway aprons and fences. Each unit owner will be responsible for the maintenance of the residential structure and improvements within their respective exclusive use areas.

The private roadways, common area landscaping and walkways, parking areas, and park facilities will owned by the community Homeowners Association and will be deeded to the Association. These improvements will be maintained by the Association.

Public Access and Private Streets
Please see letter to the Palo Alto City Council from SummerHill Homes dated February 27, 2008.
SummerHill Homes

We request your support of our project and appreciate your respect for the process. Please call me at (650) 842-2306 or email me at ebreeze@shhomes.com should you have any questions or need any additional information. We look forward to creating another SummerHill Homes Community of Distinction in Palo Alto.

Very truly yours,

[Signature]

Elaine Breeze
Sr. Vice President

Enclosures

cc: Elena Lee, City of Palo Alto Planning Department
Benevolent Protective Order of Elks, Palo Alto
Andrew L. Faber, Esq., Berliner Cohen
Jim Baer, Premier Properties
February 27, 2008

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

Re: 4249 El Camino Real - SummerHill Homes
     Vesting Tentative Condominium Map - March 12, 2008 Agenda

Dear Planning Commissioners:

On behalf of the Benevolent Protective Order of Elks of Palo Alto (BPOE), the purpose of this letter is to respond to City Council members’ comments at the January 28, 2008 public hearing concerning the requested approval of a two-parcel Tentative Map to subdivide the approximately 7 acre Elks Lodge Site into two lots for a new lodge and multi-family residential project.

I will be out of the country for the March 12 hearing and wanted to provide this letter offering public access on behalf of the BPOE.

Some of the questions raised by the City Council related to the 45-unit housing development by SummerHill Homes ("SHH") and the future development by BPOE of a new fraternal lodge. This letter provides information about the future BPOE development.

The approximately 3-acre lot fronting onto El Camino Real will be retained by BPOE and developed as a new fraternal lodge and family-oriented community and commercial recreation center including family swimming facilities. A preliminary ARB application has been reviewed by the ARB. A formal application will be submitted this spring. The second approximately 4-acre lot will be developed with 45 multi-family residential units by SHH. SHH has received its ARB approval.
At the January 28 hearing, there was a request from City Council for the BPOE to consider providing a public access path from the Elks parcel to the park that will be dedicated as part of the SHH project.

BPOE commits to provide public access easements for its substantial plaza and canopy-lined entry at El Camino and Deodar. SHH will provide plans indicating the extent of the El Camino entry that will be offered by BPOE as part of its project plans.

Creating a public access entry at Deodar and El Camino invites the community into the site along Deodar and to the SHH dedicated park. There is no other opportunity to provide public access across the BPOE site. The BPOE service yard and truck delivery entry is at the southern edge of the BPOE site along El Camino. This service area is directly adjacent to a similar service area for trucks, parking, deliveries and refuse for Dinah’s Hotel and Trader Vic’s restaurant.

As indicated above, the BPOE new lodge will require ARB review. Formalizing of the public access at the BPOE project will be accomplished through ARB conditions.

Thank you for your consideration.

Very truly yours,

Jim Baer

cc: Elena Lee, City of Palo Alto Planning Department
    Denis Lose, Benevolent Protective Order of Elks, Palo Alto
    Sandy Sloan
    SummerHill Homes
January 31, 2008

Gary Baum, City Attorney and
Don Larkin, Assistant City Attorney
City Attorney’s Office
City of Palo Alto
250 Hamilton Ave., 8th Flr.
Palo Alto, CA 94301

Re: SummerHill Homes and Elks Subdivision Approval

Dear Don and Gary:

I am writing, as counsel to the Elks Lodge, to follow up on the discussions Don and I had on January 24, 2008 with Steve Emslie, Elaine Breeze of SummerHill Homes and Jim Baer, who is working with both the Elks and SummerHill. Both the Elks and SummerHill were very distressed that the City Council continued its approval of the Elks 2 lot subdivision because of concerns about access to Wilkie Way and review of SummerHill’s tentative subdivision map for residential development. We have urged Steve Emslie to place the 2 lot subdivision map back on the City Council agenda as soon as possible. Delaying that map will have severe financial consequences for both the Elks and SummerHill.

1. **Access to Wilkie Way.** Pedestrian/bicycle access to Wilkie Way was discussed thoroughly by the previous council and the council declined to require this. Perhaps this was the wrong decision. However, SummerHill and the Elks should not be held hostage to a problem they did not create and cannot solve. Although I was not involved in the DR Horton project that replaced Rickey’s, it is my understanding that the City Council extensively discussed a path thorough that project to Wilkie Way. Even though Horton was amenable to such a path, after hearing from many neighbors of the project, the Council declined to require such a path.

I did represent the Elks at the time the Elks divided the back portion of their property, which has always been designated R-1, and sold it to Juniper Homes in order to raise money to design a new Elks Lodge. Juniper Homes divided this property into 5 lots and at the City Council hearing, Juniper Homes stated it was willing to dedicate a pedestrian/bike path over the EVA across its property that would connect to Deodar
Drive. Once again, an applicant was willing and, once again, the Council, after hearing from neighbors, declined to impose this condition.

SummerHill and the Elks should not now be held up because the council twice decided not to require a path. The Elks no longer own property that is contiguous to Wilkie Way. There is no possible nexus between a 2 lot subdivision and a pedestrian path. Any mitigation measure must not only have a nexus to the impacts of the project, it must be roughly proportional to the impacts, Dolan v. City of Tigard. 512 U.S. 374(1994).

2. SummerHill’s residential tentative map. The design of SummerHill’s residential development underwent environmental review with opportunity for public comment, the Director of Planning and Community Environment (after ARB recommendation) approved the Mitigated Negative Declaration and a Notice of Determination was filed with the County. The time for challenging that decision has passed. The ARB held several public hearings on the project—on the proposed design of the layout of lots, on the street pattern, on the location of a park etc. and approved the current plan. No one appealed this decision to the Council, and it is too late to do so now. The design cannot be legally altered. As we discussed, the subdivision map merely fulfills a condition of approval that the property be divided in accordance with the approved design. None of the criteria for turning down a subdivision map, set out in Government Code Section 66474, are present.

The State’s Permit Streamlining Act anticipates that projects will be timely processed. The City’s procedures, to comply with an audit and Council direction, do the same. We urge you to urge the staff to reagendaize the 2 lot subdivision and reiterate to the Council that they do not have authority to hold up a 2 lot map and/or the residential subdivision, whose design was previously approved. SummerHill and the Elks do not want to be held hostage to former council “mistakes” or philosophical discussions about private roads that may apply to future subdivisions that have not yet been approved.

Please give me a call if you want to discuss these issues in more detail.

Sincerely,

Margaret A. Sloan

Cc: Steve Emslie
    Mike Siri
    Jim Baer
    Elaine Breeze

N:\DATA\Clients\ED\Elks\Corres\LetterBau&Lar-O.in.doc
February 27, 2008

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

Re: 4249 El Camino Real - SummerHill Homes
Tentative Maps - City Council Agenda March 24

Dear City Council Members:

The purpose of this letter is to respond to City Council members’ comments at the January 28, 2008 public hearing concerning the SummerHill Homes project.

Two-Parcel Subdivision Map
The application presented for action at the January 28 hearing requested approval of a two-parcel Tentative Map for subdivision of the existing Elks’ Lodge single parcel consisting of approximately 7 acres. The first lot would be a parcel fronting along El Camino of about 3 acres that will be developed as a new Elks fraternal lodge and recreation facility. The second lot of about 4 acres will be developed into a 45-unit multiple family housing project by SummerHill Homes. After four public hearings, the ARB and the Director of Planning and the Community Environment approved the 45-unit residential project on October 30, 2008. A Notice of Determination for a Mitigated Negative Declaration was recorded with the Santa Clara County Recorder’s Office on October 26, 2007, as required under the California Environmental Quality Act. Both the ARB/Director’s approval and the Notice of Determination are beyond any appeal period.

At the January 28 hearing, the Council discussed several items, including: (i) public pedestrian access from Wilkie Way to the SummerHill Homes project and further on to El Camino Real; and (ii) the perceived problems of allowing residential developments to develop private streets. While the City Attorney advised the Council that the California Government Code through the Map Act limited the review available by the Council, and that these subjects were, therefore, not within the review authority of the Council for the two-parcel Tentative Map, action was
continued until March 24th at which time the two-parcel Tentative Map can be reviewed along with the 45-Unit residential Tentative Map.

This continuance allows us to provide more comprehensive information about public access and private streets.

Public Access

1. Access from Wilkie Way Denied Repeatedly by City Council Actions.

Throughout review of the proposed Hyatt/Rickey’s hotel/housing development, the Charleston Meadows Neighborhood Association was opposed to a pedestrian connection from Wilkie Way to both the Hyatt Rickey’s development and the Elks site.

In 2005, when approving the various DR Horton Subdivision Maps, the City Council voted to deny public access, including bicycle and pedestrian access, from Wilkie Way. Again, in July 2007, the City Council rejected the offer by Juniper Homes to create public access from Wilkie Way through its 5-parcel site facing onto Wilkie Way and directly in front of the SummerHill Homes project. Given the offer of Juniper Homes to provide a Wilkie Way connection, SummerHill Homes agreed to extend the Juniper Homes connection through our project through our new park to along Deodar Drive.

During the public review process for both the Juniper Homes project and the SummerHill Homes project, several meetings were held with the Board and Members of the Charleston Meadows Neighborhood Association. The CMNA Board and a majority of the CMNA membership stated their continued opposition to a Wilkie Way pedestrian/bicycle connection. After having offered a pedestrian/bicycle connection and being requested by CMNA not to provide access, Juniper Homes is well under way with construction. At the request of CMNA, the SummerHill Homes application also did not include a future connection point for potential access to Wilkie Way.

We understand that CMNA is currently conducting another survey of its membership to see if they would support a connection through the Dinah’s property.

2. The SummerHill Homes Approved Plan Offers a Point of Connection.

Recognizing that the SummerHill Homes site has no Wilkie Way frontage, City staff and the ARB requested that our plan provide a future connection point. During our public hearings, the future access location was determined as shown on Exhibit A. This future point of connection, visible to the public, is approximately 50 feet wide, and provides a direct route from Deodar Drive through our main entry drive, Street A. This future point of connection is approximately 350 feet from Deodar Drive, and 470
SummerHill Homes

feet from Wilkie Way and our future park, respectively. This plan creates a comfortable opening with convenient and safe pedestrian passage.

In response to January 28, 2008 comments by City Council members, SummerHill Homes will include provisions in the project's CC&R's, in the event access is obtained from the Dinah's field, permitting the City to modify the shared perimeter fence and install way finding signage within the community. **Exhibit B**

3. Welcoming Public Access from El Camino Real along Deodar Drive.

Sharing the same landscape architect, the Elks Lodge and SummerHill Homes have been working together to create an attractive, pedestrian friendly experience along Deodar Drive starting at the entry from El Camino Real leading to the new park.

Using the significant redwoods to be preserved within the park as a common design thread, the new Elks Lodge will feature a large entry plaza (over fifty feet wide) at the entry to Deodar Drive along El Camino Real with a bermed landscaped redwood grove along Deodar Drive, and a separated sidewalk with street trees. Through their representative, Jim Baer, the Elks have committed to grant public access easements to the future entry plaza, walkways and redwood groves.

The first entry to the SummerHill Homes community will be framed with specimen size redwood trees to complement the large preserved redwoods that will frame the community’s second entrance, again, with a separated sidewalk and street trees - all leading to the new park. A notable change will be the removal of the asphalt driveway currently at the curve of Deodar Drive that will be replaced with landscaping and pedestrian paths as part of the new park. **Exhibit C**.

4. Alternative Path Designs Offered by SummerHill Homes.

At the January 28 hearing, the City Attorney pointed out to that there was no legal "nexus" by which the City could require SummerHill Homes to revise its plans to add additional access paths or to acquire offsite land. While SummerHill Homes agrees with the position of the City Attorney that the City cannot mandate a second access point, SummerHill Homes has been asked by City Staff to consider revising its plans to incorporate a potential second point of connection along Units 18 and 19. In response to this request, SummerHill Homes is prepared to offer an alternative path and future point of connection. **Exhibit D**.

Should the City acquire access rights along the Dinah's field on or before March 24, 2009, this path would be incorporated into the project. This allows the City a full year to acquire rights. This requires reducing private open space areas for 2 units, redesigning the parking area, reducing the side yard on Unit 10, and relocating a transformer. Should the City accept this offer for an alternate path as depicted in Exhibit D, SummerHill Homes will incorporate the design into the project Final Map, C C and R’s, construction documents and associated project documents and would likewise construct this path as part of the community construction. If this alternative
path is provided, SummerHill Homes would no longer offer the point of connection shown on Exhibit A.

**Private Streets & Public Access**
Council Members raised concerns about the creation of private streets in multiple family development projects. The creation of "gated" communities was the focus of Council concerns with this subject to return to City Council for future discussion. It is our understanding that all recent multiple-family projects have been developed with private streets, and that none of them included gates.

Due to public works maintenance costs and public liability concerns, SummerHill generally develops infill multiple-family housing communities with private streets. The private street and sidewalk widths are designed to be safe for pedestrians, vehicles, and refuse and emergency trucks and vehicles. They are maintained by the Homeowners Association.

In response to Council’s concern regarding a "gated" community feel at our project, SummerHill Homes will dedicate public access easements over all streets and circulation sidewalks within the project tentative map. **Exhibit E.**

* * * * * * * * * *

We request your support of our project and appreciate your respect for the process. Please call me at (650) 842-2306 or email me at ebreeze@shhomes.com should you have any questions or need any additional information. We look forward to creating another SummerHill Homes Community of Distinction in Palo Alto.

Very truly yours,

Elaine Breeze
Sr. Vice President

Enclosures

Cc: City of Palo Alto Planning Commission
Elena Lee, City of Palo Alto Planning Department
Benevolent Protective Order of Elks, Palo Alto
Andrew L. Faber, Esq., Berliner Cohen
Jim Baer, Premier Properties
Future Public Access Connection

In the event the City of Palo Alto obtains access rights connecting the sidewalk at the southerly border of the project at Unit 9 to the adjacent property, the Association shall grant the city of Palo Alto the right to remove the property line fence as depicted on Exhibit B. Association also agrees that, should said access be obtained, that the City shall have the right to install a X-X pedestrian wayfinding sign between Units 7 and 8.

EXHIBIT B
Elks Residential – SummerHill Homes

PROJECT DESCRIPTION

February 28, 2008

Site Background
SummerHill Homes is acquiring approximately 4 acres of land from the Benevolent and Proud Order of Elks ("BPOE"). The SummerHill Homes project is part of a larger project totaling 8+ acres that has been under study by the BPOE for over ten years. The BPOE 8+ acre site is improved with a fraternal lodge and community and commercial recreation center that includes meeting rooms, a banquet hall, beverage service, offices and a gymnasium and pool facility. There was also a childcare center on the property near Wilkie Way.

The BPOE facility is nearly 50 years old and is in need of redevelopment in order to serve the needs of current BPOE members and future members and families. In 2006, the BPOE developed a land use plan for the entire 8+ acre parcel with the assistance of consultants and with input and review from the Planning Staff of the City of Palo Alto. The 8+ acre site is being redeveloped into three components:

- Fronting onto Wilkie Way will be five parcels totaling just less than one acre that will be developed as 5 single family detached homes all of which will be 2-story homes. These homes will face onto Wilkie Way maintaining the R-1 character of the Wilkie Way frontage. As requested by Wilkie Way neighbors, there will be no vehicular ingress or egress to the remainder of the BPOE site via this property.

- Fronting onto El Camino Real will be a 3+acre site that will be retained by BPOE and developed as a new fraternal lodge and family-oriented community and commercial recreation center including family swimming pools. A preliminary ARB application was reviewed by ARB for the new lodge and a formal application will be submitted this spring.

- The middle parcel, between the five Wilkie Way single-family homes, and the future BPOE lodge and recreation center, consists of nearly 4 acres. SummerHill Homes proposes to subdivide this 4-acre site with its approved 45 unit multi-family townhome project and park which is the subject of this application.

Project Description
The project consists of 45 multi-family units (35 detached and 10 duet units), two and three-story townhomes with private streets and a publicly accessible park, as well as pedestrian-oriented landscaped common and private open space areas. The townhomes would range from approximately 1768 to 2365 square feet, with three or four bedrooms and two-car garages. The project density is approximately 11.4 units per acre, and 13 units per acre net of the park.
Site Plan

Primary ingress and egress is provided from Deodar Street at two locations, with an emergency vehicle access road to Wilkie Way along the northeasterly property line. Public access easements will be dedicated over all streets and circulation sidewalks, as well as the park.

The site plan considers the varied adjacencies of this infill property with an overall objective of creating a well-designed residential community that embraces the high quality existing trees onsite and provides a meaningful onsite public park including a variety of recreational opportunities. These varied adjacencies include:

i) Multi-family residences being constructed by DR Horton to the north along Deodar Street (primarily Cedar Townhomes, 2 and 3 story detached townhomes ranging from 2065 to 2893 square feet);
ii) New two-story single family homes on conventional lots fronting onto Wilkie Way backing up to the subject project site (Juniper Homes);
iii) Vacant land with existing 2-story multi-family residential beyond and a 3-story hotel building to the southeast;
iv) A future Elks Lodge to be proposed, a non-residential use, to the west along El Camino Real.

The plan combines a variety of townhome unit types and sizes to create a community that addresses these various surrounding uses, and maximizes resident livability and pedestrian opportunity.

Deodar Street and Paseo-Fronting Units – Plans 1, 4, 5, & 1/5

The units along Deodar Street are rear-loaded, creating a strong pedestrian frontage to mirror the DR Horton Cedar detached townhomes along Deodar on the opposite side of the new median. Units flanking the first entry to the community are 2 and 3-story duets (Plan 1/5), creating a comfortable massing as one approaches the site entry, scaling up to 3-story mid-block and back down to a 3 and 2-story duet to transition to the second entry and public park.

Plans 1, 4, and 5, also face a landscaped pedestrian paseo in the center of the community. Two-story units flank each entry, with strong side-entry designs to relate to the units opposite them along the perimeter drive to enhance resident connectivity.

Most of these units will also include ground level private open space areas in side yards. These yards will have exclusive use easements and will provide a fenced in area that will be accessible from both living areas and garages for a variety of uses. They are typically ten feet wide with a twelve foot wide seating area, and a minimum of 30 feet long. These units will also have a semi-private patio off the paseo that connects to both the front door and to the side yard. All windows of the adjacent townhome will have five foot sill heights where appropriate to maintain resident privacy. Plan 1’s include a large deck off of the master bedroom and porch off each entry.

The rear of these units include “front” quality features for a pedestrian-friendly street scene. This includes decorative fencing with an architectural gate and handle set, architectural garage
doors with windows, deep scored colored concrete driveway aprons, and architectural lights and address numerals.

Perimeter and Park-fronting Units – Plans 2, 3, 6, 7, & 3/7
Front entry, front-loading units are located along the future Elks' Lodge property and the southeastern property line to address the site context and future adjacent uses and to maximize pedestrian circulation and resident enjoyment. This planning approach provides usable private open space in approximately 16 to 20 deep rear yards or decks for future residents, with sidewalks in front of the units for looping pedestrian circulation. A six-foot high wall will be located along the Elks' property and a six-foot high wood fence along units along the southeastern property line along these rear yards. Three existing Chinese elms will be preserved along the southeastern property line in the rear yards of Units 11-13. New rear yard screening trees will be planted in all of the other perimeter lots as well.

These units provide pedestrian-scale front entries facing the street that will generally face the side-entry Plan 1's on the opposite side of the street. In other words, the project creates front door-to-front door connectivity with sidewalks on both sides as is illustrated in Unit 35 with its front door facing the front doors of Units 1 and 2.

Units located within the RM-30 zoning designation are generally 3-story, appropriate in the context of an anticipated Elks' facility that could range from 35 to 40 feet high. Two-story units flank the end of each street for a comfortable transition at each corner.

A combined 2 and 3-story duet, Plan 3/7 is located mid-block in Street D to provide ample sideyards in this area. A community car wash is discretely located behind Unit 10 at the rear of the site, creating a curve in Street D.

All units along the park and Wilkie Way lots are two-story, located in the RM-15 zone. These units, Plans 2, and 3, will be “double-loaded” from a pedestrian perspective; that is, designed to have two “fronts” to address both the interior vehicular street scene as well as the public view from the park. Front and garage doors face the street or small cul de sac and rear French doors serve as secondary front doors leading to private decks with pedestrian access out to the park via a gate and connecting path.

Landscaping, Public Park, and Pedestrian Circulation
The first project entry will be framed by specimen size redwood trees, and decorative concrete. The second entry is naturally framed by the existing redwood trees and highlighted by the park entry.

There are 30 mature trees that will be preserved onsite, including oak, redwood, cedar, camphor, maple, and elm trees, up to 100 feet high. The site plan incorporates recommendations from the project arborist including setbacks from existing trees, sidewalk design, and foundation design. The entire site will include a diverse palette of trees, shrubs, groundcover and lawn to complement the existing trees and provide additional shading. Architectural fencing and gates will be included in all public facing areas.

The park is designed to be accessible to both project residents via a pedestrian paseo and to the general public via Deodar Street. The existing trees will provide an instant canopy and
context. The park is framed by mature redwoods and embraces three signature oaks within the park. Park features will include play equipment for different age groups, seating areas, and turf playing areas, all connected by pedestrian paths. In addition, a gathering area with picnic tables and a BBQ, and casual seating areas are also located in the park. The public will enter through a grove of redwoods off of Deodar Street with the park entrance denoted by enhanced paving and entry signage. Project residents will access the park via a paseo with aligns with the main internal project paseo. It is also lined with a grove of mature redwoods. This path will be part of a pedestrian path looping system that connects residents throughout the new community.

Sidewalks are included throughout the community with deep scored colored concrete nodes at main intersections for pedestrian access. Driveway aprons will complement these nodes with permeable pavers included at parking bays.

A future public pedestrian connection stub is provided in the event the adjacent property is redeveloped.

Project lighting will be provided through a combination of architectural pole lights, bollards, and house-mounted fixtures on photocells.

Architecture
Seven different floor plans are included in the project, to address various aspects of the site plan as explained previously. The project creates varied street scenes with three base exterior designs integrated into the seven floor plans. The units incorporate strong massing and articulation, refined fenestration and architectural detailing with the primary objective to create architecture that is complementary within the community and contextual to the future residences to be constructed by DR Horton and Juniper Homes.

Exterior materials will include stucco, lap siding, board and batten, high profile composition shingle roofing, clad wood windows, and single and two-car architectural garage doors. Other elements include wood railings and metal accent roofing.

The wide variety of floor plans, unit sizes, and private open space configurations will serve a variety of homebuyer profiles and lifestyle needs. In addition, the detached townhomes provide homeowners with daylight and cross ventilation from all four sides, with the duets on three sides, and acoustical and visual privacy for a desirable living environment. Though the DR Horton units are larger, this planning approach is consistent with the Cedar Townhomes, located directly across from the subject site as noted previously.

All units will include a 2-car attached side-by-side garage with space for a bicycle, trash and recycling storage in the garage. Fifteen guest parking spaces onsite are provided as well.

Sustainable Planning and Green Building
Sustainable community planning and green building features have been incorporated into the project.
**Site Utilities and Stormwater Quality**

Storm water and water will be served from Wilkie Way via a Public Utility Easement. Water and fire prevention service will be connected to the main in Deodar Street and loop through the project. A new sanitary sewer main to be constructed in Deodar Street will connect the project to the existing main in El Camino Real.

The project will comply with all C-3 requirements. The project will *reduce* the amount of impervious surface on the site by more than 50%. Stormwater will be treated using a combination of both biological and mechanical means.

**Additional Project Components**

**15% BMR Contribution**

As a project under 5 acres at 3.963 acres, the project is subject to a BMR contribution of 15% of the total units to be developed. Seven units will be provided onsite.

**Parkland Dedication**

The project is the first development subject to Palo Alto’s Parkland Dedication Ordinance effective in August 2006 and part of the Palo Alto Municipal Code at Chapter 21.50. The Parkland Dedication ordinance applies to residential subdivisions of greater than 5 parcels.

PAMC 21.50 requires .0050 acres of land for each multiple family dwelling unit. For the 45 units, .23 acres or 9,968 square feet of park area would be required. SummerHill Homes will dedicate approximately .48 acres of parkland. This exceeds the parkland dedication requirement. The design approach to this park is described above. It is proposed that the park will be dedicated as parkland with a public access easement over it, retained in ownership by the project homeowners association, and maintained by the project homeowners association.
### Single Family GreenPoint Checklist

The GreenPoint Checklist is based on the various green features incorporated into the home and is the basis for the GreenPoint Rated program. A home can be considered green if it fulfills the prerequisites, earns at least 50 points, and meets the minimum points per category: Energy (30), Indoor Air Quality/Health (5), Resources (6), and Water (9). Please contact Build It Green for a list of qualified GreenPoint Raters if you are interested in pursuing third-party verification.


#### A. SITE

<table>
<thead>
<tr>
<th>Points Available Per Measure</th>
<th>Points Achieved</th>
<th>Community</th>
<th>Energy</th>
<th>IAQ/Health</th>
<th>Resources</th>
<th>Water</th>
</tr>
</thead>
</table>

1. Protect Native Soil and Minimize Disruption of Existing Plants & Trees
   - Protect Native Topsoil from Erosion and Reuse after Construction: 2
   - Limit and Delinate Construction Footprint for Maximum Protection: 1

2. Deconstruct Instead of Demolishing Existing Buildings On Site: 0

3. Recycle Job Site Construction Waste (Including Green Waste)
   - Minimum 50% Waste Diversion by Weight (Recycling or Reuse): 0
   - Minimum 65% Diversion by Weight (Recycling or Reuse): 2
   - Minimum 80% Diversion by Weight (Recycling or Reuse): 0

4. Use Recycled Content Aggregate (Minimum 25%)
   - Use Recycled Aggregate: 1

Total Points Available in Site = 12

#### B. FOUNDATION

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<th>Points Available Per Measure</th>
<th>Points Achieved</th>
<th>Community</th>
<th>Energy</th>
<th>IAQ/Health</th>
<th>Resources</th>
<th>Water</th>
</tr>
</thead>
</table>

1. Replace Portland Cement In Concrete with Recycled Flyash or Slag
   - Minimum 20% Flyash or Slag: 1
   - Minimum 25% Flyash or Slag: 0

2. Use Frost-Protected Shallow Foundation in Cold Areas (C.E.C. Climate Zone 16): 0

3. Use Radon Resistant Construction (In At-Risk Locations Only): 0

4. Design and Build Structural Pest Controls
   - Install Termite Shields & Separate All Exterior Wood-to-Concrete Connections by Metal or Plastic Fasteners/Dividers: 0
   - All New Plants Have Trunk, Base, or Stem Located At Least 36 Inches from Foundation: 0

Total Points Available in Foundation = 8

#### C. LANDSCAPING

<table>
<thead>
<tr>
<th>Points Available Per Measure</th>
<th>Points Achieved</th>
<th>Community</th>
<th>Energy</th>
<th>IAQ/Health</th>
<th>Resources</th>
<th>Water</th>
</tr>
</thead>
</table>

1. Construct Resource-Efficient Landscapes
   - No Invasive Species Listed by Cal-IPC Are Planted: 1
   - No Plant Species Will Require Hedging: 1
   - 75% of Plants Are California Natives or Mediterranean Species: 3

2. Use Fire-Safe Landscaping Techniques: 0

3. Minimize Turf Areas in Landscape Installed by Builder
   - All Turf Will Have a Water Requirement Less than or Equal to Tall Fescue: 2
   - Turf Shall Not Be Installed on Slopes Exceeding 10% or in Areas Less than 8 Feet Wide: 2
   - Turf is ≤33% of Landscaped Area (total 2 points): 2
   - Turf is ≤10% of Landscaped Area (total 4 points): 2

4. Plant Shade Trees: 3

5. Group Plants by Water Needs (Hydrozoning): 3

6. Install High-Efficiency Irrigation Systems
   - System Uses Only Low-Flow Drip, Bubblers, or Low-flow Sprinklers: 2
   - System Has Smart (Weather-Based) Controllers: 3

7. Apply Two Inches of Compost in the Top 6 to 12 Inches of Soil: 3

8. Mulch All Planting Beds to the Greater of 2 Inches or Local Water Ordinance Requirement: 2

9. Use 50% Salvaged or Recycled-Content Materials for 50% of Non-Plant Landscape Elements: 0

10. Reduce Light Pollution by Shielding Fixtures and/or Directing Light Downward: 1

Total Points Available in Landscaping = 31

#### D. STRUCTURAL FRAME & BUILDING ENVELOPE

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<th>Points Available Per Measure</th>
<th>Points Achieved</th>
<th>Community</th>
<th>Energy</th>
<th>IAQ/Health</th>
<th>Resources</th>
<th>Water</th>
</tr>
</thead>
</table>

1. Apply Optimal Value Engineering
   - 2x4 Studs at 24-Inch On Center Framing: 0
   - Door and Window Headers Sized for Load: 1
   - Use Only Jack and Cripple Stubs Required for Load: 1

Total Points Available in Structural Frame & Building Envelope = 1

Total Points Achieved = 31

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**SUMMERHILL ELKS RESIDENTIAL**

**Date: 8/15/07**

*Note:* The points achieved are based on the completed actions and are subject to verification by a qualified GreenPoint Rater as per the guidelines.
# SUMMERHILL ELKS RESIDENTIAL

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<th>Task</th>
<th>Points Achieved</th>
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<th>Energy</th>
<th>IAQ/Health</th>
<th>Resources</th>
<th>Water</th>
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<tbody>
<tr>
<td>2. Use Engineered Lumber</td>
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<td>a. Beams and Headers</td>
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<td>b. Insulated Engineered Headers</td>
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<td>c. Wood I-Joists or Web Trusses for Floors</td>
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<td>d. Wood I-Joists for Roof Raftering</td>
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<td>e. Engineered or Finger-Jointed Studs for Vertical Applications</td>
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<td>f. Oriented Strand Board for Subfloor</td>
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<td>g. Oriented Strand Board for Wall and Roof Sheathing</td>
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<td>3. Use FSC-Certified Wood</td>
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<td>a. Dimensional Studs: Minimum 40%</td>
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<td>b. Dimensional Studs: Minimum 70%</td>
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<td>c. Panel Products: Minimum 40%</td>
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<td>d. Panel Products: Minimum 70%</td>
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<td>4. Use Solid Wall Systems (Includes SIPs, ICFs, &amp; Any Non-Stick Frame Assembly)</td>
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<td>5. Reduce Pollution Entering the Home from the Garage</td>
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<td>a. Tightly Seal the Air Barrier between Garage and Living Area</td>
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<td>b. Install Garage Exhaust Fan OR Build a Detached Garage</td>
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<tr>
<td>6. Design Energy Heels on Trusses (75% of Attic Insulation Height at Outside Edge of Exterior Wall)</td>
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<td>7. Design Roof Trusses to Accommodate Ductwork</td>
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<td>8. Use Recycled-Content Steel Studs for 90% of Interior Wall Framing</td>
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</tr>
<tr>
<td>9. Thermal Mass Walls: 5½-Inch Drywall on All Interior Walls or Walls Weighing more than 40 Ibf/cu.ft.</td>
<td>0</td>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10. Install Overhangs and Gutters</td>
<td></td>
<td></td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Minimum 16-Inch Overhangs and Gutters</td>
<td>0</td>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Minimum 24-Inch Overhangs and Gutters</td>
<td>0</td>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Total Points Available in Structural Building Frame and Envelope = 36

<table>
<thead>
<tr>
<th>E. EXTERIOR FINISH</th>
<th>Points Available Per Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Use Recycled-Content (No Virgin Plastic) or FSC-Certified Wood Decking</td>
<td>2</td>
</tr>
<tr>
<td>2. Install a Rain Screen Wall System</td>
<td>0</td>
</tr>
<tr>
<td>3. Use Durable and Non-Combustible Siding Materials</td>
<td>1</td>
</tr>
<tr>
<td>4. Select Durable and Non-Combustible Roofing Materials</td>
<td>2</td>
</tr>
</tbody>
</table>

Total Points Available in Exterior Finish = 7

<table>
<thead>
<tr>
<th>F. INSULATION</th>
<th>Points Available Per Measure</th>
<th>Total Points Available in Insulation = 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Install Insulation with 75% Recycled Content</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>a. Walls and/or Floors</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>b. Ceilings</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>2. Install Insulation that is Low-Emitting (Certified Section 01350)</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>a. Walls and/or Floors</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>b. Ceilings</td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>

3. Inspect Quality of Insulation Installation before Applying Drywall

<table>
<thead>
<tr>
<th>G. PLUMBING</th>
<th>Points Available Per Measure</th>
<th>Total Points Available in Plumbing = 12</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Distribute Domestic Hot Water Efficiently (Maximum 7 Points)</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>a. Insulate Hot Water Pipes from Water Heater to Kitchen</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>b. Insulate All Hot Water Pipes</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>c. Use Engineered Parallel Piping</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>d. Use Engineered Parallel Piping with Recirculation Loop(s)</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>e. Use Structured Plumbing with Recirculation Loop</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>f. Use Central Core Plumbing</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>2. Install Only High Efficiency Toilets (Dual-Flush or ≤1.3 gpf)</td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>

2. Install Only High Efficiency Toilets (Dual-Flush or ≤1.3 gpf)

<table>
<thead>
<tr>
<th>H. HEATING, VENTILATION &amp; AIR CONDITIONING</th>
<th>Points Available Per Measure</th>
<th>Total Points Available in Plumbing = 12</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Design and Install HVAC System to ACCA Manual J, D, and S Recommendations</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>2. Install Sealed Combustion Units</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>a. Furnaces</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>b. Water Heaters</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>SUMMERHILL ELKS RESIDENTIAL</td>
<td>Points Achieved</td>
<td>Community</td>
</tr>
<tr>
<td>----------------------------</td>
<td>----------------</td>
<td>-----------</td>
</tr>
<tr>
<td>3. Install Zoned, Hydronic Radiant Heating with Slab Edge Insulation</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>4. Install High Efficiency Air Conditioning with Environmentally Responsible Refrigerants</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>5. Design and Install Effective Ductwork</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Install HVAC Unit and Ductwork within Conditioned Space</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>b. Use Duct Mastic on All Duct Joints and Seams</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>c. Install Ductwork under Attic Insulation (Buried Ducts)</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>d. Pressure Balance the Ductwork System</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>e. Protect Ducts during Construction and Clean All Ducts before Occupancy</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>6. Install High Efficiency HVAC Filter (MERV 6+)</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>7. Don't Install Fireplaces or Install Sealed Gas Fireplaces with Efficiency Rating Less Than 60% using CSA Standards</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>8. Install Effective Exhaust Systems in Bathrooms and Kitchens</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Install ENERGY STAR Bathroom Fans Vented to the Outside</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>b. All Bathroom Fans Are on Timer or Humidistat</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>c. Install Kitchen Range Hood Vented to the Outside</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>9. Install Mechanical Ventilation System for Cooling (Maximum 4 Points)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Install ENERGY STAR Ceiling Fans &amp; Light Kits in Living Areas &amp; Bedrooms</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>b. Install Whole House Fan with Variable Speeds</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>c. Automatically Controlled Integrated System</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>d. Automatically Controlled Integrated System with Variable Speed Control</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>10. Install Mechanical Fresh Air Ventilation System (Maximum 3 Points)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Any Whole House Ventilation System that Meets ASHRAE 62.2</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>b. Install All-to-Air Heat Exchanger that meets ASHRAE 62.2</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>11. Install Carbon Monoxide Alarm(s)</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Total Points Available in Heating, Ventilation and Air Conditioning = 30</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>I. RENEWABLE ENERGY</th>
<th>Points Available Per Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Pre-Plumb for Solar Hot Water Heating</td>
<td>0</td>
</tr>
<tr>
<td>2. Install Solar Water Heating System</td>
<td>0</td>
</tr>
<tr>
<td>3. Install Wiring Conduit for Future Photovoltaic Installation &amp; Provide 200 ft² of South-Facing Roof</td>
<td>0</td>
</tr>
<tr>
<td>4. Install Photovoltaic (PV) Panels</td>
<td></td>
</tr>
<tr>
<td>a. 30% of electric needs OR 1.2 kw (total 6 points)</td>
<td>0</td>
</tr>
<tr>
<td>b. 60% of electric needs OR 2.4kw (total 12 points)</td>
<td>0</td>
</tr>
<tr>
<td>c. 90% of electric need OR 3.6 kw (total 18 points)</td>
<td>0</td>
</tr>
<tr>
<td>Total Available Points in Renewable Energy = 28</td>
<td>0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>J. BUILDING PERFORMANCE</th>
<th>Points Available Per Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Diagnostic Evaluations</td>
<td>1</td>
</tr>
<tr>
<td>a. House Passes Blower Door Test</td>
<td>1</td>
</tr>
<tr>
<td>b. House Passes Combustion Safety Backdraft Test</td>
<td>0</td>
</tr>
<tr>
<td>15% 2. Design and Build High Performance Homes - % above Title 24 - minimum 15% Required</td>
<td>30</td>
</tr>
<tr>
<td>3. House Obtains ENERGY STAR with Indoor Air Package Certification - Pilot Measure (Total 45 points; read comment)</td>
<td>0</td>
</tr>
<tr>
<td>Total Available Points in Building Performance = 39</td>
<td>31</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>K. FINISHES</th>
<th>Points Available Per Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Design Entryways to Reduce Tracked in Contaminants</td>
<td>0</td>
</tr>
<tr>
<td>2. Use Low-VOC or Zero-VOC Paint (Maximum 3 Points)</td>
<td></td>
</tr>
<tr>
<td>a. Low-VOC Interior Wall/Ceiling Paints (&lt;95 g/L VOCs (Flat) and &lt;150 g/L VOCs (Non-Flat))</td>
<td>0</td>
</tr>
<tr>
<td>b. Zero-VOC: Interior Wall/Ceiling Paints (&lt;5 g/L VOCs (Flat))</td>
<td>0</td>
</tr>
<tr>
<td>3. Use Low VOC, Water-Based Wood Finishes (&lt;250 g/L VOCs)</td>
<td>0</td>
</tr>
<tr>
<td>4. Use Low-VOC Caulk and Construction Adhesives (&lt;70 g/L VOCs) for All Adhesives</td>
<td>2</td>
</tr>
<tr>
<td>5. Use Recycled-Content Paint</td>
<td>0</td>
</tr>
<tr>
<td>6. Use Environmentally Preferable Materials for Interior Finish: A) FSC-Certified Wood, B) Reclaimed, C) Rapidly Renewable, D) Recycled-Content or E) Finger-Jointed</td>
<td></td>
</tr>
<tr>
<td>a. Cabinets (50% Minimum)</td>
<td>0</td>
</tr>
<tr>
<td>b. Interior Trim (50% Minimum)</td>
<td>0</td>
</tr>
<tr>
<td>c. Shelving (50% Minimum)</td>
<td>0</td>
</tr>
<tr>
<td>d. Doors (50% Minimum)</td>
<td>0</td>
</tr>
<tr>
<td>e. Countertops (50% Minimum)</td>
<td>0</td>
</tr>
</tbody>
</table>
## SUMMERHILL ELKS RESIDENTIAL

### 7. Reduce Formaldehyde in Interior Finish (CA Section 01350)
- **a. Subfloor & Stair Treads (50% Minimum)**
  - Points Achieved: 0
- **b. Cabinets & Countertops (50% Minimum)**
  - Points Achieved: 0
- **c. Interior Trim (50% Minimum)**
  - Points Achieved: 0
- **d. Shelving (50% Minimum)**
  - Points Achieved: 0

#### Total Available Points in Finishes = 21

### 1. FLOORING

1. **Use Environmentally Preferable Flooring:** A) FSC-Certified Wood, B) Reclaimed or Refinished, C) Rapidly Renewable, D) Recycled-Content, E) Exposed Concrete. *Flooring Adhesives Must Have <50 g/l VOCs.*
   - **a. Minimum 15% of Floor Area**
     - Points Achieved: 0
   - **b. Minimum 30% of Floor Area**
     - Points Achieved: 0
   - **c. Minimum 50% of Floor Area**
     - Points Achieved: 0
   - **d. Minimum 75% of Floor Area**
     - Points Achieved: 0

#### Total Available Points in Flooring = 7

### M. APPLIANCES AND LIGHTING

1. **Install Water and Energy Efficient Dishwasher**
   - **a. ENERGY STAR (total 1 point)**
     - Points Achieved: 0

#### Total Available Points in Appliances and Lighting = 12

### K. OTHER

1. **Incorporate GreenPoint Rated Checklist in Blueprints - Required**
   - Points Achieved: 0

#### Total Available Points in Other = 43

---

### Summary

<table>
<thead>
<tr>
<th>Category</th>
<th>Total Available Points</th>
<th>Points Achieved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Points Achieved</td>
<td>Community</td>
<td>Energy</td>
</tr>
<tr>
<td>108</td>
<td>12</td>
<td>43</td>
</tr>
</tbody>
</table>

**Project has not yet met the following recommended minimum requirements:**

- **Total Project Score of At Least 50 Points**