Council Priority:

Title: Palo Alto Commons PC Amendment

Subject: Public Hearing: Approval of a Mitigated Negative Declaration and Adoption of an Ordinance to Amend the Existing Palo Alto Commons Planned Community ("PC") to Add a 0.83 Acre Site and Rezone it to PC from CN and RM-15 for a New 3-story Building Providing 44 Senior Assisted Living Rental Units at 4041 El Camino Way

From: City Manager

Lead Department: Planning and Community Environment

Recommendation
Staff, the Architectural Review Board (ARB), and the Planning and Transportation Commission (P&TC) recommend that City Council:
1. Approve the Initial Study and Mitigated Negative Declaration (Attachment L), in accordance with the California Environmental Quality Act (CEQA); and
2. Adopt the proposed Ordinance (Attachment A), an amendment to the existing Palo Alto Commons Planned Community (PC-3775) zone district to add the 0.83 acre site (subject property) to the existing 1.7 acre site, and construct a senior assisted rental housing facility to replace the existing buildings at 4041 El Camino Way.

Executive Summary
This report conveys to the City Council the unanimous recommendations of the Architectural Review Board, Planning and Transportation Commission, and staff to approve the proposed 44-unit senior assisted living rental project as an amendment and addition to the existing Palo Alto Commons Planned Community Zoning District. The City Council’s review includes the Mitigated Negative Declaration/Environmental Assessment of the proposed project and the amendment of PC-3775 to include a 0.83 acre site with a new building with 44 new units. The project furthers the City’s housing diversity goals and retains six protected oak and redwood trees onsite. Concerns expressed in earlier meetings about the mass of the proposed building and the number of proposed parking spaces were addressed by the applicant and were discussed in hearings with the Architectural Review Board and the Planning and Transportation Commission.

Background
**Existing Conditions**
Palo Alto Commons is an existing senior assisted housing facility developed on a 1.7 acre site based on Planned Community (PC) Zone 3775, approved by City Council in 1987. Palo Alto Commons consists of 121 senior rental units (with 140 beds), totaling 81,200 square feet of floor area. The existing 2- and 3-story facility contains a dining facility, kitchen, and activity rooms on the first floor, and both surface parking and below grade parking facilities providing 55 parking spaces. The public benefit was considered to be intrinsic to the existing PC, an assisted living facility needed by the community.

The proposed expansion site, located immediately west of the existing senior facility, is comprised of three developed properties located on El Camino Way between West Meadow Drive and El Camino Real, with El Camino Way addresses 4037, 4039, 4041, 4043 and 4045. The expansion site contains a single-family home and two small commercial buildings on three lots. The front half of the site is currently zoned Neighborhood Commercial (CN) and the rear half of the site is zoned Low Density Multiple Family Residential allowing up to 15 units per acre (RM-15 zone district). The site’s existing zoning is consistent with the Comprehensive Plan land use designations for the site, Neighborhood Commercial and Multi-Family Residential.

The properties to the east are zoned Single-Family Residential (R-1), the property to the north is zoned Multi-Family Residential (RM-15), and the property to the south is the existing Palo Alto Commons facility Planned Community.

**Project Description**
The applicant’s project description and development program statement for the proposed PC district zone change are provided in Attachment E.

The proposed 44-unit senior assisted housing facility (aka Commons Addition) would include 8 studio apartments, 17 one-bedroom apartments and 19 two-bedroom apartments. The new building would provide common areas and recreation facilities, including a lounge, fitness room, indoor pool, common bathroom, and dining room. The below grade parking facility would provide 38 parking spaces. Three parking spaces and a drop-off area would be provided at grade. The total proposed floor area is 56,672 square feet, which is a 1.57:1 floor area ratio (FAR) for the site, resulting in an overall FAR of 1.17:1 when combined with the existing Palo Alto Commons. The area of the below grade parking facilities is not included in the FAR.

The vehicle access from El Camino Way to the new underground parking facility would be provided using the access to the existing parking facility on the Palo Alto Commons site, with new driveways provided for the at grade parking and drop-off areas.

The layout and location of the proposed building have been dictated primarily by the location of the existing protected, mature oak trees on the site and the applicant’s intention to reduce visual impacts on adjacent residential neighbors. The variable height and architectural treatment of the project are in response to the existing context.
Discussion

Zoning
The proposed project is submitted as a Planned Community zone because this type of small unit, rental housing facility for seniors, with age in place care, does not fit within any of the land uses defined within the zoning code. A zoning comparison table is included as Attachment D and shows a comparison to RM-30, as the most applicable zone for this use, and CN, the existing zoning designation for the site. Staff is recommending the Planned Community Zone for this type of project because its public benefit is truly integral to the project, and because small senior units and their unique character were not taken into consideration in the Zoning Code. The proposed units per acre is above what is allowed in zoning, but the 86 persons per acre, is within the 8 to 90 persons per acre allowed within the site’s (Multiple Family Residential) designation in the Comprehensive Plan. The need for a PC zone for this type of project can be clearly seen in that there hasn’t been any senior housing facility successfully approved in Palo Alto without use of a PC zone.

Below Market Rate (BMR) housing requirement
The City does not have any BMR Requirements applicable to rental housing.

Board/Commission Review & Recommendations
The Architectural Review Board considered the proposed project at three hearings. The applicant responded to the August 19, 2010 preliminary ARB comments by submitting revised designs, which the ARB formally reviewed and approved on November 4, 2010 (Staff Report included as Attachment I). The ARB requested six follow-up items return for consent calendar review (architectural and landscaping details, report out on conversations with neighbors over oak tree locations, and fencing adjacent to Jacobs Court). The ARB unanimously recommended approval of the plans after reviewing the follow-up items (Staff Report included as Attachment J).

The Planning and Transportation Commission (P&TC) considered the proposed project at two hearings. The preliminary hearing and project initiation occurred on June 16, 2010 (Staff Report included as Attachment H), where the P&TC comments focused on the environmental review, feasibility of the project without a PC, project need for a PC, project design, parking, and economic impacts. For the formal P&TC hearing on January 26, 2011 (Staff Report included as Attachment K) these issues were addressed through a revised environmental document, discussion of project conflicts with zoning and provision of public benefits, the revision of the design during ARB review, additional parking analysis (available online at http://www.cityofpaloalto.org/civica/filebank/blobdload.asp?BlobID=26075), additional economic analysis described in the project description (Attachment E), and the Resource Impacts section, below. The P&TC unanimously recommended approval of the draft ordinance, project plans, and environmental document.

Public Benefit
Public benefits are required for any Planned Community zone. The existing PC, Palo Alto
Commons, was approved with an acknowledgment that the use itself, senior housing, was a public benefit. The public benefit of this project is primarily the rental senior housing with facilities for aging in place. In addition to this primary benefit, the applicant proposes pedestrian improvements and facilities along El Camino Way between East Meadow and El Camino Real to the north, upgrades to the existing bus stop on El Camino Real, extensive planting, new walkways and a crosswalk in front of the Commons Addition development, and a $100,000 donation to Avenidas to be ear-marked for the age-at-home program for low-income seniors.

Green Building
This project is one of the first projects to participate in the City's LEED-ND Pilot Program under PAMC 18.44. The goal of the program is to promote sustainable neighborhoods by looking at how a single parcel can enhance a community's access to alternative transportation, resource efficiency and environmental sensitivity. The project’s LEED-ND scorecard, modified for Palo Alto, is provided as Attachment F to this report. According to the applicant, the current design meets all of the prerequisites of the LEED-ND program and achieves 28 of the 30 points targeted by the pilot program. Many of the points were achieved through its location, having access to many diverse uses and housing. The applicant identified an additional 11 points which could be applied, but not without extra expense to the project. For example, dedicated space would be needed for local food production and for the amount of secured bicycle storage to obtain those points. Projects reviewed this year are not yet required to comply with the LEED-ND program, but rather only to submit documentation showing the level of compliance. This provides information that Council will evaluate at the end of the year in determining whether to implement or change the program to make it mandatory.

The project will also be required to meet the Build It Green, GreenPoint Rated program at the time of building permit and throughout construction under PAMC 16.14. The project must meet all of the program’s prerequisites and achieve at least 70 points. A significant amount of points are being claimed for a design that provides for significant energy efficiency measures.

Timeline
<table>
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<tr>
<th>Event</th>
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<tr>
<td>Initiation by P&amp;TC</td>
<td>June 16, 2010</td>
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<tr>
<td>Preliminary ARB Hearing</td>
<td>August 19, 2010</td>
</tr>
<tr>
<td>ARB Hearing (Approval)</td>
<td>November 4, 2010</td>
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<tr>
<td>ARB Hearing (Approval on Consent)</td>
<td>December 2, 2010</td>
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<tr>
<td>Formal P&amp;TC Hearing</td>
<td>January 26, 2011</td>
</tr>
<tr>
<td>City Council Hearing</td>
<td>March 7, 2011</td>
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Resource Impact

Revenues
The new Palo Alto Commons project has a number of one-time and ongoing General Fund revenue impacts once built. The following ongoing revenue estimates are net of revenue streams from the current site. Expected revenues are as follows:
### Revenues

<table>
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<tr>
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<th>One-Time</th>
<th>Ongoing</th>
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<tbody>
<tr>
<td>Impact Fees (1)</td>
<td>$299,740</td>
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<tr>
<td>Documentary Transfer Tax (2)</td>
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<tr>
<td>Property taxes (3)</td>
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<tr>
<td>Utility Users Tax (4)</td>
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<td>$  4,627</td>
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<tr>
<td>Sales Taxes (5)</td>
<td></td>
<td>$  3,800</td>
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<tr>
<td><strong>Total Revenues</strong></td>
<td><strong>$304,559</strong></td>
<td><strong>$26,100</strong></td>
</tr>
</tbody>
</table>

1. These consist of traffic, park, community center and library impact fees. The fees are estimated based on the number and size of the units and on trips generated by the new development. A final calculation is completed and fees are paid at building permit issuance. PAUSD impact fees are not included in the above calculation but will be paid to the school district.

2. Transfer of ownership for the property occurred approximately 3 years ago so the City has already recognized the transfer tax revenue. Amount cited above is based on the purchase value.

3. Ongoing property taxes were calculated based on the estimated future value of property and improvements less the assessed value of property at time of purchase. It should be noted that current property owner is appealing the assessed value so the estimated ongoing tax could be lower if appeal is successful.

4. The Utility Users Tax is based on expected gas, electric, and water usage based on square footage and estimated telephone expenses.

5. Once residents occupy units and workers attend them, there will be taxable expenditures in the City. Above estimate is based on anticipated spending patterns of residents and workers. The businesses on the current site provide services and do not generate sales taxes that are material to the analysis.

It should be noted that the developer has estimated, based on $7.0 million in construction costs, that the City could realize $70,000 in one-time use taxes. Staff is reluctant to confirm this estimate because appropriate use tax direct payment permits must be obtained and used by prime and/or sub-contractors to report taxes to the State. Thus, realizing the $70,000 will take diligence on the part of the developer and contractors; staff will encourage them to implement the measures necessary to achieve this goal.

### Expenses
This is a cost-recovery project; the applicant is reimbursing the City’s costs to cover staff expenses involved in analyzing the proposal, preparing environmental documents and reports for public hearings, and checking building permit plans.

At this time, the new Commons project will not result in any additional direct costs for the City. As noted in prior housing development proposals, the cumulative addition of housing units will have an impact on City costs such as police services. Since this project serves seniors, for example, it can be expected that calls for paramedic services will increase. Paramedic fees, however, should recoup the cost of service. It is difficult to calculate the cost consequences of individual developments to the General fund, but it is important to realize that that additional service expenses may be needed at a future date and will offset revenues generated by projects such as the new Commons units.

**Policy Implications**
The proposed project is consistent with the Comprehensive Plan land use designation and policies and staff believes there are no other substantive policy implications. A table of applicable Comprehensive Plan policies is included as Attachment C.

**Environmental Review**
This project is subject to the California Environmental Quality Act (CEQA) requirements. The draft Initial Study and Mitigated Negative Declaration was available for public review between June 11 and July 1, 2010. Revisions were made in December, 2010, to include regulations regarding GHG thresholds developed since the release of the initial draft, and in consideration of comments received at public hearings, but no new impacts were found, and no new mitigation measures were needed, so no recirculation was necessary. The mitigation measures to address potential impacts in the areas of Biological Resources (Protected Trees), Hazards and Hazardous Materials (potential existing asbestos-containing materials and lead-based paint materials, potential water contamination), Noise (rooftop equipment, interior noise, construction & delivery hours), and Transportation and Traffic (parking & driveway design, bicycle parking) have been accepted by the applicant.

**COURTESY COPIES**
Sandy Sloan
Stephen Reller

**Attachments:**
- Attachment A: Palo Alto Commons PC Ordinance and Exhibits (PDF)
- Attachment B: Location Map (PDF)
- Attachment C: Comprehensive Plan Policies (PDF)
- Attachment D: Zoning Comparison (PDF)
- Attachment E: Project Description (PDF)
- Attachment F: LEED-ND Checklist (PDF)
• Attachment G: Oak Tree Impact Analysis (PDF)
• Attachment H: June 16, 2010 P&TC Staff Report and Minutes (PDF)
• Attachment I: ARB Staff Report November 4 (PDF)
• Attachment J: ARB Staff Report December 2 (PDF)
• Attachment K: Jan. 26, 2011 P&TC Staff Report and Minutes (PDF)
• Attachment L: Environmental Review (PDF)
• Attachment M: Plans (Hardcopies provided to Councilmembers and Libraries Only) (TXT)

Prepared By: Jennifer Armer, Planner

Department Head: Curtis Williams, Director

City Manager Approval: James Keene, City Manager
Ordinance No. _____

Ordinance of the Council of the City of Palo Alto Amending Section 18.08.040 of the Palo Alto Municipal Code (the Zoning Map) to Amend PC-3775 (Palo Alto Commons, 3075 El Camino Way) to include the Palo Alto Commons Addition, involving a Change in the Classification of Properties Known as 4035, 4037, 4039, 4041, 4043, 4045, and 4075 El Camino Way from RM-15 and CN, to PC Planned Community for a New Building to House a 44-Unit Expansion of the Existing Senior Assisted Rental Housing Facility

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

SECTION 1.

(a) Stephen Reller (“the Applicant” or “the Property Owner”) formally applied on December 9, 2009, to the City for approval of a rezoning application (“the Project”) of property known as 4035, 4037, 4039, 4041, 4043, 4045, and 4075 El Camino Way (“the Subject Property) and zoned RM-15 and CN, to Planned Community and join the subject property with the existing PC-3775 for a single combined lot for a Senior Assisted Rental Housing Facility accommodating the uses specifically set forth in Section 4 of this Ordinance.

(b) The Planning and Transportation Commission (PTC), after a duly noticed public hearing held on June 16, 2010, initiated the Project and forwarded it to the Architectural Review Board (ARB) for review and recommendation.

(c) The ARB, after duly noticed public hearings held on August 19, 2010, and November 4, 2010, reviewed the project design and recommended that the City Council approve the project with the associated draft conditions of approval ‘Exhibit B.’

(d) The PTC, after a duly noticed public hearing held January 26, 2011, reviewed the project, including the Draft Mitigated Negative Declaration and this Ordinance, and recommended that Section 18.08.040 (the Zoning Map) of the Palo Alto Municipal Code be amended, subject to conditions of approval (Exhibit B), to rezone the Subject Property to Planned Community to permit construction of the proposed project located as shown on ‘Exhibit A,’ attached to this document and incorporated by reference. Draft conditions of the project approval ‘Exhibit B’ attached to this document and incorporated by reference were presented to the PTC for review and comments.

(e) The Council, after a duly noticed public hearing held on ______________, and after due consideration of the proposed project, the Mitigated Negative Declaration and Mitigation Monitoring Program, the analysis of the project by City staff, and the recommendations from the PTC and the ARB, finds that the proposed Ordinance is in the public interest and will promote the public health, safety and welfare, as hereinafter set forth.
The Council finds that (1) the Subject Property is so situated, and the use or uses proposed for the site are of such characteristics that the application of general districts or combining districts will not provide sufficient flexibility to allow the Project; and (2) development of the Subject Property under the provisions of the PC planned community district will result in public benefits not otherwise attainable by application of the regulations of general districts or combining districts; and (3) the use or uses permitted, and the site development regulations applicable within the district shall be consistent with the Palo Alto Comprehensive Plan, and shall be compatible with existing and potential uses on adjoining sites or within the general vicinity.

SECTION 2. Section 18.08.040 of the Palo Alto Municipal Code, the “Zoning Map,” is hereby amended by changing the zoning of the Subject Property from “CN Neighborhood Commercial”, “RM-15 Multifamily Residential” to the existing “PC Planned Community 3775” creating a new “PC Planned Community ________”. The terms related to the existing PC remain in effect in Ordinance 3775 and the terms related to the Subject Property are contained in this Ordinance.

SECTION 3. The City Council hereby finds with respect to the Subject Property that the project (“the Project”) as depicted on the Development Plans dated December 21, 2010, incorporated by reference, comprises a senior rental housing development that includes the following components:

(a) The replacement of 4071 square feet of existing commercial space and one existing single family residence with 56,609 square feet of rental senior housing space, including support uses;

(b) Forty-four (44) rental senior housing units, comprising 48,950 square feet;

(c) New underground parking garage containing 38 parking spaces on one level;

(d) New surface parking and drop-off area accommodating three parking spaces;

(e) Retention of the 81,200 square foot senior housing facility, including underground parking garage and a surface parking lot with 55 parking space total;

(f) Removal and replacement of all street trees along the El Camino Way frontage of the new property;

(g) New automobile driveways along El Camino Way to access new surface parking and drop-off area; and

(h) Retention and protection of three oaks on site (two to be relocated), and three redwoods.

SECTION 4. The Development Plan dated received December 27, 2010, and any approved supplemental materials, for the Subject Property, as submitted by the applicant pursuant to Palo Alto Municipal Code Section (PAMC) 18.38.090, shall be subject to the following permitted
and conditional land uses and special limitations on land uses, development standards, parking and loading requirements, modifications to the development plans and provision of public benefits outlined below, and conditions of approval, attached and incorporated as “Exhibit B”.

(a) Permitted and Conditionally Permitted land uses for the Subject Property shall be allowed and limited as follows:

Permitted Uses:

(1) Senior Housing;
(2) Eating and Drinking Services for use by residents, employees, and their guests;
(3) Personal Services for use by residents, employees, and their guests;
(4) Retail Services (excluding liquor stores) for use by residents, employees, and their guests;
(5) Recreational Facilities for use by residents, employees, and their guests;
(6) Administrative Offices for administration of Palo Alto Commons;
(7) Parking Garage and surface parking lot for use by residents, employees, and guests, with a combined parking ratio of 0.9 spaces per unit;
(8) Medical care for residents as is customarily associated with senior assisted living facilities; and
(9) Accessory Uses.

(b) Development Standards:

Development Standards for the Subject Property site shall comply with the standards prescribed for the (PC) zone district (Chapter 18.38), and as modified in Section 4(a) above.

(c) Modifications to the Development Plan and Site Development Regulations:

Once the project has been constructed consistent with the approved Development plan, any modifications to the exterior design of the Development Plan or any new construction not specifically permitted by the Development Plan or the site development regulations shall require an amendment to this Planned Community zone, unless the modification is a minor change as described in PAMC 18.76.050 (b) (3) (e), in which case, the modification may be approved through the Minor Architectural Review process. Any use not specifically permitted or conditionally permitted by this Ordinance shall require an amendment to the PC Ordinance.

(d) Public Benefits:

Development of the Subject Property under the provisions of the PC Planned Community District will result in public benefits not otherwise attainable by application of the regulations of general districts or combining districts. The
Project includes the following public benefits that are inherent to the Project and in excess of those required by City zoning districts:

(1) Rental senior assisted housing (with provisions for aging in place);  
(2) Roadway, pedestrian, and bus stop improvements; and  
(3) A contribution of $100,000 to Avenidas to be ear-marked for the age at home program for low-income seniors.

(e) Development Schedule:

The project is required to include a Development Schedule pursuant to PAMC 18.38.100. The approved Development Schedule is set forth below:

Construction of the Project shall commence on or before June 2012, unless a change in the development schedule is approved by the Director of Planning and Community Environment. Any approved schedule extension shall not exceed one year and only one such extension without a hearing shall be allowed, pursuant to PAMC 18.38.130. The project shall be constructed and occupied by June 30, 2014, unless extended by the Director to June 30, 2015.

SECTION 5. Council approves the Architectural Review, finding that:

(a) The design is consistent and compatible with applicable elements of the City's Comprehensive Plan in that the site is designated Commercial/Multiple Family Residential and the Comprehensive Plan Table indicates compliance with applicable policies;

(b) The design is compatible with the immediate environment of the site in that the project is the expansion of a rental senior housing facility located between existing residential and commercial development;

(c) The design is appropriate to the function of the project in that the design responds to the adjacent residential uses, while providing a welcoming and comfortable environment for the seniors to live in and providing improved pedestrian amenities for their use;

(d) In areas considered by the board as having a unified design character or historical character, the design is compatible with such character. The proposal is a new building located near but not on El Camino Real and providing a buffer between that busy corridor and the low density residential located behind;

(e) The design promotes harmonious transitions in scale and character in areas between different designated land uses. The proposed project is located along El Camino Way, just back from El Camino Real, and provides a buffer between that busy corridor and the low density residential located on the parcels to the rear of the site;
(f) The design is compatible with approved improvements both on and off the site in that the proposed project includes a new building, new sidewalks and crosswalks, and improvements to the nearby existing bus stop;

(g) The planning and siting of the various functions and buildings on the site create an internal sense of order and provide a desirable environment for occupants, visitors and the general community in that the proposed project provides a comfortable entrance through the port cochere, a central gathering area around the existing mature oak, and significant common rooms for residents and visitors to use;

(h) The amount and arrangement of open space are appropriate to the design and the function of the structures in that program focuses more on common shared spaces, both external and internal for the use of the residents while providing some small private space for most residential units;

(i) Sufficient ancillary functions are provided to support the main functions of the project in that the proposal includes significant common areas including dining room, kitchen, swimming pool, fitness room, and lounge. Additionally, the project also proposes improvements to the sidewalks, crosswalks, and bus stop in the area for access to the area for non-drivers;

(j) Access to the property and circulation thereon are safe and convenient for pedestrians, cyclists and vehicles in that the proposal includes improvements to the pedestrian access, bus stop, and is conditioned to meet the bicycle parking requirements;

(k) Natural features are appropriately preserved and integrated with the project in that the existing healthy oak tree central to the site is preserved, and the building designed around it. Two other oaks are also proposed to be kept, but relocated onsite;

(l) The materials, textures, colors and details of construction and plant material are appropriate expressions of the design and function in that the proposed design includes a combination of materials that helps in breaking up the mass of the building;

(m) The landscape design concept for the site, as shown by the relationship of plant masses, open space, scale, plant forms and foliage textures and colors create a desirable and functional environment and the landscape concept depicts an appropriate unity with the various buildings on the site, in that the landscaping has been kept simple to accent the existing mature trees and provide outdoor areas for the residents to enjoy;
Plant material is suitable and adaptable to the site, capable of being properly maintained on the site, and is of a variety which would tend to be drought-resistant and to reduce consumption of water in its installation and maintenance once conditions are met to reduce planning beneath the existing oak tree;

The project exhibits green building and sustainable design that is energy efficient, water conserving, durable and nontoxic, with high-quality spaces and high recycled content materials. The following considerations should be utilized in determining sustainable site and building design:

1. Optimize building orientation for heat gain, shading, daylighting, and natural ventilation;
2. Design of landscaping to create comfortable micro-climates and reduce heat island effects;
3. Design for easy pedestrian, bicycle and transit access;
4. Maximize on site stormwater management through landscaping and permeable paving;
5. Use sustainable building materials;
6. Design lighting, plumbing and equipment for efficient energy and water use;
7. Create healthy indoor environments; and
8. Use creativity and innovation to build more sustainable environments.

The design incorporates energy conservation measures through green building techniques.

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

1. Promote orderly and harmonious development in the city;
2. Enhance the desirability of residence or investment in the city;
3. Encourage the attainment of the most desirable use of land and improvements.
4. Enhance the desirability of living conditions upon the immediate site or in adjacent areas; and
5. Promote visual environments which are of high aesthetic quality and variety and which, at the same time, are considerate of each other.

The design is consistent for all of the reasons and findings enumerated above.

SECTION 6. Indemnification. To the extent permitted by law, the Applicant shall indemnify and hold harmless the City, its City Council, its officers, employees and agents (the “indemnified parties”) from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void this Ordinance or any permit or approval authorized hereby for the project, including (without limitation) reimbursing the
City its actual attorneys fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.

SECTION 7. Acceptance by the applicant. If the Applicant does not accept and agree to the terms of this Ordinance in writing prior to the second reading of the Ordinance and within 30 days of the Council’s adoption, the question of the appropriate zoning of the Subject Property shall be referred to the PTC for their consideration and recommendation.

SECTION 8. A mitigated negative declaration (MND) for this project was prepared in accordance with the California Environmental Quality Act and circulated for public review for a 20-day period beginning June 11, 2010. The City Council considered and approved the MND and Mitigation Monitoring Program at its meeting of ________________.

SECTION 9. This Ordinance shall be effective on the thirty-first day after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ATTEST: APPROVED:

___________________________   __________________________
City Clerk      Mayor

APPROVED AS TO FORM:

__________________________
City Manager

___________________________
Senior Deputy City Attorney

________________________
Director of Planning and Community Environment
EXHIBIT B
DRAFT CONDITIONS OF APPROVAL
4041 El Camino Way
09PLN-00000-00292

PLANNING & COMMUNITY ENVIRONMENT

Planning Division

1. The plans submitted for Building Permit shall be in substantial conformance with plans received and date stamped December 21, 2010, except as modified to incorporate these conditions of approval.

2. The ARB approval letter including all Department conditions of approval for the project shall be printed on the plans submitted for building permit.

3. The proposed project shall comply with the requirements of the Palo Alto Green Building Ordinance prior to submittal for building permit.

4. Staff shall evaluate painting “Keep Clear” on the roadway in front of the exit from Jacobs Court.

5. Applicant shall fund translucent glazing of bathroom windows facing the new Palo Alto Commons building in residences adjacent to the proposed project on Wilke Way and Jacobs Court for any residents who request it.

6. Applicant shall work with City staff to create a TDM program with an initial 6-month review after construction is complete.

7. Development Impact fees (including Park Fees, Community Facilities, Library, and Citywide Transportation Impact Area fees) with an estimated total of $281,494 must be paid prior to building permit issuance. This is an estimate and the final total may change based on date of building permit submittal.

Transportation Division

8. A 6’ x 4’ sight triangle should be maintained between each of the driveways and the sidewalk. Refer to Figure 6 of 18.54.070 of the PAMC. The proposed solid 5’ walls may need to be modified and set back from the driveway aisles.

9. The egress driveway from the surface parking area will be restricted to right-turns only due to the sight distance issues with the median island and roadway curvature of El Camino Way. The project should include a regulatory traffic sign
and pavement marking stating this. Also note that U-turns are not allowed at El Camino Real.

10. Include a stop sign and pavement markings (Stop bar and lettering) at the exit of the ramp at the intersection with the ramp to the existing garage.

11. Two long-term bicycle parking spaces should be provided either in the form of bicycle lockers, or a secure bicycle room.

12. (already shown on plans) Short term bike parking (inverted-U type racks or similar) within 50 feet of the main entrance on the street level.

13. Consider changing parking stalls #1-14 and #18-32 to 17.5 feet long. This would provide an extra 6 to 12 inches of aisle width. (ADA Stall #17 must remain 18.0’ long)

Building Division

14. A minimum of two (2) accessible parking spaces shall be provided when there 39 parking stalls in the Basement Level (as on sheet A2.00).

15. Certificate of Compliance will be applied for to combine all the adjoining parcels into one parcel that includes the proposed Palo Alto Commons addition structure with the existing Palo Alto Commons structure. This will eliminate the property line between the (E) structure and the (N) addition structure and will remove the restrictions for the exit discharge between the adjoining (N) and (E) structures.

Planning Arborist

16. The proposed project shall conform to the requirements for tree protection and care stated in the submitted arborist report, prepared by David L. Babby of Arbor Resources, dated October 29, 2009.

17. Prepare a Tree Preservation Report for all trees to be retained. Activity within the dripline of ordinance-regulated oak trees requires mitigation to be consistent with Policy N-7 of the Palo Alto Comprehensive Plan. An updated tree survey and tree preservation report (TPR) prepared by a certified arborist shall be submitted for review and acceptance by the City Urban Forester. For reference clarity, the tree survey shall include (list and field tag) all existing trees within the project area, including adjacent trees overhanging the site. The approved TPR shall be implemented in full, including mandatory inspections and monthly reporting to City Urban Forester. The TPR shall be based on latest plans and amended as needed to address activity or) within the dripline area of any existing tree to be preserved, including incidental work (utilities trenching, street work, lighting, irrigation, etc.) that may affect the health of a preserved tree. The project shall be modified to address recommendations identified to reduce impacts to
existing ordinance-regulated trees. The TPR shall be consistent with the criteria set forth in the tree preservation ordinance, PAMC 8.10.030 and the City Tree Technical Manual, Section 3.00, 4.00 and 6.30 http://www.cityofpaloalto.org/environment/urban_canopy.asp. To avoid improvements that may be detrimental to the health of regulated trees, the TPR shall review the applicant’s landscape plan to ensure the new landscape is consistent with Tree Technical Manual, Section 5.45 and Appendix L, Landscaping under Native Oaks.

18. **Comply with the solar access study (SAS) of short and long term effects on protected oak tree #13.** Study shall include a qualified expert team (horticulturalist, architect designer, consulting arborist) capable of determining effects, if any, to foliage, health, disease susceptibility and also prognosis for longevity. The SAS should provide alternative massing scenarios to increase solar access and reduce shading detriment at different thresholds of tree health/decline as provided for in the study. The SAS adequacy shall be subject to peer review as determined necessary by the City. The SAS design alternatives shall be of specific discussion at all levels of review in conjunction with project sponsor, city urban forester and director until final design is approved.

19. **Prepare a Tree Relocation Feasibility Plan for Protected Oaks #3 and #9.** Because of inherent mortality associated with the process of moving mature trees, a Tree Relocation and Maintenance Plan (TRMP) shall be prepared subject to Urban Forester’s approval. The project sponsor shall submit a TRMP to determine the feasibility of moving the Protected Trees to an appropriate location on this site. Feasibility shall consider current site and tree conditions, a tree’s ability to tolerate moving, relocation measures, optimum needs for the new location, aftercare, irrigation, and other long-term needs.

If the relocated trees do not survive after a period of five years, the tree canopy shall be replaced with a tree of equivalent size or security deposit value. The TRMP shall be inclusive of the following minimum information: appropriate irrigation, monitoring inspections, post relocation tree maintenance and for an annual arborist report of the condition of the relocated trees. If a tree is disfigured, leaning with supports needed, in decline with a dead top or dieback of more than 25%, the tree shall be considered a total loss and replaced in kind and size. The final annual arborist report shall serve as the basis for return of the tree security deposit.

20. **Provide a Tree Preservation Bond/Security Guarantee.** The natural tree resources on the site include significant protected trees and neighborhood screening, including two trees proposed for relocation. Prior to building permit submittal, the Tree Security Deposit for the total value of the relocated trees, as referenced in the Tree Technical Manual, Section 3.26, Security Deposits, shall be posted to the City Revenue Collections in a form acceptable by the City Attorney. As a security measure, the project shall be subject to a Memorandum of Understanding between the City of Palo Alto and the Applicant describing a tree retention amount, list of trees, criteria and timeline for return of security, and conditions as cited in the Record of Land Use Action for the project. The applicant and project arborist shall coordinate with the City Urban Forester to determine the amount of bonding required to guarantee the protection and/or replacement of the regulated trees on the site during construction and within five years after occupancy. The applicant shall bond for 150% of the value for the relocated trees (#3 & 9), and 100% of the value of ordinance size trees (#13, 29, 38, 39 and 40) to be protected during
construction (as identified in the revised and final approved Tree Protection Report). The applicant shall provide the proposed level of bonding as listed in the Tree Value Table, with the description of each tree by number, value, and total combined value of all the trees to be retained. A return of the guarantee shall be subject to an annual followed by a final tree assessment report on all the relocated and retained trees from the project arborist as approved by the City Urban Forester, five years following final inspection for occupancy, to the satisfaction of the director.

21. *Retain protected screen trees redwoods with focused site planning.* The redwoods along property line are currently growing on an established landscape area. The project may require modification to include non-conventional site planning elements such as berm, retaining walls or other creative elements to reduce the potential impacts to a less than significant level.

22. *Provide optimum public tree replacement for loss of trees #43-46.* Four publicly owned trees are growing in the right-of-way along the El Camino Way frontage. As mitigation to offset the net loss for years of public resource investments and minimize the future years to parity with infrastructure benefits (CO2 reduction, extended asphalt life, water mgmt., etc.) currently provided by the trees, the new El Camino frontage should be provided maximum streetscape design and materials to include the following elements:

- Consistency with the Street Trees for El Camino Project, in consultation with Canopy, Inc.
- Provide adequate room for tree canopy growth and root growing volume resources.
- Utilize city-approved best management practices for sustainability products, such as permeable ADA sidewalk, Silva Cell planters, engineered soil mix base, and services due to being situated within the public right-of-way along El Camino Way.

PRIOR TO DEMOLITION, BUILDING OR GRADING PERMIT ISSUANCE

23. BUILDING PERMIT SUBMITTAL REVIEW. Prior to submittal for staff review, the plans submitted for building permit shall be reviewed by the project site arborist to verify that all the arborist’s recommendations have been incorporated into the final plan set. The submittal set shall be reviewed by the project site arborist, as verified by a certification letter that the plans have incorporated the following information:

a. Revise the draft Inventory & Evaluation. Prepare a Final Tree Protection Report (TPR) reviewing design changes and preservation measures. Tree Protection Guidelines, Section 6.2 are general, and must be modified based on detailed plans provided to the arborist consultant. Provide verification letter (see above.)

b. The area beneath and around the mature valley oak #13 shall be low impact to roots, soil profile and canopy. Use on non-vegetative materials, such as synthetic turf, is highly recommended to avoid long term disease problems.

c. Palo Alto Tree Technical Manual Standards, Section 2.00 and PAMC 8.10.080.
d. Outstanding items. Itemized list and which plan sheet the measures are to be located.
e. Landscape and irrigation plans are consistent with CPA Tree Technical Manual, Section 5.45 and Appendix L, Landscaping under Native Oaks and PAMC 18.40.130.

24. TREE APPRAISAL & SECURITY DEPOSIT AGREEMENT. (Reference: CPA Tree Technical Manual, Section 6.25). Prior to the issuance of a grading or building permit, the applicant shall prepare and secure a tree appraisal and security deposit agreement stipulating the duration and monitoring program. The appraisal of the condition and replacement value of all trees to remain shall recognize the location of each tree in the proposed development. Listed separately, the appraisal may be part of the Tree Survey Report. For the purposes of a security deposit agreement, the monetary market or replacement value shall be determined using the most recent version of the “Guide for Plan Appraisal”, in conjunction with the Species and Classification Guide for Northern California. The appraisal shall be performed at the applicant’s expense, and the appraiser shall be subject to the Director’s approval.

a. SECURITY DEPOSIT AGREEMENT. Prior to grading or building permit issuance, as a condition of development approval, the applicant shall post a security deposit for the the appraised replacement value of the following trees: (Valley Oak #13: $36,000; Relocated Oak #3; Relocated Oak #9: TBD-the installed cost of replacing a similar sized trunk tree.), to be retained and protected. The total amount for this project is: $ _TBD_. The security may be a cash deposit, letter of credit, or surety bond and shall be filed with the Revenue Collections/Finance Department Forestry Fund in a form satisfactory to the City Attorney.

b. SECURITY DEPOSIT MONITORING PROGRAM. The project sponsor shall provide to the City of Palo Alto an annual tree evaluation report prepared by the project arborist or other qualified certified arborist, assessing the condition and recommendations to correct potential tree decline for trees remain and trees planted as part of the mitigation program. The monitoring program shall end two years from date of final occupancy, unless extended due to tree mortality and replacement, in which case a new two year monitoring program and annual evaluation report for the replacement tree shall begin. Prior to occupancy, a final report and assessment shall be submitted for City review and approval. The final report shall summarize the Tree Resources program, documenting tree or site changes to the approved plans, update status of tree health and recommend specific tree care maintenance practices for the property owner(s). The owner or project sponsor shall call for a final inspection by the Planning Division Arborist.

c. SECURITY DEPOSIT DURATION. The security deposit duration period shall be two years (or five years if determined by the Director) from the date of final occupancy. Return of the security guarantee shall be subject to City approval of the final monitoring report. A tree shall be considered
dead when the main leader has died back, 25% of the crown is dead or if major trunk or root damage is evident. A new tree of equal or greater appraised value shall be planted in the same area by the property owner. Landscape area and irrigation shall be readapted to provide optimum growing conditions for the replacement tree. The replacement tree that is planted shall be subject to a new two-year establishment and monitoring program. The project sponsor shall provide an annual tree evaluation report as originally required.

25. SITE PLAN REQUIREMENTS. The final Plans submitted for building permit shall include the following information and notes on the relevant plan sheets:
   a. **Sheets T-1_Tree Protection-it's Part of the Plan**
      (http://www.cityofpaloalto.org/environment/urbancanopy.asp), Applicant shall complete the Tree Disclosure Statement. Inspections and monthly reporting by the project arborist are mandatory (check #1-7.)
   b. **The Tree Preservation Report (TPR)**. All sheets of the final TPR approved by the City, (Dave Babby, Arbor Resources Final Tree Preservation Report, 2010, ) shall be printed on numbered Sheet T-1 (T-2, T-3, etc) and added to the sheet index.
   c. **Protective Tree Fencing Type**. Delineate on grading plans, irrigation plans, site plans and utility plans, Type II fencing around Street Trees and Type I fencing around Protected/Designated trees as a bold dashed line enclosing the Tree Protection Zone (per the approved Tree Preservation Report) per instructions on Detail #605, Sheet T-1, and the City Tree Technical Manual, Section 6.35-Site Plans.
   d. **Site Plan Notes. Note #1.** Apply to the site plan stating, "All tree protection and inspection schedule measures, design recommendations, watering and construction scheduling shall be implemented in full by owner and contractor, as stated in the Tree Protection Report on Sheet T-1 and the approved plans". Note #2. All civil plans, grading plans, irrigation plans, site plans and utility plans and relevant sheets shall include a note applying to the trees to be protected, including neighboring trees stating: "Regulated Tree--before working in this area contact the Project Site Arborist at (Dave Babby, Arbor Resources, 650-240-0770); Note #3. "Basement foundation plan. Soils Report and Excavation for basement construction within the TPZ of a protected tree shall specify a vertical cut (stitch piers may be necessary) in order to avoid over-excavating into the tree root zone. Any variance from this procedure requires City Arborist approval, please call (650) 329-2441.” Note #4. Utility plan sheets shall include the following note: “Utility trenching shall not occur within the TPZ of the protected tree. Contractor shall be responsible for ensuring that no trenching occurs within the TPZ of the protected tree by contractors, City crews or final landscape workers. See sheet T-1 for instructions.”

26. LANDSCAPE PLANS.
a. Under Valley Oak #13, consider synthetic grass or other non-irrigated material. All vegetation, fine grading and improvement materials shall be approved by the project arborist and city arborist to benefit the tree.
b. Provide a detailed landscape and irrigation plan encompassing on-and off-site plantable areas out to the curb shall be approved by the Architectural Review Board. A Landscape Water Use statement, water use calculations and a statement of design intent shall be submitted for the project. A licensed landscape architect and qualified irrigation consultant will prepare these plans, to include:
   i. All existing trees identified both to be retained and removed including street trees.
   ii. Complete plant list indicating tree and plant species, quantity, size, and locations.
   iii. Irrigation schedule and plan.
   iv. Fence locations.
   v. Lighting plan with photometric data.
   vi. Trees to be retained shall be irrigated, aerated and maintained as necessary to ensure survival.
   vii. All new trees planted within the public right-of-way shall be installed per Public Works (PW) Standard Planting Diagram #603 or 604 (include on plans), and shall have a tree pit dug at least twice the diameter of the root ball.
   viii. Landscape plan shall include planting preparation details for trees specifying digging the soil to at least 30-inches deep, backfilled with a quality topsoil and dressing with 2-inches of wood or bark mulch on top of the root ball keeping clear of the trunk by 1-inch.
   ix. Automatic irrigation shall be provided to all trees. For trees, PW Detail #513 shall be included on the irrigation plans and show two bubbler heads mounted on flexible tubing placed at the edge of the root ball. Bubblers shall not be mounted inside an aeration tube. The tree irrigation system shall be connected to a separate valve from other shrubbery and ground cover, pursuant to the City's Landscape Water Efficiency Standards. Irrigation in the right-of-way requires a street work permit per CPA Public Works standards.
   x. Landscape Plan shall ensure the backflow device is adequately obscured with the appropriate screening to minimize visibility (planted shrubbery is preferred, painted dark green, decorative boulder covering acceptable; wire cages are discouraged).
c. Planting notes to include the following mandatory criteria:
   i. Prior to any planting, all plantable areas shall be tilled to 12” depth, and all construction rubble and stones over 1” or larger shall be removed from the site.
   ii. Note a turf-free zone around trees 36” diameter (18” radius) for best tree performance.
d. Mandatory Landscape Architect (LA) Inspection Verification to the City. The LA of record shall verify the performance measurements are achieved
with a separate letter of verification to City Planning staff, in addition to owner’s representative for each of the following:

i. Percolation & drainage checks have been performed and is acceptable.

ii. Fine grading inspection of all plantable areas has been personally inspected for tilling depth, rubble removal, soil test amendments are mixed and irrigation trenching will not cut through any tree roots.

iii. Tree and Shrub Planting Specifications, including delivered stock, meets Standards in the CPA Tree Technical Manual, Section 3.30-3.50. Girdling roots and previously topped trees are subject to rejection.

27. TREE PROTECTION VERIFICATION. Prior to demolition, grading or building permit issuance, a written verification from the contractor that the required protective fencing is in place shall be submitted to the Building Inspections Division. The fencing shall contain required warning sign and remain in place until final inspection of the project.

DURING CONSTRUCTION

28. EXCAVATION RESTRICTIONS APPLY (TTM, Sec. 2.20 C & D). Any approved grading, digging or trenching beneath a tree canopy shall be preformed using ‘air-spade’ method as a preference, with manual hand shovel as a backup. For utility trenching, including sewer line, roots exposed with diameter of 1.5 inches and greater shall remain intact and not be damaged. If directional boring method is used to tunnel beneath roots, then Table 2-1, Trenching and Tunneling Distance, shall be printed on the final plans.

29. PLAN CHANGES. Revisions and/or changes to plans before or during construction shall be reviewed and responded to by the project site arborist, (Peter Lockhart), with written letter of acceptance before submitting the revision to the city for review.

30. TREE PROTECTION COMPLIANCE. The owner and contractor shall implement all protection and inspection schedule measures, design recommendations and construction scheduling as stated in the TPR, and is subject to code compliance action pursuant to PAMC 8.10.080. The required protective fencing shall remain in place until final landscaping and inspection of the project. Project arborist approval must be obtained and documented in the monthly activity report sent to the City. A mandatory Monthly Tree Activity Report shall be sent monthly to the City beginning with the initial verification approval, using the template in the Tree Technical Manual, Addendum 11.

31. TREE DAMAGE. Tree Damage, Injury Mitigation and Inspections apply to Contractor. Reporting, injury mitigation measures and arborist inspection schedule (1-5) apply pursuant to TTM, Section 2.20-2.30. Contractor shall be responsible for the repair or replacement of any publicly owned or protected trees
that are damaged during the course of construction, pursuant to Title 8 of the Palo Alto Municipal Code, and city Tree Technical Manual, Section 2.25.

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

PRIOR TO OCCUPANCY

33. LANDSCAPE INSPECTION. The Planning Department shall be in receipt of written verification that the Landscape Architect has inspected all trees, shrubs, planting and irrigation and that they are installed and functioning as specified in the approved plans.

34. TREE INSPECTION. The contractor shall call for an inspection by the Project Arborist. A final inspection and report by the project arborist shall evaluate all trees to be retained and protected, as indicated in the approved plans, the activity, health, welfare, mitigation remedies for injury, if any, and for the long term care of the trees for the new owner. The report shall provide written verification to the Planning Department that all trees, shrubs, planting and irrigation are installed and functioning as specified in the approved plans. The final arborist report shall be provided to the Planning Department prior to written request for temporary or final occupancy. The final report may be used to navigate the security guarantee return process, when applicable.

35. PLANNING INSPECTION. Prior to final sign off, contractor or owner shall contact the city planner (650-329-2441) to inspect and verify Special Conditions relating to the conditions for structures, fixtures, colors and site plan accessories.

POST CONSTRUCTION

36. MAINTENANCE. All landscape and trees shall be maintained, watered, fertilized, and pruned according to Best Management Practices-Pruning (ANSI A300-2001 or current version). Any vegetation that dies shall be replaced or failed automatic irrigation repaired by the current property owner within 30 days of discovery.

PUBLIC WORKS DEPARTMENT

Engineering Division

37. SUBDIVISION APPLICATION: The applicant needs to complete a Certificate of Compliance with the Public Works Department concerning the merger of existing parcels within the project site. This must be approved prior to building permit
issuance.

38. STORM WATER TREATMENT AND DRAINAGE: The plans need to show the calculations on the pre-development and post-development storm water flow rate. Furthermore, show on the plans what existing City storm drain system the new drain will tie into.

All storm water leaving the site needs to be treated including the water from the basement driveway access and area drains at the frontage of the building paved with hardscape.

Specify what types of permeable pavers/grass celled material are proposed and more specific details for the bio-filter sections.

39. SIDEWALK, CURB & GUTTER: The applicant must install all new sidewalk, curb, gutter, driveway approach and planter strip in the public right-of-way along the property frontage per Public Works standards.

40. STREET TREES: The applicant may be required to replace existing and/or add new street trees in the public right-of-way along the property’s frontages. Contact Public Works’ arborist, Eric Krebs (650-496-6095) to determine what street tree work will be required for this project and then include that work in plans submitted for Board or Commission review.

41. STREET RESURFACING: The applicant must resurface the street frontage per Public Works’ direction out to the centerline of the street at the conclusion of construction.

Include in plans submitted for a building permit:

42. BASEMENT DRAINAGE: Due to high groundwater throughout much of the City and Public Works prohibiting the pumping and discharging of groundwater, perforated pipe drainage systems at the exterior of the basement walls or under the slab are not allowed for this site. A drainage system is, however, required for all exterior basement-level spaces, such as lightwells or stairwells. This system consists of a sump, a sump pump, a backflow preventer, and a closed pipe from the pump to a dissipation device onsite at least 10 feet from the property line, such as a bubbler box in a landscaped area, so that water can percolate into the soil and/or sheet flow across the site. The device must not allow stagnant water that could become mosquito habitat.

43. BASEMENT SHORING: Shoring for the basement excavation, including tiebacks, must not extend onto adjacent private property or into the City right-of-way without having first obtained written permission from the private property owners and/or an encroachment permit from Public Works.
44. DEWATERING: Basement excavations may require dewatering during construction. Public Works only allows groundwater drawdown well dewatering. Open pit groundwater dewatering is disallowed. Dewatering is only allowed from April through October due to inadequate capacity in our storm drain system. The geotechnical report for this site must list the highest anticipated groundwater level. We recommend a piezometer to be installed in the soil boring. The contractor must determine the depth to groundwater immediately prior to excavation by using the piezometer or by drilling an exploratory hole if the deepest excavation will be within 3 feet of the highest anticipated groundwater level. If groundwater is found within 2 feet of the deepest excavation, a drawdown well dewatering system must be used, or alternatively, the contractor can excavate for the basement and hope not to hit groundwater, but if he does, he must immediately stop all work and install a drawdown well system before he continues to excavate. Public Works may require the water to be tested for contaminants prior to initial discharge and at intervals during dewatering. If testing is required, the contractor must retain an independent testing firm to test the discharge water for the contaminants Public Works specifies and submit the results to Public Works.

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

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

46. STORM WATER TREATMENT: This project shall comply with the storm water regulations contained in provision C.3 of the NPDES municipal storm water discharge permit issued by the San Francisco Bay Regional Water Quality Control Board (and incorporated into Palo Alto Municipal Code Chapter 16.11). These regulations apply to land development projects that create or replace 10,000 square feet or more of impervious surface. In order to address the potential
permanent impacts of the project on storm water quality, the applicant shall incorporate into the project a set of permanent site design measures, source controls, and treatment controls that serve to protect storm water quality, subject to the approval of the Public Works Department. The applicant shall identify, size, design and incorporate permanent storm water pollution prevention measures (preferably landscape-based treatment controls such as bioswales, filter strips, and permeable pavement rather than mechanical devices that require long-term maintenance) to treat the runoff from a “water quality storm” specified in PAMC Chapter 16.11 prior to discharge to the municipal storm drain system. In addition, the applicant shall designate a party to maintain the control measures for the life of the improvements and must enter into a maintenance agreement with the City. The City will inspect the treatment measures yearly and charge an inspection fee. There is currently an $800 C.3 plan check fee that will be collected upon submittal for a grading or building permit.

47. GRADING & EXCAVATION PERMIT: An application for a grading & excavation permit must be submitted to Public Works when applying for a building permit. The application and guidelines are available at the Development Center and on our website.

48. STORM WATER POLLUTION PREVENTION: The City's full-sized "Pollution Prevention - It's Part of the Plan" sheet must be included in the plan set. Copies are available from Public Works at the Development Center or on our website. Also, the applicant must provide a site-specific storm water pollution control plan sheet in the plan set.

49. SWPPP: If the proposed development will disturb more than one acre of land, the applicant will be required to comply with the State of California's General Permit for Storm Water Discharges Associated with Construction Activity. This entails filing a Notice of Intent to Comply (NOI), paying a filing fee, and preparing and implementing a site specific storm water pollution prevention plan (SWPPP) that addresses both construction-stage and post-construction BMP's for storm water quality protection. 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. Also, include the City's standard "Pollution Prevention - It's Part of the Plan" sheet in the building permit plan set. Copies are available from Public Works at the Development Center.

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

51. WORK IN THE RIGHT-OF-WAY: The plans must clearly indicate any work
that is proposed in the public right-of-way, such as sidewalk replacement, driveway approach, curb inlet, storm water connections or utility laterals. The plans must include notes that the work must be done per City standards and that the contractor performing this work must first obtain a Street Work Permit from Public Works at the Development Center.

52. LOGISTICS PLAN: The contractor must submit a logistics plan to the Public Works Department prior to commencing work that addresses all impacts to the City’s right-of-way, including, but not limited to: pedestrian control, traffic control, truck routes, material deliveries, contractor’s parking, concrete pours, crane lifts, work hours, noise control, dust control, storm water pollution prevention, contractor’s contact, noticing of affected businesses, and schedule of work. The plan will be attached to a street work permit.

Engineering Division

53. Site improvements shall include:
   a. Shifting the new sidewalk closer to the property line (to 12” off the PL) to increase the depth of the existing planting strip.
   b. Mitigation of compacted soil/rooting area around trees (for installation of hardscape such as sidewalk, driveways, etc.). Currently we are recommending Silva Cells, but the developer may also consider structural soil or root paths under the sidewalk to connect the planting strip to irrigated planting areas on the other side of the sidewalk.
   c. Providing irrigation to new trees in the planting strip.
   d. The maximum number of trees shall be planted in the planting strip given that they follow City planting guidelines. Underground utilities (sewer and water laterals, gas lines, electrical vaults, etc.) may require relocation to accommodate new trees. We ask the developer to please consider grouping the utilities to maximize planting area.
   e. One to two trees shall be planted in the planting strip where tree #46 currently stands (no trees are currently proposed for this location). Both the public and the residents of the facility, with its proximity to El Camino Real, will benefit from the screening that public street trees will provide.

54. New street trees shall follow these guidelines:
   a. Trees shall be a minimum of 10 feet from any underground utility and any driveway apron, and shall be a minimum of 25 feet from each other.
   b. New trees shall be Chinese elm cultivar (Ulmus parvifolia ‘Allee’ or ‘Athena’), 15 gallon size.
   c. Indicate underground utility locations and their distances from proposed tree locations on the planting plan.
   d. Trees and planting sites shall be inspected by a City arborist prior to installation.

Water Quality Control Plant
55. **PAMC 16.09.180(b)(11) Carwash Required:** Residential buildings with 25 or more units provide a covered carwash area for vehicle washing by residents. The carwash area is required to drain to an oil/water separator with a minimum capacity of 100 gallons, and to the sanitary sewer. (Note: this requirement has typically been exempted for senior housing. Any hose bibs must be fitted with lock-outs or other connections controls and signage indicating that car washing is not allowed.)

56. **PAMC 16.09.180(b)(9) Covered Parking:** Drain plumbing for parking garage floor drains must be connected to an oil/water separator with a minimum capacity of 100 gallons, and to the sanitary sewer system.

57. **PAMC 16.09.180(b)(10) Dumpsters for New and Remodeled Facilities:** New buildings and residential developments providing centralized solid waste collection, except for single-family and duplex residences, shall provide a covered area for a dumpster. The area shall be adequately sized for all waste streams and designed with grading or a berm system to prevent water runon and runoff from the area.

58. **PAMC 16.09.180(b)(14) Architectural Copper:** On and after January 1, 2003, copper metal roofing, copper metal gutters, copper metal down spouts, and copper granule containing asphalt shingles shall not be permitted for use on any residential, commercial or industrial building for which a building permit is required. Copper flashing for use under tiles or slates and small copper ornaments are exempt from this prohibition. Replacement roofing, gutters and downspouts on historic structures are exempt, provided that the roofing material used shall be prepatinated at the factory. For the purposes of this exemption, the definition of "historic" shall be limited to structures designated as Category 1 or Category 2 buildings in the current edition of the Palo Alto Historical and Architectural Resources Report and Inventory.

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

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

61. **16.09.180(12) Mercury Switches:** Mercury switches shall not be installed in sewer or storm drain sumps.

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

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

64. **For Designated Food Service Establishment (FSE) Projects the following requirements shall be met:**

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

   1. The plans shall specify the manufacturer details and installation details of all proposed GCDs. (CBC 1009.2)
   2. GCD(s) shall be sized in accordance with the 2007 California Plumbing Code.
   3. GCD(s) shall be installed with a minimum capacity of 500 gallons.
   4. GCD sizing calculations shall be included on the plans. See a sizing calculation example below.
   5. The size of all GCDs installed shall be equal to or larger than what is specified on the plans.
   6. GCDs larger than 50 gallons (100 pounds) shall not be installed in food preparation and storage areas. Santa Clara County Department of Environmental Health prefers GCDs to be installed outside. GCDs shall be installed such that all access points or manholes are readily accessible for inspection, cleaning and removal of all contents. GCDs located outdoors shall be installed in such a manner so as to exclude the entrance of surface and stormwater. (CPC 1009.5)
   7. All large, in-ground interceptors shall have a minimum of three manholes to allow visibility of each inlet piping, baffle (divider) wall, baffle piping and outlet piping. The plans shall clearly indicate the number of proposed manholes on the GCD. The Environmental Compliance Division of Public Works Department may authorize variances which allow GCDs with less than three manholes due to manufacture available options or adequate visibility.
   8. Sample boxes shall be installed downstream of all GCDs.
   9. All GCDs shall be fitted with relief vent(s). (CPC 1002.2 & 1004)
   10. GCD(s) installed in vehicle traffic areas shall be rated and indicated on plans.

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

   11. To ensure all FSE drainage fixtures are connected to the correct drain lines, each drainage fixture shall be clearly labeled on the plans. A list of all fixtures and their discharge connection, i.e. sanitary sewer or grease waste line, shall be included on the plans.
   12. A list indicating all connections to each proposed GCD shall be included on the plans. This can be incorporated into the sizing calculation.
13. All grease generating drainage fixtures shall connect to a GCD. These include but are not limited to:
14. Pre-rinse (scullery) sinks (direct connection)
15. Three compartment sinks (pot sinks) (direct connection)
16. Drainage fixtures in dishwashing room except for dishwashers shall connect to a GCD (direct connection)
17. Examples: trough drains (small drains prior to entering a dishwasher), small drains on busing counters adjacent to pre-rinse sinks or silverware soaking sinks
18. Floor drains in dishwashing area and kitchens
19. Prep sinks (indirect connection)
20. Mop (janitor) sinks
21. Outside areas designated for equipment washing shall be covered and any drains contained therein shall connect to a GCD.
22. Drains in trash/recycling enclosures
23. Wok stoves, rotisserie ovens/broilers or other grease generating cooking equipment with drip lines (indirect connection)
24. Kettles and tilt/braising pans and associated floor drains/sinks
25. The connection of any high temperature discharge lines and non-grease generating drainage fixtures to a GCD is prohibited. The following shall not be connected to a GCD:
26. Dishwashers (direct connection)
27. Steamers (indirect connection)
28. Pasta cookers (indirect connection)
29. Hot lines from buffet counters and kitchens (indirect connection)
30. Hand sinks (direct connection)
31. Ice machine drip lines (indirect connection)
32. Soda machine drip lines (indirect connection)
33. Drainage lines in bar areas (indirect connection)
34. No garbage disposers (grinders) shall be installed in a FSE. (PAMC 16.09.075(d)).
35. Plumbing lines shall not be installed above any cooking, food preparation and storage areas.
36. Each drainage fixture discharging into a GCD shall be individually trapped and vented. (CPC 1014.5)

C. Covered Dumpsters, Recycling and Tallow Bin Areas PAMC, 16.09.075(q)(2)
37. New buildings constructed to house FSEs shall include a covered area for all dumpsters, bins, carts or container used for the collection of trash, recycling, food scraps and waste cooking fats, oils and grease (FOG) or tallow.
38. The area shall be designed and shown on plans to prevent water run-on to the area and runoff from the area.
39. Drains that are installed within the enclosure for recycle and waste bins, dumpsters and tallow bins serving FSEs are optional. Any such drain installed shall be connected to a GCD.
40. If tallow is to be stored outside then an adequately sized, segregated space for a tallow bin shall be included in the covered area.

D. Large Item Cleaning Sink, PAMC 16.09.075(m)(2)(B)
41. FSEs shall have a sink or other area drain which is connected to a GCD and large enough for cleaning the largest kitchen equipment such as floor mats, containers, carts, etc. Recommendation: Generally, sinks or cleaning areas larger than a typical mop/janitor sink are more useful.

E. GCD sizing criteria and an example of a GCD sizing calculation (2007 CPC)

<table>
<thead>
<tr>
<th>Sizing Criteria: Drain Fixtures</th>
<th>DFUs</th>
<th>GCD Sizing: Total DFUs</th>
<th>GCD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Volume (gallons)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pre-rinse sink</td>
<td>4</td>
<td>8</td>
<td>500</td>
</tr>
<tr>
<td>3 compartment sink</td>
<td>3</td>
<td>21</td>
<td>750</td>
</tr>
<tr>
<td>2 compartment sink</td>
<td>3</td>
<td>35</td>
<td>1,000</td>
</tr>
<tr>
<td>Prep sink</td>
<td>3</td>
<td>90</td>
<td>1,250</td>
</tr>
<tr>
<td>Mop/Janitorial sink</td>
<td>3</td>
<td>172</td>
<td>1,500</td>
</tr>
<tr>
<td>Floor drain</td>
<td>2</td>
<td>216</td>
<td>2,000</td>
</tr>
</tbody>
</table>

Example GCD Sizing Calculation:

<table>
<thead>
<tr>
<th>Quantity</th>
<th>Drainage Fixture &amp; Item Number</th>
<th>DFUs</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Pre-rinse sink, Item 1</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>1</td>
<td>3 compartment sink, Item 2</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>2</td>
<td>Prep sinks, Item 3 &amp; Floor sink, Item 4</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>1</td>
<td>Mop sink, Item 5</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>1</td>
<td>Floor trough, Item 6 &amp; tilt skillet, Item 7</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>1</td>
<td>Floor trough, Item 6 &amp; steam kettle, Item 8</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>1</td>
<td>Floor sink, Item 4 &amp; wok stove, Item 9</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>4</td>
<td>Floor drains</td>
<td>2</td>
<td>8</td>
</tr>
</tbody>
</table>

1,000 gallon GCD minimum sized Total: 30

Note:
- All resubmitted plans to Building Department which include FSE projects shall be resubmitted to Water Quality.
- It is frequently to the FSE’s advantage to install the next size larger GCD to allow for more efficient grease discharge prevention and may allow for longer times between cleaning. There are many manufacturers of GCDs which are available in different shapes, sizes and materials (plastic, reinforced fiberglass, reinforced concrete and metal)
- The requirements will assist FSEs with FOG discharge prevention to the sanitary sewer and storm drain pollution prevention. The FSE at all times shall comply with the Sewer Use Ordinance of the Palo Alto Municipal Code. The ordinances include requirements for GCDs, GCD maintenance, drainage fixtures, record keeping and construction projects.

FIRE DEPARTMENT
65. Install a NFPA 13 fire sprinkler, NFPA 14 standpipe and NFPA 72 fire alarm system.

66. Provide an onsite engineered all-weather Fire Department access road meeting the requirements of the Palo alto FD. An approved access walkway shall be provided to each egress/rescue window.

67. An approved access walkway shall be provided to each egress/rescue window.

68. When the Main Electrical Shutoff is located in the interior of the building, an exterior shunt trip or other approved means of emergency shutoff shall be provided.

69. Elevator car shall be sized for Fire Department gurney access requirements based on gurney dimensions of 24 in. x 84 in. plus a minimum of two emergency response personnel.

70. All sprinkler drains, including auxiliary, inspector’s test and main drain, shall not discharge within the building. Water discharged from these points shall be directed to an approved landscape location or to the sanitary sewer system. NOTE: The maximum flow capacity of sanitary sewer in the area is 30 gpm. Main Drain test discharge flow rate shall be impounded and attenuated to below sanitary sewer capacity before discharge.

71. All stairways will be required to provide roof access with a fixed ladder or stair.

**UTILITIES DEPARTMENT**

**Electrical**

**GENERAL**

72. The applicant shall comply with all the Electric Utility Engineering Department service requirements noted during plan review.

**PRIOR TO ISSUANCE OF DEMOLITION PERMIT**

73. The applicant shall be responsible for identification and location of all utilities, both public and private, within the work area. Prior to any excavation work at the site, the applicant shall contact Underground Service Alert (USA) at 1-800-227-
2600, at least 48 hours prior to beginning work.

THE FOLLOWING SHALL BE INCORPORATED IN SUBMITTALS FOR ELECTRIC SERVICE

74. A completed Electric Load Sheet and a full set of plans must be included with all applications involving electrical work. The load sheet must be included with the preliminary submittal.

75. Industrial and large commercial customers must allow sufficient lead-time for Electric Utility Engineering and Operations (typically 8-12 weeks after advance engineering fees have been paid) to design and construct the electric service requested.

76. Only one electric service lateral is permitted per parcel.

77. This project requires a padmount transformer; the location of the transformer shall be shown on the site plan and approved by the Utilities Department and the Architectural Review Board.

78. The padmount transformer will require a public utility easement: 10 ft wide x 10 ft long (3 ft clear space on three sides and 8 ft clear space in front for operation).

79. The customer shall install all electrical substructures (conduits, boxes and pads) required from the service point to the customer’s switchgear. The design and installation shall be according to the City standards and shown on plans.

80. Location of the electric panel/switchboard shall be shown on the site plan and approved by the Architectural Review Board and Utilities Department.

81. All utility meters, lines, transformers, backflow preventers, and any other required equipment shall be shown on the landscape and irrigation plans and shall show that no conflict will occur between the utilities and landscape materials. In addition, all aboveground equipment shall be screened in a manner that is consistent with the building design and setback requirements.

82. For services larger than 1600 amps, the customer will be required to provide a transition cabinet as the interconnection point between the utility’s padmount transformer and the customer’s main switchgear. The cabinet design drawings must be submitted to the Electric Utility Engineering Department for review and approval.

83. No more than four (4) 750 MCM conductors per phase can be connected to the transformer secondary terminals; otherwise, bus duct must be used for connections to padmount transformers. If customer installs a bus duct directly between the transformer secondary terminals and the main switchgear, the
installation of a transition cabinet will not be required.

84. The customer is responsible for sizing the service conductors and other required equipment according to the National Electric Code requirements and the City standards. Utilities Rule & Regulation #18.

85. Any additional facilities and services requested by the Applicant that are beyond what the utility deems standard facilities will be subject to Special Facilities charges. The Special Facilities charges include the cost of installing the additional facilities as well as the cost of ownership. Utilities Rule & Regulation #20.

86. Projects that require the extension of high voltage primary distribution lines or reinforcement of offsite electric facilities will be at the customer’s expense and must be coordinated with the Electric Utility.

DURING CONSTRUCTION

87. At least 48 hours prior to starting any excavation, the customer must call Underground Service Alert (USA) at 1-800-227-2600 to have existing underground utilities located and marked. The areas to be check by USA shall be delineated with white paint. All USA markings shall be removed by the customer or contractor when construction is complete.

88. The customer is responsible for installing all on-site substructures (conduits, boxes and pads) required for the electric service. No more than 270 degrees of bends are allowed in a secondary conduit run. All conduits must be sized according to National Electric Code requirements and no 1/2 – inch size conduits are permitted. All off-site substructure work will be constructed by the City at the customer’s expense. Where mutually agreed upon by the City and the Applicant, all or part of the off-site substructure work may be constructed by the Applicant.

89. All primary electric conduits shall be concrete encased with the top of the encasement at the depth of 30 inches. No more than 180 degrees of bends are allowed in a primary conduit run. Conduit runs over 500 feet in length require additional pull boxes.

90. All new underground conduits and substructures shall be installed per City standards and shall be inspected by the Electrical Underground Inspector before backfilling.

91. The customer is responsible for installing all underground electric service conductors, bus duct, transition cabinets, and other required equipment. The installation shall meet the National Electric Code and the City Standards.

92. Meter and switchboard requirements shall be in accordance with Electric Utility
Service Equipment Requirements Committee (EUSERC) drawings accepted by Utility and CPA standards for meter installations.

93. Shop/factory drawings for switchboards (400A and greater) and associated hardware must be submitted for review and approval prior to installing the switchgear to:

Gopal Jagannath, P.E.
Supervising Electric Project Engineer
Utilities Engineering (Electrical)
1007 Elwell Court
Palo Alto, CA  94303

94. Catalog cut sheets may not be substituted for factory drawing submittal.

95. All new underground electric services shall be inspected and approved by both the Building Inspection Division and the Electrical Underground Inspector before energizing.

Marketing Services

96. Please be advised that new construction and renovation projects with more than 2,500 square feet of landscape modifications shall be reviewed by Utility Marketing Services, a division of the Utilities Department. Prior to issuance of either a Building Permit or Grading Permit, the applicant will need to comply with the State (DWR) Water Efficient Landscape Ordinance requirements.

The following items shall be submitted when applying for your Building and/or Grading Permit:

- Water Efficient Landscape Worksheet
- Water Use Calculations
- Irrigation Plan
- Grading Plan
- Landscape Design and Planting Plan

All documents and information to comply with the Landscape Water Efficiency Standards can be found on the City of Palo Alto Utilities website at www.cityofpaloalto.org/les. If you have any further questions, please contact Amanda Cox with Utility Marketing Services at (650) 329-2417.

97. The City of Palo Alto’s new recycled water ordinance (Ordinance No. 5002) became effective on June 12, 2008. This ordinance has requirements for irrigation and dual plumbing that are effective immediately for certain types of projects in Palo Alto. For most projects, this requires a separate irrigation system utilizing purple irrigation pipe, appropriate fittings and the installation of an approved backflow prevention device. Please visit www.cityofpaloalto.org/les for more information on the recycled water ordinance.
Water Gas and Wastewater

PRIOR TO ISSUANCE OF DEMOLITION PERMIT

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

99. The applicant shall submit a request to disconnect all utility services and/or meters including a signed affidavit of vacancy. Utilities will be disconnected or removed within 10 business days after receipt of request. The demolition permit will be issued by the building inspection division after all utility services and/or meters have been disconnected and removed.

PRIOR TO SUBMITTAL FOR BUILDING PERMIT

100. The applicant shall submit a completed water-gas-wastewater service connection application - load sheet for City of Palo Alto Utilities. The applicant must provide all the information requested for utility service demands (water in fixture units/g.p.m., gas in b.t.u.p.h, and sewer in fixture units/g.p.d.).

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

102. Utility vaults, transformers, utility cabinets, concrete bases, or other structures can not be placed over existing water, gas or wastewater mains/services. Maintain 1’ horizontal clear separation from the vault/cabinet/concrete base to existing utilities as found in the field. If there is a conflict with existing utilities, Cabinets/vaults/bases shall be relocated from the plan location as needed to meet field conditions.

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

104. 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.
105. Sewer drainage piping serving fixtures located less than one foot above the next upstream sewer main manhole cover shall be protected by an approved backwater valve per California Plumbing Code 710.0. The upstream sewer main manhole rim elevation shall be shown on the plans.

106. Flushing of the fire system to sanitary sewer shall not exceed 30 GPM. Higher flushing rates shall be diverted to a detention tank to achieve the 30 GPM flow to sewer.

107. Sewage ejector pumps shall meet the following conditions:
   1. The pump(s) be limited to a total 100 GPM capacity or less.
   2. The sewage line changes to a 4” gravity flow line at least 20’ from the City clean out.
   3. The tank and float is set up such that the pump run time not exceed 20 seconds each cycle.

PRIOR TO ISSUANCE OF BUILDING PERMIT

108. 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.

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

110. Existing wastewater laterals that are not plastic (ABS, PVC, or PE) shall be replaced at the applicant’s expense.

111. 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.

112. Each unit or place of business shall have its own water and gas meter shown on the plans.

113. Each parcel shall have its own water service, gas service and sewer lateral connection shown on the plans.

114. 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.

115. A new water service line installation for domestic usage is required. For service connections of 4-inch through 8-inch sizes, the applicant's contractor must provide and install a concrete vault with meter reading lid covers for water meter and other required control equipment in accordance with the utilities standard detail. Show the location of the new water service and meter on the plans.

116. A new water service line installation for irrigation usage is required. Show the location of the new water service and meter on the plans.

117. A new water service line installation for fire system usage is required. Show the location of the new water service on the plans. The applicant shall provide to the engineering department a copy of the plans for fire system including all fire department's requirements.

118. An approved reduce pressure principle assembly (RPPA backflow preventer device) is required for all existing and new water connections from Palo Alto Utilities to comply with requirements of California administrative code, title 17, sections 7583 through 7605 inclusive. The RPPA shall be installed on the owner's property and directly behind the water meter, within 5’ of the property line. 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. The applicant shall provide the City with current test certificates for all
119. An approved reduced pressure detector assembly is required for the existing or new water connection for the fire system to comply with requirements of California administrative code, title 17, sections 7583 through 7605 inclusive. Reduced pressure detector assemblies shall be installed on the owner's property adjacent to the property line, within 5’ of the property line. Show the location of the reduced pressure detector assembly on the plans. Inspection by the utilities cross connection inspector is required for the supply pipe between the City connection and the assembly.

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

121. A new sewer lateral installation per lot is required. Show the location of the new sewer lateral on the plans.

122. All existing water and wastewater services that will not be reused shall be abandoned at the main per WGW utilities procedures before any new utility services are installed.

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

### APPLICABLE COMPREHENSIVE PLAN POLICIES

4041 El Camino Way  
09PLN-00000-00292

| Land Use and Community Design Element |  |
|--------------------------------------|  |
| **Multiple Family Residential:** The permitted number of housing units will vary by area, depending on existing land use, proximity to major streets and public transit, distance to shopping, and environmental problems. Net densities will range from 8 to 40 units and 8 to 90 persons per acre. Density should be on the lower end of the scale next to single family residential areas. Densities higher than what is permitted by zoning may be allowed where measurable community benefits will be derived, services and facilities are available, and the net effect will be compatible with the overall Comprehensive Plan.  | The proposed project is the addition of 44 senior care housing units on a 0.83 acre property, which is 54 units per acre, greater than that described in the Multiple Family Residential designation in the Comprehensive Plan, however, due to the nature of the facility, the 44 units contain 72 beds, which results in a persons per acre of 86, within the range allowed by this designation. |
| **Goal L-1:** A well-designed, compact city, providing residents and visitors with attractive neighborhoods, work places, shopping district, public facilities and open spaces.  | The proposed project replaces two older commercial buildings with a new facility providing an important service to city residents and would create an improved pedestrian environment. |
| Policy L-5: Maintain the scale and character of the City. Avoid land uses that are overwhelming and unacceptable due their size and scale.  | The proposed project is significantly more dense than the existing facilities, but the project is designed to locate most of the building size toward El Camino Real, providing a buffer for the residential located behind the project site. |
| Policy L-7: Evaluate changes in land use in the context of regional needs, overall City welfare and objectives, as well as the desires of surrounding neighborhoods.  | As discussed in the housing section below, this proposed project would serve an important need within the City and the region for housing designed specifically to serve the needs of seniors. |
| **Goal L-6:** Well-designed buildings that create coherent development patterns and enhance city streets and public spaces.  | The proposed project would continue the development pattern of the existing Palo Alto Commons facility, and would therefore increase the coherence of the development on this street. |
| Policy L-48: Promote high quality, creative design and site planning that is compatible with surrounding development and public spaces.  | The proposed project would provide a transition between the commercial and high density of El Camino Real, and the low density residential to the rear. |
| **Goal L-9:** Attractive, inviting public spaces and streets that enhance the image and character of the City.  | The proposed project includes significant improvements to the street and pedestrian facilities in the vicinity. |

<p>| Transportation Element |  |
|------------------------|  |
| <strong>Goal T-3:</strong> Facilities, services and programs that encourage and promote walking and bicycling.  | The proposed project includes significant improvements to the street and pedestrian facilities in the vicinity. |</p>
<table>
<thead>
<tr>
<th>Policy T-19: Improve and create additional, attractive, secure bicycle parking at both public and private facilities, including multi-modal transit stations, on transit vehicles, in City parks, at public facilities, in new private developments, and other community destinations.</th>
<th>The proposed project would include both long term and short term bicycle parking.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy T-23: Encourage pedestrian-friendly design features such as sidewalks, street trees, on-site parking, public spaces, gardens, outdoor furniture, art, and interesting architectural details.</td>
<td>The proposed project includes significant improvements to the street and pedestrian facilities in the vicinity including new street trees, sidewalk improvements, and crosswalks.</td>
</tr>
</tbody>
</table>

**Housing Element**

<table>
<thead>
<tr>
<th>Goal H-3: Housing Opportunities for a Diverse Population, Including Very low-, Low- and Moderate-Income Residents, and Persons with Special Needs.</th>
<th>Senior housing, especially in a facility that can provide graduated levels of care, is a special kind of housing in great need within the bay area, and is specifically called out in the Housing Element.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy H-17: Support opportunities for Shared Housing and other innovative housing forms to promote diversity and meet the needs of different household types and income levels.</td>
<td>The proposed project is specifically designed to meet the needs of seniors with community facilities, units designed for one or two residents, and the ability to provide graduated levels of care when needed.</td>
</tr>
<tr>
<td>Policy H-18: Support housing that incorporates facilities and services to meet the health care, transit, or social service needs of households with special needs, including seniors and persons with disabilities.</td>
<td>The proposed senior care housing facility is specifically for seniors and has available graduated levels of care when those become needed by the residents.</td>
</tr>
</tbody>
</table>

**Goal C-3: Improved Quality, Quantity, and Affordability of Social Services, Particularly for Children, Youth, Seniors, and People with Disabilities**

| The proposed senior care housing facility is an important social service with graduated levels of care for seniors with increasing disabilities. |

**Community Services and Facilities Element**

| Policy C-15: In residential or neighborhood commercial development projects, strongly encourage child care and/or senior care facilities, along with measures to mitigate potential conflicts between these facilities and surrounding uses. | The proposed project is a senior care facility which would provide much needed facilities for city residents. |
Table 1: COMPARISON WITH CHAPTER 18.13 & 18.16 (RM-30 & CN DISTRICTS)

<table>
<thead>
<tr>
<th>Regulation</th>
<th>Proposed</th>
<th>Proposed (Combined with existing)</th>
<th>RM-30</th>
<th>CN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Site Area</td>
<td>36,134 s.f.</td>
<td>111,061 s.f.</td>
<td>8,500 s.f.</td>
<td>NA</td>
</tr>
<tr>
<td>Min. Site Width</td>
<td>150 ft (approx)</td>
<td>375 ft (approx)</td>
<td>70 s.f.</td>
<td>NA</td>
</tr>
<tr>
<td>Min. Site Depth</td>
<td>260 ft (approx)</td>
<td>260 ft (approx)</td>
<td>100 s.f.</td>
<td>NA</td>
</tr>
<tr>
<td>Min. Front Setback</td>
<td>18 ft 10 in</td>
<td>14 ft</td>
<td>0-20 ft</td>
<td>0-10 ft to create a 8-12 ft effective sidewalk width</td>
</tr>
<tr>
<td>Min. Interior Side Yard</td>
<td>17 ft 8 in</td>
<td>10 ft</td>
<td>10 ft</td>
<td>10 ft when abutting residential</td>
</tr>
<tr>
<td>Min. Rear Setback</td>
<td>16 ft 9 in</td>
<td>10 ft</td>
<td>10 ft</td>
<td>10 ft when abutting residential</td>
</tr>
<tr>
<td>Max. Floor Area Ratio</td>
<td>56,684 s.f.</td>
<td>129,766 s.f.</td>
<td>0.6:1</td>
<td>0.9:1 mixed use</td>
</tr>
<tr>
<td>Max. Residential Density</td>
<td>53 units per acre (44 units)</td>
<td>64 units per acre (161 units)</td>
<td>30 units/acre</td>
<td>15 units/acre</td>
</tr>
<tr>
<td>Max. Lot Coverage</td>
<td>57% (20,572 s.f.)</td>
<td>47% (52,072 s.f.)</td>
<td>40%</td>
<td>50%</td>
</tr>
<tr>
<td>Max. Building Height</td>
<td>37 ft, 3 stories</td>
<td>37 ft, 3 stories</td>
<td>35 ft</td>
<td>35 ft $^1$</td>
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<tr>
<td>Min. Open Space</td>
<td>11,368 (31%)</td>
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<td>Min. Usable Open Space</td>
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<td>Min. Common Open Space</td>
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<td>Min. Private Open Space</td>
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<td>NA</td>
<td>50 s.f./unit</td>
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</table>

$^1$ For exclusively non-residential development the limit is 25 feet and 2 stories.
<table>
<thead>
<tr>
<th>Parking Spaces</th>
<th>Required</th>
<th>Proposed</th>
<th>Combined</th>
<th>Conformance</th>
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</thead>
<tbody>
<tr>
<td>Multi-Family Residential</td>
<td>1.25 spaces/studio 1.5 spaces/1-bedroom 2 spaces/2-bedroom (80 spaces for proposed, 172 spaces for existing)</td>
<td>41 spaces, plus 2 drop-off</td>
<td>98 spaces</td>
<td>Proposal Conforms with 50% reduction&lt;sup&gt;2&lt;/sup&gt;</td>
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<tr>
<td>Guest</td>
<td>1 space plus 10% of units (8 spaces for proposed, 17 spaces for existing)</td>
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<sup>2</sup> With director’s approval of parking adjustment reduced by 50% in required spaces as allowed for housing facilities for seniors, given that a parking analysis justifying the reduction is provided and approved.
I. PROJECT APPLICANTS.

The project applicants are William and Stephen Reller. William and Carolyn Reller developed Palo Alto Commons in 1989. In addition to developing Palo Alto Commons, they developed several condominium projects in Palo Alto in the 1970s and 1980s. Both William and Carolyn served on many non-profit boards. Together they received the Tall Tree Award and raised their three children (including Stephen) in Palo Alto where they live today. Stephen began developing homes in Palo Alto fifteen years ago and is currently working on his company’s twenty-fifth project. He moved back to Palo Alto five years ago where he and his wife will raise their three young children.

II. INTRODUCTION.

4041 El Camino Way consists of three parcels facing onto El Camino Way totaling 36,134 square feet or 0.83 acres.) The proposed development (the “Commons Addition”) at 4041 El Camino Way will be combined with the existing senior living rental community located directly adjacent and south of the Project at 4075 El Camino Way and known as Palo Alto Commons.

Palo Alto Commons is PC Zone 3775 adopted in 1987 replacing the underlying zones that were CN and RM-2. Palo Alto Commons consists of 117 senior rental units (with 140 beds,) totaling 81,200 square feet on a parcel totaling 74,927 square feet (1.7) acres. Palo Alto Commons FAR is 1.1, its site coverage is 42%, and it provides 55 parking spaces or .5 per unit. Palo Alto Commons is three stories and 32’6” tall. The unit density is 71 per acre.

The Commons Addition will operate under the existing Residential Care Facility for the Elderly (RCFE) license issued by the State of California to Palo Alto Commons. Units can include assisted living, memory/dementia care, as well as independent living for seniors.

III. PROJECT LOCATION AND CONTEXT.

4041 El Camino Way is located on El Camino Way one parcel south east of the intersection of El Camino Real and El Camino Way that becomes Los Robles on the west side of El Camino. 4041 El Camino Way has 149’6” of street frontage and will be developed with a two to three-story building that will be at its highest point 35’ to 37’ tall. The three 4041 El Camino Way parcels have two zone districts – CN along El Camino Way and RM-15 to the rear of the parcels. 4041 El Camino Way is currently improved with two commercial buildings, a residential unit, a detached garage and a shed. All of the buildings are in poor condition. Adjacent and to the south is Palo Alto Commons that has a 225’6” street frontage and is a PC Zone. To the south of Palo Alto Commons is the Goodwill Store that is on the north east corner of El Camino Way and West Meadow Drive, has street frontage of 208’10” along El Camino Way and is in the CN Zone.

To the north of 4041 El Camino Way is a 19-unit condominium project known as Jacobs Court. Jacobs Court is a two-story project that has a 215’ street frontage. All of the Jacobs Court units
are two-stories and about 27’ tall with covered parking spaces. Jacobs Court is zoned RM-15. The location of the 19 units is important to understand and is described in Section VII.

North of Jacobs Court is the new Keys School that has a 153’ street frontage and that is about 35’ tall at its tallest point. The Keys School is zoned CS.

To the east of 4041 El Camino Way are two R-1 single-family residences. There are eight R-1 single-family residences behind Palo Alto Commons. The owners of these residences participated actively in the design and setbacks of Palo Alto Commons during its approval process. The owners of the two single family residences east of 4041 El Camino Way did not respond to any notices of meetings with the applicants to provide input about the project and did not attend any of the public hearings on the project. One of these units appears to be for sale.

IV. APPROVAL PROCESS.

The Commons Addition will proceed as a PC Zone Amendment. The three parcels at 4041 El Camino Way will be merged with the Palo Alto Commons single parcel. The current PC Zone 3775 for Palo Alto Commons will then incorporate the Commons Addition.

V. THE COMMONS ADDITION.

As a PC Zone, the Commons Addition establishes its own zoning parameters that do not establish precedent for any other site.

a. Height. The Commons Addition will consist of a new building that is initially two-stories and about 25’ tall along the portion of the building facing the R-1 Zone and for 40% of the Jacobs Court adjacency. This two-story element provides a transition to these sensitive adjacent buildings. There is a third story above the second story portion and it is set back an additional 20’ from the neighboring properties. The remainder of the building is three-stories and between 35’ and 37’ tall. As described below, the 3-story portion of the building is about 48’ from the Jacobs Court building. The CN Zone permits a 35’ height and the RM-15 Zone permits a 30’ height. The height of the Commons Addition is comparable to the height of Palo Alto Commons, although slightly taller. Those portions that are higher than the original project are set back considerably from the neighbors.

b. Unit Density Per Acre. There will be 44 senior rental units or 53 units per acre, considerably less than the density of the original project. When combined with Palo Alto Commons there will be 161 senior rental units or 64 units per acre.

c. Site Coverage. The Commons Addition building footprint is 20,574 square feet on a parcel of land that is 36,134 sf with a resulting 57% site coverage. The current Palo Alto Commons parcel area is 74,927 with site coverage of 31,500 square feet or 42% site coverage. The combined site area is 111,061 square feet with 52,074 as the covered area, so the combined site coverage would be 47%. and is consistent with the 50% site coverage applicable under both the existing RM-15 and CN Zones.

d. Setbacks. The Rear Setback is 14’-0” when only 10’ is required. The Side Yard facing Jacobs Court is 33’-8” for a depth of 160’ from El Camino Way when only 10’ is required and 17’-9” for the rear 78’ of the parcel where only a 10’ setback is required. There will be no Interior Side Yard Setback relative to Palo Alto Commons since the 4041 parcels will be merged with the Palo Alto Commons parcel. The Street Front Yard setback is 18’-10” where only 12’ is required. This
Street Front Yard is necessary for the safe entry of vehicles for guest parking and for drop-off for senior residents. Palo Alto Commons satisfied its setback requirements.

**e. Daylight Plane.** The Commons Addition satisfies the daylight plane with respect to Jacobs Court and the two R-1 neighbors. Palo Alto Commons satisfied its daylight plane requirements.

**f. Distance from Jacobs Court and R-1 Homes.** The three-story portion of the Commons Addition is about 48’ from the face of the Jacobs Court building. The Commons Addition is setback 33’-8” from the property line in this area and the Jacobs Court building is setback approximately 14’ to 20’ from its property line. The two-story portion of the Commons Addition is about 35’ from the Jacobs Court building. The Commons Addition is setback 17’-9” from the property line in this area and the Jacobs Court building is setback approximately 14’ to 20’ from its property line in this area.

The Commons Addition is about 35’ from both of the R-1 neighbors’ buildings. The Commons Addition is setback no less than 14’-0” from the rear property line and the R-1 buildings are setback about 20’ to 25’ from the same property line.

**g. Open Space.** The Commons Addition provides 11,739 square feet of usable common open space. The Commons Addition provides 825 sf private open space. However, a majority of the units have patios or balconies that, due to their smaller size, are not recognized as such by the City’s Zoning code. If these private open spaces were included, there is actually 3,283 sf of private open space while only 2,300 sf is required. The feature common area will be the courtyard between the existing Palo Alto Commons and the new building. Centered in this courtyard is a large Valley Oak tree. Beneath its canopy will be seating and winding walkways where the existing and new buildings will be connected through several entrances to each building. The arborist, David Babby, has provided the attached letter indicating that the building has been designed in such a way that solar access for the oak tree is adequate for the long term health of the oak tree.

**h. Parking.** Palo Alto has no parking standards for a senior community with graduated levels of care. The Commons Addition will provide 38 below grade parking spaces and three on-grade parking spaces for a total of 41 spaces, a 0.93:1 space to unit ratio. Two drop off spaces are also provided. There are 44 senior rental units, 19 of which are two bedroom units, 17 of which are one bedroom units and 8 of which are studio units. However, at the Commons no more than one car is allowed per unit, and very few residents maintain there own cars. In a non-senior project, 80 parking spaces would be required, but this number may be reduced by 50% since the housing is for seniors. Palo Alto Municipal Code Section 18.52. The 41 spaces provided exceeds the number allowed for a senior community. A parking analysis prepared by Fehr & Peers is attached and concludes that not only is the parking adequate for the Commons Addition, but also that the expanded parking garage eliminates the slight shortage in parking that exists today. In addition to automobile parking there will be twelve bike parking stalls – six at grade and six in the garage.

**i. Floor Area Ratio.** The Commons Addition will be 56,672 square feet, a 1.57 FAR. However, this includes many rooms located in the basement which do not add to the overall mass of the building. These areas add up to 6,373 sf and include the swimming pool, workout room, office and resident storage rooms. Furthermore, approximately 1620 sf is located on the existing Palo Alto Commons’ property (this property line will be eliminated.) If these areas were not included in the building mass calculation the FAR would be 1.35 When combined with the 81,200 sf of
the existing Palo Alto Commons, the total building area above the garage level would be 131,499 square feet and a **1.18 FAR.**

### VI. SENIOR HOUSING NEEDS AND FACILITIES

This Project Description does not present information about the demonstrated need throughout California, in northern Santa Clara County and in Palo Alto for senior independent and assisted living, and in particular rental senior housing. Demographic literature is extensive, current, and compelling about this need. Government Code §65915 specifically recognizes the need for “senior citizen housing” (35 units or more) and identifies benefits for senior citizen housing unrelated to affordability standards. If requested by Staff or P&TC members, the Applicant can provide literature about Palo Alto’s aging population, and the statewide need for assisted living because of the greater longevity of our population.

Senior rental housing is in great demand. Palo Alto’s most recent senior citizen projects, the Hyatt Senior Living at Stanford, the expanded Channing House project and the Moldaw Senior Residences at the Taube-Koret Campus for Jewish Life are “equity” projects that require the equivalent of a purchase with initial payments for residences costing between $650,000 and $1,000,000 at the Moldaw Senior Residences. At the Hyatt Senior Residences at Stanford, the entrance fee costs are between $1,200,000 and $5,000,000.

The Commons Addition with 44 new units will supplement the 117 units at Palo Alto Commons as one of the more affordable senior citizen housing communities with extensive care services in Palo Alto. Units on the first two floors will be available to all prospective residents, both ambulatory and non-ambulatory, while the third floor units will be limited to independent, ambulatory residents. There also is no entrance fee at the Palo Alto Commons or the Commons Addition.

PC Zone 3775 specifically states: “Housing for the elderly...including residential care, is a public need, considering Palo Alto’s elderly population.”

The 2004 PC Zone for Sunrise Assisted Living located at 2701 El Camino replaced underlying CN and RM-40 zone districts. That PC Zone states: “This type of housing would not be obtainable without the use of a planned community zone because the City has not addressed special needs housing in the Comprehensive Plan or ordinance.” The Council approved a full four-story building with a **1.51 FAR and a height of 45’** even though Sunrise was adjacent to existing residential units on two sides.

For Sunrise, in 2004, the Council found: **“This development would provide assisted living for seniors and care for persons living with Alzheimer’s. This is special needs housing which is under represented use in the community. Due to the reduced impacts associated with this type of use, exceeding the parameters established in the zoning and Comprehensive land use designations is appropriate.”**

The PC Amendment for the expanded Channing House project found that no additional public benefit was needed other than the intrinsic provision of needed senior housing and the upgrading of the units to better serve today’s seniors.
The Moldaw Family Residences were also part of the larger PC Zone for the Taube Koret Campus for Jewish Life approved in 2006. The CMR refers to the need for senior housing, particularly with assisted living, reminiscence units, and extended care.

VII. MINIMIZING NEIGHBORHOOD IMPACTS.

By adding units to Palo Alto Commons, citywide impacts are minimized. There is no location and no combination of services that could be created as efficiently as can the Commons Addition and its 44 new senior rental units.

The CMR for Palo Alto Commons identified the three neighborhood concerns that had been addressed by the Applicant:

- Adequate setback from R-1 neighbors has been solved by the zigzag pattern of the building and greater setback.
- Privacy intrusions from second and third story balconies have been addressed with a taller fence, greater setbacks, reduced building height, and screening trees.
- Traffic issues were addressed by the City’s traffic consultant that determined that the project would generate fewer trips than would a development under the current zoning.

The neighbors, all of whom were R-1, appreciated the changes to setbacks and landscaping undertaken by the Applicant. The neighbors acknowledged that they could not reasonably expect that the Palo Alto Commons property would not be developed, even though this removed the pastoral experience of largely unimproved land.

The rear portion of the Commons Addition adjacent to R-1 neighbors is two-stories tall, has a setback greater than required, and provides articulation of the building to avoid an “institutional” look. The Commons Addition has no greater impact on the R-1 neighbors than would a modest project consistent with the existing RM zoning.

The Jacobs Court adjacency is also sensitive. We have met several times with neighbors whose units face onto 4041 El Camino Way. We understand the reasonableness of their concerns that any development (including a development consistent with existing zoning) will affect their view and sunlight because any project will replace an old single-family home, a detached garage, and a shed. Most of 4041 El Camino Way is a field with a few quality trees. Of course, the Jacobs Court neighbors cannot avoid reasonable development impacts. We believe the Commons Addition impacts will be less than impacts of an alternative development that would be consistent with current zoning standards.

It is important to understand the location of the 19 Jacobs Court units:

- Nine units face Keys School and are not impacted by the Commons Addition.
- Three units are east of 4041 El Camino Way, adjacent to R-1 properties.
- Three units will be adjacent to the two and three story rear portion of the building.
- Four units will be adjacent to a three-story portion of the Commons Addition that would be consistent with the CN development standards with respect to daylight plane and setback related to these units.

The Applicant initially presented Plan #1 that had 47 large units, was predominantly four-stories tall, and had 69,950 sf (not including any basement area.) Plan #2 consisted of 46 large units,
was largely five-stories tall along El Camino Way, and was 69,705 sf (not including any basement area.)

The current plan, revised after neighbor input, as well as input from the P&TC and ARB, has been reduced in square footage to 56,672 sq. ft. (which includes 6373 sf in the basement) and has 44 units and consists of two-and-three story portions of the building. The two-story portion of the building is on the current RM-15 portion of the site and the three-story portion of the building is on the current CN and RM-15 portions of the site with greater setbacks on the RM-15 portion. The heights of these building elements are for the most part consistent with current zoning standards and, as requested by Jacobs Court neighbors, the kitchen and deliveries are located along the southern edge of the property, so that noise related to these uses are not impacting Jacob Court.

Most recently, after the first noticed public hearing at the ARB, and at the request of the ARB, the applicants met with the interested neighbors to discuss the placement of the oak trees that will be relocated to the property line between the Palo Alto Commons and Jacobs Court. All in attendance discussed the balance between loss of sunlight, creating privacy and minimizing leaf debris on the private property at Jacobs Court. The neighbors were satisfied with the placement of the oak trees and none attended the second ARB meeting to raise any issues. Also, at that meeting, the neighbors asked that the property line fence between Jacobs Court and the proposed project be continued toward El Camino Way and then extended for approximately thirty feet on to the Jacobs Court property to create a private space for the condominium units. The applicants have agreed to this request.

The Commons Addition fully parks itself and provides extra parking to address the current small parking deficit of the Commons. See parking analysis prepared by Robert Eckols of Fehr & Peers. In addition, now that the Commons management is aware that parking has been an issue for some neighbors, they are committed to managing the existing parking garage which is presently far under utilized. Three parking spaces along 4041 El Camino Way will be eliminated with the new project, but these are spaces that have usually been occupied by employees of or visitors to Palo Alto Commons as well as employees and customers of the current office building occupants. With the expansion of parking and management of the existing garage, these spaces will not be necessary.

Materials will be delivered to the southern side of the Commons Addition, and many deliveries will be coordinated with Palo Alto Commons so most deliveries will take place at existing delivery locations away from Jacobs Court and other neighbors.

**VIII. NO BMR REQUIREMENTS UNDER CALIFORNIA LAW.**

The City has determined that under California law there is no BMR requirement for the Commons Addition because it is an entirely rental project. No BMR units are proposed.

**IX. PC ZONE FINDINGS: CANNOT BE DEVELOPED UNDER EXISTING ZONING.**

The Commons Addition property is so situated, and the use or uses proposed for the site are of such characteristics that the application of general districts or combining districts will not provide sufficient flexibility to allow for the Commons Addition. The Commons required a PC Zone and it is that PC Zone that will be amended. No project for seniors has been developed in Palo Alto without a PC Zone, because the Palo Alto Zoning Ordinance does not address senior projects.
X. PC ZONE FINDINGS: COMPREHENSIVE PLAN COMPLIANCE.

The Sunrise PC Ordinance found Sunrise (with 97 residents and 81 units on a site less than one acre) to be compatible with the Comprehensive Plan and states: “The Comprehensive Plan allows for residential densities up to 40 dwelling units per acre and 90 persons per acre. This project is residential in nature, but it is not a typical residential development...The current general zoning standards and Comprehensive Plan land use designations do not account for special needs housing.”

The Commons Addition and Palo Alto Commons are consistent with the Comprehensive Plan.

POLICY H-2: Identify and implement a variety of strategies to increase housing density and diversity in appropriate locations. Emphasize and encourage the development of affordable and attainable housing.

PROGRAM H-1: Increase housing density immediately surrounding commercial areas and particularly near transit stations by either increasing allowed densities or encouraging development at the higher end of the existing density range for sites within 2,000 feet of an existing or planned transit station or along two major transit corridors, El Camino Real and San Antonio Road, wherever appropriate.

PROGRAM H-3: Encourage the conversion of non-residential lands to residential use to both increase the supply of housing, particularly affordable housing, and decrease the potential for the creation of new jobs that exacerbate the need for new housing. Land use and development applications that propose the conversion of non-residential land to residential or mixed-use development will be given preferential or priority processing to encourage such conversion.

PROGRAM H-4: Allow increased residential densities and mixed use development only where adequate urban services and amenities can be provided and, in cases where the change in zoning is likely to lead to traffic congestion that will reduce levels of service below those acceptable to the City, adopt mitigation measures that will avoid this impact.

POLICY H-18: Support housing that incorporates facilities and services to meet the health care, transit, or social service needs of households with special needs, including seniors and persons with disabilities.

XI. PC ZONE FINDINGS: PUBLIC BENEFIT.

The City has not required a new public benefit when a PC Amendment is requested, as long as the original public benefit is maintained. The PC Zone for Palo Alto Commons notes the benefit of providing senior housing, which will be maintained and expanded. This proposed amendment is similar to the PC Amendment for Channing House where, with the expansion, the provision of senior housing was maintained and no additional public benefit was required.

Nevertheless, the applicant is offering additional public benefit by improving many of the pedestrian features along El Camino Way between East Meadow and El Camino Real to the north at a cost of approximately $150,000. On the city owned land between El Camino Way and El Camino Real, a landscaped transit plaza would be created. This would include upgrading the existing bus stop with a new covered bus shelter, new paving, additional seating and extensive planting. Also included in this area would be a walkway connecting El Camino Real to El Camino Way and a new crosswalk with ramps that would connect the new walkway to the existing sidewalk across El Camino Way. This crosswalk would have pedestrian activated, in-pavement flashing lights to alert motorists of crossing pedestrians. Additionally, the crosswalk
across East Meadow Dr. at El Camino Way would be repainted and the street trees in front of the Commons Addition would be replaced and/or added.

In addition to the intrinsic benefit of providing needed senior housing and improving the nearby City land, the applicants will make a contribution that will benefit Palo Alto low income seniors who choose to remain in their homes as they age. After several discussions with Lisa Hendrickson, President and CEO of Avenidas, and learning that Avenidas employs a part time case worker to specifically assist low income seniors who choose to age at home, the applicants propose to donate $100,000 to Avenidas to be ear-marked for this program, directed at helping low income seniors.

XII. PROJECT FINANCIAL CONTRIBUTIONS.

A. Impact Fees.

The Project will be responsible for the following impact fees:
- Residential Park Fee: $6,527 @ 19 additional units (over 900 sf) = $124,013
- Residential Park Fee: $3,300 @ 24 units (under 900 sf) = $79,200
- Residential Community Center Impact Fee: $1,700 @ 19 units (over 900 sf) = $32,300
- Residential Community Center Impact Fee: $858 @ 24 units (over 900 sf) = $20,592
- Residential Library Impact Fee: $539 @ 19 units = $10,241
- Residential Library Impact Fee: $296 @ 24 units = $7,104
- Citywide Traffic Impact Fee: $2,861 @ 12 PM new trips = $34,332
- Residential PAUSD Impact Fee: $ .47 @ 43,938 new sf = $20,651

**Total Impact Fees as of October 7, 2010 subject to future cost-of-living increases: $328,433**

B. Property Taxes.

The City receives 9.6% from increased property taxes, while the Palo Alto Unified School District receives over 53.7% of new property tax revenue.

Under a pending re-assessment, the property currently has a value of $3,200,000 generating total property taxes of $35,000 of which the City receives $3,360 and PAUSD receives $18,795.

The Commons Additions should have a future assessed value of about $22,000,000 generating $224,000 in annual property tax revenue with $23,000 allocated to the City and $131,000 allocated to PAUSD.

Property taxes will increase by not less than 2% every year for the benefit of the City and PAUSD.

C. Construction Period Sales Tax.

To the extent allowed by law, the Project will identify Palo Alto as the site for construction related sales taxes. This could result in the allocation of as much as $7,000,000 in construction costs subject to sales tax. Palo Alto would receive 1% or a one-time sales tax allocation of $70,000.
D. Increased Sales Tax.

The residents of forty-four senior units homes will generate taxable sales of $440,000 (residents of each of the 44 units spending $10,000 per year in Palo Alto). Employees will generate taxable sales of $20,000 (20 shift employees spending $1,000 per year in Palo Alto). Total taxable sales would be $460,000. The City would receive $4,600 sales tax revenues.

E. Summary of Fees and Revenues:

One Time Impact Fees and Revenues: $328,433
Construction Period Revenues: $70,000
Recurring Annual Revenues: $159,000

XIII. SUSTAINABLE DESIGN.

The Project will satisfy the City of Palo Alto Green Building Ordinance standard. The Commons Addition will achieve a LEED-ND rating.

XIV. PARCEL MAP AND MERGER.

The Commons Addition will be merged into a single parcel with Palo Alto Commons. This will be accomplished as a parcel merger of four or fewer parcels through a certificate of compliance and will include elimination of the three parcels currently comprising the Commons Addition parcels.

XV. DEVELOPMENT SCHEDULE.

Per the below schedule, it is expected that the project will be completed in January 2013.

1. ARB November 2010 - Completed
2. Submit HUD Loan Application – December 2010 - Completed
3. Design Development continues through January 2011 - Completed
4. Planning and Transportation Commission – January 2011 – Completed
5. Completion of Certificate of Compliance – Submitted
6. City Council – March 2011
7. Construction Documents February – May 2011 for permit submission
8. Permit review and CD completion June – August 2011
9. HUD Loan Approval – July 2011
# Palo Alto Pilot Program - 2009 LEED for Neighborhood Development (LEED-ND) Worksheet

*Yellow cells to be completed by applicant.

## Project Name: Palo Alto Commons Addition

### Project Address: 4041 El Camino Way, Palo Alto, CA 94306

#### LEED-ND SLL and NPD Sections

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<th>Credit Description</th>
<th>Possible Points</th>
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<th>Prereq 2</th>
<th>Prereq 3</th>
<th>Prereq 4</th>
<th>Prereq 5</th>
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### Smart Location and Linkage

- **Possible Points: 27**

| Prereq 1 | Smart Location | Required | Explanation: Palo Alto Commons is located near existing community and public transit infrastructure and complies with Option 4 since the project includes residential components greater than 30% of the project square footage and is within a 0.4 mile walk distance to at least 1 existing community hub.
|----------|----------------|----------|-------------------------------------------------|
| Prereq 2 | Imperiled Species and Ecological Communities | Required | Explanation: This site complies with Option 1: Biological surveys have determined that no imperiled species have been found at this site.
| Prereq 3 | Wetland and Water Body Conservation | Required | Explanation: This site complies with Option 1 since it is not located within 50 feet of wetlands or within 100 feet of water bodies.
| Prereq 4 | Agricultural Land Conservation | Required | Explanation: This site is not located within a state or locally designated agricultural preservation district and complies with Option 3 since it is served by adequate public transit.
| Prereq 5 | Floodplain Avoidance | Required | Explanation: This site does not contain any land within a 100-year high or moderate risk floodplain.
| Credit 1 | Preferred Locations | 10 | Explanation: This project complies with Option 1b since it is located next to an adjacent site that is also a previously developed site.
| Credit 2 | Brownfield Redevelopment | 2 | Explanation: The project site is already determined, and is not a brownfield or high-priority redevelopment area.
| Credit 3 | Locations with Reduced Automobile Dependence | 7 | Explanation: The project site is located on a Class II bike lane along El Camino Way, but there are only 4 enclosed bicycle storage lockers. Providing 1 secure, enclosed locker for each unit (44 total) is not achievable on this small site without significant impact on the planting and residential storage and other program required spaces.
| Credit 4 | Bicycle Network and Storage | 1 | Explanation: This project complies with Option 2: Thirty percent of the total building square footage is within a 0.2 mile walk distance of what is assumed to be at least 44 jobs.
| Credit 5 | Housing and Jobs Proximity | 3 | Explanation: This project complies with Option 1 since there are no existing slopes greater than 15%.
| Credit 6 | Steep Slope Protection | 1 | Explanation: This project complies with Option 1 since there are no existing slopes greater than 15%.
| Credit 7 | Site Design for Habitat or Wetland and Water Body Conservation | 1 | Explanation: This project complies with Option 1 since there are no existing significant habitats or land within 100 feet of such a habitat.
| Credit 8 | Restoration of Habitat or Wetlands and Water Bodies | 1 | Explanation: The project does not comply with the requirements for this credit. The program design requirements do not allow for the restoration of the natural habitat.
| Credit 9 | Long-Term Conservation Management of Habitat or Wetlands and Water Bodies | 1 | Explanation: This project complies since the design centers around the preservation of the existing live oak tree and several of the redwoods.
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<td>Prereq 2 Compact Development</td>
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<td>Prereq 3 Connected and Open Community</td>
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**Prereq 1 Required**
This project complies with requirements "a" through "d" for sidewalks at the street frontage.

**Prereq 2 Required**
This project complies with Option 1a since there are more than 12 units per acre.

**Prereq 3 Required**
This project complies with Option 2 for project without internal streets, but is located within 1/4 mile of area which is assumed to have 90 intersections per square mile.

**Credit 1 Walkable Streets**
This project complies with only two items under Option 2 for projects without internal streets:
- There are sidewalks on both sides of the street, and
- The ground floor dwelling units are no more than 24" above street grade.

**Credit 2 Compact Development**
The project density does not comply with the requirements of this credit. Though there are 44 units/.83 acres (53 units/acre), the FAR of the non-residential component (.42) does not appear on the table. The project density cannot be achieved without increasing the size of the building.

**Credit 3 Mixed-Use Neighborhood Centers**
It is assumed that there are at least 19 diverse uses within 1/4 mile of this project.

**Credit 4 Mixed-Income Diverse Communities**
This project does not comply with the requirements for this credit since there are only 4 enclosed bicycle storage lockers. Providing 1 secure, enclosed locker for each unit (44 total) is not achievable on this small site with significant impact on the planting and residential storage and other program required spaces.

**Credit 5 Reduced Parking Footprint**
The nature of this project does not allow for diverse housing types within the site. The residential component consists entirely of rental units for seniors.

**Credit 6 Street Network**
This credit is not applicable to this project since there are no internal streets.

**Credit 7 Transit Facilities**
Though the project site is located close to an existing transit corridor, it would only be possible to provide bike storage for public use at the expense of program required spaces.

**Credit 8 Transportation Demand Management**
The project can comply with Options 1 and 2: TDM and provision of transit passes.

**Credit 9 Access to Civic and Public Spaces**
This site selection has already been determined and there are no parks or plazas within 1/4 miles of this project.

**Credit 10 Access to Recreation Facilities**
This site selection has already been determined and there are no outdoor recreation facilities or publicly accessible indoor recreational facilities within 1/2 miles of this project.

**Credit 11 Visibility and Universal Design**
All of the units will incorporate universal design, and this project complies with Option 1 of this credit.

**Credit 12 Community Outreach and Involvement**
This project complies with Option 1 for community outreach.
| Credit 13  Local Food Production | 1 | 2 | It is conceivably possible to comply with Option 2 for community supported agriculture, though this would have financial impacts on the operation of the facility. The project program requirements will not allow for square footage devoted to a greenhouse on the property and is not within 1/2 mile of a farmers market, so this project will not comply with Options 1 and 3. |
| Credit 14  Tree-Lined and Shaded Streets | 2 | 1 | New street trees will provide shade over 40% of the length of sidewalk within the project, and the project landscape architect has determined that the planting is appropriate. No trees will be planted on the opposite side of the street, however, so the second point for this credit will not be achieved. |
| Credit 15  Neighborhood Schools | 1 | 1 | This intent of this point is not applicable to this project since it designed specifically as a senior residential facility and it is unlikely that occupants will be attending elementary, middle or high school. In any case, the high school is located further than 1 mile from the project site. |
| **Total** | **Possible Points** | 71 | 28 | 11 | 37 |

Applicant must show how 30 points could be achieved through Option 1 and/or Option 2.
September 17, 1010

Stephen Reller  
R&M Properties  
664 Gilman Street  
Palo Alto, CA  94301

RE: SHADING OF VALLEY OAK – TREE #13  
Palo Alto Commons North  
4041 El Camino Way, Palo Alto

Dear Mr. Reller:

This letter presents my review of how tree #13 will potentially be affected by shading that will be introduced by constructing a three-story building (to my understanding, 34 feet tall) at the above-referenced site; the plan reviewed for my evaluation is the Conceptual Site Plan, Sheet A11, dated 8/19/10.

The subject tree is a valley oak (*Quercus lobata*) with a trunk diameter of about 35 inches, a height of nearly 45 feet, and a canopy that spreads an estimated 80 feet across. The majority of foliage is concentrated around the upper canopy.

Existing shading elements surrounding the oak’s trunk are as follows:

- An existing building (Palo Alto Commons) at about 25 feet SE.
- A 55-foot tall deodar cedar, tree #11, at approximately 28 feet NW.
- A 30-foot tall California pepper, tree #12, at about 20 feet W.
- A 40-foot tall coast live oak, tree #9, approximately 38 feet SW (this tree is planned for relocation).
The proposed building forms a sizeable courtyard around the oak, with its footprint being the approximate following distances from the tree’s trunk:

- 37 feet to the NW (slightly beyond tree #11’s trunk).
- 40 feet to the SW (near tree #9’s trunk).
- 35 feet N and NE (in an unshaded area).

Based on the previous information, construction of the new building will introduce shade predominantly to the north and northeast sections of the canopy, and it is my opinion that the shading will be minor and insignificant, and the oak will continue receiving sufficient levels of sunlight to maintain its health and vigor.

Sincerely,

David L. Babby
Registered Consulting Arborist® #399
Board-Certified Master Arborist #WE-4001B
TO: PLANNING & TRANSPORTATION COMMISSION

FROM: Jennifer Cutler, Planner

DEPARTMENT: Planning and Community Environment

AGENDA DATE: June 16, 2010

SUBJECT: 4041 El Camino Way [09PLN-00292]: Request by Stephen Reller for a Planned Community zone district to establish a 45-unit, three-story, senior assisted housing facility on a 0.83 ± acre site, and a Tentative Map to merge the lot with the adjacent 1.7 acre site as an expansion of the existing Palo Alto Commons Planned Community. Environmental Assessment: An Initial Study has been completed and a Draft Mitigated Negative Declaration has been prepared in accordance with California Environmental Quality Act (CEQA) requirements.

RECOMMENDATION:
Staff recommends that the Planning and Transportation Commission (P&TC) provide comment on the proposal and initiate the Planned Community request. Staff recommends that the P&TC provide direction and identify key issues for the applicant and staff to consider prior to the design review by the Architectural Review Board (ARB).

BACKGROUND:
Palo Alto Commons, the existing senior assisted housing facility on a 1.7 acre site, is a Planned Community (PC 3775) approved by City Council in 1987. The previous zoning was Neighborhood Commercial (CN) and Low Density Multi-Family Residential (RM-2). The Comprehensive Plan land use designation of the existing site remains Neighborhood Commercial and Multi-Family Residential. Palo Alto Commons consists of 121 senior rental units (with 140 beds), totaling 81,200 square feet on a parcel totaling approximately 1.7 acres. The existing 2- and 3-story facility contains a dining facility, kitchen, and activity rooms on the first floor, and both surface parking and below grade parking facilities providing 55 parking spaces. The public benefit was considered to be intrinsic to the project, an assisted living facility needed by the community.
The proposed site for the expansion of Palo Alto Commons is 0.83 acres in size, located immediately west of the existing senior facility and comprised of three developed properties located on El Camino Way between West Meadow Drive and El Camino Real. The expansion site contains a single-family home and two small commercial buildings on three lots currently zoned Neighborhood Commercial (CN) and Multiple Family Residential (RM-15). The zoning is consistent with the existing Comprehensive Plan land use designations for the site, Neighborhood Commercial and Multi-Family Residential.

The properties to the east are zoned Single-Family Residential (R-1), the property to the north is Multi-Family Residential (RM-15), and the property to the south is the existing Palo Alto Commons facility Planned Community.

**Planned Community Zone Change Process**

The project is a request for a rezoning of the RM-15 and CN zoned parcels to become the Commons Addition, expanding the existing, adjacent Planned Community development onto the property. The proposed new building and use would replace the existing commercial and residential structures and the existing senior facility site and new site would be combined to form a single Planned Community. Rezoning to a PC district follows a unique set of procedures and standards, which are described in Chapter 18.38 of the Palo Alto Municipal Code. The first step in the PC process is P&TC review of the concept plans, development program statement and draft development schedule. With favorable feedback from the P&TC, the development plan, site plan, landscape plan and design plans are submitted for ARB review in the same manner as any commercial or mixed-use project. The development plan recommended for approval by the ARB is then returned to the P&TC, together with a draft zoning ordinance and environmental document, for its final review and recommendation to the City Council. The zoning ordinance would identify the permitted and conditionally permitted uses and site improvements, as well as a schedule for completion of the project.

The P&TC may recommend a PC zone change only if it finds that:

(a) The site is so situated, and the use or uses proposed for the site are of such characteristics that the application of general districts or combining districts will not provide sufficient flexibility to allow the proposed development.

(b) Development of the site under the provisions of the PC planned community district will result in public benefits not otherwise attainable by application of the regulations of general districts or combining districts. In making the findings required by this section, the Planning and Transportation Commission and City Council, as appropriate, shall specifically cite the public benefits expected to result from use of the planned community district.

(c) The use or uses permitted, and the site development regulations applicable within the district shall be consistent with the Palo Alto Comprehensive Plan, and shall be compatible with existing and potential uses on adjoining sites or within the general vicinity.
DISCUSSION

Project Description
The applicant’s project description and development program statement for the proposed PC district zone change are provided in Attachment E.

The proposed 45-unit senior assisted housing facility would include five studio apartments, 13 one-bedroom apartments and 27 two-bedroom apartments. The new building would also include common dining and recreation facilities, including a lounge, library, indoor pool, common bathroom, and dining room. Below grade parking facilities would provide 38 parking spaces, with three parking, and three drop-off spaces provided at grade. The total proposed floor area is 50,417 square feet, which is a 1.4:1 floor area ratio (FAR) for the site, resulting in an overall floor area ratio of 1.2:1 when combined with the existing Palo Alto Commons. The area of the below grade parking facilities is not included in the FAR.

The vehicle access from El Camino Way to the new building would be separate from the access to the existing senior facility. The intention of separate driveway access is to reduce conflicts between cars entering and exiting the two separate parking garages.

The layout and location of the proposed building have been dictated primarily by the location of the existing 36-inch protected oak trees on the site and the applicant’s intention to reduce visual impacts on adjacent residential neighbors. The variable height and architectural treatment of the project are in response to the existing context, and would be a focus of the ARB review, along with site improvements and landscape design.

Key Issues
Staff has identified the following issues for the P&TC’s specific consideration and comment:

Land Use and Intensity
The Comprehensive Plan land use designation for the Commons Addition site is divided between two types. The designation of the front portion of the site is Neighborhood Commercial, and the rear portion is designated Multiple Family Residential. These designations are not proposed to change, since the character of the proposed land use is considered to be consistent with multifamily residential and commercial land use.

The surrounding land uses vary greatly, with single family residential neighborhood behind the site, multi-family residential and existing senior housing developments on either side of the site, and commercial development across the street on El Camino Real. The proposed senior housing project would be placed on the site in a way that provides a transitional buffer between these existing uses. The building is designed to respect the adjacent lower density residential uses and structures, with lower heights and larger setbacks along the edge of the property abutting residential uses. A table comparing the proposed project with the zoning requirements of RM-15 and CN is included as Attachment C.
Establishment of the new PC district would allow this unique development to extend beyond the restrictions of the existing development standards associated with these zoning districts, while providing a much needed senior assisted housing benefit, greater project oversight of the development, and enhanced consistency with the policies and programs of the Comprehensive Plan which promote housing for diverse populations. A list of applicable policies is included as Attachment B.

Trees
A tree inventory and evaluation report, including a tree location map, was prepared by Arbor Resources for the project. These documents identify 46 trees of 17 various species. Seven trees are defined as protected ordinance size trees. Four are oaks (one on adjacent property) with trunk diameters (at 54 inches above grade) larger than 11.5 inches, and three are coast redwoods with trunk diameters (also at 54 inches above grade) larger than 18 inches. The proposed building footprint would conflict with two of the protected coast live oaks; therefore, they are proposed to be relocated elsewhere on site.

The most substantial protected tree on the site is a 36-inch diameter, 40 foot tall oak located on the right side of the site (as viewed from the street) about half way back on the site from the front property line. This mature native tree is a dominant feature on the site. The development, with mitigations incorporated, would provide the necessary clearance from this tree to ensure its survival and allow its continued prominence as a key feature in an open area that will serve as a visual connection between the existing and new facilities. However, the tree will be subject to substantial site activity and environmental changes. In particular, solar access reduction may be a foreseeable significant impact on the tree. The height of the proposed structure, including the mansard roof, would be approximately 42 feet, making it taller than the valley oak’s 40 feet. The Initial Study/Mitigated Negative Declaration (Attachment D) includes additional discussion and seven mitigation measures that clearly delineate a procedure for maintaining these important trees. The layout and height of the building with respect to the oak tree would be a focus of the ARB review.

Four of the trees in the report are publicly owned street trees located within the public right-of-way along El Camino Way. They include trees three flowering pears and a privet tree. The applicant proposes to remove the four street trees due to the proposed driveway and because the trees would suffer from construction and sidewalk replacement. The street trees would be replaced with three street trees of a species to be identified by the Public Works Arborist and reviewed by the ARB.

Adequacy of the Proposed Public Benefit
Public benefits are required for any Planned Community zone. The project, in addition to providing senior assisted housing needed for the community, would include pedestrian improvements and facilities along El Camino Way between East Meadow and El Camino Real to the north. The proposal includes an upgrade to the existing bus stop, extensive planting, new walkways and a cross walk in front of the Commons Addition development.

Parking Requirements and Circulation
The project, as proposed, will provide 38 parking spaces below-grade, three spaces at surface level and three loading/drop-off spaces at surface level for the 45-unit Commons Addition development. Combined with the 55 existing parking spaces provided for Palo Alto Commons, a total of 99 spaces would be provided for the 210-unit combined senior assisted housing facility. Based on the project’s senior housing use, and the parking study provided, the Director could allow for up to a 50% reduction in the parking requirement. The 44 spaces proposed would provide 50% of the 88 spaces required by the code for the new 45-unit development.
The proposed parking is primarily located in the single level of underground parking, but six spaces would be located at grade, in front of the new building entry. The proposed site layout includes two driveway curb cuts for the new building, one for entry to the site through the surface parking and drop-off area, and another which serves as an exit serving the surface parking and those vehicles exiting the parking garage. Concerns about the available visitor parking for the existing Palo Alto Commons facility suggest that the number and designation of spaces in this facility should be carefully considered so that the complex, as a whole, does not have a negative impact on the adjacent properties and availability of street parking in the area. The Initial Study/Mitigated Negative Declaration includes further discussion of the proposed parking facility and circulation as well as proposed mitigation measures.

**Height Requirements**
Palo Alto Municipal Code section 18.38.110(c) indicates the maximum height for a building within a PC district to be 50 feet unless an exception is granted provided by Chapter 18.76 (Permits and Approvals). Applicants may request an exception to the 50 feet maximum height limit; however, no variance or Design Enhancement Exception is requested, as the maximum proposed height is 34.5 feet. The existing adjacent RM-30 and CN zones have a maximum allowed height of 35 feet.

**Other Environmental Issues**
An Initial Study/Mitigated Negative Declaration (MND) was prepared for the proposed project and is included as Attachment D. The mitigation measures proposed within this MND include guidelines for the retention of the protected trees on site, special care instructions during demolition for potential lead and asbestos, reduction of potential noise impacts to neighbors and new residents, and to resolve potential safety/access issues related to the parking and exit layouts.

**Community Concerns**
The neighbors in the adjacent multi-family residential development, Jacobs Court, have some concerns about the proposed development. Their letter is attached as Attachment F. The applicant has been working with these neighbors and held their most recent outreach meeting on June 2, 2010.

**RESOURCE IMPACT:**
The applicant would be required to pay impact fees, including Park, Community Center, and Library fees, for the new development. The pending reassessment of the property value is expected to result in a significant increase in property taxes.

**POLICY IMPLICATIONS**
The proposed project substantially supports housing policies to develop housing for diverse populations and is consistent with the Comprehensive Plan designation for the site.
ENVIRONMENTAL REVIEW:
This project is subject to the California Environmental Quality Act (CEQA) requirements. Staff has completed a draft Initial Study and Mitigated Negative Declaration which will be available for public review between June 11 and July 1, 2010.

NEXT STEPS
1. Forward the project to ARB for design review.
2. Upon ARB recommendation for project approval, the project would return to the P&TC for a review of a PC ordinance and recommendation of the project to the City Council.

ATTACHMENTS:
A. Site Location Map
B. Comprehensive Plan Policies
C. Zoning Comparison Table
D. Initial Study/Draft Mitigated Negative Declaration
E. Applicant’s Project Description, Development Program Statement and Schedule*
F. Neighbor comment letters
G. Project Plans* (Commissioners only)
*prepared by applicant

COURTESY COPIES:
Stephen Reller, property owner
Sandy Sloan

Prepared by: Jennifer Cutler, Planner
Reviewed by: Amy French, Current Planning Manager

Department/Division Head Approval: [Signature]
Curtis Williams, Director of Planning
4041 El Camino Way: Request by Stephen Reller for a Planned Community zone district to establish a 45-unit, three-story, senior assisted housing facility on a 0.83 ± acre site, and a Tentative Map to merge the lot with the adjacent 1.7 acre site as an expansion of the existing Palo Alto Commons Planned Community. Environmental Assessment: An Initial Study has been completed and a Draft Mitigated Negative Declaration has been prepared in accordance with California Environmental Quality Act (CEQA) requirements.

Ms. Jennifer Cutler, Planner: Yes, thank you. Good evening. Tonight’s meeting is the preliminary review of the proposed Planned Community rezoning of four properties. Two commercial properties and one residential are proposed to be rezoned to Planned Community and combined with an existing PC zone, the existing Palo Alto Commons Senior Assisted Living Community. The proposed new building would supplement the existing Palo Alto Commons with 45 additional age-in-place rental units.

The purpose of tonight’s review is for the Planning and Transportation Commission to determine whether this Planned Community rezoning should be initiated or not, and to provide comments and suggests to Staff and to the applicants. If the project is initiated by the Commission tonight it would then be sent to the Architectural Review Board for their review, and would return to the Planning and Transportation Commission for formal review of the PC rezoning, the Tentative Map, and the environmental document for recommendation to City Council.

The proposed project includes the replacement of a limited amount of commercial space with rental senior housing. The commercial space includes a lice removal service, a small architectural firm, an African adoption agency, a barbershop, and all these total to 3,475 square feet. The existing site is not a strong candidate for commercial because its location is set far back from El Camino Real on El Camino Way, which parallels El Camino Real, and because of the surrounding residential uses.

The proposed new use is a special type of housing. This type of senior care housing allows for residents to age in place and receive varying levels of care depending on their needs. The new additions will allow the existing facility to diversify the population that they currently serve. In addition to the intrinsic public benefit of this type of specialty housing the applicant is also proposing to install roadway and pedestrian improvements. Past practice has been that new public benefit is not required for an extension or revision of an existing Planned Community zone.

Based on the discussion in the Staff Report and the items just mentioned Staff believes that the package presented by the applicant is sufficient so that we recommend initiation of this PC zone
change, and request feedback from the Commission on what additional information should be
collected to assist in the determination when the project returns for further review.

We have the property owner, architect, and current property manager all here available to expand
on this information and answer any questions, as well as quite a few members who are interested
in the project. Thank you.

Ms. Julie Caporgno, Chief Planning and Transportation Official: We would like to suggest
putting another row of chairs in here if you will give us a minute or two.

Chair Garber: Absolutely, we can pause for a brief moment. As a point of order here, we expect
this item to last perhaps an hour and a half. If there are members in the audience waiting for
Stanford to begin you may want to come back if you don’t want to sit through and listen to this.
However, you are welcome to stay. How are we doing with the chairs? I don’t know if
everyone heard that but next door is the Cubberley meeting. So there are some seats up here if
you would like to come in.

Let’s move forward here. The Staff, Jennifer, has just given a brief overview of the project. The
applicant will have 15 minutes to make a presentation. I understand speaking first for the
applicant will be Steve Reller.

Mr. Steve Reller, applicant: Good evening Chair Garber and members of the Planning
Commission. I am one of the project applicants. The other applicant is my father, who along
with my mom developed Palo Alto Commons over 20 years ago. My father Bill is here tonight.

I live and work in Palo Alto and expect to for the rest of my life. Like you I want what is best
for our community, which includes the young and the old. The project before you tonight is the
addition of 45 units to Palo Alto Commons. The Commons is senior rental housing that includes
several care levels from independent living to dementia care to assisted living. At the Commons
we balance personal privacy with personal assistance some seniors need with daily tasks.

Senior housing and in particular senior rental housing is in great demand. As we live longer we
find that an increasing number of seniors need a helping hand with daily tasks and/or memory
support. Senior housing is also a good neighbor. This housing brings no children to impact
schools, very little noise, and relatively light traffic especially at peak times.

In designing this project we tried not only to meet the needs of senior but also to be good
neighbors. We had three meetings with neighbors to hear their thoughts and comments and try
to address their concerns in the project by reducing the project size and height. The project now
has 45 units and lot coverage of 50 percent. The height of the building steps down adjacent to
the neighboring residential owners so that it is mostly under the allowable current height limit for
the current zoning. The proposed building while larger than what would otherwise be allowed is
the best option for this parcel and for the city. An alternative development that would not require
a zone change while smaller in overall size could easily have greater impacts on the neighbors.
This is a great opportunity to add senior housing where it would otherwise be impossible. This
type of community at this small scale only works because of its adjacency to the Commons and the subsequent sharing of operations.

Our architect, Rob Steinberg, will explain the design in more detail. Also here to help answer your questions is Sue Jordan, the Executive Director of the Commons. Robert Eckles is our Traffic Consultant, and Sandy Sloan is our attorney. Thank you.

Mr. Rob Steinberg, Steinberg Architects, applicant: Good evening. We are happy to be here with you tonight. I want to tell you that we have designed other senior housing communities in Palo Alto. There is a huge need for senior housing. It is a wonderful community resource. While we do have continuing care retirement communities, for sale communities, we have very little rental options for seniors. I certainly don’t have to tell you that this very much consistent with your Comprehensive Plan goals of providing housing for diverse populations.

The site that we will talk about is outlined in red. It is adjacent to multifamily housing, single family, and the existing Palo Alto Commons. What is interesting about the site of course is that it is on El Camino Way but almost very proximate to El Camino.

The site that you are seeing on the left is tucked back. There are a number of trees on the site, which we would say is a real asset. We are sensitive that the existing site has been an open meadow that neighbors and adjacent property owners have come to enjoy, and we want to be thoughtful and sensitive to them as we move forward. To the north of us is Jacobs Court, a very well designed two and three-story townhouse project. We have met with them a number of times during this process. In fact we had a meeting scheduled last week to work with them and show them the work that we had done, and will be shown tonight. No one showed up.

On the back of our site are three single-family homes. As you understand we are proposing merging this development with the existing Palo Alto Commons. There is a huge need for this kind of senior housing. In fact, Palo Alto Commons today has over 50 deposits of people waiting to move in. The average age of the residents is about 87, and I certainly don’t have to remind you that they are not taxing the schools, and they are not driving at rush hour if they are driving at all.

I have the data but I think for purposes of this evening it has been in your reports and what have you so I won’t go through all the data, but I am certainly available to discuss that if you want to delve into some of the detail.

The initial design that was developed, El Camino Way is here, was a four-story concept. I will tell you it was probably a little too aggressive relative to its setbacks. The neighbors in early meetings pointed that out, and the developer agreed to change the scheme.

One of the interesting things about the site is a huge heritage oak tree that is located about here. One of the things we were asked to look at is relocating that oak tree and moving the building, which we did. Two things resulted from that. Number one, the City Arborist, as well as our arborist were very much against this. They did not want the tree moved. Second, even though we studied it we found that even though we could set the building back we had to actually go up
another story to get the same amount of FAR that we had been looking at with the lower scheme previously.

So tonight the current design we have I think lays out pretty well. I think it has the potential to be a very positive transitional buffer where we can lower the heights and increase the setbacks as we move towards the residential. So this is the first floor plan. This is that heritage tree that I talked about just a moment ago. Basically the building is a C-shaped building that relates and gives breathing room around the tree.

This is a roof plan of that same plan that you just looked over. As you can see the building is three stories in the front, then the three stories step back, and along the back there is a two-story element where the building steps down in order to increase the setbacks and the sensitivity to the adjacent buildings.

This is a little more technical drawing but it is three sections through the site. Starting with El Camino Way and go the longitudinal way, and then two sections going from Jacobs Court through our site to the existing building, both in a three story condition and a two story condition. The reason I prepared this drawing is the green is what the zoning would allow the building to be designed to. We are not pressing the setbacks. We are not pressing the heights. We tried to design a building that has enough adequate bulk that we can make it economically viable, and to be sensitive to all of the neighbors.

We are part of the neighborhood. We have been part of the neighborhood, as you heard, for 20 or 25 years. We are not developers coming in. We want it to be a good neighbor. We have looked at the parking and will tell you right now we believe today and in the future when we build this that we not only have adequate parking but we have a surplus of parking. If you want we are prepared to go into the details of that as well. We are not asking for any special requirements or advantages relative to parking.

Then lastly I just want to say that in addition to providing a community resource that is in demand and is consistent with our Comprehensive Plan goals we are proposing to do some improvements to the community in terms of transportation and the bus stop along El Camino Real. So we are proposing improving linkages from both the east side and the west side, as well as crossing El Camino Way that would bring you to a new covered bus stop, the bicycle storage with enhanced landscaping, and facilities to make that an asset not just to our property but the whole neighborhood.

So Mr. Chairman that is our overall presentation, I think we would be happy to answer any questions as you would like.

Chair Garber: Before we do that let us open the public hearing. We will have the public speak and then we will come back to the Commission for questions and comments. Let me remind those members of the public that would like to speak to fill out a speaker card and submit it to us. At the moment we have eight speakers at three minutes apiece. The first speaker is Roger Smith followed by Harper Betts. I will just mention again I am assuming all the speakers are here for Agenda item number one. So you are all speaking about the housing project not Stanford.
Mr. Roger Smith, Palo Alto: Thank you. I am very much in favor of this project for many reasons. I am 69 years old. While a lot of our effort in town is for the children, in fact I think that is one of the City Council’s objectives this year. You can’t forget us old folks.

The thing I also like about this is this is a rental project. I don’t know if you all have had a chance to price the Hyatt. It is very expensive. Even Channing House is very expensive. So the ability to rent a place is very key.

The other thing that I really like about this project is it is right on the bus 22. I have ridden the 22 bus and people riding that need to ride the bus but the workers can get here. Most of the working families, the folks that would work here I would presume may or may not live in Palo Alto. In fact I would guess that they come on the bus from other communities.

This has been a great organization for the last 20 years. I think a real asset to our city and I would encourage you to move this forward. Thank you very much.


Mr. Harper Betts, Palo Alto: Hello, I am one of the neighbors as part of the Jacobs Court community, which is directly adjacent to the proposed build site. I would first like to urge you all to read the letter that was prepared and attached to the report by Jacobs Court as well as all the adjoining landowners on Wilkie Way, which is the street directly behind the proposed build site. Every one of them signed the letter.

We have some serious concerns about this project. I guess the first initial point that I would make is that they describe this as being on a commercial build site but it accurately should be portrayed as a mixture of a residential site, which is directly adjacent to our properties and the Wilkie Way properties on which they are going to have to change zoning on. To us the nature and the character of the community is going to be drastically changed by the addition of this building on what is traditionally a residential site. I think realistically we have to look at, we are not expecting in the long term that it is going to remain a meadow, a pleasant place behind it. It is going to be developed in some fashion. That said, I think the development that is being proposed is far too large and is improper for the character of the site.

I am going to run down some points here because I know I have limited time. The first point I would like to note is that the proposed building here was originally a massive building, which I don’t think was a reasonable proposal which they have now cut down to a three story building and a two story building, which is still massive in size but the original Palo Alto Commons, which is I would remind the members if you have not seen this site before is directly adjacent to a Goodwill Store. What it is looking over on that side is a Goodwill store rather than the housing that we live in. That building was a sloped building that went from three stories at its maximum on the front of the street down to actually one story in the back. They are not even trying to provide a proposal that would be equal to the existing structure that they have.
Another point that I think is important is we feel even if there is some sort of zoning change here and that this structure would go forward this structure should be by far moved to the far side, to the property that is going to be jointly owned by the same builders, the same community, the same structures, rather than being placed directly against our residential community. I don’t think the report and the proposal when they were talking in the beginning they were saying it is far back from El Camino Real. I think they are trying to play it both ways here where they are trying to say this is not on El Camino Real but at the same time they would like you to think that it is close enough to El Camino Real that you can have a building of the El Camino Real size. If you go and visit the site you can clearly see this is next to a bunch of residential houses, it is not directly on El Camino Real.

The comparison locations that they used on the Bold Out Community as well as the Sunrise Community that they used are both in very highly congested traffic areas that are not directly adjacent to the housing that we are talking about here. People at the Bold Out Community, we attached some pictures. I am sure most people are familiar with down on Charleston and I think it is Rengstorff. It is next to a gas station, an oil change place, a lamp place, the Laurel Space Systems manufacturing facilities. That is clearly not an accurate representation in comparing that type of build side with a site that is directly adjacent to one-story and two-story housing. They are basically going to have an enormous structure that is going to be directly adjacent to us.

Chair Garber: I am going to interrupt you. Apparently our beeper is not working so if you could sum up.

Mr. Betts: Sure. I think the letter really sets forth our positions on this. We have concerns about parking. We have concerns about noise. You have three or four police or fire engines every day going by us with the current existing structure. We are still going to have senior housing in the area. It is not like we don’t do our share in our area with senior housing, but we don’t think it is reasonable to be putting another site in basically what is a residentially zoned area. Thank you.

Chair Garber: Thank you. Nancy Mueller followed by Margaret Fletcher.

Ms. Nancy Mueller, Palo Alto: I became aware of the Palo Alto Commons in 2000 when my mother who had several strokes needs to live in a residential facility in order to ease the caring for herself. I will tell you she did not want to go. She had had strokes but she was ambulatory. She could dispense her own medicines. She needed her meals served. She was a widow. She had an aide take her out four mornings a week to do things she would normally do. We found that the Palo Alto Commons was the best alternative available to her at that time, and she is still there. However, she didn’t feel comfortable in a residence of really old people. After all she was only 82 and she was young compared to this group of people.

I will tell you we are likely to feel the same way when we get there. None of these people think of themselves as being old. If a facility like this had been available to her in 2000, ten years ago, at least six of the ten years that she has lived at the Palo Alto Commons would have been happier years for her. Not on the fault of the Commons they are doing a fabulous job. We couldn’t expect anything better, but she would have felt better with a younger group of people maybe somebody there would be 81. Now she is really old and she fits in just fine.
Palo Alto needs this facility. There really is nothing like it for not so old people. How we care for our elders is a metric of the wellbeing of our society. We owe it to our parents to give them the best care we can in their sunset, golden years.

I believe that the impact of this facility would minimal. Most of these people don’t drive and if they do it is not very often. Fifteen homes would likely create more traffic, more noise than this lovely residential facility for these seniors. The oak tree would be a blessing for them in that beautiful courtyard. I urge you, I urge you to vote this project in. I think we will be really proud of it. Thank you.

Chair Garber: Thank you. Margaret Fletcher followed by Tom Reese.

Ms. Margaret Fletcher, Palo Alto: Good evening. I just want to echo the support of this really a kind of a buffer, and certainly a residential plan to add to the Palo Alto Commons. My mother also, who is almost 92, lives at the Palo Alto Commons and could have moved in much earlier if there had been that kind of flexibility. Even when she did move seven years ago we scoured Palo Alto to find a rental space that felt residential, felt like a home. Because they have done such a beautiful job in the currently existing building, I have seen the plans, but I also feel that aesthetically and the sensibility of the people who own and have designed and have managed Palo Alto Commons understand that they are building for residents, and this transition rental plan is – I don’t know that it is perfect and obviously there are still design considerations that are in transition. I am just tremendously proud of the current building, the current care, and the physical aesthetics. So I urge you to continue this process at least at this stage especially move approval for the project. Thank you.

Chair Garber: Thank you. Tom Reese followed by Steve Player.

Mr. Tom Reese, Palo Alto: I am standing here as a founder of Avenidas Village and as the first Chair of Avenidas Village. Avenidas Village I believe you all will recall is an arm of Avenidas, a senior center here in Palo Alto. Avenidas Village provides to senior who are living in their homes the services that they would otherwise get from a Palo Alto Commons or a Channing House or other assisted living facility. This is provided to assist those seniors, and believe me there are many, who want to stay in their homes for as long as possible. Unfortunately, not all will be able to either they or their spouse will need assisted living like Palo Alto Commons. It is our information that with the cost of labor today the likelihood of any further standalone assisted living facility like Channing House and so forth could be built in the Palo Alto area is very small. The staff costs are incredible, and as I am sure you all have experienced in your dealings. This is not a standalone it is an add-on and that makes a lot of difference.

I have been in Palo Alto for 60 years, and whether I die in my home or in an assisted living facility I would like it to be in Palo Alto.

Chair Garber: Thank you. Steve Player followed by Robert Moss.
Mr. Steve Player, Palo Alto: I am here to speak in support of the project. I have known the Rellers for almost 40 years, and know that when Palo Alto Commons was first constructed they did it for a reason. The reason was it was appropriate for their parents to live in. When they built this project they created a family, a proper place to live, and it has been continued ever since.

My mother lived there for two years prior to her death. It is truly a family, and truly a residential community where people truly care for each other. It allowed her to have free independence and the freedom in the final years of her life, and to blossom and to grow with the camaraderie she found with the fellow residents. So when you talk about this project remember it is a residential project. There are people that are living there and that is their home, and will be their home probably until the end of their life.

You have seen a lot of talk in support. I would like to speak about why I think this is a very important type of housing. I was on the Channing House Board of Trustees for 18 years. I am familiar with what the requirements are for a retirement care home like Channing House, like the Forum, like the Hyatt. It is a buy-in, you are there for life, etc. There is no opportunity like the Palo Alto Commons if you live longer than the requirements that it takes to move into Channing House. This rental opportunity to go in was a lifesaver for my mother. When she moved into the Commons she was beyond the age of a Channing House or of the Hyatt or of these other facilities, which she would otherwise maybe got into. She was ineligible to do it. She was eligible to move in on a month-to-month basis with out a major upfront exposure.

This is something that is needed. It is a public benefit. I have just recently gone through with some friends of mine trying to locate a place for their aging parents to live. It is so scarce and so difficult to find an appropriate place for this type of housing for these people to live. We should have it here in Palo Alto. I really urge that you support it. The public benefit is there. I have known the Rellers for so long. I know that they are good neighbors and cooperate with the local neighborhood and Palo Altoans, and they are going to be Palo Altoans. This is the proper place and a proper project. Thank you very much.

Chair Garber: Thank you. Robert Moss followed by Michael Griffin.

Mr. Robert Moss, Palo Alto: Chairman Garber and Commissioners. I have a different perspective on this project than the other speakers. In this Mitigated Negative Declaration there are a couple of problems with it. In Section G (b) it talks about sampling for VOCs and in the explanation they are only worrying if they find more than five parts per million will they pursue it. The most likely VOC they can find onsite in Palo Alto is TCE. The maximum limit for a residential site is one part per million not five. So if VOC are found onsite there has to be _______ barriers and mitigations to prevent the VOCs from getting into the residential properties. In fact the EPA last year recommended reducing an allowable TCE from 1 to .7 parts per million. So that should be put into the Mitigated Negative Declaration. I think the probability of finding TCE onsite is extremely remote but if it is found you should have something in the ________ that says here is how we treat it.
The second thing is if VOCs are found onsite in the groundwater it depends on how high the groundwater is. If the groundwater comes within two or three feet of a garage EPA would recommend not having an excavated garage. So again I don’t think it is going to happen but you should be aware of that because it should be corrected.

In the Section Q, on Section C on Environmental Effects the VOCs are not mentioned. Of course if there are potential problems with the groundwater in Section G it should be mentioned in Section Q.

My favorite one, in Section O, Mitigation 17, please fix all the typos.

Now, let’s talk about the project itself. Last year the City Council passed a resolution opposing converting retail and commercial property to residential. The front of this site is commercial. In this case I think it is quite reasonable to covert it to residential because first of all most of the commercial onsite is offices. The barber could easily relocate there are three vacant stores within two blocks of the site. I don’t know what the rents are but they are big and they are available. So I think it is reasonable to convert this to housing. I think the senior housing is a reasonable use for it.

The only concern I have about this proposal is the FAR being greater than 1.4 rather than 1.2 for the existing property. Since this is directly adjacent to far more housing than the existing project I think the FAR should be the same. That project should have the same FAR as the existing property. If that means reducing the number of units by a few okay, if that means making them smaller okay, but it doesn’t have a one story height adjacent to the residential that the other project does, so it is going to be more obtrusive, and the FAR is a little high. So with that minor change in design I think it is fine.

Vice-Chair Tuma: Thank you. Michael Griffin followed by Marlene Prendergast.

Mr. Michael Griffin, Palo Alto: Mr. Chairman could you please mark me down for item number two?

Chair Garber: Alright. Marlene Prendergast followed by Mircha Panduru.

Ms. Marlene Prendergast, Palo Alto: I have several interests in this project. I am speaking as an individual, however rather than related to my several interests. As a long time ago Assistant City Attorney in Palo Alto working on planning and land use it occurred to me that in 1987 I was actually the City Attorney for the Planning Commission the evening the original Planned Community zone for Palo Alto Commons was approved. It was a first of a kind in assisted living at that time. Both the City Staff didn’t know quite how to handle it and the developer had to figure out what level of state regulation they wanted to incur and to provide the best housing. It has been a very successful project and of course they are not a new animal anymore, but it has really been an outstanding one.

I think the land use planning is just fine. It is a good location with access to transportation and other services. It is a step back from the noise on El Camino for a quieter setting for elder adults.
As a former Executive Director of the Palo Alto Housing Corporation and as I say I am speaking individually because I am no longer there. It is nonprofit developer of affordable housing. I know that this kind of housing is needed. The project will be a community asset because it provides housing for elderly adults on a rental basis for rather moderate or middle-income folks. This is an unmet need. We have affordable senior housing in Palo Alto although never enough. The affordable housing serves a very low-income population. Then we have senior housing for the more wealthy who are leaving their large homes and putting assets into a facility of some sort like have been mentioned.

I do know the developers of the Palo Alto Commons and of this proposal and the property now is privately owned, expertly and lovingly managed, and this new proposal has been put together by very, very good people in the business. All are community members of long-standing and this is not a nationwide chain that wants to plunk down this facility in the middle of Palo Alto like they might have done in Belmont. No offense to Belmont.

I have known a number of folks that have spoken here tonight who have either been residents or had their parents as residents in Palo Alto Commons and are appreciate of that opportunity and that they were treated so well.

Finally, I am getting old myself. I have considered the Palo Alto Commons for my mother like others in the room and it didn’t happen. Now I can envision it someday for myself, and I think I would like one of those 45 extra units available.

Chair Garber: Thank you. Mircha Panduru followed by Christopher Mayor.

Mr. Mircha Panduru, Palo Alto: Good evening. I am the President of Jacobs Court, and I have lived there since 1995. I am one of the neighbors who faces exactly the new development. I can tell you honestly I don’t see myself waking up one morning and looking at the three-story building right at 20 feet from my window.

We met repeatedly with the developers of this complex. We asked them to not exceed in height our heights, Jacobs Court, or to treat them exactly like they treated Wilkie Way to slope down the building to one or two levels. We really are not against an assisted living facility. We support it but not as it was been designed and as it was presented here. It is too high. We asked repeatedly for it to be reduced in size and instead it was increased. So I would say we are on a slab cement foundation, now with all this digging the last project they added ten more parking lots. So it means more digging there. I am concerned about this digging. I was warned when I bought this place that there were gas tanks there. I would support the objections of Bob Moss here and also all the neighbors in Jacobs Court and in Wilkie Way are opposed to such a size development, not against the development but not such size. We want it to be reasonable to be as people here mentioned to be good neighborly design.

Now I would like to ask everybody who is rationale here what type of magic you can wake up one morning and see instead of one building, which is now and two shops there, see 45 or 50 units. This is not logic in my opinion. Of course money can justify this and that numbers and so
forth but it is not reasonable. So I would say to reconsider this project and bring it to a
reasonable size, and hopefully we will be good neighbors. As it is right now it is not a good feel
for us to live there. Thank you.

Chair Garber: Thank you. Christopher Mayor followed by Sandy Sloan, our last speaker.

Mr. Christopher Mayor, Palo Alto: Good evening. I am a resident of Jacobs Court, a neighbor
to the proposed development. I would like to also state that the goals of this facility are
admirable. It is a good service that I think we can all get behind. The existing complex at Palo
Alto Commons has done a fantastic job of providing a service while blending into the
neighborhood. But based on the designs and the discussions we have had with the developer I
don’t believe that this new proposal meets the same goals that the existing one did. The Palo
Alto Commons stepped down to a one-story height where it came near residential areas with a
fence dividing, providing privacy, also with a tree line to shelter it. So if you drive by the area
you can see that it blends in very nicely with the residential areas that it abuts.

This new proposal amounts to a giant wall being erected feet away from our already tiny
backyards, and will greatly impinge on our privacy, our sunlight, and just general quality of life
of having to come outside and stare directly at a giant building straight up against where you
live. For those reasons I am against this proposal. I think there are ways the developer can
modify it to either shift the heft of the building, the mass, away from the residential areas, or
reduce the number of units to make it more suitable for the area. Thank you.

Chair Garber: Thank you. Our last speaker is Sandy Sloan speaking for the applicant.

Ms. Sandy Sloan, Attorney for the applicant: Good evening. I am speaking on behalf of the
applicant. I just want to respond to a few of the comments from the neighbors. First as several
people mentioned it is important to remember that this is a residential community. People will
live there. I think there has been some criticism from the neighbors that this is moving in
something that is commercial. These are residences they just happen to need a little more
assistance than most of us in the room.

Second, as Rob Steinberg pointed out the proposal completely complies with setbacks. It
actually has greater setbacks than the zoning would allow. It complies with the daylight plane,
95 percent of the building complies with the heights that would be allowed, and it complies with
the site coverage that would be allowed. It does have a greater FAR.

I think it is important to remember two things. First of all, seniors need more indoor space than
outdoor space. You don’t find many seniors playing softball in the backyard. What they need,
and the reason that the FAR increases, is the community rooms and the activity rooms, and the
dinning rooms that are inside. Second the Palo Alto zoning code doesn’t really address senior
communities. It doesn’t address the density that should be allowed with a senior community.
That is why every single senior community in Palo Alto has a PC zone. This is true of the oldest
senior communities like Channing House, which is a PC zone, and the newest senior
communities like the Hyatt, which is a PC zone. By the way, contrary to what a couple of
neighbors said, Channing House is a good example of a senior community that is surrounded on all four sides by single-family homes and some apartment buildings.

I want to also mention that even though you have a traffic report we had our traffic engineer look at what the current zoning would allow, what the traffic would be, and he concluded that it would be double the AM peak hour trips if it was developed as residential RM-15 and CN. In the peak hour the trips would go from 12, which is what he estimated, to 33 peak hour trips.

I wanted to mention the emergency calls. I think Mr. Betts mentioned there was something like three emergency calls a day. We got the records from the police department and in the last six months there have been 48 emergency calls. So in other words about six a month rather than three a day. We have that information that Julie can pass out to you.

Finally, I do believe the parking is quite adequate but if you have questions about that we can ask Rob Steinberg. I think this is a worthy applicant and a worthy project. I urge you to move it onto the ARB. Thank you very much.

Chair Garber: Thank you. We will keep the public hearing open should Commissioners wish to call on anyone from the public. We will now move to the Commission. Commissioners, I will remind you we do not have lights so you will need to signal me. Commissioner Lippert.

Commissioner Lippert: I have a question for Staff. In preparing the Staff Report did you look at how the project compares to housing bonus density law?

Ms. Cutler: I believe we did discuss it some. There are also some bonuses that possible when doing a 100 percent senior housing facility. I don’t know that we have any detailed analysis.

Ms. Sloan: The density bonus law allows an increase in density for affordable projects and senior projects. It didn’t really work to apply it here because half the new site is commercial. So it doesn’t compute. The basic density bonus is 20 percent of the residential units that would ordinarily be allowed. That is what is required but that is why we didn’t proceed under the density bonus law we are proceeding with a PC zone.

Commissioner Lippert: What I am actually looking for here is you have requested an increase in FAR and that would be one of the exceptions.

Ms. Sloan: Yes, the density bonus law requires that the City give three concessions or incentives for affordable housing projects but it does not require those same things for senior projects. That specific law only addresses density bonus but it doesn’t address concessions for seniors.

Chair Garber: Commissioner Lippert, Commissioner Fineberg has a follow up to that.

Commissioner Fineberg: Maybe Staff can correct me but it is my recollection from other projects that when there is a PC there are no zoning regulations. So how would one give bonuses
when there is no baseline? So it is my understanding that that whole regulation is moot when it
is PC.

Ms. Cutler: That is correct. Any discussion of bonuses would just be for comparison as an
alternate way to possibly do this type of development in comparison to the PC. The PC would
be one track. Regular zoning with bonuses might be another.

Chair Garber: Commissioner Lippert.

Commissioner Lippert: We have done blended zones before. Most recently I think we looked at
a site that was the Palo Alto Bowl site where that was also zoned commercial. It was CS and
then in the back it was also zoned for residential. So how would this compare to the Palo Alto
Bowl site if we were to consider the CN and then RM-15? Could we do something like that as
opposed to a complete rezone to a PC?

Ms. Caporgno: Given that they didn’t propose that we have not evaluated that. I guess that is
something that we could look at. I think there was some concern on the part of some of the
Council Members and actually some of the Commissioners when we went forward with the Palo
Alto Bowl site that we would create another interpretation of the ordinance. So if that is
something that the Commission would like us to look at we could do that, but that is not what is
currently being proposed by the applicant.

Commissioner Lippert: I guess what I am trying to see is with the Palo Alto Bowl site it was a
hotel project with housing in the back and this is a senior project. So whether the interpretations
that were made for the Palo Alto Bowl site could be made for a site like this and still be able to
meet the development regulations. That is what I am interested in.

Chair Garber: Commissioner Keller, a follow up.

Commissioner Keller: Yes. With respect to this question, it is my understanding and please
correct me if I am wrong, that CN does not allow 100 percent residential. It requires mixed use.
So with a CN zone you could have half residential and half commercial and you could not
exceed half residential. Does that make sense? Is that true? Therefore, they would not be able
to get 1.0 FAR with housing because CN requires commercial and there is no commercial in this
project. So could this project without commercial be built on CN without rezoning of some sort?

Ms. Caporgno: I don’t believe so because as you mentioned the CN zone does require mixed use
for housing. You can have housing as a component with commercial.

Commissioner Keller: In other words, in order to build this project we would have to rezone it to
residential like RM-15 or RM-30, or create a PC. Thank you.

Commissioner Lippert: Okay, then lastly, here we are looking at the RM-30 development
regulations in the tablet here, but part of the parcels are RM-15. Why aren’t we looking at RM-
15 also?
Ms. Cutler: We wanted to provide some context for what was being looked at in this location. On the site we do currently have RM-15, and then you have the commercial. So we felt that RM-30 gave a good context for this kind of buffer type of site where you are between the commercial and the residential. If additional comparisons are desired we can put that together before we come back to you for further review.

Commissioner Lippert: Okay, thank you.

Chair Garber: We will go to Fineberg but let me just remind the Commissioners that our task this evening and Staff can correct me here, is not to answer whether the project is acceptable or not but simply whether we are initiating it to proceed down the track. So relative to the focus of your questions please consider that. Commissioner Fineberg.

Commissioner Fineberg: That was a great segue because my first questions focus on why the PC is required. In the Staff Report it talks about the first step of the PC process is for us to review the concept plans, the development program statement, and the draft development schedule. As a small, minor point I found the applicant’s description of the draft development schedule to possibly meet the minimum required content to say anything. They said as soon as the PC is approved by the City we will begin construction and it takes 18 months. That doesn’t tell me whether the project is shovel-ready or it is going to take a year or two to get financing, and whether they really want to begin construction in two years or three years. So if this does proceed I believe there needs to be more substantive information about when they want the project to start. If the City of Palo Alto could possibly do this in three months, are they ready in six months? I don’t know and we probably won’t do it in three months.

The second thing is our Municipal Code, Chapter 18.38, Section A talks about the statement by the applicant demonstrating the necessity of the application for the PC District including information demonstrating, I am sorry my notes get scribbled here, compliance with the Comprehensive Plan. I found that section to not really give me as much information as I wanted. I have some questions about whether this project, akin to Commissioner Lippert’s questions, could the goals of this project be fulfilled if this was RM-30? How different would it look? I am not sure from what we have now that I know the answers. So I don’t know if that is something Staff could tackle. Can the goals of what the applicant wants be fulfilled if it was rezoned RM-30 rather than PC?

Ms. Caporgno: I think we would probably prefer if the applicant responded to that because they would know what they were trying to achieve.

Chair Garber: Sandy Sloan.

Ms. Sloan: The site is about .83 acres. RM-30 is 30 units per acre. So without having a calculator I would say that is probably about 26 or 27 units. We are asking for 45 units and that is 54 units per acre. There is a section in Jennifer Cutler’s Staff Report that lists the Comprehensive Plan policies, and she does talk about the Comprehensive Plan policy that mentions that the zoning code has 30 units per acre and 40 units per acre and that is the highest. That is what I meant by saying that all the senior communities are PC zones because the Zoning
Ordinance doesn’t really address that. However, the Comprehensive Plan also says you can have up to 90 persons per acre. We anticipate only 55 people in these 45 units based on the people that are on the waiting list. Most of them are single or have a spouse that is in more serious condition. Even if it were more, even if every bed was occupied that would be 72 persons, which is well under the 90. So that is why I think it complies with the Comprehensive Plan but we do need a PC zone. We think we need 45 units economically to make it work.

Commissioner Fineberg: Okay. Then the last thing I want to bring up, and I will reserve some more for a second round, is the adequacy of the public benefit. Could Staff clarify, I read the stuff in the Staff Report and read some comments tonight, could Staff clarify whether this should be considered a new PC, or is it an amendment of an existing PC? Is there a requirement that there be public benefits or are the public benefits of the existing project sufficient to rezone new land to a PC?

Ms. Caporgno: My understanding and historically we have not required additional public benefits for projects such as this when there is an addition to a project. However, I think this not considered an amendment to the PC this is a new PC. So I think there is flexibility on the part of the City as to whether or not the existing public benefits are sufficient or additional public benefits would be required.

Ms. Cara Silver, Senior Assistant City Attorney: If I could just add to that. I think that this case is a little bit distinguishable from prior PCs in that when we did PCs in the past it has been on a site that is an additional site. They filed for a separate PC application. So that is why this is a new PC.

Then also as the applicant has suggested the original project is considered the intrinsic value of senior housing they are proposing to the community as a public benefit. So the Commission and Council could find that that would be a sufficient public benefit for this project as well.

Commissioner Fineberg: So if I understood you because it is a new parcel and it is new land that is being rezoned possibly to a PC then there is a requirement that there be public benefit. Then question posed tonight would then be is the public benefit offered intrinsic in the project and the pedestrian and bus stop amenities is that adequate then in the balancing.

Ms. Silver: Correct.

Commissioner Fineberg: Okay, thank you.

Chair Garber: Anything else?

Commissioner Fineberg: That’s it for now.

Chair Garber: Commissioner Tuma and then Keller.

Vice-Chair Tuma: A couple of questions for the applicant to start with and maybe we could turn the projector back on because one of them relates to one of the slides. While we are doing that
the first question is somewhere in the papers someone had raised the question or the issue about whether there is a buy-in or some sort of up front dollar amount in order to come into the community. Everything I have heard tonight and what I have seen in the papers submitted by the applicant that is not the case. Could someone clarify exactly is this strictly just a rental you pay or is there a buy-in?

Mr. Reller: It is strictly a rental. There is no buy-in. There is no entrance fee. We considered a CCRC, which is the buy-in originally, but we determined it really needed the mass to be able to make that business model work. So we changed it to a pure rental.

Vice-Chair Tuma: Okay. A question for the architect. If you could go to the slide I think for illustration sake there is a roofline slide that shows where there is a two story and where there is a three story. That is the one right there. Could you describe for us along the side where there is a three story that is adjacent I believe the Jacobs Court property could you describe what that interface would look like between the three story and Jacobs Court? You come down part way as a two story and then you step it up to a three story. What impact is that third story going to have on the adjoining neighbors?

Mr. Steinberg: Well, the buildings in Jacobs Court are a combination of two and three story. I think that the transition between the two is consistent with the zoning. I think it is consistent with the heights and the daylight planes. We have not pressed it to the bare minimum. We set it back beyond that. There is a 15-foot setback at the two-story condition. Then it steps back to over 25 feet when it steps up to three-story. It gives us a lot of room for landscaping and transition and buffer. So it is larger than is required. I think that that transition is very realistic on a site like this.

Vice-Chair Tuma: So would that be higher than the building across the way on Jacobs Court?

Mr. Steinberg: I don’t have the drawings of Jacobs Court. So I can’t tell you specifically. When I walked the site and I look at it without measuring it this is taller than a normal one story. That is the second floor, and if it is not a full third story it is quite close. The heights that we are trying to work within are consistent with the RM-15 and the RM-30 zone.

Vice-Chair Tuma: Okay. When and if this comes back I would suggest maybe we have some photography or something that shows us what that interface might look like. It would be very helpful.

Mr. Steinberg: Sure.

Vice-Chair Tuma: I would like to hear from the public.

Mr. Betts: If you could go back to the slide that showed the three-story and the two-story. I guess the one other point I would like to make is these are two story buildings. I am sure you can look in more detail as to the height of these buildings versus the height of these building. I would also like to point out that what they neglect to show is the Wilkie Way buildings back here are actually one-story houses. So they are actually having a two story and a three-story height
building directly against the one story house as well. The existing buildings right now when they are directly against residential housing actually slope down to one story.

Vice-Chair Tuma: Okay, thanks.

Chair Garber: Thanks very much.

Vice-Chair Tuma: A question for Staff about something that was raised in pre-Commission the other day. With respect to other senior housing projects and perhaps maybe even someone from Palo Alto Commons can tell us the people who are on the waiting list, but do we have any statistics on where those people come from? There is a question asked other day, in other words are they Palo Altoans who then go to this housing or are they seniors who are coming from other areas that are moving into this housing? That is a question both for Staff as well as the applicant with respect to those who are on the waiting list.

Ms. Cutler: We did ask the applicant to have the woman who manages the current Palo Alto Commons answer some of those questions.

Chair Garber: As you approach could you identify yourself?

Ms. Sue Jordan, Executive Director, Palo Alto Commons: Fifty-three percent of the people that are on the waiting list and that have moved into Palo Alto Commons are from Palo Alto.

Vice-Chair Tuma: Great, very helpful. Thank you. One other question that either Staff or the applicant can answer, perhaps it is in here but I couldn’t find it. What the size of the current site, the one that is currently developed with the Palo Alto Commons on it? What is the square footage of the lot as well as the floor area in that building?

Ms. Cutler: I am not sure if we called out that. I know that we showed the proposed and the combined in the comparison chart. So I will have to do a little subtraction if we didn’t actually call out the existing.

Vice-Chair Tuma: Perhaps the applicant would know.

Mr. Steinberg: I don’t know exactly but it is about 70,000 square feet and the building is about 80,000. It is about a 1.1 FAR.

Vice-Chair Tuma: Okay. So the current building is in the area of about 80,000 square feet and you are talking about adding 50,000 square feet. The current property is about 70,000 square feet and you are talking about adding a site that is another 36,000 square feet, just ballpark. Okay, I just wanted to get some relative numbers there.

Chair Garber: Commissioner Tanaka.

Commissioner Tanaka: You are talking about the existing for this project site or existing for the Commons?
Vice-Chair Tuma: The existing Palo Alto Commons itself. In other words, I am trying to figure out what percentage are they adding both of the property as well as of the buildings.

Commissioner Tanaka: Do also know the square footage of the existing site?

Vice-Chair Tuma: Yes, they said the existing site that the current Palo Alto Commons is on is about 70,000 or 75,000 square feet.

Commissioner Tanaka: The buildings?

Vice-Chair Tuma: About 80,000 square feet.

Ms. Cutler: The new site is 36,000.

Commissioner Tanaka: The existing sites buildings?

Ms. Cutler: About 80,000.

Vice-Chair Tuma: Okay. Does Staff have any comment about the environmental issues and the Mitigated Negative Declaration issues that Mr. Moss raised?

Ms. Cutler: I think we can look into those questions and definitely make sure that the environmental is sufficient before it comes back to you.

Ms. Caporgno: This the environmental review right now in the draft stage. So what we expect is comments and then we will address those.

Vice-Chair Tuma: Okay, great. Then one last question. You said that there was a parking consultant with the applicant. The question has to do with the current situation. Is there some sort of division between parking spaces for residents, because we have heard a lot tonight about how the residents don’t drive, versus the visitors and what the usage of those two types of parking spaces are today, and what you would anticipate with the new project.

Mr. Steinberg: There is a security gate that separates public access parking, visitor parking, and guest parking from resident parking. There are I believe 55 spaces in that garage. I believe there are ten of them on the outboard side.

Mr. Reller: There are 55 total with seven above grade, and eight outside the gate.

Mr. Steinberg: So 55 minus the seven, we have 48 in the garage, and about seven of them are outside where the security gate is currently. Eight outside, sorry. So right now in the garage we have a substantial surplus of parking. There are about seven residents that have cars total in that space. So we certainly have the flexibility to adjust and monitor where that gate is and how much public parking, how much secured parking we have. We have a lot of flexibility.
Vice-Chair Tuma: Okay. So I will just leave it with a comment that when we come back you should talk about a plan – it is clear that there is not a lot of parking requirement for the residents, we just want to make sure that there is adequate parking for the visitors.

Mr. Steinberg: For visitors, yes we are looking at that.

Vice-Chair Tuma: And employees.

Mr. Steinberg: Absolutely, and we are in that process currently.

Vice-Chair Tuma: Thank you.

Chair Garber: Commissioner Keller and then Tanaka.

Commissioner Keller: Thank you. First I did the math and the existing Palo Alto Commons site is 74,927 if you subtract the proposed from the proposed combined with existing. The existing floor area, built area, is 81,200 combined with 50,417 gives us 137,617. So the existing FAR is 1.083. The new FAR combined is 1.4. So one of the things about the blending of this is that it does considerably lessen the FAR of the new part because of the blending with the existing of 1.08.

So I am wondering a few things. The first thing I am wondering is were there particular public benefits of the Sunrise property? Did that have public benefits associated with it? I guess that is a for sale, is that right?

Ms. Caporgno: Actually, it is not a for sale. It is rental plus services. So there is a component, it is not a flat rental per bedroom, it is what level you are of need, and then they have another care area. So I think it is a little bit different than this facility. The public benefit for Sunrise was that we had to negotiate the below market rate component because again it wasn’t just units it was the service component, and it was beds versus rooms. So we got I think a couple of extra beds as part of that public benefit process.

Commissioner Keller: So was there a requirement for BMR under Sunrise?

Ms. Caporgno: Yes there was.

Commissioner Keller: So why would there have been a requirement for BMR in Sunrise and not a requirement for BMR on this?

Ms. Caporgno: At this point, given recent case law we are not sure what the City can and cannot do as far as a rental project in requiring a below market rate component. I think the City Attorney will confirm that. So there is a possibility that we may be able to require the below market rate units but at this point we are not sure. So at this point there haven’t been any identified. When it comes back to you that will be determined.
Commissioner Keller: So whether or not the BMR housing ordinance of some sort requires below market rate housing as a public benefit, because this is proposed as a PC we, actually the Council, could if we wanted to require BMR units as part of the public benefit and indicate that the additional public benefit was needed. Could you describe what kinds of public benefits we have had lately? Have the standards for public benefits as they have been administered by the City changed in the interim since this project was first built? Are the public benefits the same or are they different?

Ms. Caporgno: My understanding is that years ago we would require or our public benefits were considered less substantial than they currently are. They would vary project-to-project depending upon a need. There has been additional parking required for projects depending upon if there were below market rate units or some component depending upon where it was located or type of project. I think the City has, from the time that this project was probably built, has strengthened the public benefit requirement.

Commissioner Keller: So the idea that the existing public benefit is the project itself in some sense that might not fly under the current structure or if it were a brand new proposed project.

Ms. Caporgno: That is possible.

Commissioner Keller: Okay. Can we have the applicant?

Commissioner Lippert: I have a follow up on that.

Commissioner Keller: Sure.

Commissioner Lippert: This is for the City Attorney. We don’t propose public benefits. It is the applicant that has to propose the public benefits. Is that correct?

Ms. Silver: Yes. Typically the applicant proposes the public benefits and then when the ordinance is finally adopted the Council with your recommendation makes the finding that the public benefits are sufficient.

Commissioner Keller: Is there anything in the ordinance that prevents the Planning Commission or the City Council from suggesting at an initiation of a PC we would be more inclined to do this if the public benefit were X or Y?

Ms. Silver: I think that is fine.

Commissioner Keller: Thank you. Could we go back to the diagram on the screen that shows the profiles of the buildings adjacent…..

Chair Garber: Commissioner, would you like to hear from this member of the public?

Commissioner Keller: Why don’t you identify yourself and you may speak.
Ms. Mildred Kohn, Palo Alto: I am a resident of Palo Alto Commons. Our manager said that 53 percent of us are from the local area, as I am. I want to tell you that almost without exception the other 47 percent came here from other parts of the country to be with their children who live in this area, and that is a public benefit.

Chair Garber: Thank you.

Commissioner Keller: Thank you. So can we go back to your slides? You had a profile view of this building versus the Jacobs Court. That’s it. Okay, so what we have there is the Jacobs Court building and it looks like they are what were referred to as a three-story, it looks like a clearstory up there. I don’t know if I can sort of point this out here. What I am seeing here is that this is sort of the clearstory of Jacobs Court and this is the roofline of the third story. I can’t exactly tell how those line up. Perhaps the architect should tell me from this diagram how those might line up.

Mr. Steinberg: I would say looking at this diagram, and I don’t have the exact dimensions in front of me, that it looks like Jacobs Court is more the conventional two-story building. If you look at the proposal for the Commons it is a little hard to compare because we have a taller first story, because that has common facilities. It has services and food so it doesn’t have exactly the same floor-to-floor height. But there I would say that they are comparable. They are not identical but they are comparable.

Commissioner Keller: Thank you. So it looks like the third story, because you have the setback third story, I can see the roofline of the third story it does look like that is somewhat higher than the Jacobs Court. Is my visualization of that correct or am I off on that?

Mr. Steinberg: I want to say one thing and then I will answer that. It is a little confusing what we are doing here because this scheme is a scheme that moved the tree, and is not our proposal. So if you looking simply at the height relationships there that is one relationship. You also need to look at the setbacks. Our setback is much larger than theirs. So I think when you look at this, as one of the other Commissioners suggested, we could develop this and show you in more detail but right now we are comparing a scheme that has the right height but different setbacks.

Commissioner Keller: The only reason I referred to this diagram, I realize the setback diagram that you had, is because this one does show the Jacobs Court height and it does show the height of three stories. My understanding is that half of the length of Jacobs Court roughly will have three stories against it. So in some sense what would basically is that this would come out to some distance with the setback. I can’t exactly tell how far across this goes but that is what it looks like to me. So that is what I was wondering about, comparing the third story no matter how set back it is, but that is what is adjacent to Jacobs Court. So if you could address that I would appreciate that.

Mr. Steinberg: Well, I guess what I would say is that under the zoning of CN this could be 35 feet all along there with less of a setback than we are proposing.
Commissioner Keller: Thank you. One final point if I may? When we are comparing with RM-30 even if the entire site were zoned for RM-30 or even possibly RM-40, for RM-30 the max floor area ratio is .6:1 so that would be a much greater increase. Basically it would be a doubling or more of the FAR for RM-30.

Mr. Steinberg: I was going to come back to this discussion and just tell you where we are is at an early stage of the development. If you ask my opinion we are in the right strike zone. Have we worked out exactly the perfect setback, the exact height, the angle? No. But when we look at the zoning, we look at the daylight plane, we look at the setback, we look at the heights, and we are in the right envelope. I feel that this is very much in the right zone and that is why we are here tonight, to ask in order to move forward to really to start to refine some of the fine-tuning the questions that we are hearing tonight.

Commissioner Keller: I appreciate that. Thank you for your comments. I think that in some sense the people of Jacobs Courts looking at the project, some of them see two stories followed by a recessed third story and some of them would see three stories not be recessed. I just want you to think about that nature and whether something can be done about that.

Chair Garber: Commissioner Tanaka and then myself. Then I know a couple of Commissioners have one or two more questions but we are at an hour and a half and I would like to try to get to an action.

Commissioner Tanaka: First let me thank everyone for coming out and Staff’s time and of course the applicant. I have a question and I just want make sure it is clear. Jennifer, the site is 36,000 square feet, correct?

Ms. Cutler: Correct.

Commissioner Tanaka: Okay. Can you tell me the existing three or four buildings on here are 80,000 square feet?

Ms. Cutler: No, that is the proposed.

Commissioner Tanaka: Okay, so how big are the existing buildings?

Ms. Cutler: The existing commercial combined is 3,475. I don’t know the exact size of the single family home.

Commissioner Tanaka: Okay, but it is maybe 10,000-something.

Ms. Cutler: No, it is maybe 2,000.

Commissioner Tanaka: So it is going from maybe 5,000 square feet to 50,000 square feet. I just wanted to make sure that was clear because I heard the 80,000 square foot number.

Ms. Cutler: Eighty thousand is the existing building.
Commissioner Keller: The existing Palo Alto Commons building.

Ms. Cutler: Correct.

Commissioner Tanaka: Okay, but the existing buildings on the site are about 5,000 going to 50,000. I just wanted to make sure.

The other thing we talked about earlier and it is kind of tangential to the current discussion is that you said there was about 3,400 square feet of commercial today kind of El Camino Way. You mentioned a bunch of different business and some of them are in business and others are not. I think right now cities are not just – this is probably one for the city with retail potential. I went by there last night. It was kind of up closer to El Camino than Jacobs Court and some of the other properties. So in terms of, and this may be a hard question to answer, you mentioned earlier that this was not suited for commercial but it looked like it had commercial there for awhile. There is commercial on El Camino Way down the street. Maybe you could clarify your opinion about why that is not suitable for commercial.

Ms. Cutler: What we were trying to convey is that this is a balancing act. It is something to consider in general there is a desire to not replace commercial with residential, but in this case it seems that while some commercial does survive there, and has been there for some time it is not an ideal spot for commercial. It is a difficult spot. Weighing the benefits of that small amount of commercial or what commercial could do well in that location against the benefits of this proposal is something that the Commission should consider too.

Commissioner Tanaka: Okay. I actually have eaten at restaurants and shopped at places there and dropped off something at Goodwill there. There is a lot of commercial on El Camino Way and there is a lot of commercial on El Camino as well. To replace this commercial with residential I just don’t quite see your opinion. I want you to just understand that it doesn’t seem to make sense.

Ms. Cutler: It is an opinion. It is something for the Commissioners to consider to see if there is the possibility that this is a positive change that they want to initiate. If there are additional studies you would like for information we can do that too.

Ms. Caporgno: I don’t think Staff is indicating that it is inappropriate for commercial uses it is just that give the configuration, and the location, we thought it would be supportable. The Council has said that they would like us to retain commercial uses and not covert those to residential.

Chair Garber: Commissioner Tanaka, Commissioner Tuma had a follow up.

Vice-Chair Tuma: Do we have any idea of the commercial activity that takes place in these buildings right now how much if any revenue that generates for the City?

Ms. Caporgno: We didn’t determine that but we have done it.
Vice-Chair Tuma: Do you have any sense at all?

Ms. Caporgno: No.

Vice-Chair Tuma: I drive by there every day and my sense is very little. The other question that I would have – I will hold off on that.

Chair Garber: Commissioner Tanaka.

Commissioner Tanaka: No more questions right now. Thank you.

Chair Garber: Remind me, the CN property that is at the end of the block that has a building height of 35 feet, that is probably zoned a CN here, Goodwill Industries. What is the height limit on that?

Ms. Cutler: The height limit in CN is 35 feet.

Chair Garber: Do we know what the height limit is on the current PC of Palo Alto Commons?

Ms. Cutler: I believe it was just designed for the building that is there.

Chair Garber: How tall is that?

Ms. Cutler: Slightly less than what is proposed.

Mr. Steinberg: I believe it is 32 feet, six inches.

Ms. Cutler: Yes, 32 feet, six inches.

Chair Garber: And then for RM-15, the height there? I think it is the same as RM-30.

Ms. Cutler: I believe so.

Chair Garber: Going into the CS zone, which I believe is 35 feet.

Ms. Caporgno: CS is 35.

Ms. Cutler: Within 150 feet of residential, 50 feet elsewhere.

Chair Garber: RM-15 has a height limit of 30 feet and the CS zone is 50 feet unless it is within 150 feet of residential and the limit is 35 feet. Thank you. Commissioner Fineberg, you had some questions?

Commissioner Fineberg: Yes. Part of where my brain is with the decision whether to initiate is hinging is still on the adequacy of public benefit. There was a brief mention that there is a lot of
demographics about the graying of our population, the need for this kind of housing, and I am wondering if we have even just a baseline of how many senior units are within the City of Palo Alto. Off the top of my head I wrote up a list of Channing House, Stevenson, Lytton Gardens, Mudow, Fabian Way, Classic, and Sunrise. Do we have a rough idea, maybe there is one or two that I have missed, do we have a rough idea of how many units that is?

Ms. Caporgno: I couldn’t tell you right now.

Commissioner Fineberg: Are we talking 1,000, 2,000 units, 1,000 or 2,000 residents out of a population of 60,000?

Ms. Cutler: We did not put together what those numbers are. There are some reference materials that were provided by the applicant but I am not seeing those numbers here.

Commissioner Fineberg: For me weighing, are we talking about a five percent or a ten percent change in the City’s inventory of that kind of housing or are we talking about a .05 percent change? Then weighing the substance of that versus what is the impact on the adjacent single family home, on the adjacent Jacobs Court homes, and that is kind of to me where the balance sits. I don’t know the answers to that. I know we are not going to know that tonight but maybe if we come back we can know that.

El Camino Design Guidelines. Are they in any way applicable to this property? It is not technically on El Camino, but it is visually adjacent to and it sort of functions as being near it. So I have some questions about whether it is applicable or because it simply is off El Camino it is not applicable.

Ms. Caporgno: I think the fact that they are guidelines and I think the Architectural Review Board in reviewing the design of the project will use them if they feel they are applicable in this particular instance. There is nothing that precludes them from looking at them and looking at this project in that context.

Commissioner Fineberg: Okay. I think it would be beneficial then if it comes back that we have a sense of how it does or does not fit with that.

Then regarding the FAR was my last follow up question. I don’t know that we have enough information to understand what is going on adjacent to Jacob Court. I see pictures that we are now being told are not relevant because it is a previous edition. I guess I am just wondering if I might on our drawings the architect is showing these BH-Bocook. We have Mr. Steinberg here tonight. How long have you been on this project or why is there a different name on the plans?

Mr. Steinberg: We are not the original architect. We have been working on the project the last couple of months. A lot of the work previously done was done by another architect. When we got involved we looked at all of the drawings in the process. I confused you a little bit tonight because I showed you some of those earlier schemes and Arthur pulled it back out and a little out of context, and that may have added some confusion.
What we observed is that the project started out perhaps a little aggressively. If you look at the commercial zoning on the front it could give one impression of the direction you might take as an architect. As you move to the back of the site there is a very different set of conditions. The applicant met with the neighbors with their original concept. They were told it was too aggressive. They backed it off. We backed it off again when we got involved.

Where we are tonight in my opinion is within the zoning envelope that is appropriate for the two zoning classifications for the site. So we are currently the architect for this proceeding of the project. As I said earlier, there are things that need to be worked out. When we first come to the Planning Commission it is to get some feedback if we are going in the right direction. There is a lot of work to do. What our hope was that we would get some encouragement from you tonight to now drill down into those details more with the ARB. We don’t have the answers to all of the very good questions that you are raising tonight, but it will be our hope to do that successfully with the ARB and then bring that back to you.

Chair Garber: Commissioner Fineberg, Commissioner Martinez has a follow up question.

Commissioner Martinez: Does that mean that there have been significant changes to the site plan? Is it not longer this long building from the street to the back or is that basically the same?

Mr. Steinberg: There have been significant changes to the site plan. There have been many variations. The general configuration is a C-shaped building that works around the major existing oak tree that the City Arborist said must remain. So that really begins to dictate a certain amount how that footprint is going to be developed.

Commissioner Martinez: Following up on Commissioner Tanaka’s point, he is weighing whether commercial is sort of part of this. To me this is a significant building from El Camino whether it rests on El Camino or not. Is that being reviewed in terms of its relationship to El Camino? Or is it still that kind of suburban state?

Mr. Steinberg: Well, certainly the first picture I showed you of the site was from El Camino. So I don’t think we want to ignore that or pretend that we are not part of El Camino. On the other hand, we are rubbing shoulders with the Commons building, with the Jacobs Court, with other residential a little more intimately. So I think it is very important that that be really thoughtfully considered. If we were to develop a commercial building on the front of that I dare say the Jacob Court neighbors would be in here screaming bloody murder because it would have much less setback, and it would be much more aggressive. It would be a commercial building not a residential neighbor.

Commissioner Martinez: I am not suggesting that. I am just asking about the architectural character. It was stated that the amount of open space was 50 percent of the total site area. When you look at the old site plan it really doesn’t appear that way. Are you counting driveways and hardscape and like that as part of what you are calling 50 percent open space? Has it changed significantly so it really is 50 percent open space?
Mr. Steinberg: I don’t know if I can answer that. I am not exactly sure. It is certainly not buildable area. The amount of paving we have is really a drop-off. We really don’t have roads running down there. I have a feeling it is but I am not absolutely confident of that number. I would need to go back and check.

Commissioner Martinez: Okay, fair enough.

Chair Garber: I skipped Commissioner Lippert.

Commissioner Lippert: I just want to clarify something but I don’t want to create confusion. Vice-Chair Tuma asked about the businesses in a commercial zone there. It is my understanding it is a barbershop, there was a contractor there at one point, and there is an architect also on that site, Bill Bocook and Bill Bocook actually drew up these plans. I don’t know if he has equity or ownership in the property or not but my assumption is that he probably has something to do with it. He is reaching retirement age himself. So it could very well be that this is how he is removing himself from the property. I can’t speak on his behalf but that might give you some insight as where these plans came from.

The second point I would like to make is I read through the housing bonus density law here. I have a question for the City Attorney. If housing bonus density law only requires that ten percent of the units are for the low income in order to be able to make use of the section on the housing bonus density law. What we have removed from our requirement for the time being is 15 percent requirement for BMR housing. If the applicant were to reinstate at least ten percent housing would they be able to make use of the housing bonus density law for the additional FAR?

Ms. Silver: I believe they would. This is outside of the context of a PC zone, I assume your question is implying.

Commissioner Lippert: Well, if I read through this correctly, and I am not an attorney. I am only a far-sighted architect. Here it cites that it is either or it categorizes it as rental housing and then it goes on and defines it as condominium, which this is not, or it says planned development. My understanding is that phrase ‘planned development’ refers to PC.

Ms. Silver: I would like to look at the particular statute. I think your understanding of that is correct but we have to double-check.

MOTION

Commissioner Lippert: Okay, because that is important. With that I think I am going to try to move this along here. I am going to make a motion that the Planning and Transportation Commission recommend that we initiate the rezoning on this. This is not approving it. It is just recommending that we move forward in terms of the rezoning with regard to the PC. I will leave it at that.

SECOND
Vice-Chair Tuma: Second.

Commissioner Fineberg: Second.

Chair Garber: I heard first from Commissioner Tuma but in case we need it I also heard Commissioner Fineberg. Would the maker like to speak to their motion?

Commissioner Lippert: Certainly. We have a very serious problem. Not only is the state growing exponentially but the reason why it is growing exponentially is people are living a lot longer. I think our grandparents generation maybe lived to 67 years as the average age. We are now looking at the average age as being about 77, and by the time we reach retirement age it could very well be that we are in our 80s as the average expected lifespan. That is really where this growth is coming from. So without providing adequate senior housing in Palo Alto what we are asking is that the residents here in Palo Alto actually become captive in their suburban homes.

One thing that this project does and it does it so beautifully is that it places housing along El Camino Real. Why is El Camino Real so important? El Camino Real is a major arterial through the city where there is public transportation, there are amenities like shops and stores, and restaurants, and it is not far from the major shopping centers in terms of where seniors can get to do their shopping. It is on the fringe of single-family residential neighborhoods. I can’t think of a better buffer between single-family residences and El Camino Real than a stepped up multifamily residence. So I think that this project by itself has a lot to offer in the PC configuration that has been presented here.

Of course there are details that need to be flushed out. Of course there are things that need to be worked out in terms of how this is going to work, the mechanics of how this is going to work. For initiating a zone I think that this is ideal, something that we should definitely be looking at. I think Sandy Sloan mentioned it beautifully, which is that if you look at any senior project in this city the only configuration it has been able to fit into is the PC zone where it is tailored to a site.

Chair Garber: Would the seconder like to speak to their second?

Vice-Chair Tuma: Sure. Typically in today’s environment I would be very reticent to replace commercial with residential, however the commercial site here I think is just a terrible site for commercial. I think that is somewhat shown up by what is there, how it has been used. I am not even sure if it is legal to make a left hand turn if you come out of the current commercial. I know it is not as you come out of Jacobs Court. It is on a curve. It is just a bad place for commercial and it would be a small amount there. So in today’s environment even though I typically would not want to replace commercial with residential I think in this particular case it makes a lot of sense.

With respect to some comments that have been made about FAR, I am not so concerned about FAR, and this is a comment to the architect and the applicant as they go forward. I am not so concerned about the FAR per se because I do think that you can have a lot greater FAR in the
context of this type of project versus others. It is more of how the project relates to its neighbors and I think some more work needs to be done there. Some more thought needs to be given to that. I think when you have a meeting and the neighbors don’t show up that is a problem. So think about ways to reach out and work on that interface, because I think that can really turn this into a fantastic project.

The parking, as I said before, there potentially is an issue there. There was some discussion in the Staff Report about asking for 50 percent or less of the requirements. It doesn’t quite work out that way. That is for the new section, but the old section on its face is under-parked. My suspicion is that if you jigger those spaces around where more could be used for visitors and for your employees you won’t have that problem.

So I am very supportive of this project. I think that there is some tweaking around the edges that needs to happen, and as we move forward I will continue to be supportive.

I do however want to make a comment that applies generally to senior housing. We have often heard that senior housing doesn’t impact the schools and we are not taking into account the impacts of the schools. I do want to point out that in looking at this project in particular and talking about 53 percent of the seniors who are going to move in there being from Palo Alto. Those people are moving out of homes that recent history has shown us often times are then occupied by families who move into those homes. So it is not going to impact our decision. We cannot take it into account with respect to this particular project but I do want to heighten the awareness of the public that senior housing by itself sometimes does have an impact on the schools. So we need to be aware of that. We need to talk about that in other context.

So I think I would agree with the architect. I think you are on the right path. I think some interface issues. It is in a way unfortunate that that tree has to stay where it is because if it were on the other side you could possibly have a better interface over there, but we do value those things in this context. So it presents a challenge that I think you are up to and will figure out a way to make that interface with the next-door neighbors better.

Chair Garber: Commissioners, other comments? This would be the time to speak so that the applicant can hear our comments and use those comments to implement how they return to the City. Commissioner Keller and then Fineberg.

Commissioner Keller: I was going to ask some questions of the applicant. May I still do that?

Chair Garber: Yes you may.

Commissioner Keller: Thank you. The first question is there was a comment made that some changes have been made to the drawing. So let me ask Mr. Steinberg does this drawing, this document that we have been handed of the project drawings, does this represent the latest version of the drawings or are there changes since the March date here?

Mr. Steinberg: That is the third generation and the current status of the project at this moment. I think it would be a fair statement to say that the design has more evolution to go.
Commissioner Keller: Thank you. Those regular sheets with streetscape elevation SK-6, does that represent the latest version of the drawings?

Mr. Steinberg: Yes.

Commissioner Keller: On that one you could probably more easily see the distances between Jacobs Court and the proposed project and the various heights. It does appear from this that there is some degree of what appears to be some sort of towering of the proposed project. If I look at the drawings over here behind me, which allow me to see what is going on, it appears that these two bedroom units are sort of the ones that tower over this part of the project, and that these ones don’t really have that much problem. The curve of the street means that on the property side adjacent to Jacobs Court there are what looks like four units that are on the third floor. Two of them are facing a unit on Jacobs Court and two of them are mostly in front of that unit that is on Jacobs Court. Because Jacobs Court is recessed because of the curve on El Camino Way that provides that, and the rest of Jacobs Court does not appear to have the same kind of impingement because of the entrance to that. So that is something that can be considered there.

Perhaps Mr. Reller could answer a few questions if I may. There is a comment that the existing commercial structures do not provide very much revenue to the City. I wasn’t even aware that those buildings were used. I drive by and they look pretty decrepit to me. I am not sure how much sales tax is generated by a service business like a barbershop. Perhaps you can talk about the increase in property taxes that would accrue from this, because this is a for profit entity that you are running, is that right?

Mr. Reller: Yes it is a for profit entity. I can’t comment on the – in your report you have what the property tax increase change benefit would be. I don’t remember those numbers. There are four businesses in there an architect, a barbershop, the African Cradle, the service for adopting babies, and Love Bugs, lice removal. So they are in fact businesses that pay rent. They don’t pay much rent.

Ms. Sloan: If you look on Attachment E, page 7 we have projected the impact fees and the increase in property taxes. It is near the back of your packet.

Commissioner Keller: Thank you. So that is the impact fees and property taxes. Also, is there sales tax that is relevant? Do you pay sales tax?

Ms. Sloan: Attachment E.

Commissioner Keller: I am looking at it, right. So the issue is not only – it is mentioned here about sales tax from the people who are living there spending in Palo Alto. But I am wondering in terms of the operations of Palo Alto Commons do you pay sales and/or use tax?

Mr. Reller: No.
Commissioner Keller: Okay. And you don’t pay use tax for bringing things from out of state or whatever?

Mr. Reller: No.

Commissioner Keller: Alright, one more thing if I may? There was a comment about Palo Alto Commons basically having some sort of fee for rental versus a separate fee for service.

Mr. Reller: There is a base rental fee for moving in when someone is totally independent or very independent. Then as services are needed that ramps up.

Commissioner Keller: So there are increased fees as people get to other levels of assisted living?

Mr. Reller: Yes.

Commissioner Keller: Great. May I make some comments? Thank you. So it seems to me that first of all in terms of revenue to the City this is likely to provide more revenue than is currently provided by these properties. I think that certainly has some significance.

I am concerned about a couple of things. Firstly, I am concerned about the adjacency particularly of those two two-bedroom units looking on the unit towards the front of the Jacobs Court property. I think that is of concern.

I think that considering that El Camino Way is a street that has a broad curve to it the idea of the build-to kind of concept of the El Camino Real Design Guidelines doesn’t seem to make any sense. Also, when you think about the adjacent properties being somewhat recessed it would not from my point of view make sense to have this property have a build-to line on the sidewalk or anything along those lines.

I do think it does make sense to think about the need for increasing senior housing. I appreciate the people from the community talking about the nature of this facility and how it is a useful addition to the community. I would just venture a guess that there will probably be between 1,000 and 2,000 senior units in Palo Alto. That is my guess. I don’t know for sure but that is basically my guess considering Channing House and Lytton Gardens, and then almost 200 units just built at the Campus for Jewish Life, and also the units that are already here. So an estimate of basically the difference between 1,000 and 2,000, somewhere between those numbers seem to be a reasonable guesstimate. So that would mean that this would basically be adding to the senior housing stock somewhere between two and five percent additional senior housing stock. So I think that sort of puts it in context. That is actually pretty significant considering there are between 25,000 and 30,000 housing units in Palo Alto, and a graying of Palo Alto. I think we are going to have to think seriously about how to add additional senior housing through appropriate zoning.

I do point out that there really isn’t a residential zone that fits this for this kind of project. The RM-30 basically has a limit to the number of units. It also has a limit to floor area ratio. So if you had one concession you would actually need at least two one for number of units and one for
the floor area ratio. I guess the parking has its own rule. It is not a concession. I think that
under RM-40 you also have that problem. So it seems to me that unless the amount of BMR
housing is at least 20 percent you wouldn’t be able to use the housing bonus density law unless
you could get two concessions.

I do think it makes sense to think a little bit about whether the project in and of itself and the
relatively inexpensive improvements across the way on the bus stop are in fact adequate public
benefit considering that there has been a considerable escalation in terms of what is considered a
public benefit since the first part of the project was created.

I also note that the project does appear slightly overlap. It is not entirely on the new parcel. It
slightly overlaps on the existing Palo Alto Commons parcel. I don’t think there is anything
wrong with that but that is one of the reasons why this has to be a combined PC as opposed a
new PC for the new parcel, precisely because it straddles the property line there.

So perhaps some consideration of whether some number of BMR units for seniors might make
sense. I don’t know if that is worthwhile considering. I don’t know how the economics fit but it
would certainly strengthen the case from my perspective of the PC benefit. Thank you.

Chair Garber: Thank you. Commissioner Tanaka, Martinez and then myself.

Commissioner Tanaka: Thank you. First I have some questions and I am not entirely sure of the
process. So if we initiate the PC does it mean that we have a chance later to condition it or do
we condition it today?

Chair Garber: We do not condition it today.

Commissioner Tanaka: Okay, so it doesn’t necessarily have to exist as Palo Alto Commons to
modify.

Chair Garber: Exactly.

Commissioner Tanaka: Okay, great. I guess I will make a few comments for the applicants.

Chair Garber: Just to be clear, as Commissioner Tuma is whispering in my ear. The other
alternative is to deny.

Commissioner Tanaka: Okay, so we can initiate or deny. You don’t initiate with conditions.

Chair Garber: That is correct. Commissioner Tuma.

Vice-Chair Tuma: Even if we initiate that doesn’t mean down the road we couldn’t deny the
project. What we are doing tonight is just saying we want to a closer look, we want to hear more
about it, but that doesn’t in any way preclude or tie our hands from recommending denial down
the road if there are things that are not addressed. It is basically a nod that yes, this is worth
looking at further, you may be in the ballpark sort of thing, but it doesn’t tie your hands.
Commissioner Keller: One question is, we can apply formal conditions but we could agree with other people’s conditions and we might even do straw polls indicating the sense of the Commission if that clarifies things for you. Is that reasonable?

Chair Garber: We could but I am not sure we will need to. Let’s let Commissioner Tanaka make his comments.

Commissioner Tanaka: I looked at this project and whether it is this exact project or another project it does look like a PC makes sense in some way, shape or form. I do understand the need for senior housing. In fact I heard a stat similar, which is something like over half the people 65 and older today are living still. So that kind of tells you the need for senior housing.

I understand this project has to be economically viable and has to be a certain number of units in order for this project to succeed financially. Projects have to be successful economically as well, and I understand that. There is a concern that you heard from the community and I think everyone appreciates that as well as my fellow Commissioners. I balanced that benefit, not necessarily a public benefit, but that benefit with other impacts. One impact I see and I think my fellow Commissioners have also is the intensity. The project is going from 5,000 square feet to 50,000 square feet. So I can understand the neighbor’s angst about this project. So I do think that needs to be considered, and be sure that it contextually fits the neighborhood. Perhaps considering a two story step-down into a one-story step-down would make sense.

The second part, and I know this is kind of a weak argument, I realize that the commercial is small in this area and not very significant to the City. I worry about kind of the domino effect of putting residential on El Camino. Maybe it makes total sense on El Camino but if we keep putting residential on El Camino and pretty soon it doesn’t make sense for commercial anywhere. This is extreme project, but I look at Hyatt Rickey’s and say that is a shame it is residential now. So I am actually a bigger fan of mixed use, and maybe this project could use some sort of mixed use aspect. It may make part of it more interesting, more beneficial to everyone, to the neighbors, to the people that live there if they can go downstairs and buy something perhaps, another source of independence. So I think this could be a better project actually if there was a commercial aspect, a mixed use aspect. I think the City is actually pushing for that. Not just the fact that the City’s finances are important, and that multifamily generally costs the City money, while retail actually earns the City money. I think a mixed use would be beneficial all around in some way, shape, or form. If you look at the existing parcel some of it is CN and some of it is residential. So you put them together it kind of screams mixed use in my opinion. It is not exactly on El Camino. It is not exactly on the right curve of the street, but it is very close to El Camino, about as close as you can get without actually being on there. There is a lot of commercial on El Camino Way so I can appreciate my fellow Commissioners comments that at least there has to be some sort of compatibility so that it doesn’t scream single family. So I guess those are some comments that I would like the applicant to consider. I understand that this part has to become viable and I do think the City needs more senior housing so I applaud your application. Thank you for bringing this forward. Thank you for your work that you have done before on the original project. I think it also has to be compatible to the neighbors and I hope you take that into account.
Chair Garber: Commissioner Fineberg, then Martinez, and then Garber.

Commissioner Fineberg: So let me start by saying I am going to support the initiation tonight, because I think there are some things about this project that are very, very good. So I want to make it clear that I support the initiation, but I am also going to be very critical of some pieces of what I have seen tonight. Hopefully as it comes back there can areas where there is change or improvement.

The first thing I want to look at is in the required determinations for recommending approval for a PC the code, Chapter 18.38.060, Section A says the site is so situated and the uses that are proposed for each site are such characteristics that the application of general districts or combining districts will not provide sufficient flexibility to allow the proposed development. We have our 40, I think we have our 50, and the only thing I see that cannot be achieved by traditional standard zoning is the number of units. There might be some differences in setback that are more or less desirable. So the question hinges on do we zone PC simply to develop the requested number of units? Then there are a whole host of negative impacts on the adjacent properties, the residences especially because we are building those extra units, they are higher, and they are closer. So that is the real dance that is going to have to get worked out as it moves forward.

The reason right now I am supporting initiation is because of the single fact that our Comprehensive Plan supports development of senior units, and there is something very special with this project because the parcel is adjacent to Palo Alto Commons. It is the only place, I shouldn’t say the only, but maybe the Goodwill or maybe if all of Jacobs Court sold, which isn’t going to happen. It is a place where there can be significant increase in the capacity in a shared common facility without increasing overhead, without increasing administrative costs, without duplicating a lot of the services that are available in the main facility. That fact alone to me outweighs that benefit, outweighs the loss of potential commercial property, the loss of sales tax dollars. If this was something down the street where we could have a big box retail generating big sales tax I wouldn’t feel as generous about that loss to the City. So it really tips the scales that adjacency, just totally tips the scales.

Preliminary plans, our Municipal Code defines the application process and what is supposed to be in it. It talks about specifically development plans in Section 18.38.090. It talks about aerial photographs of the site and the adjacent land within 250 feet. It talks about maps showing public and private streets for the proposed building sites, areas that are dedicated and reserved for parks, pathways, playgrounds, schools, a map showing the existing and proposed topo and contours. It talks about landscape development plans, circulation plans, parking and loading plans, preliminary design plans with schematic blueprints, schematic exterior elevations. I don’t think we have gotten that tonight. I understand they are only supposed to be preliminary for tonight, but given that I don’t even have any sense of where the big building blocks are going to be I think it might have been better to come to initiation with some simple drawings showing where the building blocks would really lay in your current thinking.
There is a danger because we talked about how we have initiation. I think I have seen four PCs so far and initiation of a PC is like a snowball on an avalanche hill. What happens is there is Planning Commission initiation, then there are a bunch of ARB meetings, then are bunch of public meetings, there are a bunch of meetings with neighbors, and then the applicant comes and says we have invested X-hundred thousand, we have had X public meetings, how can you say no now? You have to say yes because we have invested all this. I am not pleased when I see that happen because that is not in the best interest of the City or its residents or the neighbors, or Council. So getting it right as you go through the process adds tremendous value. So please go to another hearing, go in with the plans that you are thinking about that are current.

I would like to echo Commissioner Tanaka’s comments that the loss of retail is not good, but again as I commented before that I think in this case the public benefit outweighs that. I would also like to echo Commissioner Tuma’s comments that when you discussed it at previous PTC meetings that senior housing does have a kind of a boomerang effect. As the residents move in they move out of a three or four bedroom home and a young family with kids moves in. How that would be addressed as a PC is obviously up to the negotiation between the applicant and the City. Understanding there can’t be a required impact fee but to say there is no impact on the schools is on its face not accurate.

Ultimately, as I look forward I have concerns now that I will have to see how the project develops, but my concerns will be on the impacts on the neighbors both in terms of height, in terms of noise, and in terms of adequacy of parking. I have yet to hear a single applicant within the City of Palo Alto come forward and say we have a parking shortage. So the fact that there is the applicant’s data doesn’t settle me in terms of parking. If I was there three times a week and I saw the parking lot was three-quarters empty I would have a better sense of that is more than adequate, but I am not there. I think City Staff needs to confirm that independently from the applicant data. That’s it.

Chair Garber: Commissioner Martinez.

Commissioner Martinez: I have to be quick it is getting late. I visited Jacobs Court for the first time on Saturday. I was just amazingly impressed with how beautiful it is. I did a slide show for my office on Jacobs Court. For this project you are going to be working with an architect that I respect very much, and I think has a very talented firm. I think they are quite capable of addressing some of that or all of that interface problem. I would like to see them begin to break down that long elevation that faces onto Jacobs Court and begin to reflect some of the character we see in the international style influence of Jacobs Court.

The second thing, and related to that, is my experience is that these long double-loaded corridors don’t work for people with dementia or cognitive problems. That may also be something that you can work towards in resolving the sort of exterior problem that you are faced with.

Finally, I say this every time we get a project on El Camino, in this case near El Camino. Every time we get a project that builds on a property line we lose a little bit more of the historic character of El Camino Real. If you drive down South El Camino Real what distinguishes it from Mountain View or Menlo Park or the other side of University is the sense of open space.
Every project historically has not filled the site property line to property line. Soon or later, hopefully sooner, we as the Planning Department and Commission need to address what is happening to our historic properties. Thank you.

MOTION PASSED (7-0-0-0)

Chair Garber: I am in general support of my colleagues here. I did have a bunch of comments but I think most of them have been iterated so let’s vote. I will close the public hearing. All those in favor of the motion as stated say aye. (ayes) All those opposed? The motion passes unanimously with Commissioners Tanaka, Martinez, Fineberg, Garber, Tuma, Keller, and Lippert voting yea.

Thank you very much everyone for staying for so long. We will take a break.
RECOMMENDATION
Staff recommends that the Architectural Review Board (ARB) recommend to the Planning & Transportation Commission (P&TC) and City Council approval of the proposed project, based upon the Architectural Review findings (Attachment A). Draft conditions of approval (Attachment B), provided for the discussion, will be further refined following ARB recommendation prior to P&TC review.

BACKGROUND
This project received preliminary review by the Planning & Transportation Commission on June 16, 2010, and the Architectural Review Board on August 19, 2010.

Existing Conditions
Palo Alto Commons is an existing senior assisted housing facility developed on a 1.7 acre site based on Planned Community (PC) Zone 3775, approved by City Council in 1987. Palo Alto Commons consists of 121 senior rental units (with 140 beds), totaling 81,200 square feet. The existing 2- and 3-story facility contains a dining facility, kitchen, and activity rooms on the first floor, and both surface parking and below grade parking facilities providing 55 parking spaces. The public benefit was considered to be intrinsic to the existing PC, an assisted living facility needed by the community.

The proposed expansion site, located immediately west of the existing senior facility, is comprised of three developed properties located on El Camino Way between West Meadow Drive and El Camino Real, with El Camino Way addresses 4037, 4039, 4041, 4043 and 4045. The expansion site contains a single-family home and two small commercial buildings on three lots. The front half of the site is currently zoned Neighborhood Commercial (CN) and the rear half of the site is...
zoned Low Density Multiple Family Residential allowing up to 15 units per acre (RM-15 zone
district). The site’s existing zoning is consistent with the Comprehensive Plan land use
designations for the site, Neighborhood Commercial and Multi-Family Residential.

The properties to the east are zoned Single-Family Residential (R-1), the property to the north is
zoned Multi-Family Residential (RM-15), and the property to the south is the existing Palo Alto
Commons facility Planned Community.

Review Process
On June 16, 2010, the P&TC conducted a preliminary review of the proposed rezoning from CN
and RM-15 to a new Planned Community (PC) zone to include both the existing Palo Alto
Commons and the addition. The P&TC initiated the project with comments for the applicant and
staff, and forwarded the project to the ARB for formal review.

The applicant requested the preliminary ARB review, which was conducted on August 19, 2010.
Following this formal ARB review and recommendation, the project will return to the P&TC for
their recommendation to City Council.

Project Description
The applicant's project description and development program statement for the proposed PC
district zone change are provided in Attachment H.

The proposed 44-unit senior assisted housing facility (aka Commons Addition) would include
eight studio apartments, 16 one-bedroom apartments and 20 two-bedroom apartments. The new
building would provide common areas and recreation facilities, including a lounge, fitness room,
indoor pool, common bathroom, and dining room. The below grade parking facility would
provide 38 parking spaces. Three parking spaces and a drop-off area would be provided at grade.
The total proposed floor area is 56,684 square feet, which is a 1.57:1 floor area ratio (FAR) for the
site, resulting in an overall FAR of 1.17:1 when combined with the existing Palo Alto Commons.
The area of the below grade parking facilities is not included in the FAR.

The vehicle access from El Camino Way to the new underground parking facility would be
provided using the access to the existing parking facility on the Palo Alto Commons site, with
new driveways provided for the at grade and drop-off areas.

The layout and location of the proposed building have been dictated primarily by the location of
the existing protected, mature oak trees on the site and the applicant's intention to reduce visual
impacts on adjacent residential neighbors. The variable height and architectural treatment of the
project are in response to the existing context.

DISCUSSION

Preliminary Architectural Review Board Comments
During the August, 19, 2010, preliminary review, the ARB requested the applicant submit
additional information and consideration for their formal review, as follows:
- Additional details including material transitions, structural coordination;
- Greater development of elevation facing housing on Jacob’s Court and relationship to single family homes on Wilke Way;
- Reexamine relationships of massing, materials, and site plan grid to existing complex;
- Additional information about parking;
- Additional detail on type, location and distribution of open space;
- Show more details of connections between existing and proposed buildings;
- Transit stop – show more details of location;
- Consider adding skylight or other daylight for break room in basement;
- Provide detailed landscape plan include street trees, solar access for large oak, and all site plantings; and
- Try to reach out to rear single family neighbors.

Comparison of Project to CN and RM-15 Zoning Regulations
A zoning comparison table (Attachment C) has been prepared by staff to illustrate how the project’s attributes as a PC project compare to the regulations of the existing underlying zones of the site. In addition to meeting ARB approval criteria, a non-PC project on RM-15 and CN zoned property would also be required to meet the findings set forth in the Context Based Design Criteria found in Palo Alto Municipal Code (PAMC) Sections 18.13.060 and 18.16.090. These sections are attached to this report (Attachment G) for ARB consideration. Staff is of the opinion these findings can be made.

Trees
A tree inventory and evaluation report, including a tree location map, was prepared by Arbor Resources for the project. In response to concerns from members of the ARB about the impacts of new building shade on the existing oak, the applicant has also submitted a letter from Arbor Resources stating their professional opinion that the impact will not be significantly detrimental. These documents identify 46 trees of 17 various species. Seven trees are defined as protected ordinance size trees. Four are oaks (one on adjacent property) with trunk diameters (at 54 inches above grade) larger than 11.5 inches, and three are coast redwoods with trunk diameters (also at 54 inches above grade) larger than 18 inches. The proposed building footprint would conflict with two of the protected coast live oaks; therefore, they are proposed to be relocated elsewhere on site.

The most substantial protected tree on the site is a 36-inch diameter, 40 foot tall oak located on the right side of the site (as viewed from the street) about half way back on the site from the front property line. This mature native tree is a dominant feature on the site. The development, with mitigations incorporated, would provide the necessary clearance from this tree to ensure its survival and allow its continued prominence as a key feature in an open area that will serve as a visual connection between the existing and new facilities.

Four of the trees in the report are publicly owned street trees located within the public right-of-way along El Camino Way. They include trees three flowering pears and a privet tree. The applicant’s plans propose to remove the two of the four street trees due to the proposed driveways and because the trees would suffer from construction and sidewalk replacement. Staff assumes, however, that all four trees (#43-46) will be negatively impacted by the project and will all require removal and replacement. For Public Works Trees to approve their removal, the plan will have to show the replacement of these trees with no net loss of canopy and of public resource investment, plus improvements to the current growing conditions. Public Works Trees is requiring
replacement trees to be Chinese elm cultivar (Ulmus parvifolia ‘Allee’ or ‘Athena’), 15 gallon size.

Parking
The proposed project includes 38 underground parking spaces, three above ground parking spaces and room for passenger drop-off at the building’s front entrance. This provides 0.93 spaces per unit. A parking analysis by Fehr & Peers was provided and is included here as Attachment J. Staff has reviewed the analysis supports the proposal with a few minor conditions in regards to parking space size and bicycle parking.

Unresolved Staff Concerns
The proposed design available at the writing of this staff report does not include a location for the required Padmount Transformer (Conditions 79 & 80 from the Electrical Utilities Department), but the applicant has committed to studying the potential locations and providing a proposal as part of their presentation.

Landscaping currently proposed is still in a schematic level, and does not address the unique irrigation needs for landscaping under the existing oak tree. Staff recommends additional patio area, faux grass, or other oak appropriate plant choice along with a more detailed overall landscaping plan be reviewed by City staff and/or the ARB prior to review by the P&TC.

Stormwater treatment will be required for this project (Public Works Engineering Condition of Approval 35). Additional details of materials proposed for this treatment will be required prior to a recommendation for approval from the Public Works Department.

The proposed project includes the merger of the project site (three lots) with the existing Palo Alto Commons property. This requires a tentative map because of the size of the resulting property. The documents for this tentative map will be submitted and reviewed by staff prior to review by the P&TC.

Public Benefit
Public benefits are required for any Planned Community zone. The project includes an intrinsic benefit in the specialized type of use proposed, a use that has not yet been successfully implemented under standard zoning regulations. In addition to providing senior assisted housing needed for the community, the project would include pedestrian improvements and facilities along El Camino Way between East Meadow and El Camino Real to the north. The proposal includes an upgrade to the existing bus stop, extensive planting, new walkways and a cross walk in front of the Commons Addition development. Provision of such improvements in the right of way as part of a public benefits package has precedent in the projects previously approved by Council, including the Sunrise Assisted Living project located on El Camino Real.

Green Building Regulations Compliance
The project is proposed to satisfy the City of Palo Alto Green Building Ordinance through 93 points on the GreenPoint Rated Multifamily Scoresheet, or equivalent level of sustainability in accordance with a revised City green building ordinance proposed for adoption by Council prior to January 2011 when the State mandated green building regulations (“CALGreen”) become
effective. On November 8, the Council consider adopting a one-year pilot program for LEED for Neighborhood Development (LEED-ND) and subject project may be considered as subject to the program, which is proposed as voluntary for projects undergoing planning review during the first year of the program. The project has not yet been analyzed using a LEED-ND checklist, but the subject site is of a size consistent with proposed thresholds for pilot program applicability. Staff has requested that the applicant prepare a LEED-ND checklist in anticipation of interest by the P&TC, which recommended the LEED-ND pilot program.

Planning & Transportation Commission Comments
During the June 16, 2010 P&TC hearing, the most significant design issue discussed by the P&TC was the relationship between the proposed building and the adjacent homes on Jacobs Court. The P&TC specifically requested additional consideration and analysis of the relationship between the buildings and the treatment of the space between. The revised plans present significantly modified massing and architecture of the proposed building with respect to these concerns. There was also a request that the ARB consider how the El Camino Real Design Guidelines might or might not apply to this project.

El Camino Real Design Guidelines
The South El Camino Real Design Guidelines (Guidelines) recommended by the ARB June 6, 2002, contain a map of “pedestrian-oriented nodes” which includes the Triangle Area. The Triangle itself is the area between El Camino Way and El Camino Real between Los Robles and Maybell Avenue; however, the Guidelines show a broader Triangle Area as “extending from Los Robles Avenue to Arastradero and West Charleston Roads” and the map appears to include El Camino Way properties on the east side of El Camino Way. The vision is for an activity node with pedestrian amenities, and development on triangle properties with “El Camino Way frontage should be more intimately scaled to suit the mixed residential character of the street with highly articulated massing, balconies and plaza areas” as set forth in Guidelines section 2.2.3.2 Strategic Sites.

The Palo Alto Commons and Commons Addition site are fully visible from El Camino Real across the vacant sides within the Triangle proper. Therefore, given the map in the South El Camino Real Guidelines and the visibility of the sites, the Guidelines may be seen as applicable and of use to the ARB in evaluating the project design.

Staff has analyzed the project with respect to the Guidelines and attached an excerpt of applicable Guidelines sections (Attachment F). This is the first major project in the El Camino Real corridor to be presented to the ARB since the Council gave direction to staff to study and update the Guidelines. Staff believes that this project is designed appropriately in relation to the guidelines and the site’s location visible from El Camino Real, but set off by the El Camino Way island. The proposed building will provide an increased presence on the road, while providing the setback buffer recommended for residential projects.

ENVIRONMENTAL REVIEW
This project is subject to the California Environmental Quality Act (CEQA) requirements. Staff has completed a draft Initial Study and Mitigated Negative Declaration (MND) which was available for public review between June 11 and July 1, 2010. One comment was received at the
P&TC hearing on June 16, 2010. The revised project has not significantly changed the project description, nor resulted in additional impacts nor need for additional mitigation measures; therefore, there is no need to recirculate a revised Initial Study/MND. Minor adjustments may be made to the document following ARB review and prior to P&TC and Council review.

**ATTACHMENTS**

Attachment A: Draft ARB findings  
Attachment B: Draft conditions of approval  
Attachment C: Zoning Comparison table  
Attachment D: Comprehensive Plan table  
Attachment E: Site location map  
Attachment F: El Camino Real Guidelines (excerpt)  
Attachment G: Context Based Design Criteria for RM-15 and CN Zones  
Attachment H: Applicant's project description letter*  
Attachment I: Build it Green Checklist*  
Attachment J: Parking Analysis, Fehr & Peers*  
Attachment K: Project plans* (ARB members only)  
*provided by applicant

**COURTESY COPIES**

Stephen Reller, applicant  
Sandy Sloan

**Prepared By:** Jennifer Armer, Planner

**Manager Review:** Amy French, Current Planning Manager
RECOMMENDATION
Staff recommends that the Architectural Review Board (ARB) recommend approval of the proposed project details to the Planning & Transportation Commission (P&TC) and City Council (Council).

BACKGROUND
On November 4, 2010, the ARB reviewed and recommended conditional approval of the proposed project. The ARB added a condition requiring ARB consent calendar review of the project details prior to P&TC or Council approval, to address the following items:

a) Review of the thickness of the 3rd floor fascia on the North side;
b) Revise the color and material palette;
c) Further develop landscape plan, particularly at property lines;
d) Work with the neighbors regarding the new placement of the Oak trees;
e) Review the rear elevation; and
f) Review the property line fencing at the front adjacent to Jacobs Court.

Additional background information is provided in the November 4, 2010 staff report, found on the city’s website at the following url:

A recording of the November 4, 2010, ARB hearing can be found online at:
http://www.communitymediacenter.net/watch/pacc_webcast/pacc_ondemand2.html
DISCUSSION
The applicant has responded to each of the items from the list as noted in their response letter dated November 18, 2010 (Attachment A).

Subdivision
Staff has reviewed the subdivision ordinance and corrected the previous conditions of approval to require a Certificate of Compliance for a lot line adjustment rather than a Major Subdivision Application. The result would be the same, that the four existing parcels would be combined into one parcel.

ENVIRONMENTAL REVIEW
This project is subject to the California Environmental Quality Act (CEQA) requirements. Staff has completed a draft Initial Study and Mitigated Negative Declaration (MND) which was available for public review between June 11 and July 1, 2010. One comment was received at the P&TC hearing on June 16, 2010. The revised project has not significantly changed the project description, nor resulted in additional impacts, nor need for additional mitigation measures; therefore, there is no need to re-circulate a revised Initial Study/MND. Minor adjustments may be made to the document following ARB review and prior to P&TC and Council review.

ATTACHMENTS
Attachment A: Applicant’s response letter*
Attachment B: Project plans*

*provided by applicant

COURTESY COPIES
Stephen Reller, applicant
Sandy Sloan

Prepared By: Jennifer Armer, Planner

Manager Review: Amy French, Current Planning Manager
PLANNING & TRANSPORTATION DIVISION

STAFF REPORT

TO: PLANNING & TRANSPORTATION COMMISSION

FROM: Jennifer Armer DEPARTMENT: Planning and Community Environment

AGENDA DATE: January 26, 2011

SUBJECT: 4041 El Camino Way [09PLN-00292]: Request by Stephen Reller to amend the existing Palo Alto Commons Planned Community zone by expanding it to add a 44-unit, three-story, senior assisted housing facility on a 0.83 ± acre site. Environmental Assessment: An Initial Study has been completed and a Draft Mitigated Negative Declaration has been prepared in accordance with California Environmental Quality Act (CEQA) requirements.

RECOMMENDATION
Staff recommends that the Planning and Transportation Commission recommend that the City Council approve the Initial Study and Mitigated Negative Declaration and an amendment to the existing Palo Alto Commons Planned Community (PC) zone district to add the 0.83 acre site (subject property) to the existing 1.7 acre site, and construct a senior assisted housing facility to replace the existing buildings at 4041 El Camino Way.

BACKGROUND

Process History
This project received preliminary reviews by the Planning & Transportation Commission (P&TC) on June 16, 2010, and the Architectural Review Board (ARB) on August 19, 2010. The P&TC initiated the project with comments for the applicant and staff, and forwarded the project to the ARB for formal review. The ARB reviewed and recommended approval on November 4, 2010, and reviewed six additional items submitted to satisfy their request on December 2, 2010. The ARB unanimously recommended approval.
Existing Conditions
Palo Alto Commons is an existing senior assisted housing facility developed on a 1.7 acre site based on Planned Community (PC) Zone 3775, approved by City Council in 1987. Palo Alto Commons consists of 121 senior rental units (with 140 beds), totaling 81,200 square feet. The existing 2- and 3-story facility contains a dining facility, kitchen, and activity rooms on the first floor, and both surface parking and below grade parking facilities providing 55 parking spaces. The public benefit was considered to be intrinsic to the existing PC, an assisted living facility needed by the community.

The proposed expansion site, located immediately west of the existing senior facility, is comprised of three developed properties located on El Camino Way between West Meadow Drive and El Camino Real, with El Camino Way addresses 4037, 4039, 4041, 4043 and 4045. The expansion site contains a single-family home and two small commercial buildings on three lots. The front half of the site is currently zoned Neighborhood Commercial (CN) and the rear half of the site is zoned Low Density Multiple Family Residential allowing up to 15 units per acre (RM-15 zone district). The site’s existing zoning is consistent with the Comprehensive Plan land use designations for the site, Neighborhood Commercial and Multi-Family Residential.

The properties to the east are zoned Single-Family Residential (R-1), the property to the north is zoned Multi-Family Residential (RM-15), and the property to the south is the existing Palo Alto Commons facility Planned Community.

Project Description
The applicant’s project description and development program statement for the proposed PC district zone change are provided in Attachment E.

The proposed 44-unit senior assisted housing facility (aka Commons Addition) would include 8 studio apartments, 16 one-bedroom apartments and 20 two-bedroom apartments. The new building would provide common areas and recreation facilities, including a lounge, fitness room, indoor pool, common bathroom, and dining room. The below grade parking facility would provide 38 parking spaces. Three parking spaces and a drop-off area would be provided at grade. The total proposed floor area is 56,672 square feet, which is a 1.57:1 floor area ratio (FAR) for the site, resulting in an overall FAR of 1.17:1 when combined with the existing Palo Alto Commons. The area of the below grade parking facilities is not included in the FAR.

The vehicle access from El Camino Way to the new underground parking facility would be provided using the access to the existing parking facility on the Palo Alto Commons site, with new driveways provided for the at grade parking and drop-off areas.

The layout and location of the proposed building have been dictated primarily by the location of the existing protected, mature oak trees on the site and the applicant’s intention to reduce visual impacts on adjacent residential neighbors. The variable height and architectural treatment of the project are in response to the existing context.
SUMMARY OF LAND USE ACTION

Commission Purview
The project is a request for a rezoning of the RM-15 and CN zoned parcels in order to build the Commons Addition, expanding the existing, adjacent Planned Community development onto the subject property. The proposed new building and use would replace the existing commercial and residential structures and the existing senior facility site and new site would be combined to form a single Planned Community. Rezoning the subject property to be included as part of a PC district follows a unique set of procedures and standards, which are described in Chapter 18.38 of the Palo Alto Municipal Code. The first step in the PC process was P&TC review of the concept plans, development program statement and draft development schedule. With favorable feedback from the P&TC, the development plan, site plan, landscape plan and design plans were submitted for ARB review in the same manner as any commercial or mixed-use project.

The development plan was recommended for approval by the ARB, and their review included review of the project’s conformance with El Camino Real Guidelines, ARB findings for approval and green building proposal. The City department conditions were shared with the ARB as well and refined for attachment (Exhibit B) to the draft PC ordinance following the ARB recommendations.

The project is now returned to the P&TC, together with a draft zoning ordinance and environmental document, for the P&TC’s final review and recommendation of the ordinance and Mitigated Negative Declaration including mitigation measures to the City Council. The zoning ordinance identifies the permitted and conditionally permitted uses and site improvements, as well as a schedule for completion of the project.

The P&TC may recommend a PC zone change only if it finds that:

(a) The site is so situated, and the use or uses proposed for the site are of such characteristics that the application of general districts or combining districts will not provide sufficient flexibility to allow the proposed development.

(b) Development of the site under the provisions of the PC planned community district will result in public benefits not otherwise attainable by application of the regulations of general districts or combining districts. In making the findings required by this section, the Planning and Transportation Commission and City Council, as appropriate, shall specifically cite the public benefits expected to result from use of the planned community district.

(c) The use or uses permitted, and the site development regulations applicable within the district shall be consistent with the Palo Alto Comprehensive Plan, and shall be compatible with existing and potential uses on adjoining sites or within the general vicinity.
SUMMARY OF KEY ISSUES:

Below Market Rate (BMR) housing requirement
The City does not have any BMR Requirements applicable to rental housing.

Zoning
The proposed project is submitted as a Planned Community zone because this type of small unit, rental housing facility for seniors, with age in place care, does not fit within any of the land uses defined within the zoning code. A zoning comparison table is included as Attachment D and shows a comparison to RM-30, as the most applicable zone for this use, and CN, the existing zoning designation for the site.

Public Benefit
Public benefits are required for any Planned Community zone. The existing PC, Palo Alto Commons, was approved with an acknowledgment that the use itself, senior housing, was a public benefit. The project’s main public benefit with the proposed expansion continues to be the provision of new rental senior assisted housing needed for the community. This is the type of benefit that is truly intrinsic to the project and is not attainable through regular zoning regulations. In addition to this primary benefit, the applicant proposes pedestrian improvements and facilities along El Camino Way between East Meadow and El Camino Real to the north, upgrades to the existing bus stop in El Camino Real, extensive planting, new walkways and a cross walk in front of the Commons Addition development, and a $100,000 donation to Avenidas to be ear-marked for the age at home program for low-income seniors.

Greenbuilding and Sustainable Neighborhood Development
The applicant has complied with the City’s new Green Development Ordinance by submitting a LEED-ND checklist. The ordinance provides that the LEED-ND standards are a pilot program in 2011; the P&TC and City Council will review the projects and threshold levels at the end of the calendar year to determine whether the standards should be adjusted or made mandatory.

PC Ordinance
Section 4 of the attached Ordinance (Attachment A) delineates the permitted uses and development standards for the new addition. The permitted uses include senior housing and a list of eight uses customarily associated with this type of age-in-place community. The uses (including eating & drinking, personal, and retail services) are specified for use by residents, employees and their guests only.

ARB Recommendation
The Architectural Review Board considered the proposed project through three hearings. The preliminary hearing was held on August 19, 2010, and provided the applicant with comments that they responded to, with revised designs. The ARB conducted their formal review on November 4, 2010, and approved the project with a condition that it return with responses to six items on the next possible ARB consent calendar. The applicant responded to these six items, which included architectural and landscaping details, conversations with neighbors over oak tree
locations, and fencing adjacent to Jacobs Court, and the ARB unanimously recommended approval of the plans.

**POLICY IMPLICATIONS**
The proposed project is consistent with the Comprehensive Plan land use designation and policies and staff believes there are no other substantive policy implications. A table of applicable Comprehensive Plan policies is included as Attachment C.

**RESOURCE IMPACT**
The proposed new residential units would yield, on a one-time basis, estimated Development Impact Fees of $281,496 for traffic and community facilities.

**TIMELINE**
- Initiation by P&T  
  - June 16, 2010
- Preliminary ARB Hearing  
  - August 19, 2010
- ARB Hearing (Approval)  
  - November 4, 2010
- ARB Hearing (Approval on Consent)  
  - December 2, 2010
- Formal P&T Hearing  
  - January 26, 2011
- Estimated City Council Hearing  
  - March 2011

**ENVIRONMENTAL REVIEW**
This project is subject to the California Environmental Quality Act (CEQA) requirements. Staff has completed a draft Initial Study and Mitigated Negative Declaration which was available for public review between June 11 and July 1, 2010. Revisions were made to include regulations regarding GHG thresholds developed since the release of the initial draft, and in consideration of comments received at public hearings, but no new impacts were found, and no new mitigation measures needed. The mitigation measures to address potential impacts in the areas of Biological Resources (Protected Trees), Hazards and Hazardous Materials (potential existing asbestos-containing materials and lead-based paint materials, potential water contamination), Noise (rooftop equipment, interior noise, construction & delivery hours), and Transportation and Traffic (parking & driveway design, bicycle parking) have been accepted by the applicant.

**ATTACHMENTS**
A. PC Ordinance
B. Location Map
C. Comprehensive Plan Table
D. Zoning Table
E. Project Description*
F. ARB Staff Reports, August 19 and November 4, 2010 (w/o attachments)
G. P&T Staff Report, June 16, 2010 (w/o attachments)
H. P&T Minutes, June 16, 2010
I. Correspondence
J. Initial Study and Mitigated Negative Declaration
K. Plans (Commission only)*
* Prepared by Applicant; all other attachments prepared by Staff

COURTESY COPIES
Stephen Roller, property owner
Sandy Sloan

PREPARED BY: Jennifer Armer, Planner

REVIEWED BY: Amy French, Current Planning Manager

DEPARTMENT/DIVISION HEAD APPROVAL: 

Curtis Williams, Director
Planning and Transportation Commission
Verbatim Minutes
January 26, 2011

4041 El Camino Way*: Request by Stephen Reller to amend the existing Palo Alto Commons Planned Community zone by expanding it to add a 44-unit, three-story, senior assisted housing facility on a 0.83 ± acre site. Environmental Assessment: An Initial Study has been completed and a Draft Mitigated Negative Declaration has been prepared in accordance with California Environmental Quality Act (CEQA) requirements.

Commissioner Garber: I would like to disclose that I met with the project’s attorney and the project’s architect on Thursday, January 13 for about 40 minutes or so. The things that were discussed at the meeting, and I will note that at that time the Staff Report had not been issued, so I did not know what was on or off the Staff Report at that particular time. I started out by informing them of the rules of the meetings that this cannot be a serial meeting, they cannot share with me anything else that they have discussed with any other Commissioner if they had had those meetings. I could not decide to make a decision until the public meeting on their project. That they should not interpret my questions as leading to any conclusions, and I went through the list of the requirements that we created in our rule list.

The content that we talked about included a number of things that are actually found in the Staff Report, but let me just read from my notes here. They mentioned that elderly housing project in Palo Alto is a PC to accommodate the density of these types of projects. They have used the underlying CS zone and RM-15 zoning area of the parcel as a rough guide to the portions of their project that have three stories, and the two story areas. Three that they review the issues that were raised by the PTC at the last hearing that focused on issues of density, adjacency, etc. This issue included increasing the project setback from the neighboring building to the north and the R-1 houses to the east. They apparently made some modifications to the project to accommodate those comments, also, lessening the impact of their project’s wall that faces their neighbor to the north, Jacobs Court, by breaking into planes that are setback from each other, and three, increasing the landscaping screening between the two buildings. They emphasized that they met with several of the neighboring building occupants to understand their views from their units, and work with them to define the best location for the larger oak trees that are being relocated from other parts of the site. They mentioned that the project will be a licensed elderly care business and as such has to follow the state requirements, which include that no children are allowed and that occupants cannot be less than 60 to 62 years of age. They then reviewed the parking briefly. They had eliminated the second ramp down to the new parking and they learned that several of the existing parking stalls in the existing establishment had been used for storage and they would be returned to functional parking spaces as part of this project. They had also learned that several of their employees had been parking in the street and that practice will be stopped as a part of this project. I had asked, but they had not done, a calculation
to learn how much parking would have been required if the project was designed simply with the underlying zoning. That was the extent of our conversation. I am happy to answer any other questions that any other Commissioners might have.

Chair Tuma: Commissioner Tanaka.

Commissioner Tanaka: I also met with the developer from Palo Alto Commons on January 18. I met with Rob and Steve. Commissioner Martinez also accompanied me at that meeting. Also at the meeting was the President of the Jacobs Court HOA as well the Secretary. I don’t want to repeat all the things that my fellow Commissioner, Commissioner Garber, just mentioned. We talked about very similar items. I am going to try not to be repetitive here. They mentioned that PC is required in order to accommodate the number of units because they are smaller units. PCs require that Staff will be parking in the garage going forward. Some of the Jacobs Court opinion was that they kind of like it the way it is because they have more light than they will in the new configuration. It seemed like they thought the parking problem would be solved if the employees did park in the new garage. We talked a little bit about the economic impact, which it looks like our Economic Manager has done some analysis, so that is great. I think everything else has been discussed already. So any I missed Commissioner Martinez could probably fill in. If there are any questions for me from the other Commissioners I could also answer. Thank you.

Chair Tuma: Thank you. Commissioner Keller.

Commissioner Keller: I received a phone call from the applicant. I was in the middle of something and asked to receive email with any information that they wanted to send. The only thing that I received by email was contact information, no substance of the project at all was in the email.

I am still wondering why the information that my two Commissioners to the left wasn’t in the Staff Report in some way or form when it could have been available to the public or anybody. In particular, the Staff Report does not list what changes were made, explicitly what changes were made from the last time as a Staff item. It does not list the recommendations made by the Commission last time and whether those things were held or changed. Those things should be in the Staff Report also. In other words, what the responses were to the Commission’s recommendations. With those we would have had less issues that would have come up separately. Thank you.

Chair Tuma: Just as a note, Commissioner Keller, I shared your concerns with respect to what was discussed last time, the issues. I believe that Staff is prepared to and will go through that this evening. They also acknowledged and agreed that that information would be helpful to have in the Staff Report, and they will endeavor to do that in the future.

Commissioner Keller: Thank you.
Chair Tuma: Vice-Chair Lippert.

Vice-Chair Lippert: I was contacted by the applicant’s attorney as well as the applicant’s architect by telephone. I declined to enter into a conversation with them regarding this project. However, in the interest of full disclosure I did run into the applicant’s architect at the movies. We saw Barney’s Version. We did sit next to them. The film length was two hours and 12 minutes. It was at the Guild Theater. I think we were both in agreement that it was an enjoyable film. It was rated R. After the film finished we did not discuss the film or the project at all. We left the theater separately, and our wives did sit between us, so we didn’t hold hands.

Chair Tuma: Commissioner Martinez.

Commissioner Martinez: Yes, actually I met with the applicant’s architect on two occasions. The second one I will talk about first. I was asked by Commissioner Tanaka to join him for a meeting at Palo Alto Commons on the evening of the 18th with the architect, the applicant, and two members of the homeowners association. That meeting last I think about an hour and a half. I think it was nine o’clock before we left. Much better than the meeting I had prior to that in my office on January 4 where I meet with the architect alone.

I am in agreement with Commissioner Tanaka with what was discussed. In addition I had three concerns, which I asked the architect to address. These I will talk about more as we have our comments later, but they had to do with the setback to the neighbors, the kind of frontage to El Camino, and parking. I learned a lot from that meeting. I think I don’t know, convinced, but certainly the nature of that meeting, I want to thank Commissioner Tanaka for inviting me, was very helpful to all of us, to the neighbors, to the applicants, to ourselves in understanding any differences, what attempts there were to resolve them, and really our attempt that we had in that forum, which was different than now to really have an exchange and really ask is this or has there really been an attempt to really address this, and is there any more that could be done. I will talk a bit more about that. A very positive meeting and again I want to thank everyone for asking to me to be there.

Chair Tuma: Commissioner Fineberg.

Commissioner Fineberg: I received a voicemail from the applicant, which I did listen to, and I did not respond to. So don’t know whether a one-way contact counts as contact. I would like to also echo Commissioner Keller’s concern that if these meetings were early enough the information that was garnered in what seems from self-reporting to be over two hours worth of meetings could have been shared with members of the public so that if there were any substantive learnings that took about 15 minutes to disclose the members of the public and other interested parties could have had a chance to learn those things and be prepared tonight to deal with those matters.
Chair Tuma: Okay. Just as a reminder, the rules that we set forth indicated that we would make these disclosures at the meetings at the time of the items coming before us.

I also had a meeting with Mr. Steven Reller on January 24 for approximately 30 minutes in his office. We discussed the fact that they had had subsequent meetings with the residents to talk about the various issues that had already been raised. He in particular indicated that the meeting that they had had with Commissioner Tanaka and Commissioner Martinez and the homeowners association was productive in terms of sharing of ideas and resolution of some of the issues.

I specifically raised issues regarding the setback for the neighboring buildings. He then walked me through the plans, which I am sure we will see again tonight indicating what the setbacks where and the height of the various different portions of their building that faces the neighbors. We talked about the parking and parking spaces, and also how the underground parking could be better utilized. He indicated that there would be some additional presentation on that tonight as part of their presentation. So I think that will interesting to hear.

Also, he explained to me one of the new public benefits that is being offered as part of this project which is the installation of a crosswalk with lights go across El Camino Way, and an enhanced bus shelter. I think we will see those in the plans tonight as well.

I raised with Mr. Reller an issue that had not been raised before, and that has to do with the traffic situation on El Camino Way at El Camino particularly with respect to the back up of traffic coming out of the Keys Schools during the time when the school is letting out. I expressed some concerns regarding how the new crosswalk as well as additional residents and traffic generated by this project could potentially exacerbate the problem that exists there now. It is also an issue that I raised with Staff during our pre-Commission so I will be interested to hear what comes as a result of that. That was the substance of my 30 minutes with the applicant.

I believe Commissioner Garber has something additional he wants to add.

Commissioner Garber: I was simply going to ask Commissioners Tanaka and Martinez if they could characterize the meeting, but Commissioner Martinez already did that so never mind.

Chair Tuma: Okay, great. Thank you, Commissioners. With we will go to Staff for their presentation. Thank you.

Ms. Jennifer Armer, Planner: Good evening. Tonight’s meeting is the formal review of a proposed revision to the existing Planned Community zone that will now be attached to the address of 4041 El Camino Way. Two commercial properties and one residential property are proposed to be rezoned to PC and combined with the existing PC zone for the existing Palo Alto Commons Senior Assisted Living Community.
The preliminary review of this project was held at the Commission’s meeting of June 16, 2010, and the project was initiated at that time. The Commission requested additional information on a number of issues at that hearing. These issues can fall into six categories including environmental review, the feasibility within a PC zone, the need for a PC zone for this project, project design, parking, and economic impacts.

The environmental review subject, the Mitigated Negative Declaration that you saw in June has been updated and corrected in accordance with City and State policy including a few typos, consideration of public comments, and most significantly a new Greenhouse Gas Emissions Standards section addressing the new standards that have become available since the initial preparation.

In terms of the feasibility without a PC zone the existing and standard zoning available would not allow the proposed unit density as it does not take into consideration the small unit size for senior housing and the greater need for indoor space rather than outdoor space for these residents. There is a density bonus law that includes bonuses for senior housing, which was considered by the applicant when reviewing the existing zoning, but it does not provide for any concessions as the affordable housing portion of that lot does. It is difficult to apply this law when the property has multiple zoning designations once.

As far as the need for a PC zone in this case Staff sees the public benefit for this project as being the fact that it is a rental senior housing facility with facilities for aging in place. So Staff is recommending a Planned Community zone for this type of project because the public benefit is truly integral to the project not just added on. And, because small senior housing units and their unique character were not taken into consideration with the currently available zones in the Zoning Ordinance. The proposed unit per acre is above what is allowed in the zoning, but with the 86 persons per acre proposed it is within the eight to 90 persons per acre allowed within the sites multifamily residential designation of the Comprehensive Plan. Therefore is part of the goal of the City. The need for a PC zone for this type of project can clearly be seen in that there have not been any other senior housing facilities successfully approved in Palo Alto without the use of a PC zone.

As to design concerns expressed by the Commission mostly I believe those were in relation to the height and the building’s relationship to the adjacent residential as well as to El Camino Real. These issues were addressed in the revised designs and through three meetings with the Architectural Review Board, but I will let the architect go into more detail as to those changes.

For parking, parking is also an issue that the applicant can address more fully, but you were provided a Transportation Report that goes into more detail. You will see that in the plans the size of the underground parking garage has significantly increased. The applicant is considering changes to their current parking policies in terms of who uses the private parking that they have.

The final item discussed at the last meeting was concerns about the change of use and the economic impacts in terms of loss of commercial and tax impacts. Staff has prepared a
memo describing the maximum possible retail on the existing retail sites, and the potential tax from that which is pretty insignificant in comparison to the City as a whole. It does give you some of those numbers as well as looking at some of the tax information provided by the applicant. A more complete analysis will actually be put together before going to Council.

In addition, Commissioner Tuma’s question and concerns about the traffic from the Keys School, Staff has had conversations with the Keys School in response to those concerns, and is in discussion about their pick up and drop off times. In particular, the afternoon pick up time and whether there are things that can be done to expand the period of time for children to be picked up. It does appear that there currently is a shorter period of time for pick-ups than was described in the traffic report when that project did go to Architectural Review and was approved. So there is a possibility for working with them to try and bring that closer to what was reviewed and approved previously and hopefully reduce that impact in the area.

So Staff feels that the applicant has addressed these issues adequately through their work with the Architectural Review Board to improve the building designs, and through additional submitted information in regards to parking and transportation impacts. The applicant has clarified the proposed public benefit for the project, which is first and foremost the intrinsic benefit of the senior housing but it is also augmented by public facility improvements and a donation as described in the project description and tonight’s Staff Report. Based on the discussions in the Staff Report and the items just mentioned Staff believes that the package presented by the applicant meets the findings for the Planned Community zone so that we can recommend approval of the PC zone change and associated environmental review. We do have the property owner and architect here available to expand on this information and to answer any questions you may have.

Chair Tuma: Great, thank you very much for that. Next we will go to the applicant. I have a card that indicates that the presentation will be given by Mr. Reller and Mr. Steinberg. You will have 15 minutes. Welcome.

Mr. Steven Reller, Applicant: Good evening Chairman Tuma and members of the Planning Commission. My name is Steven Reller and I am one of the project applicants. I would like to start by thanking Jennifer Armer and the Planning Staff for all their hard work on this project.

The project before you tonight is the addition of 44 units to Palo Alto Commons, down from 45, which was proposed back in July. The Commons is senior rental housing that includes several care levels including dementia care and assisted living. At the Commons we balance personal privacy with the personal assistance some seniors need with daily tasks. Senior housing, in particular senior rental housing, is in great demand. As we live longer we find that an increasing number of seniors need a helping hand with daily tasks and/or memory support.
Senior housing is a good neighbor. This housing brings no children to impact schools, very little noise, and relatively little traffic especially at peak times. Over the past two and a half years we have considered many different design options and orientations for the new building. In this time we fine-tuned the design, looked at how and where to move two large oak trees, conducted parking and traffic surveys for the new and existing facilities, and met with neighbors six or seven times. Since July the project received unanimous approval from you all to continue as well as unanimous approval from the ARB. We are hopeful that after you see the plan tonight you will see it fit to approve, perhaps unanimously again.

The proposed building while larger than what would otherwise be allowed is the best option for this parcel and for the City. An alternative development that would not require a zone change while smaller in overall size could easily have greater impacts on the neighbors. This is a great opportunity to add senior housing where it would otherwise be impossible. This type of community at this small size only works because of its adjacency to the exiting Commons and the subsequent sharing of operations.

Now our architect, Rob Steinberg will explain the design in more detail, as well as the changes that have been made since July. Also here with me this evening to help answer any of your questions are Sue Jordan, the Executive Director of Palo Alto Commons, Robert Eckles, our traffic consultant, Paul Lettieri our landscape architect, and Sandy Sloan our attorney. Thank you.

Mr. Rob Steinberg, Steinberg Architects: Good evening Mr. Chairman and Commissioners. We are glad to be with you this evening. I will give you a quick overview of our project. Our site is located on El Camino Way just off El Camino. It is about 36,000 square feet. Our site is in red. Adjacent to us on the left is multifamily Jacobs Court. We have two single-family lots just north of us. This is the existing Palo Alto Commons and Goodwill on the corner.

In the middle you can see a composite photo of the streetscape. It is a little hard to read but down below there is a drawing that shows the heights, the massing in context even though there are a lot of ins and outs here. You can generally begin to see the massing and the scale of the site in the context. I want to just remind you that we are merging the old or existing Palo Alto Commons with the new one into a combined PC zone.

Now the last time we met we showed you a site plan that was sort of a C or a U shape around a major existing oak tree. On the left adjacent to Jacobs Court was a new garage ramp that led you underneath the garage so there was some activity on this side. On the right side you can see the profile of Jacobs Court, the property line, and the exiting building that we showed you last time we met.

Now when we met last time we heard several things from you. We heard that you were giving us unanimous approval to proceed with this process, that you felt it was a good use and the right location, but you did have three concerns that you asked us to take a look at. One was the relationship with Jacobs Court. The second was the curb location and the
garage entries. Third was the parking. We have tried very hard to listen to what you asked us to look at, to work with our neighbors, and to work with the Staff in order to come back with something tonight that we hope addresses that.

So for example, our basic plan configuration is still sort of a U or a C shape around this very major oak tree, but in addition to a single wall we actually have one, two, and three steps that vary the relief and the variety and they get larger as you go deeper into the site. In our section we have taken three steps to try to mitigate the sensitivity to our neighbors. First of all, we have increased the setback from 27 to almost 34 feet. The second thing we have done is we have increased the variety of ins and outs along that edge so instead of having a solid wall there is a variety of articulation of shadow that again will breakdown the scale. We have also had meetings with our neighbors actually out on the site so we could relocate two pretty good size oak trees between us that would give privacy that would balance light, and certainly avoid any future maintenance issues. This is a view from our neighbor’s property and I feel that there is a lot of variety both horizontally as well as vertically. We have taken pieces of the building and brought it down. Other pieces are different material masonry and are two-story, a lot of ins and outs and variety. You will see that with the balconies we have not pushed them out in aggressive fashion to our neighbors but we have actually recessed them in to be sensitive to both the existing neighbors and the new residents.

The second issue that you asked us to look at was the driveway and the entrance to the garage. The last time we saw you there was an existing entrance into the existing Palo Alto Commons here, and we were proposing a new garage entrance along Jacobs Court into our proposed building. Currently we have eliminated that. What we were able to do is take the existing curb cut that goes into the existing building and add another leg off of that that took you into our building eliminating the conflict, the noise, the interface, and potential problem with our neighbors.

The third thing that you asked us to do was to examine the parking. So the first thing we did was retained a parking consultant and asked them to evaluate the existing as well as the new, the combination, the individual requirements for residents, for guest, for staff, and to make recommendations to us. in order to meet their recommendations we have increased the parking in the garage from 29 parking places, you can see here were it only partially under the building, to 38 spaces where we have gone all the way under the building in order to meet the recommendations of our consultant. The second thing that came up relative to the parking was visitor parking. How is this going to impact the neighbors? Well, the parking consultant said you have to have 15 parking spaces for visitors. So we have three in our new, one, two, and three. We also have an additional two that are short-term drop offs so there are really five. We have an additional seven under the existing building we have guest parking in front of the security screen, and we have seven spots on the existing lot. So where we were required to have 15 we have provided 17.

As I mentioned to you, we are not on El Camino per se, but we wanted to be respectful to the spirit of the El Camino Real Guidelines. So we have designed a building that we feel
tries to mediate between commercial and residential users and context. In addition to providing much needed rental housing for the senior population here in Palo Alto we propose a design that really combines the best of California indoor/outdoor living. This is a view, if you pulled up in your car and you were a visitor we have made a glass wall on both sides of the lobby where you look right though to that oak tree. We are trying to make the inside and the outside one. Not only do we feel that the design compliments the adjacent neighbors but I firmly believe that this is going to be a dignified environment that not only encourages socialization and connection between residents but provides a sense of home.

As Staff pointed out, generally the addition of providing much needed senior rental housing would meet the public benefit. In addition to that we are providing improvements to the existing transit stop, the bus stop, landscaping, and connections through the neighborhood not just for our site but for the whole district, as well as a contribution for a social worker for low income seniors that choose to stay in their home that would be administrated by Avenidas.

So we would look forward to your support tonight in order to move this community resource and this project forward. Thank you.

Chair Tuma: Thank you. Mr. Steinberg, before you leave the podium, I just want to on behalf of the Commission, myself and others, express our condolences on the passing of your father. I know this has to be a difficult time for you and we just wanted to let you know we were thinking about you.

Mr. Steinberg: That is very kind of you, thank you. I appreciate those thoughts.

Chair Tuma: Thank you. We will now go to the public. We have an increased stack of cards, which are now 12 speakers. You will each have three minutes. If you wish, it is not required, it may perhaps be helpful to identify where you live when you are speaking. Again, it is not required, but sometimes with projects like this it is interesting for the Commissioners to know where speakers live with respect to the property. Again, not required, but it is something you may want to consider. Our first speaker will be Marlene Prendergast followed by Ramona Cole. Welcome.

Ms. Marlene Prendergast, Palo Alto: At the risk of being redundant I am just going to say quickly what I said last time, which is I have had some 25 years of experience in housing planning, development, and management, and initiating and managing BMR programs and so forth. What I think about this project is it fits in a place where it is needed. That is, rental housing for seniors of moderate incomes. We have I would say almost plenty for the high-end incomes in Palo Alto and the surrounding area of assisted living and the sort. We have never enough, but we have quite a number of low-income senior housing with services and some assisted living. This fits a niche that I think is needed and I am sure as other speakers will say, there are plenty of us who hope to stay in the community when we need that kind of housing. Thank you.
Chair Tuma: Thank you. Ramona Cole followed by David Mitchell.

Ms. Ramona Cole, Menlo Park: Good evening. I currently live in Menlo Park. I was a Palo Alto resident however for 20 years, from 1966 to 1986. My husband and I raised our three children in the Palo Alto school system and owned five different homes here. One of which we purchased for my elderly mother-in-law close to where we lived. When she became unable to live on her own how I wish Palo Alto Commons had been available and thus an option.

In support of the current project proposed as an addition to the current Palo Alto Commons I see it as a win/win for not only the City of Palo Alto, but for the aging population and their families in our area. Contrary to a housing development per se occupied by families the already overcrowded schools will not be impacted by this project as the residents would all be adults.

We are all aware that projections show we are all going to be living longer and consequently ultimately may need this kind of facility offering assisted living. Palo Alto Commons has been meeting this need for the past 20 years. The demand for more units has become apparent. Thanks to the continuing efforts of the Reller’s this addition to the Palo Alto Commons is now a possibility if approved. The current location is ideal as it offers public transportation as well as in-house transportation when needed. Thus the traffic impact is and would be minimal. Please consider this win/win addition to an already proven facility meeting the needs of a portion of our aging population who are able to live with dignity while being lovingly helped to continue their lives in a meaningful way.

Chair Tuma: Thank you. David Mitchell followed by Anne Loftis.

Mr. David Mitchell, Palo Alto: Good evening. We live in the Crescent Park of Palo Alto. We have resided in Palo Alto with our family for 46 years. Now that we are seniors I am delighted to see the amount of senior housing that we have in Palo Alto now, and thrilled to see that we are going to be getting additional rental housing, we hope. There doesn’t seem to be enough. Most people who live here want to be able to stay here. I certainly hope that we are able to do that.

I will not repeat the things that were said by the last two speakers in response to your request, but will join in their remarks and second them, or third them or whatever it is. I very much admire the commitment of the Reller’s to this community and their 20 years of perseverance with their present outstanding project. I know that the addition will make the project even better. Thank you.

Chair Tuma: Thank you. Anne Loftis followed by Millie Kohn. Anne Loftis?

Ms. Anne Loftis, Palo Alto: My husband and I have lived in this area for 59 years. Some of that time we have been on the edge of Palo Alto, but we have always been within the Palo Alto School District. Our three daughters graduated from Cubberley and Gunn.
My husband developed the symptoms of Alzheimer’s disease a few years ago and about two and a half years ago he was attending a daycare program but was told that he could no longer come. That he would be dropped. This is a tremendous shock to me and I was wondering how in the world I would manage even with the help of a helper who came to take care of him for 24 hours a day. So we moved into the Palo Alto Commons and it has been a most amazing experience. He has I think if anything improved, and he is very happy. I have found a piece of mind and freedom and friendship in a facility, which is in a neighborhood that is very familiar to me from having lived here so long.

I was told about the new facility. One of the advantages I believe is that it will be available to the relatives of patients in the old facility who wish to live in a fairly independent way, and yet will have the access of going back and forth to see their husbands, or brothers, or sisters, or whoever is living in the present day Palo Alto Commons. So I think this would be a – I could recommend this as a wonderful opportunity for people in the community. Thank you.

Chair Tuma: Thank you. Millie Kohn followed by Colleen Coleman.

Ms. Millie Kohn, Palo Alto: My husband and I have lived in this area for over 30 years. He did precede me to Palo Alto Commons. I lost my sight sufficiently to be unable to drive seven years ago. I was left in my condominium trying to plan for food and thinking about hiring a helper. I thought that was not a very pleasant prospect, so I moved into the Palo Alto Commons and I am relieved of the all the daily chores. I get very good food and lots of companionship. I have a beautiful apartment where I have complete privacy. One advantage of Palo Alto Commons is that it is privately owned. So the residents have a lot of power of getting their way if they have any complaints or wishes or good suggestions. I would recommend it highly.

Chair Tuma: Thank you. Colleen Coleman followed by Bill Hahn.

Ms. Colleen Coleman, Palo Alto: I am Colleen Coleman Hahn because Mr. Hahn and I were married a year ago. I just wanted to make the name clear.

I am very happy and content at the Palo Alto Commons. I just want to commend the management and the staff who do an outstanding job of creating family atmosphere, and warmth, and it really does become your home. I have been there for six and a half years. When I moved in with my former husband six and a half years ago we thought we would be needing more assistance. As things turned out I am very healthy and I was able to take care of my husband until he died in 2006. Hearing that this is going to be open maybe to more 70-ish people, because I felt very young in my 70’s when I moved in there six and a half years ago, I think it is a wonderful option to have for those people who are needing some assistance or maybe none but are looking ahead to the time when they will need that. So I am just very supportive and hope to see this project go through, because I think it will be such an addition not only to my own personal self but to those who come along later on. I think it is for people who are heading into this part of life that
we are in the midst of it would be a very good option to have these new units open for people who are a little bit younger than we are. It would be nice for my age to have these younger people around and it will be wonderful for them. So, thank you Commons.

Chair Tuma: Thank you. Bill Hahn followed by Bob Harrington.

Mr. Bill Hahn, Palo Alto: For 50 years my first wife and I lived in our home in Los Altos Hills as your neighbor. We moved into the Commons in August 2007. My wife moved into the Meadow Wing which is part of the existing facility and I lived without needing any assistance in the other part of the facility. My wife had arterial fibrillation in her heart and hydrocephalus in her head, and also had dementia that is why she was in the Meadow Wing. I have eaten dinner with my second wife, Mrs. Hahn that talked to you last, since we moved into the Commons. We have learned to know each other since we have been together. We were married in 2010 and have lived together for one year, and have lived together without any assistance. The Commons has taken care of us in a very good way during our time together. This would look like I could have moved into the new part if I had been in here when it had been existing, and then after I married I still could live in that new section. We wouldn’t have to have the Meadow Wing where my wife was. Thank you very much.

Chair Tuma: Thank you. Bob Harrington followed by Tracy Herrick.

Mr. Bob Harrington, Palo Alto: I have been a Palo Alto resident for 41 years, the last 32 years on Fulton Street, Christmas Tree Lane. About 25 years ago I appeared before the City Council to advocate for a much-needed senior living facility offering month-to-month rentals, Palo Alto Commons. Needless to say the test of time has proven the Commons model, management, and location to be remarkably successful.

About a decade ago I became a member of the public who benefited. My mother moved into the Commons. All of our family members in the immediate area, and there are dozens, were able to visit mom for the two-plus years that she was at the Commons. It was a terrifically positive experience for all of us. Palo Alto Commons is a tremendous asset to our community and this addition just seems to be perfect common sense. Thanks.

Chair Tuma: Thank you. Tracy Herrick followed by Bob Moss.

Mr. Tracy Herrick, Palo Alto: My wife who is with me here and I live at 1150 University Avenue. We have lived there for 41 years. In my work, which has taken a lifetime, it has focused on evaluation of management. It has taken me all over the world to all kinds of concerns and businesses. My comment today is that the management of Palo Alto Commons in its 21 years of existence, which I have observed, is truly outstanding. I am not talking about the kind of reports that are state reports for examination, which look at who well the floors are waxed or the dishes are washed. I am talking about what is important in this type of organization. The management has shown that it does offer
care. It has shown that it does offer peace to those who are there. It does show that it has offered them hope, which is something that is very essential in a community of this type.

Such an organization deserves rewards for its achievements. I believe that is the proper approach. The reward to the community is that it should have more of this type of facility available to it. The reward for the people who own it and operate it they should be allowed to expand their activities as well. I think that those that make decisions about the activities of this Palo Alto Commons North and whole organization deserve the rewards as well. I support this recommendation.

Chair Tuma: Thank you. Bob Moss followed by John Sink.

Mr. Robert Moss, Palo Alto: Chairman Tuma. I live in Barron Park about half a mile from the site and I have driven past it twice a day for the last 28 years-plus. So I am quite familiar with the area.

The Staff Report has some odd statement in it that I want to correct. On page 4, BMR housing requirements, it says that there are none for rental housing. Since when? The Montage Apartments at 4020 El Camino directly across El Camino have required BMR units. Then 195 Page Mill that a few of you may have heard of was offered with 15 percent BMR units in a rental project. As far as I know rentals (BMRs) are required in all housing, ten to 15 percent.

The second strange comment is in Policy Implications where it says that the project is consistent with the Comprehensive Plan designation and policies. A little over a year ago the City Council passed a Policy Resolution stating that they did not want any commercial or residential sites rezoned and redeveloped for housing. That is a Council approved policy. Now it is true that the Comprehensive Plan doesn’t include that but the Comprehensive Plan is in the process of being updated.

Now, that having been said, the particular commercial properties that are being converted are not exactly prime. There is a barbershop and the rest is primarily offices and has been for decades. So I don’t think it is at all inappropriate to rezone this for a good use like senior housing. I think it is appropriate in this particular case because of the location, especially because it is directly adjacent to the existing Palo Alto Commons, which has been quite successful. I think the changes Mr. Steinberg made to the design have improved it from what was originally proposed. So I think that is all to the good.

I do have a couple of suggestions that might improve it somewhat. I think the FAR, particularly compared to the existing Palo Alto Commons, is a little high. The reason is that 20 of these units are two bedrooms. When your original project was built there were no two-bedroom units but some of the units were designed so that they could be combined. I remember talking to Bill Reller and I said you are going to find that those are going to be very popular. He said, no, no seniors don’t want two-bedroom units. I believe the first four or five units that were rented they insisted on combining them to two bedrooms. So there is a desire for it. But if perhaps ten percent of them, say two to four
of those units, were reduced to one bedroom it would make the building smaller and reduce the FAR.

Second, this is a PC. PCs have been giving me heartburn for 30 years in this town. The problem is the public benefit. One of the public benefits is giving $100,000 to Avenidas. The problem is that that benefit is going to be consumed. I would suggest that we try to get some BMR units in this project, which would be an ongoing public benefit and more properly justify the PC. Thank you.

Chair Tuma: Thank you. John Sink followed by Steve Player.

Mr. John Sink, Avenidas: I am Vice President for Programs at Avenidas. I am here to speak in support of the City’s older adults and the need for additional rental housing. Avenidas provides two part-time information and assistance specialists to help folks find information about and solutions to their issues. Over 1,200 families each year contact us for this kind of help. The most common topic of all questions asked is about housing. The second most common type or questions are about in-home help. We tell folks about housing options for older adults. These include market rate rental housing options, below market rate rental housing, retirement residences where you purchase, Alzheimer’s and dementia care residences, continuing care retirement communities, and the differences between various options.

Our information and assistance specialists tell me that demand exceeds supply for rental housing. This is a project that should be supported in order to increase that supply. What is more, we think Palo Alto Commons is doing it right. Avenidas supports the development of neighborhoods that are senior friendly and close to public transit. Here we see another strategy whereby families are allowed to remain together in the community even when a member needs assistance. We think this is a good model and recommend it for your positive consideration.

Chair Tuma: Mr. Sink, if I may one of the Commissioners has a question for you. Mr. Keller.

Commissioner Keller: Thank you. I understand the $100,000 is for that kind of service. Is that right? The services that you are talking about?

Mr. Sink: The services for?

Commissioner Keller: The $100,000 donation that is being proposed with the project, would that go to Avenidas for the information service that you are talking about?

Mr. Sink: I believe the conversations that we have had have to do with our social worker that is devoted to serving low-income folks. It is a separate position then the two information and assistance specialists. It is a Master’s level social worker that does case management.
Commissioner Keller: Okay, that is very helpful. How will you handle the fact that the funding is I assume a one-time payment? Will that increase for a year and then decrease after the payment is gone? How will you deal with that?

Mr. Sink: I don’t understand the question. It is an existing position that we raise money for now.

Commissioner Keller: So this will be $100,000 towards that existing position. You will not increase it, and afterwards you will go back to whatever you are also doing for fundraising. Is that correct?

Mr. Sink: I believe that is correct.

Commissioner Keller: Okay, thank you.

Chair Tuma: Thank you, sir. Steve Player followed by Tom Reese.

Mr. Steve Player, Palo Alto: I live at 1874 Guinda Street. I am just here to talk in support of this expansion of Palo Alto Commons. I can talk from first hand that this is a very special place. My mother was a resident of Palo Alto Commons for approximately two years prior to her death. It was a lifesaver to her. I can tell you how important this type of housing is. I was on the Board of Trustees of Channing House for 18 years. I saw many families who after eligibility for Channing House had passed were without a place to have their seniors, or their parents, or themselves live. This fills that niche for individuals who are in their own homes. They are not wanting to go to Channing House or the Sequoias or somewhere else. By the time they decide they need the support that the Palo Alto Commons has it is too late for them to go into those houses, but they are able to come into Palo Alto Commons.

I have known the Reller’s for over 40 years and I know that they are caring people and their responsiveness to this community. I think the way this project has been redesigned to accommodate the interests of the neighbors reflects their concern as good neighbors. Tracy Herrick said it very well in terms of the management of this and the caring of the people that work at Palo Alto Commons and what it means to the seniors that live there. So I wholeheartedly support the importance of this project, the need that we have here in Palo Alto for this type of senior housing, and I do hope that it goes forward tonight. Thank you very, very much.

Chair Tuma: Thank you. Tom Reese followed by our last speaker, Mircha Pandurum.

Mr. Tom Reese, Palo Alto: I live at 80 Kirby Place. I am here on behalf of Avenidas Village, which is a section of Avenidas. John Sink you heard from Avenidas point of view. Avenidas Village, I am immediate past Chair, now has 292 members. We provide services for these seniors living in their home. At some point many of them are going to decide that they want to go into an assisted living facility like the Commons or Channing House. Unfortunately, not all of them can afford the entrance fee into Channing House.
or Vi, so a place like the Commons is the alternative, and perhaps the only assisted living sort of community they can go in. I very much support it.

Chair Tuma: Thank you. Mircha Pandurum followed by John Erving.

Mr. Mircha Pandurum, Palo Alto: I am the homeowners association President in Jacobs Court. I speak for the Jacobs Court residents who cannot be here. As you can see the speakers before were all related or they are all members of the Palo Alto Commons. We are the neighbors. People are busy working that is why nobody could come here except three other people with me.

To show you the point of view from our standpoint is that it is still, I feel really bad to speak against this, I don’t speak against such a facility. I am totally for it, but I would urge the Planning Commission to look at it also from our standpoint. We are looking now to a facility with 3,000 square feet. Now we are going to see in one year a facility with 30,000 plus square feet. This will change totally let’s say our daylight, our yard, our privacy, our access to our buildings. Since this project started two years ago I was in all the meetings. It is true, there are some improvements. The initial project had five levels now there are three levels, but it is still high and big, and requires this zone changing to change it from what it is now to facilitate this high density, which will be there. It impacts the transportation also. The parking, I don’t believe this two here, two there, two in the previous building. Someone who wants to park there needs to turn probably three times around until he finds the seven places in the existing facility. So this is our point of view, it is still not mature, still not ready for our acceptance. Thank you.

Chair Tuma: Thank you. John Erving followed by Timothy Gray.

Mr. John Erving, Palo Alto: Good evening. My wife Christine and I have been residents of Palo Alto since 1972. Our personal experience is that Christine’s father, after her mother passed away, lived with us for three or four years in our home. We were at some point unable to provide the kind of care that her father needed. The Palo Alto Commons was the answer. It was affordable. It was caring. It provided a niche of service that was not otherwise available. We have ourselves moved from living in Crescent Park for over 30 years to Downtown. It was an adjustment to live in that kind of density. It is an evolving community and I think that it is important for all of us to realize that change is difficult but it is manageable.

I think the Reller project has gone through considerable evaluation and made adjustments to the community, and there is a tipping point where a project just doesn’t make financial sense. It is a difficult thing to put a project together in these times. I have some background in real estate development and I understand that there is a point where I project just is not feasible. I think based my observations of the work process that has gone on with the applicant that they have done everything they can to make this feasible. I think that the Commission should approve this project. I think it is a tremendous asset to the community.
Chair Tuma: Thank you. The last speaker card I have at this point is Timothy Gray.

Mr. Timothy Gray, Palo Alto: I live in the Charleston Meadows area a few blocks from the project. I want to say that I am an enthusiastic supporter of the project. All the nice things that have been said about the operations are true. The one thing that is an additional supplement to this is that I believe this would increase our housing stock, which we are all so desperately trying to meet the ABAG requirements. It does it without impacting our schools, really impacting traffic, and it meets a true community need. It does it without taking away a grocery store, it doesn’t take away a bowling alley, and it doesn’t take away any of the other tax bases that are often associated with forced increase in housing stock that we have had to meet. So this seems to be a real win/win on a number of areas even outside of just the no brainer community need that the project serves.

Chair Tuma: Thank you. We do have one additional card from Florence Garlock.

Ms. Florence Garlock, Palo Alto: Hello. I am here to speak not only as an employee of Palo Alto Commons but also as a daughter-in-law of a woman who went to Palo Alto Commons, my mother-in-law obviously. When I was looking for a facility for her I did a detailed search and I ended up back at Palo Alto Commons for her. She has passed away since then, but it was beyond our expectation for husband and I. Because we were so happy with it another member of our family went there as well.

As far as being an employee I understand there could be a conflict. I have been working for Bill Reller for the last 15 years. It has been truly a wonderful experience. He has been a mentor to me. My own father, I am from France originally, passed away from Alzheimer’s so I really wished that we would have had that type of facility at home in France for my father. Thank you.

Chair Tuma: Thank you. At this point I believe Commissioner Keller of one of the previous speakers. If Mr. Pandurum would be so kind as to come back up to the podium for a brief question from Mr. Keller. Then we will go back to the applicant for up to five minutes of any closing comments they have.

Commissioner Keller: Thank you, sire. Since I guess you are the only one here from the homeowners association, and you had some comments.

Mr. Pandurum: There are two more. I am the President of the homeowners association.

Commissioner Keller: I don’t think any of the other ones have spoken.

Mr. Pandurum: Yes, they didn’t speak but they are here.

Commissioner Keller: What I would like to hear is if you have any specific suggestions on changes that you would like to make, incremental changes or whatever, I think it would be good to hear them. Otherwise the comments that you made were not in a way
that I could interpret how to make specific changes. So if you could suggest any specific
changes then we can consider them.

Mr. Pandurum: One change, which was always suggested in all the meetings we had
with the developers, was to not be higher than two levels. So this was one request
everybody made from the first meeting, which were one year and a half ago until now.
To maintain the same height like in Jacobs Court, to be neighborly, to be maybe covered
by trees. The trees should be taller maybe. I don’t know. This was always requested for
two reasons. One is to integrate better with the environment there. Second for privacy
reasons because the way Jacobs Court is built it has let’s say the private areas towards the
back, exactly towards this facility. We have let’s say all the windows from the bedrooms,
the backyards. So the life of a family happens there. So all the time people complain
they will not feel the same private feeling that they have now having this facility there
and overlooking from two levels or above our yards and our windows. So this was one.

Second, we wanted to see in one place all those parking spaces available because right
now there are six or seven parking spots in front, which will disappear – probably three
of them.

Commissioner Keller: Are you referring to the visitor parking?

Mr. Pandurum: Yes, the visitor parking, and the parking that is going to be lost in front.
Right now probably there are six or seven parking, there will be lost three, and will
offered three. But the way I see it parking everyday there a visitor won’t have anywhere
to park coming after five or six in the afternoon. There won’t be any parking available.
Probably eight or nine in the evening. We were told that probably they would increase
the existing parking so the personnel won’t park anymore on the street like it was before
we highlighted that even the parking in front of our building is taken by personnel from
Palo Alto Commons. So this was also one issue, which was always brought up, the
parking, number of parking.

This explanation that was presented here with two there, two there, three in the other
place is not good enough. I don’t think it satisfies the requirement.

Another issue was height, parking, and traffic. I don’t know how it will be solved
because the Keys School was recently built. So it is not the issue of Palo Alto Commons
but let’s say at eight in the morning you cannot get out of Jacobs Court because of people
dropping off kids there. So it probably won’t be everybody on the street but I expect an
increase in parking too.

One thing, which was solved and was positive, was the kitchen and utility access was
taken from there on the other side. So I would commend the developers for that.

Commissioner Keller: Okay, thank you.

Mr. Pandurum: You are welcome.
Chair Tuma: Does the applicant wish to make up to five minutes of closing comments?

Ms. Sandy Sloan, Applicant: Good evening Chairman and Members of the Commission. I am Sandy Sloan speaking on behalf of the applicant. I just want to address a few things that came up as the speakers spoke. The first is with regard to Keys School. Obviously Palo Alto Commons can’t solve the Keys School problem, but I did want to let you know that my understanding is the Keys School traffic jams are between three and three-thirty primarily. Most of the employees leave the Palo Alto Commons about two o’clock. The morning and the dining shift for lunch leave at two o’clock. The afternoon shift comes in at two o’clock. So there isn’t much traffic from the Commons from three to three-thirty.

Second, with regard to the BMR units, and Melissa can speak to this more thoroughly, but last year the California court decision of Palmer struck down all the BMR requirements for rental housing only. This was because it was determined to be a violation of what is called the Costa Hawkins Rent Control Act. Frankly, this is one reason this project is able to go forward.

Third, there are 19 two-bedroom units. We did shrink the number of two bedrooms even though many seniors desire two bedrooms even when they don’t need two bedrooms to sleep in many people like to have that extra bedroom. With shrinking the two bedroom units and shrinking the number of units to 44 we are at that tipping point. As most of you know, you can’t just knock off a couple of bedrooms and have the whole project work. It is a very integrated whole and you have to combine the bedrooms with the common space and have it all work together.

One more thing, regarding the $100,000 to Avenidas, John Sink I think was at a little bit of a disadvantage because we have discussed that contribution with the Director, the CEO of Avenidas, Lisa Hendrickson who could not be here tonight. We have not formulated whether she would prefer to receive it in a lump sum or over a five-year or ten-year period, but they are grateful to have it.

Then finally with regard to the parking, as we pointed out before the Commons did not know that the neighbors were complaining about any parking earlier. Now that they know and especially with this new project all employees will be instructed to park in the garage. So the fact that people were just parking around will not happen in the future.

So just in summary, we think this as you heard tonight is a worthy applicant, a wonderful design, and a worthy project, and we urge you to move it onto the City Council. Thank you.

Chair Tuma: Thank you. With that we will close the public hearing and bring it back to the Commission. Commissioners, this is the opportunity for questions, comments, and ultimately a motion. Does the City Attorney have something to say? No? Okay, great.

We will start with Commissioner Fineberg.
Commissioner Fineberg: Thank you. Could we actually get the City Attorney to comment on the statement the applicant made about the potential for requiring BMRs in rental units?

Ms. Melissa Tronquet, Senior Deputy City Attorney: Yes, the statement that the applicant’s attorney made is correct. State law no longer allows us to require BMR units for rental properties. So I think as Mr. Moss mentioned there are projects that occurred prior to that court case where it was a requirement but we are no longer allowed to do it under state law. So she is absolutely correct.

Commissioner Fineberg: Thank you. Question for Staff, this is the first project before us where an applicant has completed a LEED-ND checklist. Do we have any information from that checklist as to whether this project meets the target goals we set? I understand it is not a requirement. Would Staff characterize this site as one that meets the neighborhood and Smart Location criteria as objectively defined by the LEED-ND checklist?

Ms. Armer: Unfortunately, even though this is the first project of this kind in the new year with the new requirements, because we are still within the first month of the year there was not enough time to prepare all of those specific requirements for the applicant to then put together a complete response for us to provide to you tonight. From the preliminary that I have seen so far it does look positive in terms of their ability to do a reasonably good job on this. Though, again, as it is a project that really had most of its design completed before this requirement was approved by Council last month there are probably other things that new projects would be able to do that are no longer feasible that really has gone through so much design.

We do plan to have feedback from the applicant and analysis and our own critique of that and analysis in the Staff Report that goes to City Council.

Commissioner Fineberg: Great, thank you. I appreciate the rough characterization too, thank you. On page 3 of our Staff Report when it talks about the process for review, at the bottom of the first paragraph, the last sentence there says that it is going to proceed in “the same manner as any commercial or mixed use project.” I am confused by that sentence because this is a purely residential project, and there is criteria for how we handle PCs. So I don’t understand what difference it makes whether we review this as the same process as commercial or mixed use project there is a PC process.

Ms. Amy French, Current Planning Manager: I didn’t write this, but what I am reading here it sounds like it was just an explanation, and Jennifer you can chime in here. A mixed use project on El Camino would typically go to the Planning Commission and then the Architectural Review. As you said, with a PC obviously it is initiated, then it goes to ARB, then it comes back to PTC. That is the order of things with a PC.
Commissioner Fineberg: So does the fact that there is a process for commercial or mixed use have anything to do with this project, or could that have just said per PC process?

Ms. Armer: I believe what that was meant to characterize was the process that the ARB goes through in terms of what they consider when looking at a project. It should have also listed multifamily projects as well as the commercial and mixed use projects, because all of those projects go the Architectural Review Board for their review, consideration of their guidelines as this project did.

Commissioner Fineberg: Okay, thank you. I didn’t know if there was something in that that I wasn’t coming away with them. Appreciate that clarification.

I am concerned about the parking. I don’t know with the public hearing closed if the applicant can answer this or if maybe Staff can. Can I ask Mr. Steinberg a question at this point?

Chair Tuma: Yes.

Commissioner Fineberg: Mr. Steinberg, could you put the slide back on where you showed that I believe it was 17 spaces with the requirement of 15? If you can’t get the slide back on that is okay. You were talking about there being 15 required and 17. You said that there were seven of the existing parking spaces, were those existing at the current facility that are used by guests of the existing facility? So that is going to lose seven spaces? I don’t understand what you were describing.

Mr. Steinberg: What I was describing was, and we certainly have our traffic engineer that could address perhaps in more detail, but I will try to clarify what I was saying. The traffic report says that it would be recommended that we have 15 parking spaces for visitors. We have provided 17. We have distributed those in proportion to where the units are. There are seven on grade in front of the existing Palo Alto Commons. We have three permanent parking plus two short-term drop-off spaces in front of the new facility. Then we have identified seven additional visitor parking spaces that would be underground in front of the security gate that would be accessible to either building.

Commissioner Fineberg: So that first seven that you mentioned that you said are seven existing in front of the existing facility, aren’t those already sort of counted as the required spaces for the existing facility?

Mr. Steinberg: No. The analysis that we did for the parking is for a merged project. So it takes into account residents for both, visitors for both, and staff for both.

Commissioner Fineberg: Okay, that was the piece I missed. Thank you. If I could just a super quick one. I am concerned about the trees and want to make sure that we have the correct actions, maybe conditions going forward to make sure that we protect the trees that are going to be welled in. I will come back on the next round.
Chair Tuma: Vice-Chair Lippert.

Vice-Chair Lippert: Rob, while you are up there. This is being developed under the Housing Bonus Density law. There are up to three concessions that are permitted with regard to relief from local development regulations. Can you outline what those are?

Mr. Steinberg: No, but Sandy can.

Ms. Sloan: I saw the panicked look on his face. I know you love this subject, Commissioner Lippert. The Density Bonus law in general speaks to both affordable projects and senior projects. For affordable projects there are density bonuses depending on how much affordability you offer, and up to three concessions or incentives. Then there is another part of the Density Bonus law that says that you can have a density bonus for seniors but no concessions or incentives are in the law for just a senior project. So that is one reason we did not proceed under the Density Bonus law. The other reason, as Jennifer pointed out, was it is hard to have a density bonus on top of something that doesn’t really allow residential. We are dealing with a CN zone on the front, and an RM zone on the back. So it wasn’t even worthwhile to figure out how many units we would have been allowed.

Vice-Chair Lippert: That is pretty confusing. So when the project is completed and the two sites are merged will you be encroaching on any of the setbacks, or height limitations, or floor area that is permitted for the two sites combined?

Ms. Sloan: I think that it is very detailed, the comparison, but the brief answer is we are completely meeting the setbacks, completely meeting the daylight plane. We are exceeding the height limit slightly. The CN zone allows 35 feet and we are going up to 37 feet for a small portion. We are exceeding the floor area ratio.

Vice-Chair Lippert: Okay and that is the reason for applying for a PC.

Ms. Sloan: For the PC zone in addition to the density, the number of units per acre.

Vice-Chair Lippert: Okay. Mr. Reller, you had talked about this having an assisted living component. Is there also a skilled nursing facility within the building?

Mr. Reller: No it is not skilled nursing. It is all under the same license as the existing Palo Alto Commons. So we offer many levels of care but not skilled nursing.

Vice-Chair Lippert: Okay. So there are no medical facilities within the complex?

Mr. Reller: Maybe Sue could speak to that. Sue is the Executive Director she can explain the various medical assistances.
Ms. Sue Jordan, Executive Director, Palo Alto Commons: Hello, we are licensed by the Department of Social Services not the Department of Health Services. So we are all assisted living. We do have 24-hour nurses in the existing Palo Alto Commons.

Vice-Chair Lippert: Thank you. I had a question with regard to the BMR component that now as a rental they are no longer required to provide BMR. Were there any BMR units that were part of the original project that would have to be retained in the new development? In other words, now that the two sites are being combined the original Palo Alto Commons was there a BMR component when that was developed, and does the current court ruling trump those, and now that they are being combined basically negate any of those BMR units that were developed under this?

Ms. Sloan: We probably know that more than Staff does. At the time the original Palo Alto Commons was built we paid BMR in lieu fees. So those were paid. So that money is gone and nothing is negated.

Vice-Chair Lippert: Thank you very much. My time is just about up.

Chair Tuma: Commissioner Martinez.

Commissioner Martinez: I have questions for the architect. The President of the HOA had concerns about the impact of the new development on Jacobs Court. Can you review again for us the measures that you have taken in the new design to try to address those concerns?

Mr. Steinberg: We have done several things. We have increased the physical setback about eight feet from what it previously was. Instead of a solid wall we have articulated that façade to breakdown the scale of it. Instead of projecting balconies outboard of the building mass that would give a sense of looming or moving forward, we have pulled them inside the building envelope. We have broken up the façade of the building so that as you move from El Camino deeper into the site the setbacks increase, the massing of the building steps down, becomes masonry, becomes a two-story expression with substantial setbacks to the third floor. We have met onsite and worked with the neighbors about relocating existing trees to find a good balance between privacy, daylight, and maintenance. We have moved a lot of the traffic, all of the entrants to the garage completely to the other side of the site, and we have upgraded the materials. Those would be a few of the things that we have done.

Commissioner Martinez: Without leading the witness, what about exterior lighting on that side?

Mr. Steinberg: One of the things that we have talked about is the potential impact to these neighbors relative to the zoning. The front zoning would allow commercial uses on the front. As a senior housing development modest traffic, and generally residents that retire earlier in the evening. We purposely have not put walking tracks around the perimeter of the site, but the buffer between our existing units and the residents is all
landscaped. There is no night lighting. There are no walkways that stay on all night. That is left in its natural state. A good part of that are the very mature existing trees between the two sites.

Commissioner Martinez: Thank you. I have one question for Steve. At our meeting last Thursday you mentioned that the surplus parking was going to be made available to staff. I asked well, how many staff is that? You said at the peak hour, which is around noon, it is about 50. Is that correct?

Mr. Reller: It is 49. Sandy just corrected me.

Commissioner Martinez: Okay, there you go. Obviously not everybody drives, but a good proportion will. So you have offered to make the surplus parking available for staff reducing offsite parking, parking adjacent to Jacobs Court, and so forth. Are you willing to make that a condition of approval so that neighbors would be assured that this is something that would be done in perpetuity or what is your view on that?

Mr. Reller: I think that is just fine and that is what we intend to do anyway, so yes.

Commissioner Martinez: Okay, thank you.

Chair Tuma: Commissioner Tanaka followed by Garber.

Commissioner Tanaka: Thank you. I have a few questions for Staff. On Attachment D, the Zoning Comparison Table, I notice there are two parcels that are being merged together to the existing PC. If there was no PC change, what would be the total FAR allowed if the zoning stayed exactly the way it was? I know the ratios are there but I was wondering if you guys had done the math already so you could quickly tell me.

Ms. French: I am pretty certain math was done, but I was not the mathematician in this case. She has stepped out of the room for a moment. If you could ask your next question and then we could hear back from her.

Commissioner Tanaka: Okay, I will move on then. I know that the ARB will review this again probably, but I wanted to ask a question that may venture into that area. Is it possible to, as a condition for approval, to mandate frosted windows on the third and second levels that face Jacobs Court so that the Jacobs Court side would not have privacy issues?

Ms. French: You are the Planning Commission.

Commissioner Martinez: Can I help on that? I think there is a building code problem with that for natural light.

Commissioner Tanaka: To have frosted glass?
Commissioner Martinez: Yes.

Commissioner Tanaka: Okay, I didn’t know that.

Ms. French: I was going to say you could ask the applicant if that was explored. They may have explored it and found out there were code restrictions.

Commissioner Tanaka: Okay, let me ask the applicant then. Is there a way to provide some shielding, frosted glass, trellis, plants, or something that would provide some privacy for people who are in their backyards with a three-story building looking over their backyards and bedrooms? Is there some sort of privacy that can be done? Has anything been contemplated?

Mr. Steinberg: The design currently incorporates trellises, recessed windows under overhangs, has close to 35 feet of setback on our side. If you add that to the ten, 12, 15 of theirs there is almost a lot width between us. To ask residents – I don’t know about the code issue. I have never been asked this in my life but can you imagine living in a house where you can’t see out the window? That would be very unusual. I have never been asked that before. I think that would be really a hardship though. I am not familiar with any houses where you can’t look out the window. I think we have made very effort possible to not go the minimum but to go way beyond the minimum of what would be required.

If there were no zone change you are allowed 35 feet. You are allowed three stories. You are allowed three stories much closer to the property line than we are proposing.

Commissioner Tanaka: Okay. So actually I think our Planner is back so maybe I will ask her that question, because that is the question I was going to ask her. With existing zoning, without a PC, have you done the math as to exactly how much FAR would be allowed if the lots stayed exactly the way they are, how much FAR? It is not going to be 3,000, which is what it is today. What would it be?

Ms. Armer: We did not actually do that precise calculation. We provided comparison if the entire lot was RM-30 versus CN in comparison to what it is proposed, just this new building, and the new lot areas, as well as the combined project all together in Attachment D, the Zoning Comparison Table, but we have not done a calculation for precisely what that would be with the existing partial zoning since you wouldn’t be allowed to do something that was just residential with the CN zone. So some change would need to be made.

Commissioner Tanaka: I see, but would it be possible to simply take the existing CN lot times it by .9, add it to .6, times the RM-30 lot in back?

Ms. Armer: I would have to check the zoning map but I do believe that a portion of the residential lot, the front part, was also zoned CN. I would have to check that so it might
not be as straightforward a calculation. That would get you a pretty close approximation though.

Commissioner Tanaka: Okay. I don’t know if you guys could do that until the next round so I can follow up on my questions then.

Commissioner Keller: While we are looking into that is the rear portion of the lot zoned RM-15 or RM-30?

Ms. Armer: It is RM-15. Staff provided the RM-30 comparison as we felt that that was a more useful comparison in terms of the evaluating the proposed project.

Commissioner Keller: So one thing that might be worthwhile is to compare it if the entire project were RM-15 and look at those numbers. The CN looks like it is related to RM-15 so that might be worthwhile. Not that we are suggesting zoning it as that but that is part of the comparison. Thank you.

Chair Tuma: Commissioner Garber followed by Keller.

Commissioner Garber: I think what I would like to do is I am going to go directly to a motion as a way of directing our conversations. I recognize – the way I am going to do this is to make the motion essentially what the Staff has proposed with the idea that we can bring amendments into it. I am hearing that we will probably have amendments around some parking, potentially TDM sorts of consideration, and possibly some of the other public benefits, but as a way of sort of directing our conversation.

MOTION

So with that I would like to move that the Planning and Transportation Commission recommend that the City Council approve the Initial Study, the Mitigated Negative Declaration, and Amendment to the existing Palo Alto Commons Planned Community (PC) Zone, and add the .83 acre site to the existing 1.7 acre site, and construct a senior assisted housing facility to replace the existing buildings at 4041 El Camino Way.

SECOND

Commissioner Martinez: Second.

Chair Tuma: Okay, motion by Commissioner Garber, seconded by Commissioner Martinez. Commissioner Garber, would you like to speak to your motion?

Commissioner Garber: Yes, just briefly a couple of points. I think first of all I think it is very important for the neighbors that live in Jacobs Court to recognize two things. If this project were being presented to us within the existing zoning the opportunity to have a lot of the dialogue that you have had with the applicant as well as with the City and the Planning Staff would go away. You would end up with a less dense project, but it would
be within three and a half feet, the same height, and significantly closer. Those attributes of the project would be given by right to the applicant and they would not have to go through this process, and with the exception of the ARB you would have very little opportunity to have impact on how the project is actually designed.

The second point is that because this is a PC, and precisely because it is a PC, you have had a great opportunity to have an impact on the project. The changes that have been made between this past summer and now, I have counted eight although there may be more, and they include the reduction of units from 45 to 40, the change in plan which changed the overall layout of the property, the two ramps down to one ramp, the straight tall wall that was adjacent to your property has now been pulled back, the back portion is now 17 foot, six inches, and the front portion is 35 feet give or take. So that wall was changed from a straight to a staggered and it is staggered and has been scaled in such a way to help reduce the scale and the overall impact. The setbacks, as I have mentioned, have been increased dramatically beyond what is required. The trees and landscaping have been organized in a way to improve the privacy and visual connections, reduce I should say the visual connections between the units on side and the other.

Number seven was the car spaces have been increased and importantly the applicant hired a parking consultant, which I think was very helpful and helped them learn a great deal. Also, during this process they also learned about how their parking was actually used. That came directly from some of the criticisms that were a result of the interaction between Jacobs Court and the applicant. Then finally, the visitor parking spaces those were increased and added as well.

So I think it is very important for the Jacobs Court people not to believe that they have had no impact on the project. In fact, it has been a dramatic impact and I think you should be commended for engaging, engaging positively, and recognizing the things, which are important to them, and recognize the applicant’s willingness to have that same conversation with you.

That said I do believe that the criteria for the PC zone and the creation of the PC zone has been met. I just will read through these. The site is situated and the uses proposed for the site are of such characteristics that the application of the general districts and the combining districts that might otherwise be provided do not provide sufficient flexibility to allow for the proposed development. We simply would not be able to get the density, which is the underlying public benefit of this project, and as many of the speakers and a number of the Commissioners both in the summer as well as this evening have mentioned that is the real benefit here to address not only our responsibilities back to the state with our allocation of housing in the city but as well as to provide the valued services within the community itself.

The development of the site under the provisions of the PC district will result in public benefits not otherwise attainable by application of the regulations of the general districts or combining districts. I have spoken to that.
The uses permitted and site development regulations applicable within the district are consistent with the Palo Alto Comprehensive Plan, and shall be compatible with the existing and potential uses on the adjoining sites, or within the general vicinity. With that I will let the seconder speak if he would like.

Chair Tuma: Commissioner Martinez.

Commissioner Martinez: Thank you. I could speak as a Commissioner about either the urban design qualities of the project, or from the point of view of the community benefit of the design of the project. I am going to choose the latter because we don’t often get to talk about design. As a studio director of a community mental health facility’s design group for a number of years I got to see how important space and space matters for people who are senior, people with dementia, people who have a hard time moving around, people that don’t get to socialize in their older years. In looking at not just the fact that it is assisted living but the fact that the design of the facility goes more than a step further in providing for a social environment for seniors. That really will improve the quality of their lives. The interaction on the first floor, the hair cutting salon on the third floor, the minimization of the double loaded corridors and views, and the ability to sit and look out your balcony and see activity. So much contributes to the quality of life that this project will bring forth as a community benefit. Not just as housing because we need housing, or senior housing because we need senior housing, but because it creates a social environment for generations of Palo Altoans to enjoy and thrive in. Thank you.

Chair Tuma: Commissioner Keller.

Commissioner Keller: Thank you. So let me ask a first question of our City Attorney. I believe you stated that for rental housing under the Palmer Decision we could not require below market rate units.

Ms. Tronquet: For rental.

Commissioner Keller: I understand, for rental housing. What I am wondering is could we have required, I am not suggesting we do, but just to get the issue aired and put to bed for a PC are we allowed to require BMR units in a Planned Community even if it is rental as part of the condition for approving a Planned Community zone.

Ms. Tronquet: You cannot require BMR for rental at all. It doesn’t matter that it is a PC. We cannot require BMR units for rental.

Commissioner Keller: So we could not require that as one of the public benefits?

Ms. Tronquet: No.

Commissioner Keller: Okay, thank you. It is helpful to get that out. It will help us in the future.
So first a couple of other questions. Does this project meet the RM-15 daylight planes on Jacobs Court? Is it correct that the zoning on Wilkie Way is R-1, is that right?

Ms. Armer: Yes.

Commissioner Keller: Okay. So three things about the Staff Report first of all. As I mentioned earlier the Staff Report doesn’t list the changes that were made from the previous time we saw it. That should happen. That should be part of the Staff’s part of the Staff Report. Secondly, it doesn’t have a list of the record of the requests made by the Planning Commission for a PC when we initiated it, and track that through, and show whether those changes were made. The third thing that is missing is a parcel map showing the zoning of the parcels as well as the zoning of the surrounding communities. That would also be helpful, and that was also omitted. I would suggest that Attachment B does not show the zones on it. I don’t see where the zones are anywhere else in this, but maybe you can tell me where it is. But that should be part of the City’s Staff Report.

I believe that Jacobs Court is R-1, is that correct?

Ms. French: No it is not. It is multifamily.

Commissioner Keller: Sorry, I mean Wilkie Way is R-1.

Ms. French: That is correct.

Commissioner Keller: And Jacobs Court is at RM-15 or what is that?

Ms. French: I know we had that in initiation but the map provided was one that did not include zoning. We will look that up.

Commissioner Keller: Okay. Well, one of the questions I would like to know is one of the things we have talked about for PCs is that it mirror the adjacent daylight plane. So my real question is does the revised project satisfy the daylight planes for RM-15 on the side and R-1 on the rear, or does it not meet those daylight planes?

Ms. Armer: Well, first of all, the daylight plane for RM-15/RM-30 is the same so we can answer that in terms of Jacobs Court in both of those, and I do believe that it does. I will double check and confirm for you.

Chair Tuma: I believe the applicant has an answer.

Ms. Armer: The applicant is ready to jump right on that.

Chair Tuma: Mr. Steinberg.

Mr. Steinberg: If it would be helpful, yes they do.
Commissioner Keller: And it meets the R-1 in the back as well?

Mr. Steinberg: Yes, yes.

Commissioner Keller: Thank you, that is helpful. Okay, good. Do we have any idea whether the bathrooms on Jacobs Court have clear glazing or whether they have frosted glazing in Jacobs Court bathrooms?

Commissioner Keller: A member of the public said that they are all clear. Are those visible from the adjacent property being developed? So what I am wondering is whether the applicant would be willing for homeowners on Jacobs Court that request it to replace the glazing on their windows with frosted glass to provide privacy for Jacobs Court if they wish that. For the Jacobs Court bathrooms so that they have privacy in their bathrooms.

Mr. Steinberg: Yes, we would be willing. We could either replace the glazing or put a film over the glazing to cloud it, but we would be willing to do either.

Commissioner Keller: Okay, thank you. I think that is probably the most serious part of where privacy is an issue.

So let me run through the other things quickly. One is that I would suggest that we have the applicant consider rearranging the parking as needed so that there is ongoing monitoring, and rearrange where the parking is and the percentages. I assume that that is part of what goes on in terms of – so rearranging as needed.

I am wondering if there is a possibility or whether it makes sense to coordinate the crosswalk light with El Camino Real and El Camino Way light, that light. I am not sure if it is coordinatable or not but in some sense the issue is you don’t want people crossing when traffic is going to run them over from El Camino, or people trying to get to El Camino. So I am not sure if that is possible.

Ms. Armer: My understanding is that with type of crosswalk it is something that is triggered when a pedestrian comes and requests it. Then the blinking lights go on so that they alert oncoming drivers.

Commissioner Keller: So they go on immediately? Thank you. The other issue, which I just want to put out there, is that I realize that it is not the fault of Palo Alto Commons that Keys School exists in that location, but is in fact the fault of our zoning code. In that we should require a CUP for private schools in order to be able to impose traffic conditions on future instances of Keys School. That is not Palo Alto Commons’ fault. I am just putting that out there so that when we do have an opportunity to revisit the zoning code that we require CUPs for private schools anywhere to allow us to put those conditions. Thank you.
Chair Tuma: Okay. So I had several questions that have all been answered. So I am going to stick to strictly comments at this point. First is that I would like to commend the applicant and the neighbors for working together. I know through these processes generally no one gets exactly what they want, but hopefully what you do get is something that both can live with. I would echo Commissioner Garber’s comments with respect to the homeowners association and how I value the input and the time and effort that you all took, and the impact I think you did have on this project has made it a better project both for the neighbors as well as the community.

I also specifically want to commend one of my fellow Commissioners, Commissioner Tanaka for taking the effort to arrange a meeting that included both the homeowners as well as the applicant. I obviously was not there, but by all accounts it was a productive meeting, an opportunity to hear both sides together, and an opportunity to engage in a discussion that is difficult to do in this forum. So I believe that that type of meeting is productive and I thought the bringing together of those parties was creative and well executed.

The rental housing is extremely difficult to build in Palo Alto at all. You don’t see much of that happening. Land is too expensive. Rental housing for seniors is a treasure. So I am just thrilled that this project is being brought forward and I am glad that it has gone through the process of making it better.

With respect to the public benefits we are required to specifically call out and identify the public benefits. So in this situation there are three that I see the intrinsic value of this type of housing, senior housing, to the community. The $100,000 donation to Avenidas in whatever fashion that is administered. I, myself have been involved in raising funds for nonprofits, and any way they can get additional funds to provide those services is great.

Finally the crosswalk, the crosswalk to me is, if it is executed well, is a good public benefit. Again, I would echo Commissioner Keller’s comment that it is not Palo Alto Commons’ making, however it is a situation that your residents and the neighborhood have to live with, and that is the backup off of El Camino. I would assume that you are putting this benefit in there because people will use it, if not it is of no benefit, and encouraging people to use it, and having it attractive and all those sorts of thing. But I will tell you I go through there on a regular basis picking my children up from school and coming back across. At that time of day it is dangerous. It is dangerous for the kids on the bikes. It is dangerous for pedestrians, and it is dangerous for people driving. So the City needs to address it. I think any way operationally, and I don’t know exactly how you might do this, but operationally if you have your residents, seniors, leaving to go to the bus stop across the way you have a situation I think it is in your interest as an operator of that property to work with the City and try to get this resolved. I think the last thing in the world you guys want is some sort of accident occurring there with one of your residents or exacerbated by the situation. So I know it is in some ways not of your making but it is a situation you will have to live with, and your residents will have to live...
with. So please put some pressure on the City and on the school to do something about that because it is a dangerous situation as it exists today.

With that said, I am extremely supportive of the project and thankful that it is coming forward, and going to be a part of community.

I have lights from Commissioners Fineberg and Tanaka.

**Commissioner Fineberg:** I have a quick question for my fellow Commissioners who did meet with the applicant. Did any of you receive anything in writing or were any of you shown anything in writing?

**Chair Tuma:** I will go first on that. The only thing I was shown in writing was the documents that are before us tonight. I did receive an email from Mr. Reller after our conversation indicating something that was brought up here tonight, which is the time at which their shift change occurs with respect to the interaction with the traffic that is backed up there. So it was something that had already been mentioned tonight. Others? Commissioner Garber.

**Commissioner Garber:** The only thing that was on the table the packet of drawings that had the same date as the ones that we are looking at this evening. The other thing I will mention is that I think the only thing ended up that I have in my notes that was discussed that was not in the Staff Report was the comment that it is a state licensed facility, and the limitations that the state has as to the age of the people that can actually occupy it.

**Chair Tuma:** Commissioner Tanaka.

**Commissioner Tanaka:** Basically they just went through this. I also sent notes to Staff actually after the meeting seeing if it should be distributed. Because they were just notes to myself versus minutes and stuff like that Staff advised that I just kind of summarize the meeting so that notes would be understood better. Pretty much everything that we discussed was already in our packet. Thank you. We did exchange emails and that was merely to setup the meeting itself but nothing about the project.

**Commissioner Fineberg:** Okay, thank you I appreciate that. I have another question for the City Attorney. For the projects under the new law where we cannot require BMR units where it is rental units, are we allowed or is it advisable to have some kind of stipulation or maybe this can’t be done, but can those units be converted to condominiums at a later date and thereby skirt the payment of the in lieu fee or the building of the BMRs? Would it be legal for us to have a condition of approval that should there be a conversion to condo that an in lieu fee would then need to be paid at that date?

**Ms. Tronquet:** I think one of the conditions in the PC, and I could be wrong, but I think the PC ordinance itself says they will be rental. So they would have to change the ordinance if they wanted to change it from rental.
Ms. Armer: In addition to that a Tentative Map would be required if you are turning into condos. So through that process the requirement could be brought in for BMR.

Commissioner Fineberg: Would we be able in a Tentative Map change and a PC Amendment be able to impose BMR fees on an already built structure?

Ms. French: I believe the answer is yes.

Ms. Tronquet: We have a condo conversion ordinance, which would govern it. I am sure, but I don’t think that that would be allowed. We can double check that before it goes to Council but it is questionable.

Commissioner Fineberg: Okay, so it sounds like we can’t do a condition of approval with that now, but maybe we ought to understand it as we deal with this new set of laws we need to understand it better moving forward.

Ms. Tronquet: If it changes it would come back to you in some form. So we could look into addressing it at that point, but right now you are recommending adoption of a PC ordinance, which covers it as a rental.

Commissioner Fineberg: I understand that if it comes back later, and I am not saying there is any intention obviously now, but 40 years from now the world can be a different place. So if it were to come back to us, is this the time when we need to say if it converts to condo we maintain the right to impose in lieu fees? Then if it never converts we never have to deal with that.

Ms. Tronquet: I think our condo conversion ordinance and condo conversion laws would govern it. So we already have laws that cover what you can and cannot do for that.

Commissioner Fineberg: Okay. A couple of quick comments then. A few members of the public and I believe one Commissioner earlier mentioned that this has to pencil out financially in order to work. I understand that. We have said this on many other projects. We do not have pro forma financials so we as a body have absolutely no view into the accuracy of those statements. We must take the applicant’s word and I wish we had pro forma financials, because then there could be more certainty of that.

I want to echo comments of Commissioner Garber and Commissioner Martinez. I think this project will accomplish many goods for the community. I think that the fact that it is adjacent to the existing site yields tremendous efficiencies and economies, and the public benefits are present and met in more ways than many of the projects we build. I am not particularly concerned …..

Chair Tuma: Commissioner Fineberg, if I could, I really need to ask you to wrap it up.
Commissioner Fineberg: Okay. I think the accommodations the applicant has done on the side setback with Jacobs Court have moved it in a very, very good direction, and I will be supporting the motion. We still have to deal with some of the conditions of approval.

Chair Tuma: Commissioner Tanaka followed by Lippert.

Commissioner Tanaka: I was wondering if Staff had calculated the FAR.

Ms. French: Yes. Basically as noted it can’t all be an RM-15 development standards project because we would not allow a residential only project on the front parcel that is zoned CN. But if it was rezoned to RM-15 there would be .5 FAR allowed. Did you want the square footage?

Commissioner Tanaka: So basically the amount of FAR they are going to be adding is about 3X over what they could have done without a PC.

Ms. French: Correct.

Commissioner Tanaka: Okay. So for 3X the zoning FAR they are providing the public benefit of senior rentals, essentially.

Ms. French: Among the other benefits, yes.

Commissioner Tanaka: Okay, great. I just want to make sure that was clear so that we understood what the trade was. So 3X FAR, which is a lot in general.

So I actually appreciate the Chair’s comments, so thank you, as well as Commissioner Keller’s. I like your solution about having maybe the privacy put on the Jacobs Court side is actually a very elegant solution. Perhaps that could be extended to, and this is a question for Staff, perhaps can higher trellises be made or allowed? I know there is a fence code and there are some limitations there or perhaps if they wanted to more frosting or film on the Jacobs Court side to provide privacy if that is a possibility as another condition for approval?

Ms. French: The applicant expressed willingness to put film or frosted glass on the bathroom windows as requested.

Commissioner Tanaka: What about taller fences or higher trellises if the Jacobs Court side wanted that?

Ms. French: A PC creates its own development standards. So right now we have a fence ordinance that says seven feet. Is the proposal for a seven-foot fence? The applicant would know what they are proposing. If the neighbors would enjoy a taller fence…?
Commissioner Tanaka: Let me ask the applicant. Would that be something that the applicant would be willing to entertain if the individual owner of that Jacobs Court side facing your project desired more frosting or film on the glass, and/or higher fences? Would that be something that you would consider?

Ms. Sloan: I think the applicant has said that they would be willing to frost the windows of any Jacobs Court people that want frosted windows. I don’t think we are willing to do more with the fence. We have had several meetings including the one that you went to and no one has ever suggested raising the fence. I might remind you that Jacobs Court residents did ask that the fence be extended and then built onto their property. So we are adding about 15 feet for the benefit of Jacobs Court. But no one has asked about raising the fence and I don’t think we want to build trellises for people.

Commissioner Tanaka: Okay. Then my other comment here is I looked at the economic memo from the Development Manager. I think Bob Moss said earlier, and I think he is right, that the Council mandated there is no conversion of commercial property to residential. To stay with the Council’s direction it looks like this project would impact potentially, if the stars aligned, $4,000 a year in sales tax revenue. So I wanted to ask to kind of offset that could we also have a condition of approval where Palo Alto Commons would basically credit the City $4,000 a year inflation adjusted to make up for this potential loss of sales tax?

Ms. Tronquet: No. Your conditions need to be related to the development of the project.

Commissioner Tanaka: So the fact of loss of sales tax cannot be offset? You cannot ask the developer to offset it?

Ms. Tronquet: Right.

Chair Tuma: Commissioner Tanaka, if I may, if I am interpreting this memo right there is an ongoing property tax for the proposed project, which would be increased by $17,672 as a result. So if I am interpreting this memo correctly we actually come out ahead.

Commissioner Tanaka: I understand, but I think if any development happened there the property tax would increase. So I guess what I was trying to do was address the Council’s direction of no loss of sales tax and if there is a way to offset that.

Ms. French: I also want to add this memo is developed as if the site were entirely developed with retail. Currently that is not the case, and it is not a good spot for retail. We have discussed that with our Economic folks. It is just not likely that that would go that direction. This $4,000 is definitely not a scientific number.

Commissioner Tanaka: Okay. Can I make an amendment?

Chair Tuma: Yes, I think what I want to do here is I would like to get to the point where we wrap up comments. We have been at it two hours and 20 minutes. I think there are
several amendments that are sort of floating around out here. So I would go one more
round if people have amendments, but stick strictly to amendments. Let’s not get into –
if those amendments require some discussion that is fine, but we do need to wrap up
general comments and then we can get to the amendments.

Commissioner Tanaka: I have my general comments done.

Chair Tuma: Great. Commissioner Lippert.

Vice-Chair Lippert: First of all, I want to thank the applicant, members of the public, as
well as the neighbors at Jacobs Court for coming out this evening. I am going to be
supporting the project. I think the applicant has done a great job of hearing the concerns
of the residents of Jacobs Court and incorporating that into the plan, as well as
incorporating our comments from the initial hearing.

A couple of corrections I would like to make for you. In your presentation, when you
bring this to the City Council, it said ‘approval by the Planning and Transportation
Commission,’ and we did not previously approve the project with unanimous approval.
It was unanimously initiated or recommended the zoning change. So when you bring it
forward to Council the terminology should probably be correct.

With regard to Commissioner Tanaka’s comment with regard to the sales tax, currently
on the property there are some offices there. Really, actually I think there are a couple of
retail uses there, there is an architect’s office there, and there is a barber that is currently
there. Both of those are services and they do not generate any sales tax currently. So
there is no net loss of sales tax from the existing building that are currently there. So I
just wanted to clarify that.

I do have a friendly amendment that I will offer up with regard to the concerns of the
residents of Jacobs Court and the traffic on El Camino Way sort of backing up there. My
friendly amendment is I guess with the review and approval of transportation engineering
looking at perhaps when they put in the pedestrian crossing zone, or they review the
crosswalk there, also look at the possibility of having painted ‘keep clear’ right in front of
the driveway in front of the Jacobs Court driveway. So that the residents there are able to
actually get out and be able to blend in with the traffic along El Camino Way.

Commissioner Garber: So your friendly amendment is to ask Staff to evaluate the
addition of pavement signage to keep the driveways clear if that is an appropriate add.

Vice-Chair Lippert: That is correct, and so that it will be – we also have to ask the
applicant as well. This would be done at the same time as the pedestrian crosswalk
painting or striping is done.

Commissioner Garber: Is there some discussion Commissioners?
Chair Tuma: Yes. I think looking at it is fine. The problem that I see with it is that if we sort of take a section of that already precious real estate that is there and we say people can’t go into that it is actually I think going to exacerbate the problem in terms of the backup there, because you are pushing it even further down the road, and you create these gaps. I think it is fine as a friendly amendment to look at it, but I would just say to Staff if you are going to evaluate that be thinking about whether that improves, because this backup that occurs is only a limited number of minutes per day. It is a very dangerous number of minutes per day, because of all of the convergence of the things going on there. I think about places in front of the railroad track where people are not supposed to pull up create these extra gaps. It may make it worse. I don’t have any problem with the amendment but just a comment to Staff to think about that if you do that analysis.

Vice-Chair Lippert: I think what is going to wind up happening is that during the hours that there isn’t traffic backed up obviously there is no reason to keep that area clear. They will just pull up as the traffic flows. During the hours that there is a concern it will delay the traffic there.

The biggest issue that I have is that there is a curve there and the curve adds additional sightline complications. So that is why I think the Transportation Engineers need to take a look at that before it is incorporated into the actual proposal here.

Commissioner Garber: Okay. So let me try stating it. The Staff shall evaluate the addition of pavement signage to keep or help keep the Jacobs Court drive clear during peak hours. I would accept.

Chair Tuma: The seconder also has to accept.

Commissioner Martinez: Yes, I think it is a good idea to look at that. If it helps that would be great.

Chair Tuma: Okay, thank you. Commissioner Keller you indicated you had a brief comment.

Commissioner Keller: Yes. Firstly, I realize the applicant may or may not have made specific statements about the affordability of the project based on changes to it, but it seems to me that making such statements should require pro forma financials. Making such statements in the absence of that is not quite fair to the Commission. That is an issue that some people on the Commission have had issues in general about that.

I would make a comment about sales tax. This property as being expanded buys a lot of stuff. Sales tax is paid on the stuff that is bought. I would be willing to believe that for the expanded facility you are probably buying somewhere on the order of $400,000 worth of supplies and food and stuff like that on which sales tax would be paid. Therefore you get the $4,000 that way in any event. I want to make sure, and I am not sure if this would be a friendly amendment or not, but to make sure that the point of sale location for the
things purchased by the facilities be that location in Palo Alto so that we get sales tax credit for it as opposed to somewhere else. I am not sure how to do that.

Ms. Sloan: I would just say that we are not willing to do that. There are long relationships with suppliers that are not necessarily in Palo Alto. It is not anything that we would like to have imposed. That is a huge discussion, point of sale.

Commissioner Keller: Well, there are other ways of dealing with it and that has to do with exactly how – whether you consider wholesale or retail, and whether you file sales tax or whatever. But to the extent it is feasible to identify that as a location for which sales tax is paid I think that would be useful for the City to the extent that it does not increase the difficulty, is really not inconvenient for you. So to the extent that it is possible to do that when you are renegotiating contracts that would be desirable.

I think that with respect to the issue of the fencing it seems to me that while it makes sense for the applicant to pay for the direct impact on the bathrooms of providing glazing acceptable to the Jacobs Court homeowners that want it, it does not make sense to me to provide anything else in terms of trellises or whatever. What does make sense to me is for the applicant to be required for if a Jacobs Court homeowner requests trellises or additional higher fences or landscaping or whatever that the applicant does not object and in fact supports such an applicant that is paid for by the Jacobs Court homeowner or correspondingly a Wilkie Way adjacent homeowner. So they can do it and the PC applicant simply says we are not going to object to the Jacobs Court homeowner, assuming it is approved by the homeowners association, or the Wilkie Way homeowner making these changes. Is that a reasonable thing, first of Staff, to require?

Ms. Tronquet: Well, if the applicant does the project owner is agreeable to doing that, I think that is one thing. I don’t know that they can make promises as to what their future residents will do or not do, or support or not support.

Commissioner Keller: I am not making a suggestion on the residents. I am basically saying that they would allow the Jacobs Court people or the Wilkie Way people to build whatever they want to without objecting to it.

Ms. Tronquet: If you want to impose that as a condition you can ask the applicant.

Ms. French: Maybe I am hearing this wrong, but it sounds as if part of the solution that you are looking for is things being done on the Jacobs Court property, which is not a PC and therefore anything above what is allowed in the fence code it has a discretionary process associated with that.

Commissioner Keller: Right so if a Jacobs Court or Wilkie Way homeowner were to apply to increase the fence or put a trellis or whatever that would go through a discretionary process. I am simply suggesting making a condition of approval that the applicant not object to such a discretionary application on the part of a Jacobs Court
homeowner, or homeowners association, or Wilkie Way homeowner. Does that make sense?

Ms. Tronquet: I think it does. I think a bit vague since we have no idea of knowing what a homeowner in Jacobs Court might propose in terms of trellis or fencing or anything else.

Chair Tuma: I am going to interject a comment here. As currently framed I could in no way support this because it is so vague. I think we have requirements that the City has about what people can do so it would go through that process. To just say simply to the applicant you can’t object no matter what people want to do about things related – it is too vague. If we want to say if they want to increase the height of the fence, or a couple of specific things, maybe, but I think we are getting into imposing thoughts or solutions or ideas that even the neighbors have not come to the Commission asking for. I think we are really meandering into an area that is not really our purview where we are designing what this thing should look like without these things even having been requested.

Commissioner Keller: I am not suggesting redesigning. I am just saying that we give the Jacobs Court homeowners tools to be able to implement it and not require that the applicant pay for it, but enabling the homeowners association or Wilkie Way people. I am not sure how to do that. Maybe one of the other Commissioners can figure out a better way to word it.

Let me just in closing say that I think this is a good project. I think the project has done as much as possible or as feasible to satisfy the needs of the adjacent homeowners. I think in particular staying within the daylight plane is an important step in that direction. This certainly satisfies the particular need in Palo Alto, and I will support the project. Thank you.

Chair Tuma: Okay, great. Are we ready for any other amendments? Commissioner Tanaka.

Commissioner Tanaka: Yes. This was talked about earlier but I want to make sure we have it, which is that I think the applicant indicated that they will mandate staff, going forward, will park onsite and I think that will help alleviate the parking. So I would like to make two friendly amendments. One part is that and the other is the screening that Commissioner Keller was talking about in terms of….

Chair Tuma: Let’s do them one at a time.

Commissioner Tanaka: Okay. I will do the first one. Let’s do the easy one. So the staff will basically park onsite in non-visitor parking spots.

Commissioner Garber: Unless Staff has suggestions on the wording I am happy to accept that.
Chair Tuma: Commissioner Martinez.

Ms. French: I am thinking there might be a time of day thing that goes along with that, but I would not be able on the fly to come up with it. We could look at it.

Commissioner Garber: With the Commissioner’s indulgence here, perhaps Staff can come up with the wording that gets to the concept of keeping staff within the property and not imposing impacts on its neighbors or the public right-of-way.

Chair Tuma: Commissioner Martinez is that acceptable to you?

Commissioner Martinez: Actually, at our – it was stated quite simply that there is enough below grade onsite parking that will be available for staff to park there. I think the amendment should be as simple as that. That this surplus parking below grade be made available so staff will not park on the street.

Commissioner Garber: That is acceptable to the maker.

Commissioner Martinez: I second it.

Chair Tuma: Okay. Vice-Chair Lippert.

Vice-Chair Lippert: I just want to make some comments here. I think there is danger in the details. What I mean by that are a couple of things. Number one, as they increase and they may need additional staff they will need to find additional parking. Well, we have just conditioned that that parking needs to be onsite. The City has in place vehicles for doing offsite parking agreements so I want to make sure that this doesn’t prevent the applicant from then having an offsite parking agreement and locating that elsewhere.

The public right-of-way is the public right-of-way. People are entitled to park there whether they are working in that facility or not. I want to make sure that we are singling out people. If they are working there that they shouldn’t have the ability to park in the public right-of-way if it is legally permitted.

Number three, the biggest danger I see is we have conditioned the staff but we have not conditions the residents. What could possibly happen is that if there is an overflow condition where more staff people need parking spaces, well the residents will just move their cars out and leave them on the street or in the public right-of-way. So it doesn’t really solve any problem there. What I want to be careful of is are we imposing something on this project that we wouldn’t normally be imposing on any other development project.

Chair Tuma: Commissioner Martinez.

Commissioner Martinez: Commissioner, I think you are over-thinking the problem. From what we have learned at our meetings with the applicant there are very, very few
residents that have cars. In their current facility they told it was something like seven or eight, and they have converted the remaining parking to storage. The applicant has said what their staffing levels are going to be there is no reason to assume that there is going to be some need to dramatically increase that parking. If this were any other kind of project such as retail or office we would require parking onsite for staff. So in that regard it is no different than anything else.

Commissioner Garber: Could I make a possible modification of the friendly amendment that I accepted and was seconded? In lieu of a specific condition regarding parking that we simply ask Staff, after six months of the project opening, to review the parking and impacts with the applicant to determine if there are issues that need to be mitigated?

Commissioner Martinez: Sure, that is fine.

Vice-Chair Lippert: I would like to just make one other clarification. I have an aging parent that does not drive but she owns a vehicle.

Commissioner Garber: Has to apply for a unit the same way anybody else does.

Vice-Chair Lippert: She also has a caregiver or an aide that comes in to assist her on a daily basis, and that person has a vehicle. What basically happens is that the aide comes in, parks their vehicle, and then when my mother needs to go somewhere the aide takes my mother’s vehicle and drives that vehicle. So basically there are two vehicles onsite that are associated with my mother’s unit, but nonetheless there is only one vehicle that is actually used at any one time. So I was trying to get to that level of detail not necessarily saying or putting it out there that somebody is doing something nefarious, it is just that there has to be a way to manage it.

Commissioner Garber: Are you satisfied with the amendment as I have rephrased it?

Vice-Chair Lippert: I will be supporting the motion, yes.

Chair Tuma: Okay, Commissioner Tanaka, did you have another friendly amendment?

Commissioner Tanaka: Yes. This is my last friendly amendment, which is the screening. I think the applicant already indicated that they are willing to fund the glazing of the Jacobs Court windows should the Jacobs Court person, resident, homeowner desire it. So I would like to have that also as a condition for approval.

I understand what Commissioner Keller was saying about making the fence higher, but I also understand the complication with that. So maybe you can make a friendly amendment after this one to figure out that problem. I would like to at least get the screening for the Jacobs Court.

Commissioner Garber: State it and if necessary I will make a suggestion.
Commissioner Tanaka: So basically if the Jacobs Court homeowner facing the project desires frosted glazing that the Palo Alto Commons development will fund it.

Chair Tuma: For their bathroom window, correct?

Commissioner Tanaka: Well, I think they said for any window. I don’t know if they would actually want other windows. I would imagine it is just going to be bathroom windows I am guessing, but I will leave that up to the Jacobs Court person.

Commissioner Garber: May I ask the applicant if they are in favor or willing to do this?

Mr. Steinberg: Yes for the bathrooms. I think leaving it open to every window ….

Commissioner Garber: In fact my exact questions to you are that. It is constrained once by it being a bathroom. Then it is constrained twice by the windows that face your property line. I don’t know how many that is. Also we are not telling you how to accomplish that. So I don’t have any sense as to what the overall impact to you is, but you are okay with that then I guess I am okay with that.

Mr. Steinberg: We are okay with that.

Commissioner Garber: Okay, so I will support the friendly amendment.

Commissioner Martinez: I am sorry, can you state what that is again?

Commissioner Garber: Commissioner?

Commissioner Tanaka: Basically, a Jacobs Court homeowner facing, actually I guess it shouldn’t just be Jacobs Court homeowners it should be Jacobs Court plus Wilkie Way homeowners bathroom window facing the project the developer will for the frosted glazing if requested by the homeowner.

Commissioner Martinez: Bathrooms only? It is limited to bathrooms. Is that correct?

Commissioner Garber: Windows that face the project from Wilkie Way, and I am assuming that we are only talking about lots that actually have a common property line with the project.

Commissioner Tanaka: Correct.

Commissioner Garber: So Jacobs Court or Wilkie way, bathrooms only.

Commissioner Martinez: Bathrooms only, I support that.

Commissioner Tanaka: I would like to make one last comment on the subject. I know from the developer’s point of view I might seem really hard on you on this project. I
actually do support this project quite a bit, and I see the value that it adds to Palo Alto. So I appreciate you guys coming out, spending the two years to develop this, and make it happen, meeting with the residents, meeting with the Commissioners. I think that is appreciated. I think you also have to appreciate from the Jacobs Court point of view, which is you are getting 3X the currently permitted use, FAR which is a lot. So I think while it has been arduous I think it has been really admirable that you guys have been willing to work with the residents to make this project happen. Thank you.

Chair Tuma: Commissioner Fineberg.

Ms. French: Can we get a clarification? With the Wilkie Way addition of bathroom windows we want to just specify that it is the new building and not the existing Palo Alto Commons.

Commissioner Garber: That is fine.

Ms. Armer: Just those two properties.

Commissioner Garber: That is correct.

Chair Tuma: Commissioner Fineberg.

Commissioner Garber: Just for clarification, it is the properties that share a common property line.

Commissioner Fineberg: A quick clarifying question for Staff that will affect my possible friendly amendments. For the items that the applicant has already proposed for public benefits like the contribution to Avenidas or the crosswalk are those built into the plan as part of the PC ordinance or to ensure them do we also need to call them out as conditions of approval?

Ms. Armer: If you look at the details in the draft ordinance that was provided to you it does include those specifically listed as public benefits and therefore required.

Commissioner Fineberg: Okay, thank you. Then for the first friendly amendment that we have on the table I am not sure if I can support it as it is. I would consider and suggest possibly some alternative language that included there be a TDM, Transportation Demand Management, program including, and then the item that is on the table be number one. Numbers whatever, two, three, and four could be subject to discussion tonight and/or development by Staff. But there are standard tools that we have in TDM programs and some of it is already built in with the Architectural Review like the bike lockers, but maybe a program to encourage carpooling, or possibly – I am just sort of suggesting things. I am not sure what would be appropriate and we can’t design it tonight, now, but leaving the flexibility for Staff to add appropriate TDM measures.
Commissioner Garber: Through the Chair, is that something that we could add to the language? First of all, I appreciate your going more global than specific here. I am just wondering if it is something that we couldn’t make part of the sort of six month review to determine if there are impacts and if they are significant enough that a TDM program be put in place and include various elements that include things like pavement signage, shuttles, carpooling, time of day exists and entrances, etc., etc.

Commissioner Fineberg: I think it would be quite comfortable if we had the requirement that there be a review and the ability to implement a TDM program at the six months.

Commissioner Garber: Sure.

Commissioner Fineberg: I think if Staff can concur, do we need to lock in the right to impose that somehow? Does that condition need to be included now?

Ms. Tronquet: I would think it would be helpful for City Staff as well as the applicant if you have things in mind that you want to be triggering conditions when we do the six-month review. What do you see is going wrong at that point? What would happen at that point that you would want TDM?

Commissioner Garber: Right, what conditions should we flag here?

Ms. Tronquet: Yes.

Commissioner Garber: We are talking slightly over different things here. What I would propose that we do is we eliminate the first friendly amendment, which was having Staff evaluate if there should be pavement signage that Commissioner Lippert had suggested. Add that as one of the things to flag at the six-month review. Then we could also add other issues as well. Is there street parking that has for some reason that we don’t know impacted the neighboring properties in some way? I don’t know what else we might include as other flags to be considered at that time. Commissioners, discussion on both of those topics?

Chair Tuma: Vice-Chair Lippert.

Vice-Chair Lippert: I am confused about something. When you talk about a Transportation Demand Management program are you talking about the staff that they would be subject to the Transportation Demand Management program or are you talking about the residents that are living there? None of them go to work.

Commissioner Fineberg: Depending on…

Vice-Chair Lippert: You shook your head. Which was that?

Commissioner Fineberg: It could be both. For instance, it could be that the staff be requested to park onsite if it was found at the six months that there was inadequate
parking. Or it could be that there be commitment that shuttles would be provided and used. So that could be something that would apply to the residents. Obviously if the residents don’t have cars it is not helpful to require them to park in a basement. It could be things like, and again, we can’t implement things at this hour without study, which is why I erred on the cautious side of saying Staff would have to work the details. It could be things like encouraging carpooling or providing bicycle lockers or bicycle showers for staff. So I don’t know what the right features are. There are things we do in many other projects. It hasn’t been analyzed, we don’t have it in specific concrete suggestions, I didn’t see it, and so I don’t want to invent things that won’t work at this hour. I think the way to approach it then is for Staff to work through what would be appropriate.

Vice-Chair Lippert: I have a question for the applicant.

Chair Tuma: Vice-Chair Lippert, would you like to speak?

Vice-Chair Lippert: Yes. Currently doesn’t Palo Alto Commons have an onsite bus?

Mr. Steinberg: Yes, there is a bus and a van. The same transportation would be available with that bus and van for the new facility.

Vice-Chair Lippert: As part of your route, or where you go, I am sure it is by request.

Mr. Steinberg: It is by request, and there are outings that are planned and those kinds of things.

Vice-Chair Lippert: You do have shuttle service like for instance from Palo Alto Train Station for staff people that want to take the train and come to work?

Mr. Steinberg: No we don’t. It is for residents.

Vice-Chair Lippert: It is for residents. Could it work both ways?

Mr. Steinberg: No, it is used frequently.

Vice-Chair Lippert: Okay.

Commissioner Garber: So let me ask where we are.

Chair Tuma: Commissioner Keller has a comment about this.

Commissioner Keller: Here is my suggestion. We don’t want to reinvent the wheel here. The wheel is already invented. It is called a TDM program. It sounds like the Palo Alto Commons already implements a lot of issues of the TDM program. So I am going to simply suggest that we simply require a TDM program, period, with a six-month review, and the condition merely be that the entire project, both halves of the PC, be fully parked onsite. That is the condition. Whatever TDM measures are required in order to
implement that they implement. It is just simple. The TDM program has a whole bunch of things that already exist. We don’t need to add to it, we don’t need to invent new things. The TDM program already provides the appropriate discretion to Staff. We should impose that now, the condition for consideration for it because the TDM program also has multiple reviews. We simply have a TDM with the standard process with an extra review at the six-month period, and the condition is that it fully be parked onsite. Now that may involve shuttle buses, it may involve hiring a company to provide shuttle for employees from the Caltrain to that if that is what is needed. We don’t want to have to decide these things. We don’t have to think about maybe it involves taking a couple of spaces and putting zip cars on there. I don’t want to have worry about it. TDM measures already take this into account. I think that is an easy way to handle it.

Commissioner Garber: I am supportive of that and I would accept that as a friendly amendment, that we require a TDM program, and that the requirements of the project be fully parked onsite and that there be a six-month review and that would replace our first two friendly amendments.

Then the second friendly amendment would be the offer to create translucent coverings for the bathroom windows, etc.

Commissioner Keller: Do we have the Jacobs Court thing about the ‘keep clear.’

Commissioner Garber: I was going to include that with the TDM.

Vice-Chair Lippert: It is different.

Commissioner Garber: Okay, so then we would keep that and we would still have three friendly amendments then.

Chair Tuma: Are you clear on that Commissioner Martinez?

Commissioner Martinez: I am and I agree.

Chair Tuma: Okay. Anything else? Commissioner Keller.

Commissioner Keller: I have a question for Staff about the maintenance of the lighted crosswalk. Has that become a City responsibility, and is the City comfortable with that?

Ms. French: Prior to Council we would check with Public Works and determine what their protocol is, and if there are any such crosswalks in the city and how that works.

Commissioner Keller: Thank you. It would be helpful to actually think about that in general because I am sure more of them will appear. So a policy on that might make sense. Thank you. That’s it.
I will just say one thing, which I am not suggesting as a friendly amendment. In the spirit of what we talked about I am hoping that the Palo Alto Commons will in the future positively consider and encourage if a Jacobs Court or a Wilkie Way adjacent homeowner wishes to provide additional screening that is reasonable that you will be supportive of that to the extent that it pass the City’s muster, but I am not going to make that a condition of approval. Thank you.

**MOTION PASSED (7-0-0-0)**

Chair Tuma: Okay, with that I believe we are ready to vote. Is there any Commissioner who needs any clarification as what the motion and friendly amendments are? Okay. All those in favor of the motion with the friendly amendments say aye. (ayes) All those opposed? That passes unanimously.

Thank you very much to the public and the applicants and Staff. We will take a break for seven minutes and come back at nine o’clock.
PROJECT DESCRIPTION

1. PROJECT TITLE

4041 El Camino Way
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

Jennifer Cutler, Planner
City of Palo Alto
650-329-2149

4. PROJECT SPONSOR'S NAME AND ADDRESS

Jim Baer
Premier Properties
172 University Ave
Palo Alto, CA 94301

5. APPLICATION NUMBER

09PLN-00292

6. PROJECT LOCATION

4035-4045 El Camino Way
Palo Alto, CA

The 0.84 acre project site is located in the northern section of the City of Palo Alto, in the northern part of Santa Clara County, just east of State Route 82 (El Camino Real) and west of U.S. Highway 101. The proposed project site is bounded by El Camino Way to the southwest, the Jacobs Court Multi-Family...
development to the northwest, single family residents along Wilkie Way to the northeast, and the existing Palo Alto Commons Senior Housing Complex, as shown on Figure 1, Vicinity Map.

7. GENERAL PLAN DESIGNATION:

The General Plan designation is a combination of Neighborhood Commercial and Multiple Family Residential per the Palo Alto 1998 – 2010 Comprehensive Plan. The Neighborhood Commercial land use designation includes shopping centers with off-street parking or a cluster of street front stores that serve the immediate neighborhood. Typical uses include supermarkets, bakeries, drugstores, variety stores, barber shops, restaurants, self-service laundries, dry cleaners, and hardware stores. In some locations, residential and mixed use projects may also locate in this category. The Multiple Family Residential land use designation includes a wide variety of residential densities, depending on existing land use, proximity to major streets and public transit, distance to shopping, and environmental problems. Net densities will range from 8 to 40 units and 8 to 90 persons per acre. Density should be on the lower end of the scale next to single family residential areas. Densities higher than what is permitted by zoning may be allowed where measurable community benefits will be derived, services and facilities are available, and the net effect will be compatible with the overall Comprehensive Plan. The proposed project, which would be constructed on a site located between low and moderate density residential development and a major street, provides a change in height, mass and density so as to be consistent with the area and the land use designations.

8. ZONING

The Zoning designation for this site includes two different districts: Low Density Multiple-Family Residence (RM-15) and Neighborhood Commercial (CN). These zones’ regulations are set forth in the Palo Alto Municipal Code (PAMC) Chapters 18.13 and 18.16, respectively. The RM-15 district is intended to create, preserve and enhance areas for a mixture of single-family and multiple-family housing which is compatible with lower density and residential districts nearby, and serve as a transition to moderate density multiple-family districts or districts with nonresidential uses. The CN commercial district provides neighborhood shopping areas primarily accommodating retail sales, personal service, eating and drinking, and office uses of moderate size serving the immediate neighborhood, under regulations that will assure maximum compatibility with surrounding residential areas. The proposed project includes a rezoning of the property to a Planned Community, which would include regulations and restrictions specific to the project.

9. PROJECT DESCRIPTION

The proposed project is the demolition of two existing commercial buildings and one residential building, a lot merger (Tentative Map & Parcel Map) to combine three lots (“the site”) with a fourth lot containing an existing senior housing facility (“Palo Alto Commons”, also a Planned Community), and a rezoning of the property to Planned Community for the purpose of constructing a new building (“Commons Addition”) that would expand the size of the existing Palo Alto Commons Senior Housing facility (Figure 2, Project Site Plan). The new Planned Community would include both Palo Alto Commons and the proposed Commons Addition on one combined parcel. The new building is proposed to be 50,417 square feet and would cover approximately 50% of the site. The maximum proposed building height is 35 feet. A single-level underground parking lot would provide 29 parking spaces, and four additional spaces would be provided at grade, for 34 new parking spaces in total. The existing Palo Alto Commons site has 55 parking spaces. The project would have ingress and egress on El Camino Way, for pedestrian and vehicular access. The proposed landscaping will include including the retention of one 36-inch protected oak, and the relocation of two protected oaks on site. Public benefits are required for any Planned
Community zone. The project, in addition to providing senior housing needed for the community, includes significant pedestrian improvements and facilities along El Camino Way between East Meadow and El Camino Real to the north. The proposal includes an upgrade to the existing bus stop, extensive planting, new walkways and cross walk, and three new street trees in front of the Commons Addition development.

10. SURROUNDING LAND USES AND SETTING

The site is located in the eastern area of the City of Palo Alto and has land use and zoning designations of Neighborhood Commercial and Multiple Family Residential in both the Comprehensive Plan and the Zoning Code. The site is in a transition area adjacent to commercial uses, a multifamily residential development, and the existing senior housing facility. The site is set back from, but significantly visible from El Camino Real, State Route 82.

11. OTHER PUBLIC AGENCIES

- County of Santa Clara, Office of the County Clerk-Recorder

ENVIRONMENTAL CHECKLIST AND DISCUSSION OF IMPACTS

EVALUATION OF ENVIRONMENTAL IMPACTS

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. [A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis.).]

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

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

4) “(Mitigated) Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 17, “Earlier Analysis,” may be cross-referenced).
5) Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (C)(3) (D). In this case, a brief discussion should identify the following:
   a) Earlier Analysis Used. Identify and state where they are available for review.
   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

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

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

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

DISCUSSION OF IMPACTS

The following Environmental Checklist was used to identify environmental impacts, which could occur if the proposed project is implemented. The left-hand column in the checklist lists the source(s) for the answer to each question. The sources cited are identified at the end of the checklist. Discussions of the basis for each answer and a discussion of mitigation measures that are proposed to reduce potential significant impacts are included.

### A. AESTHETICS

<table>
<thead>
<tr>
<th>Issues and Supporting Information Resources</th>
<th>Sources</th>
<th>Potentially Significant Issues</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tbody>
<tr>
<td>Would the project:</td>
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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, 3, 8, 10</td>
<td></td>
<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, 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, Map L4</td>
<td></td>
<td></td>
<td>X</td>
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<tr>
<td>d) Violate existing Comprehensive Plan policies regarding visual resources?</td>
<td>1, 2, 8</td>
<td></td>
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<td>X</td>
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<tr>
<td>e) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?</td>
<td>1, 2, 3, 8</td>
<td></td>
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<td>X</td>
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</tbody>
</table>
DISCUSSION:
The proposed project includes replacing the three existing single-story buildings on site (one residential and two commercial) with a new three-story senior housing facility having a maximum height of 35 feet, and new landscaping. The current zoning would allow development of buildings having a maximum height of 30 to 35 feet (35 foot height limit in CN zone and 30 foot height limit in RM-15 zone). The project has been designed to step the building away from the adjacent residential development both to the left and rear so that the third floor is at least 40 feet away from the nearest residential building. While the project will change the existing visual character of the site, it will be reviewed by the Architectural Review Board with respect to the City’s design guidelines and required architectural review findings to ensure it would not degrade the visual character of the site. The proposed project does include new lighting, but will be required to meet the City’s standards which restrict light levels. No public views or view corridors will be adversely affected by this new building, and retention of the existing protected trees on site, and the planting of new landscaping will soften the views of the new building from views by the adjacent residential neighbors and the passersby on the nearby public roadway.

Mitigation Measures:
None Required.

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. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and the forest carbon measurement methodology provided in the Forest Protocols adopted by the California Air Resources Board.

<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>f) Substantially shadow public open space</td>
<td>1, 2</td>
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<td>X</td>
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<tr>
<td>(other than public streets and adjacent</td>
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<td>sidewalks) between 9:00 a.m. and 3:00</td>
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<td>p.m. from September 21 to March 21?</td>
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<tr>
<td>a) Convert Prime Farmland, Unique Farmland,</td>
<td>1, 5</td>
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<td>X</td>
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<tr>
<td>or Farmland of Statewide Importance</td>
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<td>(Farmland), as shown on the maps prepared</td>
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<td>pursuant to the Farmland Mapping and</td>
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<td>Monitoring Program of the California</td>
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<td>Resources Agency, to non-agricultural use?</td>
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<tr>
<td>b) Conflict with existing zoning for</td>
<td>1,2,</td>
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<td></td>
<td>X</td>
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<tr>
<td>agricultural use, or a Williamson Act</td>
<td>MapL9, 6</td>
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<tr>
<td>contract?</td>
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</table>
### Issues and Supporting Information Resources

#### Would the project:

| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526)? | 1 |  |  |  | X |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | 1 |  |  |  | X |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use? | 1 |  |  |  | X |

### DISCUSSION:

The site is not located in a “Prime Farmland”, “Unique Farmland”, or “Farmland of Statewide Importance” area, as shown on the maps prepared for the Farmland Mapping and Monitoring Program of the California Resources Agency. The site is not zoned for agricultural use, and is not regulated by the Williamson Act. The project area is within a fully developed urban area and has no impacts on forest or timberland.

### Mitigation Measures:

None Required.

### C. AIR QUALITY

#### Issues and Supporting Information Resources

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Sources</th>
<th>Potentially Significant Issues</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Conflict with or obstruct with implementation of the applicable air quality plan (1982 Bay Area Air Quality Plan &amp; 2000 Clean Air Plan)?</td>
<td>1,2,8</td>
<td></td>
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<td></td>
<td>X</td>
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<tr>
<td>b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation indicated by the following:</td>
<td>1,2,8</td>
<td></td>
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<td>X</td>
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<tr>
<td>i. Direct and/or indirect operational emissions that exceed the Bay Area Air Quality Management District (BAAQMD) criteria air pollutants of 80 pounds per day and/or 15 tons per year for nitrogen oxides (NO), reactive organic gases (ROG), and fine particulate matter of less than 10</td>
<td></td>
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<td>X</td>
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1 PRC 12220(g): "Forest land" is land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.

2 PRC 4526: "Timberland" means land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees. Commercial species shall be determined by the board on a district basis after consultation with the district committees and others.
<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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<td>Would the project:</td>
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<td>i. Microns in diameter (PM$_{10}$);</td>
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<td>ii. Contribute to carbon monoxide (CO)</td>
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<td>concentrations exceeding the State</td>
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<td>Ambient Air Quality Standard of nine parts</td>
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<td>per million (ppm) averaged over eight</td>
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<td>hours or 20 ppm for one hour (as</td>
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<td>demonstrated by CALINE4 modeling, which</td>
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<td>would be performed when a) project CO</td>
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<td>emissions exceed 550 pounds per day</td>
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<td>or 100 tons per year; or b) project traffic</td>
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<td>would impact intersections or roadway links</td>
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<td>operating at Level of Service (LOS) D, E</td>
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<td>or F or would cause LOS to decline to D,</td>
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<td>E or F; or c) project would increase</td>
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<td>traffic volumes on nearby roadways by</td>
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<td>10% or more)?</td>
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<td>c) Result in a cumulatively considerable net</td>
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<td>increase of any criteria pollutant for which</td>
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<td>the project region is non-attainment under</td>
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<td>an applicable federal or state ambient air</td>
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<td>quality standard (including releasing</td>
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<td>emissions which exceed quantitative</td>
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<td>thresholds for ozone precursors)?</td>
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<td>d) Expose sensitive receptors to</td>
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<td>substantial levels of toxic air</td>
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<td>contaminants?</td>
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<td>i. Probability of contracting cancer for</td>
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<td>the Maximally Exposed Individual (MEI)</td>
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<td>exceeds 10 in one million</td>
<td>1,2,8</td>
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<td>ii. Ground-level concentrations of</td>
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<td>non-carcinogenic TACs would result in a</td>
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<td>hazard index greater than one (1) for the</td>
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<td>MEI</td>
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<td>e) Create objectionable odors affecting a</td>
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<td>substantial number of people?</td>
<td>1,8</td>
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<td>f) Not implement all applicable construction</td>
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<td>emission control measures recommended in the</td>
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<td>Bay Area Air Quality Management District</td>
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<tr>
<td>CEQA Guidelines?</td>
<td>1,8</td>
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**DISCUSSION:**

The City of Palo Alto uses the Bay Area Air Quality Management District’s (BAAQMD) thresholds of significance for air quality impacts, as follows:

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

**Long Term Impacts:** Long-term project emissions primarily stem from motor vehicles associated with the proposed project. As discussed in the Transportation/Traffic section of this Initial Study, the project is not expected to result in a significant number of new vehicle trips. In addition, the project site is located more than 1,000 feet from the Caltrain right of way and the residential units would be located more than 75 feet from the El Camino Real right of way. Therefore, long-term air-quality impacts from and to sensitive receptors anticipated to reside within the project are expected to be less than significant.

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

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

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

**Mitigation Measures:**
None Required.

### D. BIOLOGICAL RESOURCES

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<thead>
<tr>
<th>Issues and Supporting Information Resources Would the project:</th>
<th>Sources</th>
<th>Potentially Significant Issues</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</td>
<td>1,2-MapN1, 10</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</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-MapN1</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</td>
<td>1,2-MapN1</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Issues and Supporting Information Resources</td>
<td>Sources</td>
<td>Potentially Significant Issues</td>
<td>Potentially Significant Unless Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
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<td>Would the project:</td>
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<tr>
<td>of native wildlife nursery sites?</td>
<td></td>
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</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>1,2,3, 8, 10</td>
<td>X</td>
<td></td>
<td></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:**

The proposed project is a new senior housing project located on a parcel which contains numerous trees, including seven that are categorized as protected by the Palo Alto Municipal Code. Potential impacts to these protected trees will require mitigation as described below. The potential impacts to other biological resources are less than significant.

**Palo Alto Comprehensive Plan, Chapter 5, Sections N-1 through N-12, 1998**

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

*Policy N-14:* Protect, revitalize, and expand Palo Alto’s urban forest.
*Policy N-15:* Require new commercial, multi-unit, and single family housing projects to provide street trees and related irrigation systems.
*Policy N-17:* Preserve and protect heritage trees.

- **Program N-16:** Require replacement of trees, including street trees lost to new development.
- **Program N-17:** Develop and implement a plan for maintenance, irrigation, and replacement of trees.
- **Program N-19:** Achieve a 50 percent tree canopy for streets, parks, and parking

**Palo Alto’s Regulated Trees**

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

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

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

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

**Palo Alto Tree Preservation Guidelines.** For all development projects within the City of Palo Alto, discretionary or ministerial, a Tree Disclosure Statement (TDS) is part of the submittal checklist to establish and verify trees that exist on the site, trees that overhang the site originating on an adjacent property, and trees that are growing in a City easement, parkway, or publicly owned land. The TDS stipulates that a Tree Survey is required (for multiple trees), when a Tree Preservation Report is required (development within the dripline of a Regulated Tree), and who may prepare these documents. The City of Palo Alto Tree Technical Manual³ (Tree Technical Manual) describes acceptable procedures and standards to preserve Regulated Trees, including:

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

**Site Tree Resources Impact Assessment**
A tree inventory and evaluation report, including tree location map (prepared by Arbor Resources) identified 46 trees of 17 various species on the subject property. The following breakdown was ascertained by staff:

*Protected trees.* Seven trees are defined as protected ordinance size trees. #3, 9, 13, 29, 38, 39 and 40. Trees #3, 9, 13 and 29⁴ are oaks with trunk diameters (at 54 inches above grade) larger than 11.5 inches, and #38 thru 40 are coast redwoods with trunk diameters (also at 54 inches above grade) larger than 18 inches. These are indicated in the Tree Inventory and Evaluation prepared by David L. Babby, of Arbor Resources, dated October 29, 2010.

The building footprint is located at protected coast live oaks #3 & 9, and they are proposed to be relocated on site. An alternative to destruction and preservation of these two trees is dependent on the feasibility of relocating the trees to an optimum area of the site with sufficient room to allow continued growth.

• Valley Oak #13. This mature native tree is a dominant feature on the site. The applicant has responded to this with commendable site planning and sublevel garage distance. The tree will function as a natural use area environment and appear to join the connection between the two facilities. However, the tree will be subject to substantial site activity and environmental changes. In particular, solar access reduction may be a foreseeable

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⁴ Trees #3, 9 and 13 are situated on the subject site, whereas #29 is situated on the neighboring northeastern property.
significant impact on the tree. The proposed 44-48-foot structure is taller than the valley oak is at 40-feet high. The tree has become dependent on the unimpeded solar access from the south and westerly exposure, and the tree may be in the proposed building shadow of for substantial periods, experience foliar stress and lead to a spiral of decline due to limited adaptability (vigor). Additionally, preserving the root area will require special consideration of non-compacting technology and material.

- **Public trees.** Of the 47 trees, four are defined as publicly owned street trees due to being situated within the public right-of-way along El Camino Way. They include trees #43 thru 46 (three flowering pears and a privet.) The Project proposes to remove and replace the 4 publicly owned trees as dictated by Public Works Engineering. Replacement ratio should clearly the new trees offer an increase in urban canopy, and ensure no net loss of public resource investment\(^5\) of the existing trees results.

- **Designated trees.** No designated trees of other species have been identified by staff at this point in time.

**Tree Values**
The City Tree Technical Manual (TTM) development guidelines require the appraised value for each tree to be presented with the development application for the purpose of identifying asset value, security bond incentive for protection and care and/or damage or replacement value in the event of a destroyed tree. Trees classified as "protected trees" have a combined appraised value of $65,200. Trees classified as "street trees" have a combined appraised value of $2,290.

The tree evaluation report identifies mitigation measures to be incorporated in the plans to reduce the potential impact on protected and public trees. These include Design Guidelines, advising tree protection zone setback clearances for buildings and grading, above ground measures for walkways, structures, landscaping and flatwork.

**Summary**
Significant tree resources exist on this site. The century age valley oak #13 dominates and area that must remain protected and integrated into the design. Other specimen oaks must retained or relocated on the site. The tree inventory and evaluation, inclusive of the design guidelines and preliminary protection measures submitted for the project have been deemed adequate for the assessment and scope of this environmental study, dependent upon forthcoming project site information, additional staff recommendations, solar access study, specific Tree Preservation Report, precautions and the following mitigation measures to reduce the potential impact on protected and public tree resources to a less than significant level.

**Mitigation Measures:**
**Mitigation Measure 1:** The proposed project shall conform to the requirements for tree protection and care stated in the submitted arborist report, prepared by David L. Babby of Arbor Resources, dated October 29, 2009.

**Mitigation Measure 2:**
*Prepare a Tree Preservation Report for all trees to be retained.* Activity within the dripline of ordinance-regulated oak trees requires mitigation to be consistent with Policy N-7 of the Palo Alto Comprehensive Plan. An updated tree survey and tree preservation report (TPR) prepared by a certified arborist shall be submitted for review and acceptance by the City Urban Forester. For reference clarity, the tree survey shall include (list and field tag) all existing trees within the project area, including adjacent trees overhanging the site. The approved TPR shall be implemented in full, including mandatory inspections and monthly reporting to City Urban Forester. The TPR shall be based on latest plans and amended as needed to address activity or) within the dripline area of any existing tree to be preserved, including incidental work (utilities trenching, street work, lighting, irrigation,

\(^5\) Public Tree Resource Investment. Trees generally pay back the City of Palo Alto $2 for every $1 invested to achieve greater canopy. Mitigating the removal of a public tree must assess and consider the number of future years to parity of current infrastructure benefits (CO2 reduction, extended asphalt life, water runoff mgmt., etc.) provided by the trees.
etc.) that may affect the health of a preserved tree. The project shall be modified to address recommendations identified to reduce impacts to existing ordinance-regulated trees. The TPR shall be consistent with the criteria set forth in the tree preservation ordinance, PAMC 8.10.030 and the City Tree Technical Manual, Section 3.00, 4.00 and 6.30 http://www.cityofpaloalto.org/environment/urban_canopy.asp. To avoid improvements that may be detrimental to the health of regulated trees, the TPR shall review the applicant’s landscape plan to ensure the new landscape is consistent with Tree Technical Manual, Section 5.45 and Appendix L, Landscaping under Native Oaks.

Implementation of this mitigation measure would reduce the potential construction impacts to protected and retained trees to a less than significant level.

Mitigation Measure 3:
Comply with the solar access study (SAS) of short and long term effects on protected oak tree #13. Study shall include a qualified expert team (horticulturalist, architect designer, consulting arborist) capable of determining effects, if any, to foliage, health, disease susceptibility and also prognosis for longevity. The SAS should provide alternative massing scenarios to increase solar access and reduce shading detriment at different thresholds of tree health/decline as provided for in the study. The SAS adequacy shall be subject to peer review as determined necessary by the City. The SAS design alternatives shall be of specific discussion at all levels of review in conjunction with project sponsor, city urban forester and director until final design is approved.

Implementation of this mitigation measure would reduce the potential impact to protected oak #55 due to solar access restriction to a less than significant level.

Mitigation Measure 4:
Prepare a Tree Relocation Feasibility Plan for Protected Oaks #3 and #9. Because of inherent mortality associated with the process of moving mature trees, a Tree Relocation and Maintenance Plan (TRMP) shall be prepared subject to Urban Forester’s approval. The project sponsor shall submit a TRMP to determine the feasibility of moving the Protected Trees to an appropriate location on this site. Feasibility shall consider current site and tree conditions, a tree’s ability to tolerate moving, relocation measures, optimum needs for the new location, aftercare, irrigation, and other long-term needs.

If the relocated trees do not survive after a period of five years, the tree canopy shall be replaced with a tree of equivalent size or security deposit value. The TRMP shall be inclusive of the following minimum information: appropriate irrigation, monitoring inspections, post relocation tree maintenance and for an annual arborist report of the condition of the relocated trees. If a tree is disfigured, leaning with supports needed, in decline with a dead top or dieback of more than 25%, the tree shall be considered a total loss and replaced in kind and size. The final annual arborist report shall serve as the basis for return of the tree security deposit.

Implementation of this mitigation measure would reduce the relocation risk potential impact of trees #3 & #9 to a less than significant level.

Mitigation Measure 5:
Provide a Tree Preservation Bond/Security Guarantee. The natural tree resources on the site include significant protected trees and neighborhood screening, including two trees proposed for relocation. Prior to building permit submittal, the Tree Security Deposit for the total value of the relocated trees, as referenced in the Tree Technical Manual, Section 3.26, Security Deposits, shall be posted to the City Revenue Collections in a form acceptable by the City Attorney. As a security measure, the project shall be subject to a Memorandum of Understanding between the City of Palo Alto and the Applicant describing a tree retention amount, list of trees, criteria and timeline for return of security, and conditions as cited in the Record of Land Use Action for the project. The applicant and project arborist shall coordinate with the City Urban Forester to determine the amount of bonding required to guarantee the protection and/or replacement of the regulated trees on the site during construction and
within five years after occupancy. The applicant shall bond for 150% of the value for the relocated trees (#3 & 9), and 100% of the value of ordinance size trees (#13, 29, 38, 39 and 40) to be protected during construction (as identified in the revised and final approved Tree Protection Report). The applicant shall provide the proposed level of bonding as listed in the Tree Value Table, with the description of each tree by number, value, and total combined value of all the trees to be retained. A return of the guarantee shall be subject to an annual followed by a final tree assessment report on all the relocated and retained trees from the project arborist as approved by the City Urban Forester, five years following final inspection for occupancy, to the satisfaction of the director.

*Implementation of this mitigation measure would reduce the potential security risk to retained trees to a less than significant level.*

**Mitigation Measure 6:**
*Retain protected screen trees redwoods with focused site planning.* The redwoods along property line are currently growing on an established landscape area. The project may require modification to include non-conventional site planning elements such as berm, retaining walls or other creative elements to reduce the potential impacts to a less than significant level.

*Implementation of this mitigation measure would reduce the potential impact of the adjacent protected redwoods to a less than significant level.*

**Mitigation Measure 7:**
*Provide optimum public tree replacement for loss of trees #43-46.* Four publicly owned trees are growing in the right-of-way along the El Camino Way frontage. As mitigation to offset the net loss for years of public resource investments and minimize the future years to parity with infrastructure benefits (CO2 reduction, extended asphalt life, water mgmt., etc.) currently provided by the trees, the new El Camino frontage should be provided maximum streetcape design and materials to include the following elements:

- Consistency with the Street Trees for El Camino Project, in consultation with Canopy, Inc.
- Provide adequate room for tree canopy growth and root growing volume resources.
- Utilize city-approved best management practices for sustainability products, such as permeable ADA sidewalk, Silva Cell planters, engineered soil mix base, and services due to being situated within the public right-of-way along El Camino Way.

*Implementation of this mitigation measure would reduce the loss of public trees impacts to a less than significant level.*

**Significance after Mitigation:**
Less than Significant.

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**E. CULTURAL RESOURCES**

<table>
<thead>
<tr>
<th>Issues and Supporting Information Resources</th>
<th>Sources</th>
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</thead>
<tbody>
<tr>
<td>Would the project:</td>
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</tr>
<tr>
<td>a) Directly or indirectly destroy a local cultural resource that is recognized by City Council resolution?</td>
<td>1, 2</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</td>
<td>1, 2-MapL8</td>
<td></td>
<td></td>
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<td>X</td>
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</tbody>
</table>

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4041 El Camino Way  
Page 13  
Mitigated Negative Declaration
### Issues and Supporting Information Resources

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>pursuant to 15064.5?</td>
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<tr>
<td>e) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</td>
<td>1.2-MapL8</td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>d) Disturb any human remains, including those interred outside of formal cemeteries?</td>
<td>1.2-MapL8</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>e) Adversely affect a historic resource listed or eligible for listing on the National and/or California Register, or listed on the City’s Historic Inventory?</td>
<td>1.2-MapL7</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>f) Eliminate important examples of major periods of California history or prehistory?</td>
<td>1, 2-MapL8</td>
<td></td>
<td></td>
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<td>X</td>
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</tbody>
</table>

### DISCUSSION:

The Comprehensive Plan indicates that the site is in a moderate archaeological resource sensitivity zone. Most of the City area west of Highway 101 is designated in this zone. Although existing and historic development has altered the native landscape, the potential exists that now-buried Native American sites could be uncovered in future planning area construction.

If archaeological materials are discovered the applicant would be required to perform additional testing and produce an Archaeological Monitoring and Data recovery Plan (AMDRP) to be approved prior to the start of construction.

A historic resource evaluation was performed by Kelley & VerPlanck Historical Resources consulting. The report evaluated the three buildings on the project site and found that none of the buildings demonstrated a compelling association with any of the eligibility criteria. The residential building located on 4035 El Camino Way was constructed in 1916 but was heavily altered in the late 1950s.

### Mitigation Measures:
None Required.

### F. GEOLOGY, SOILS AND SEISMICITY

<table>
<thead>
<tr>
<th>Would the project:</th>
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<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</td>
<td>See below</td>
<td></td>
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</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</td>
<td>1, 2,8</td>
<td></td>
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<td>X</td>
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</table>
other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

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<tbody>
<tr>
<td>ii) Strong seismic ground shaking?</td>
<td>2-MapN-10, 8</td>
<td>X</td>
</tr>
<tr>
<td>iii) Seismic-related ground failure, including liquefaction?</td>
<td>2-MapN5, 8</td>
<td>X</td>
</tr>
<tr>
<td>iv) Landslides?</td>
<td>2-MapN5</td>
<td>X</td>
</tr>
<tr>
<td>b) Result in substantial soil erosion or the loss of topsoil?</td>
<td>1, 8</td>
<td>X</td>
</tr>
<tr>
<td>c) Result in substantial siltation?</td>
<td>1</td>
<td>X</td>
</tr>
<tr>
<td>d) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?</td>
<td>2-MapN5</td>
<td>X</td>
</tr>
<tr>
<td>e) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?</td>
<td>2-MapN5</td>
<td>X</td>
</tr>
<tr>
<td>f) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?</td>
<td>1</td>
<td>X</td>
</tr>
<tr>
<td>g) 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>1,4,8</td>
<td>X</td>
</tr>
</tbody>
</table>

**DISCUSSION:**

The entire state of California is in a seismically active area. According to the Comprehensive Plan the project site is in an area that is subject to strong ground shaking in the event of an earthquake but is not subject to surface rupture, in an area of expansive soils, liquefaction, or earthquake induced landslides.

All new construction will be required to comply with to the provisions of the most current Building Code, portions of which are directed at minimizing seismic risk and preventing loss of life and property in the event of an earthquake. Therefore, no geological or seismic impacts are expected.

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

The project will not involve the use of septic tanks or alternative wastewater disposal systems.
Mitigation Measures:
None Required.

G. GREENHOUSE GAS EMISSIONS

<table>
<thead>
<tr>
<th>Issues and Supporting Information Resources Would the project:</th>
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<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</td>
<td>1, 8, 17</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?</td>
<td>1, 8, 17</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

DISCUSSION:
The San Francisco Bay Area Air Basin (SFBAAB) is currently designated as a nonattainment area for state and national ozone standards and national particulate matter ambient air quality standards. SFBAAB’s nonattainment status is attributed to the region’s development history. Past, present and future development projects contribute to the region’s adverse air quality impacts on a cumulative basis. By its very nature, air pollution is largely a cumulative impact. No single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. Instead, a project’s individual emissions contribute to existing cumulatively significant adverse air quality impacts. If a project’s contribution to the cumulative impact is considerable, then the project’s impact on air quality would be considered significant.

The Bay Area Air Quality Management District’s (BAAQMD) approach to developing a Threshold of Significance for Green House Gas (GHG) emissions is to identify the emissions level for which a project would not be expected to substantially conflict with existing California legislation adopted to reduce statewide GHG emissions needed to move us towards climate stabilization. If a project would generate GHG emissions above the threshold level, it would be considered to contribute substantially to a cumulative impact, and would be considered significant.

The Thresholds of Significance for operational-related GHG emissions are:
- For land use development projects, the threshold is compliance with a qualified GHG reduction Strategy; or annual emissions less than 1,100 metric tons per year (MT/yr) of CO2e; or 4.6 MT CO2e/SP/yr (residents + employees). Land use development projects include residential, commercial, industrial, and public land uses and facilities.
- For stationary-source projects, the threshold is 10,000 metric tons per year (MT/yr) of CO2e. Stationary-source projects include land uses that would accommodate processes and equipment that emit GHG emissions and would require an Air District permit to operate. If annual emissions of operational-related GHGs exceed these levels, the proposed project would result in a cumulatively considerable contribution of GHG emissions and a cumulatively significant impact to global climate change.

The BAAQMD has established project level screening criteria to assist in the evaluation of impacts. If a project meets the screening criteria and is consistent with the methodology used to develop the screening
criteria, then the project's air quality impacts may be considered less than significant. For a "Apartment - Low Rise" land use, the facility would need to include 78 or more dwelling units to have a significant impact for Green House Gases (BAAQMD CEQA Air Quality Guidelines, 06/2010; Table 3-1, Operational-Related Criteria Air Pollutant and Precursor Screening Level Sizes). The proposed project does not exceed the significance thresholds established by the BAAQMD; the proposed rental housing includes 44 units.

Mitigation Measures: None Required

H. HAZARDS AND HAZARDOUS MATERIALS

Note: Some of the thresholds can also be dealt with under a topic heading of Public Health and Safety if the primary issues are related to a subject other than hazardous material use.

<table>
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<td>Would the project:</td>
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<tr>
<td>a) Create a significant hazard to the public or the environment through the routing transport, use, or disposal of hazardous materials?</td>
<td>8</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>8</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</td>
<td>1, 8, MapN7</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, 8</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>e) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?</td>
<td>1, 2, MapN9</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>f) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?</td>
<td>1, 2, 3</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>g) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working the project area?</td>
<td>1, 2, 3</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>h) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</td>
<td>1, 2, MapN7</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>i) Expose people or structures to a significant risk</td>
<td></td>
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</tbody>
</table>
of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

<table>
<thead>
<tr>
<th>2-MapN7</th>
<th></th>
<th>X</th>
</tr>
</thead>
</table>

j) Create a significant hazard to the public or the environment from existing hazardous materials contamination by exposing future occupants or users of the site to contamination in excess of soil and ground water cleanup goals developed for the site?

| 1, 8, 12, 13 |   | X |

**DISCUSSION:**

The proposed project is the replacement of three single story buildings with one new three-story building at 4041 El Camino Way. The project site is not identified by either the California Environmental Protection Agency or the California State Water Resources Control Board as a hazardous materials site. The project is not expected to pose airport-related safety hazards. The proposed project will not interfere with either emergency response or evacuation. The project site is not located in a designated fire hazard area.

Romig Engineers compiled a Phase I Environmental Site Assessment for the subject site dated June 2008 and a Geotechnical Investigation dated July 2008. The conclusions of these reports were that the site had a low risk for encountering hazardous materials. The sole mitigation measure proposed by the Phase I Assessment was to protect against asbestos-containing materials and lead-based paint materials that might be found with the demolition of the existing structures on the site. This is addressed in Mitigation Measure 8, below. Mitigation Measure 9, below, requires that the project plans be reviewed by a qualified geotechnical firm prior to building permit submittal, to ensure compliance with the recommendations of these reports, and that observation and testing be conducted by that firm during the foundation installation phases of construction.

Standard conditions of the architectural review would require special procedures for dewatering, specifically the City's Public Works Department, Water Quality Control Plant section, would require that prior to discharge of any water from construction dewatering, the water shall be tested for volatile organic compounds (VOCs) using EPA Method 601/602. The analytical results of the VOC testing shall be transmitted to the Regional Water Quality Control Plant (RWQCP). If the concentration of any VOC exceeds 5 ug/L (5 ppb), the water may not be discharged to the storm drain system and an Exceptional Discharge Permit for discharge to the sanitary sewer must be obtained from the RWQCP prior to discharge. If the VOC concentrations exceed the toxic organics discharge limits contained in the Palo Alto Municipal Code, a treatment system for removal of VOCs will also be required prior to discharge to the sanitary sewer. Additionally, any water discharged to the storm drain system is required to be free of sediment.

**Mitigation Measures:**

**Mitigation Measure 8:** If future existing building renovation or demolition is performed, qualified contractors shall be used to identify and properly dispose Asbestos-Containing Materials and lead-based paint materials if encountered.

**Mitigation Measure 9:** The project plans be reviewed by a qualified geotechnical firm prior to building permit submittal, to ensure compliance with the recommendations of geotechnical report prepared by Romig Engineers, and dated July 2008. Observation and testing be conducted by that firm during the foundation installation phases of construction.

**Level of Significance after Mitigation:**

Less than significant.
### I. HYDROLOGY AND WATER QUALITY

<table>
<thead>
<tr>
<th>Issues and Supporting Information Resources Would the project:</th>
<th>Sources</th>
<th>Potentially Significant Issues</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Violate any water quality standards or waste discharge requirements?</td>
<td>1,2,8</td>
<td></td>
<td>X</td>
<td></td>
<td></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>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?</td>
<td>1,2,8</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?</td>
<td>1,2,3</td>
<td></td>
<td>X</td>
<td></td>
<td></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>1,2,3</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>f) Otherwise substantially degrade water quality?</td>
<td>1,2</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</td>
<td>1,2,8</td>
<td></td>
<td>X</td>
<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>1,2</td>
<td></td>
<td>X</td>
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</tbody>
</table>

**DISCUSSION:**


4041 El Camino Way  
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Mitigated Negative Declaration
The project site is not located in an area of groundwater recharge, or in a 100-year flood hazard area, and will not deplete groundwater supplies. The project site is not in an area that is subject to seiche, tsunami, or mudflow. The project will be required to meet City requirements for stormwater drainage. No impact.

During demolition, grading and construction, storm water pollution could result. Non-point source pollution is a serious problem for wildlife dependant on the waterways and for people who live near polluted streams or baylands. Standard conditions of architectural review approval would require the incorporation of Best Management Practices (BMPs) for storm water pollution prevention in all construction operations, in conformance with the Santa Clara Valley Non-Point Source Pollution Control Program, and submittal of a stormwater pollution prevention plan (SWPPP) in conjunction with building permit plans to address potential water quality impacts. City development standards and standard conditions of project approval would reduce potential negative impacts of the project to less than significant.

Standard conditions of architectural review approval from the Public Works Department state that this project would trigger the California Regional Water Quality Control Board's revised provision C.3 for storm water regulations (incorporated into the Palo Alto Municipal Code, Section 16.11) that apply to land development projects that create or replace 10,000 square feet or more of impervious surface. The City's regulations require that the project incorporate a set of permanent site design measures, source controls, and treatment controls that serve to protect storm water quality. The applicant would be required to identify, size, design and incorporate permanent storm water pollution prevention measures to treat the runoff from a specified "water quality storm" prior to discharge to the municipal storm drain system. The property owner would be required to designate a party to maintain the control measures for the life of the improvements and must enter into a maintenance agreement with the City. The City would inspect the treatment measures yearly and charge an inspection fee.

**Mitigation Measures:**
None Required.

### J. LAND USE AND PLANNING

<table>
<thead>
<tr>
<th>Issues and Supporting Information Resources</th>
<th>Sources</th>
<th>Potentially Significant Issues</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Would the project:</td>
<td></td>
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</tr>
<tr>
<td>a)  Physically divide an established community?</td>
<td>1,2,8</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>1,2,3,8</td>
<td></td>
<td></td>
<td>X</td>
<td></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>1,2,8</td>
<td></td>
<td></td>
<td>X</td>
<td></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>1,8</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>f)  Conflict with established residential, recreational, educational, religious, or scientific</td>
<td>1,2</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>
### DISCUSSION:

The proposed project, a 55,417 square foot three-story senior housing facility which would expand the existing Palo Alto Commons facility located on the adjacent property. Senior housing of this type is a use that is not well defined by the City of Palo Alto Zoning Ordinance or the 1998 - 2010 Comprehensive Plan, as it is a combination of multi-family residential and a convalescent facility. The proposed uses are not inconsistent with current use of the site for residential and commercial purposes. The proposal includes a rezoning of the property to a Planned Community (PC) zone, to be joined with the existing PC for the existing senior housing facility on the adjacent property. This zone will allow for this unique use, while providing the City with significant oversight over the implementation. The Comprehensive Plan has several goals and policies which specifically encourage the provision of senior housing and assisted living facilities. The proposed building would replace three existing one-story structures which contained residential and commercial uses. As noted in the visual resources section of this report, while the project would increase floor area and height of built area on the site, the project has been designed to step the building away from the adjacent residential development; therefore, the resulting land use impact from the rezoning is expected to be less than significant.

The project will comply with all plans for conservation of biological resources, and would not impact farmland. See Sections B and D for further discussion of these topics.

#### Mitigation Measures:
None Required.

### K. MINERAL RESOURCES

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

**DISCUSSION:**

The City of Palo Alto has been classified by the California Department of Conservation (DOC), Division of Mines and Geology (DMG) as a Mineral Resource Zone 1 (MRZ-1). This designation signifies that there are no aggregate resources in the area. The DMG has not classified the City for other resources. There is no indication in the 2010 Comprehensive Plan that there are locally or regionally valuable mineral resources within the City of Palo Alto.
Mitigation Measures:
None Required.

L. 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>
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<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>1,2,8,16</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>1,8,16</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>1,8,16</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>1,8,16</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>1,2,16</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>1,2,16</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>g) Cause the average 24 hour noise level (Ldn) to increase by 5.0 decibels (dB) or more in an existing residential area, even if the Ldn would remain below 60 dB?</td>
<td>1,8,16</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>h) Cause the Ldn to increase by 3.0 dB or more in an existing residential area, thereby causing the Ldn in the area to exceed 60 dB?</td>
<td>1,8,16</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>i) Cause an increase of 3.0 dB or more in an existing residential area where the Ldn currently exceeds 60 dB?</td>
<td>1,8,16</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>j) Result in indoor noise levels for residential development to exceed an Ldn of 45 dB?</td>
<td>1,8,16</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>k) Result in instantaneous noise levels of greater than 50 dB in bedrooms or 55 dB in other rooms in areas with an exterior Ldn of 60 dB or greater?</td>
<td>1,2-Map N3, 8, 16</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>l) Generate construction noise exceeding the daytime background Leq at sensitive receptors by 10 dBA or more?</td>
<td>1,8,16</td>
<td></td>
<td>X</td>
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</tbody>
</table>

DISCUSSION:
The project site is located in an area with an existing noise level of approximately 65 Ldn based on Map N3 of the Palo Alto Comprehensive Plan. The proposed project includes 45 new senior housing residential units on three floors. In addition to potential construction noise impacts, the areas of concern are the noise levels produced by rooftop HVAC equipment and the noise levels within the residential units.

An Environmental Noise Assessment was prepared by Charles M. Salter Associates, Inc., dated April 6, 2010. This assessment included two long term monitors continuously measuring sound levels between March 4 and 6th of 2010. The Day/Night Average Sound Levels (DNL) found were 67 dBA along El Camino Way and 55 dBA at the northern most corner of the site. The minimum noise levels measured were 41 dBA during the day and 36 dBA during the night. Palo Alto Noise Ordinance limits noise generated on a property to 6 dB above the local ambient noise level at residential property lines and 8 dB along commercial property lines. Mitigation Measures 10 will require that equipment selection, location, barriers, and/or acoustical louvers be used to ensure that outdoor mechanical equipment will meet the requirements of the Noise Ordinance, and therefore have a less than significant impact after mitigation.

The proposed project includes senior residential units. Mitigation Measures 11 and 12 are necessary to ensure that the interior noise levels will meet State and local requirements.

Construction activities will result in temporary increases in local ambient noise levels and vibrations from garage construction. Typical noise sources would include mechanical equipment associated with excavation, grading and construction, which will be short term in duration. Standard approval conditions would require the project to comply with the City’s Noise Ordinance (PAMC Chapter 9.10), which restricts the timing and overall noise levels associated with construction activity. Short-term construction that complies with the Noise Ordinance would result in impacts that are expected to be less than significant. Mitigation Measures 13, 14, and 15 require specific noise restrictions to ensure compliance with these regulations.

Mitigation Measures:

Mitigation Measure 10: Noise levels from rooftop equipment shall be reduced to meet the City of Palo Alto Noise Ordinance requirements. The project shall include roof screens to reduce transmission of noise from rooftop mechanical equipment to adjacent property lines. Screening shall be solid from bottom to top with a minimum surface density of approximately three pounds per square foot. Equipment selection may in part quiet operation and reduce required mitigation.

Mitigation Measure 11: The proposed building shall include sound-rated windows, doors, and exterior wall assemblages to reduce interior noise levels from exterior sources to DNL 45 dB, and Lmax 50/55 dB criteria. An acoustical consultant shall confirm these requirements on the building permit application plan set.

Mitigation Measure 12: Where windows must be closed to meet the internal DNL 45 dB criterion, the building shall have a “ventilation or air-conditioning system to provide a habitable interior environment.” This applies to residences within approximately 400 feet of El Camino Way.

Mitigation Measure 13: No individual piece of equipment shall produce a noise level exceeding 110 dBA at a distance of 25 feet.

Mitigation Measure 14: The noise level at any point outside of the property plan of the project shall not exceed 110 dBA.

Mitigation Measure 15: Construction and delivery hours shall be limited to 8:00 AM to 6:00 PM Monday through Friday, and 9:00 AM to 6:00 PM on Saturday. Construction shall be prohibited on Sundays and holidays. Signs identifying these hours shall be posted at the site per the Noise Ordinance.
Significance after Mitigation:
Less than Significant

M. POPULATION AND HOUSING

<table>
<thead>
<tr>
<th>Issues and Supporting Information Resources</th>
<th>Sources</th>
<th>Potentially Significant Issues</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Would the project:</td>
<td></td>
<td></td>
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<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></td>
<td>X</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></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>d) Create a substantial imbalance between employed residents and jobs?</td>
<td>1,2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>e) Cumulatively exceed regional or local population projections?</td>
<td>1,2</td>
<td></td>
<td></td>
<td>X</td>
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</tbody>
</table>

DISCUSSION:
Population in Palo Alto’s sphere of influence in 1996, according to Palo Alto Comprehensive Plan was 58,000 people. This was projected to increase to 62,880 by 2010. The project, by adding to the housing stock by 45 units, would cumulatively contribute to population in the area. The average household size in Palo Alto is 2.24 persons, but the proposed project is a senior housing facility so the persons per unit will be much lower. The project includes 45 units of senior housing, preliminarily proposed to include 5 studios, 13 one-bedroom units, and 27 two-bedroom units, resulting in a total of 72 beds. The existing single family residential house would have an average of 2.24 persons, so the increase in persons from the proposed project would be approximately 70. The projects cumulative impacts for the purposes of CEQA are also considered to be less than significant, as the impact (72 persons) from the project alone is not “considerable”, and is di minimus, as environmental conditions would essentially be the same whether or not the project is implemented (as per CEQA Guidelines §15355 and §15064). This small increase in population generated by the proposed project is not considered a significant impact. City development standards, development fees and standard conditions of project approval reduce potential negative impacts of the project to less than significant. The project will replace one existing vacant house and so it will not displace housing or people. The proposed project will not result in a significant impact on population or housing as described above. Impact will be less than significant, no mitigation is required.

Mitigation Measures:
None Required.

N. PUBLIC SERVICES

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

**DISCUSSION:**

The proposed project would not impact fire service to the area and the site is not located in a high fire hazard area. The conditions of approval for the project contain requirements to address all fire prevention measures. The site is located within the jurisdiction of the Palo Alto Police Department. The facility would not by itself result in the need for additional police officers, equipment, or facilities.

Standard conditions of approval require fees to cover any increased need for community facilities, libraries, and parks. With payment of development impact fees for community facilities, libraries and parks, the project’s impact will be less than significant, no mitigation is required.

**Mitigation Measures:**
None Required.

### O. RECREATION

<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) 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, 8</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>
DISCUSSION:
The proposed project is a new senior housing development with 45 living units. The development is proposed to include dining, educational, recreation, and other interior and exterior social spaces, therefore the new senior housing units are not expected to have a significant effect on existing recreational facilities. Development impact fees for parks and community facilities for the increase in floor area are required per City ordinance. No mitigation is required.

Mitigation Measures:
None Required.

P. 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>
<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>b) Does the project include recreational</td>
<td>1, 8</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<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 increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?</td>
<td>1,8,11</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<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>1,8,11</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<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>1,2</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<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>1,2,8, 11</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>e) Result in inadequate emergency access?</td>
<td>1,8</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>f) Result in inadequate parking capacity?</td>
<td>1,3,8</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian, transit &amp; bicycle facilities)?</td>
<td>1,2,8</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>h) Cause a local (City of Palo Alto) intersection</td>
<td>1,2,11</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>
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?

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?

j) Cause a regional intersection to deteriorate from an LOS E or better to LOS F or cause critical movement delay at such an intersection already operating at LOS F to increase by four seconds or more and the critical V/C value to increase by 0.01 or more?

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?

l) Cause any change in traffic that would increase the Traffic Infusion on Residential Environment (TIRE) index by 0.1 or more?

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.

n) Impede the development or function of planned pedestrian or bicycle facilities?

o) Impede the operation of a transit system as a result of congestion?

p) Create an operational safety hazard?

**DISCUSSION:**

Through empirical research, data have been collected that correlate to common land uses their propensity for producing traffic. Thus, for the most common land uses there are standard trip generation rates that can be applied to help predict future traffic increases that would result from a new development. The magnitude of the traffic generation by the proposed project was estimated by Fehr & Peers Transportation Consultants by applying to the size of the development the applicable trip generation rates. These calculations, in the table below, are calculated on the basis of the trip generation rates published in the Institute of Transportation Engineers (ITE) manual entitled Trip Generation, eighth edition. The proposed project is a 45-unit assisted living facility with five studios, 13 one-bedrooms, and 27 two-bedrooms.

<table>
<thead>
<tr>
<th>Traffic Generation</th>
<th>Daily</th>
<th>AM Peak Hour</th>
<th>PM Peak Hour</th>
</tr>
</thead>
</table>

4041 El Camino Way
<table>
<thead>
<tr>
<th>Land Use</th>
<th>Rate(^1)</th>
<th>Trips</th>
<th>Out</th>
<th>Total</th>
<th>Rate(^2)</th>
<th>In</th>
<th>Out</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>55-bed Assisted Living(^2)</td>
<td>2.66</td>
<td>146</td>
<td>3</td>
<td>8</td>
<td>0.22</td>
<td>5</td>
<td>7</td>
<td>12</td>
</tr>
</tbody>
</table>

\(^1\) Rate per bed  

The proposed 45 new units, with an estimated 55 residents, are calculated to cause 12 new peak PM Hour trips. The Transportation Impact Analysis conducted by Fehr & Peers, dated March 5, 2010, found that impacts would be less than significant for signalized and un-signalized intersections, pedestrian, bicycle, and transit facilities. The project was also found to meet the parking requirements of the project. Since the project is within the Charleston Arasradero Transportation Impact Area, it is subject to payment of traffic impact fees associated with location within that area. The project is subject to the Citywide Traffic Impact Fee.

The following mitigation measures are required to prevent traffic hazards and ensure that the project provides the required bicycle parking.

**Mitigation Measures:**

**Mitigation Measure 16:** The westerly driveway shall be designed and signed to be a right-in/right-out only driveway to reduce sight distance issues.

**Mitigation Measure 17:** On-street parking on the north side of El Camino Way shall be prohibited between the two project driveways as well as one car length (25 feet) immediately to the east of the first eastern) driveway. Additionally, any foliage between the driveways shall be kept at three feet of height or lower to minimize any obstacles to sight distance.

**Mitigation Measure 18:** To avoid any conflict points between the vehicles coming from the main (eastern) entrance and those traveling to and from the underground garage and the western entrance, a stop sign shall be installed at the western edge of the main entry as you exit the one-way driveway aisle.

**Mitigation Measure 19:** Parking stall number 18 shall be removed and replaced by a no parking zone for vehicles to maneuver and/or turn around.

**Mitigation Measure 20:** Bicycle parking is only identified as an area within the garage. Prior to submittal for Architectural Review, plans shall be revised to identify quantity, and type of bicycle parking provided in compliance with the Municipal Code (18.52.040). Based on the amount of vehicle parking provided and the PAMC, we recommend two long term parking spaces and one short term rack (2-bike capacity).

**Mitigation Measure 21:** All short term bicycle parking must be on the street level, and with 50 feet of the main entrance. Only Long-Term bicycle parking will be allowed within the garage (below street level).

**Significance after Mitigation:**

Less than Significant

<table>
<thead>
<tr>
<th>Q. UTILITIES AND SERVICE SYSTEMS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Issues and Supporting Information Resources</td>
</tr>
<tr>
<td>Would the project:</td>
</tr>
</tbody>
</table>

4041 El Camino Way  
Page 28  
Mitigated Negative Declaration
<table>
<thead>
<tr>
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<tr>
<td>Would the project:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</td>
<td>1,2</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td>1,2</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td>1,2</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</td>
<td>1,2</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>g) Comply with federal, state, and local statutes and regulations related to solid waste?</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>X</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>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

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

**Mitigation Measures:**
None Required.

R. **MANDATORY FINDINGS OF SIGNIFICANCE**
<table>
<thead>
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<td>Would the project:</td>
<td></td>
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</tr>
<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>1,2,3,8,10, 14</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<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>1,2,8,9,15</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</td>
<td>1,4,8,9, 11, 12, 13, 16</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**DISCUSSION:**
The proposed project would not have an impact on fish or wildlife habitat, nor would it impact cultural or historic resources. The use is appropriate for the site and would not result in an adverse visual impact. There is nothing in the nature of the proposed development and property improvements that would have a substantial adverse effect on human beings, or other life or environmental impacts once mitigation is implemented to reduce potential impacts from biological resources, hazardous materials, noise and traffic. The project is not a growth-inducing project in that it is an infill project with existing services and the project, implemented as mitigated herein, would not result in cumulatively considerable impacts.

**SOURCE REFERENCES**
1. Project Planner's knowledge of the site and the proposed project
3. *Palo Alto Municipal Code, Title 18 – Zoning Ordinance*
4. Required compliance with the Uniform Building Code (UBC) Standards for Seismic Safety and Windload
7. Alquist-Priolo Earthquake Fault Zoning Map
8. Project Plans and project description, B.H. Bacook AIA Architect and Premier Properties Management, marked received March 8, 2010
10. An Inventory and Evaluation of Trees at 4035, 4037, 4039, 4041 and 4043 El Camino Way, prepared by David L. Babby, dated October 29, 2008
11. Trip Generation, Site Access, On-site Circulation, and Parking Analysis for the propose Assisted Living Residential development in Palo Alto, prepared by Fehr & Peers, dated March 5, 2010
13. Phase I Environmental Site Assessment, prepared by Romig Engineers, Inc., dated June 2008
15. Draft LEED for new Construction Checklist, dated received March 8, 2010
17. California Environmental Quality Act Air Quality Guidelines, June 2010 (BAAQMD)
**DETERMINATION**

On the basis of this initial evaluation:

<table>
<thead>
<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>
</tr>
</thead>
<tbody>
<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>
</tr>
<tr>
<td>I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.</td>
</tr>
<tr>
<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>
</tr>
<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>
</tr>
</tbody>
</table>

![Signature and Date]

Project Planner

Jan 4, 2011

Date