City of Palo Alto
City Council Staff Report

Report Type: Action Items
Meeting Date: 5/2/2011

Council Priority: {ResProject:ClearLine}

Summary Title: 525 San Antonio-zone change & comp plan amend

Title: Public Hearing: Request by SummerHill Homes on Behalf of A&D Protocol Transportations Inc. for a Zone change from R-1 (8000) to RM-15 (Low Density Multiple-Family/Village Residential), a Comprehensive Plan Amendment to assign the Village Residential Land Use Designation to a 2.65-acre site currently designated Single-Family Residential and in use as a preschool/daycare center at 525 San Antonio Road; and Approval of a Record of Land Use Action.

From: City Manager

Lead Department: Planning and Community Environment

Recommendation
As set forth in the Record of Land Use Action (Attachment A), staff and the Planning and Transportation Commission (P&TC) recommend that the City Council deny the applicant's request for a Comprehensive Plan re-designation to Village Residential land use and RM-15 (Multi-Family/Village Residential) zoning of the 2.65 acre site currently designated Single-Family Residential and zoned R-1 8000 (Single Family Residential with 8,000 square foot (s.f.) minimum lot size).

Executive Summary
This report conveys to the City Council the recommendation of the Planning and Transportation Commission (P&TC) and staff to deny the application submitted by SummerHill homes on October 25, 2010 to: 1) amend the City of Palo Alto Comprehensive Plan designation of the entire site from Single Family Residential to Village Residential to allow for up to 20 housing units per acre and (2) rezone the site from R-1 (8,000) to RM-15 (Multiple Family/Village Residential) for the eventual development as a Village Residential community featuring small lots with 26 detached homes distributed throughout the site. The site is currently in use as a private day care center, which is scheduled to close in June 2011. The Comprehensive Plan and zone changes necessary to accommodate the originally planned 26-unit project (as well as the later downscaled 23-lot alternative concept for development) was recommended for denial by the PTC by a vote of 6-1 on March 23, 2011. The P&TC’s recommendation was based upon existing Comprehensive Plan polices and prior Council direction on May 12, 2010 regarding prohibiting designating R-1 zoned sites for increased housing density and the preference for locating housing density increases within one-half mile of transit stations or on sites that are...
well served by transit. While bus service is provided within one-quarter mile of the project site, the San Antonio CalTrain station in Mountain View is more than one half mile from the project site and is not afforded frequent train service. The recommendation for denial on this project reflects an acknowledgement of that Council direction. Though an initial study was prepared and is attached to this report, a denial is considered statutorily exempt from analysis and determination of environmental impacts under the California Environmental Quality Act (CEQA). The applicant’s attorney has submitted a summary of their concerns regarding staff’s position and interpretation of Council’s May 12, 2010 direction, reflected in a letter prepared by their attorney and attached to this report (Attachment L). This is also briefly addressed in the Discussion section of this report.

**Background**

The project site is located at 525 San Antonio Avenue, a 2.65 acre site consisting of two parcels (147-08-047 & 1487-08-046) zoned R-1 (8000) (Single Family Residential) and regulated by the Palo Alto Municipal Code (PAMC) Chapter 18.12, requiring a minimum residential lot size of 8,000 square feet. The Peninsula Day Care Center, a privately operated non-profit child care center and preschool on the site, will close in June after approximately 37 years of operation, as the remaining founder is retiring and selling the property. The R-1 zone allows for the daycare use via approval of a Conditional Use Permit (CUP). The daycare center, established prior to the CUP requirement, is operated in seven structures providing over 18,700 s.f. of floor area supported by a parking facility, play areas and minimal landscaping.

A site location map is provided as Attachment B. The site is bounded by San Antonio Avenue, Palo Alto Unified School District’s (PAUSD) Greendell campus (zoned Public Facilities), RM-15 zoned parcels and R-1 (8,000) zoned parcels in the Greendell single family residential neighborhood. Access to the site is from the San Antonio Avenue frontage road. Five single-family, single-story residences abut the site on the west on R-1 (8000) zoned parcels ranging from 8,030 s.f. to 10,313 s.f. in area and fronting Ferne Avenue. The two adjacent multi-family zoned (RM-15) properties are approximately 15,700 s.f. and 16,600 s.f. in site area, each with two housing units on the cul-de-sac Byron Street, which supports two additional, developed RM-15 zoned properties. A private educational facility (Gideon Hausner Day School) and an affordable housing community (Palo Alto Gardens Planned Community) are located across San Antonio. The 48-unit Rosewalk residential condominiums and the site of the approved Hewlett Packard (Mayfield) residential development are also across San Antonio closer to Alma Street.

An application for tentative subdivision of the site into 10 parcels for single family residential development was approved by Council in 2002 but has since expired. At that time, the P&TC had voted 5-2 to recommend the map, with discussion centered on two issues: (1) the loss of a child care facility contrary to Comprehensive Plan Policy C-11, and (2) the potential for the site to yield additional housing units if developed at a multiple-family residential density.

**Discussion**

The applicant proposes to (1) amend the City of Palo Alto Comprehensive Plan designation of
the entire site from Single Family Residential to Village Residential to allow for up to 20 housing units per acre and (2) rezone the site from R-1 (8,000) to RM-15 (Multiple Family/Village Residential) for eventual development as a Village Residential community featuring small lots with 26 detached homes distributed throughout the site. The project application was submitted in October 2010. A second, revised conceptual site plan for 23 detached homes and dual zoning (R-1(6000) and RM-15) was more recently provided for staff and P&TC consideration, following neighborhood meetings, and can be found linked with the March 23, 2011 P&TC report on the City’s website.

Analyses of both concepts were provided in the P&TC staff report (Attachment E), which, along with the draft Record of Land Use Action, supported denial of the application. Attachment F is a set of Commissioner questions and staff responses regarding the project.

Zoning
The development concept is not an allowed use per the City’s current zoning code (Palo Alto Municipal Code Chapter 18.12) and Comprehensive Plan land use designation. The 26 single family residences would exceed the allowable density under the R-1 (8,000) standards and the lot sizes would be 3,500 s.f. to 4,000 s.f. smaller than the minimum lot size required for R-1 (8000) parcels, hence the request for rezoning. A density of 26 residences (or 23 residences) would also exceed the Comprehensive Plan’s maximum density of one to seven units per acre for single family residential uses, thus the Comprehensive Plan amendment is requested. The 2.65 acre site could accommodate a maximum of 12 single family residences under the existing Comprehensive Plan designation and the R-1(8000) zoning and deduction of roadway area. The original 26 home proposal would therefore more than double the allowable population density on the site.

Commission Review and Recommendation
The Planning and Transportation Commission considered the proposed project at a public hearing on March 23, 2011 (Staff Report and minutes included as Attachment E). There were 14 public speakers; many were from the nearby neighborhoods and were concerned about the potential strain on resources and the unpredictability of ‘up-zoning’, and some noted concerns about the access and cumulative environmental impacts. The issues discussed by the P&TC members included the Council’s direction in May 2010 regarding precluding density increases on R-1 zoned sites, the site's location beyond ½ mile from the Mountain View CalTrain station and the lack of frequent commuter service, a concern over the baseline for traffic analysis being the existing daycare facility versus the underlying R-1 zoning, and concerns about neighborhood walkability.

Due in large part to staff’s representation of the City Council direction on May 12, 2010 regarding preservation of R-1 parcels (Attachment K), the P&TC supported staff’s recommendation to deny the project by a vote of 6-1. The dissenting vote by Commissioner Martinez was to express that R-1 zoning does not seem appropriate for the entire site. Commissioner Martinez encouraged the applicant to move forward with the revised proposal, his primary reason being that Council should evaluate the impact of its prior direction relative
to increased density on this R-1 site. He indicated that the City wants housing near existing commercial, bus lines and community facilities such as parks and schools. He also stated that the concept plan provided a good transition between R-1 and multi-family uses. Commissioner Martinez also had concerns with the site being developed under its current R-1(8000) zoning that would allow for larger, more energy inefficient homes which is contrary to the direction future development should be taking.

Applicant’s Attorney’s Letter
The applicant’s attorney’s letter (Attachment M) expresses concern about potential interest in the site by the Palo Alto Unified School District (PAUSD) as forming the basis for the applicant’s perceived staff shift in policy direction on this project. A letter from the PAUSD (Attachment K) was previously provided to City staff, reflecting the District’s lack of interest in pursuing purchase of this parcel, and staff has not adjusted its recommendation over time based upon PAUSD interest or lack of interest in the parcel. Instead Staff’s recommendation for denial is based on the current Comprehensive Plan policies to preserve the character of existing residential neighborhoods and to focus upzoning in areas well served by transit as well as the Council’s May 2010 housing direction not to upzone R-1 neighborhoods that are not well served by transit. Staff also noted that a rezoning and Comprehensive Plan amendment such as this is entirely discretionary and the City is under no obligation to approve the requests (unlike arguments that might be made in a quasi-judicial setting).

Alternative
As noted in the Discussion section of this report, the applicant provided staff with a revised concept plan for 23 detached homes for P&TC review. The revised concept reflects six single story homes abutting the five single story Greendell homes along the western property line, with a transition to larger two story homes closer to the neighboring RM-15 zoned properties along Byron Street. In addition to the reduction in the number of homes and a commitment to single story homes at the R-1 edge, the revised concept plan also indicates full driveway aprons for each home, allowing for additional off-street parking. The 23-lot alternative concept initially accompanied an alternative rezone concept for R-1(6000) zoning for six homes abutting the R-1(8000), which would have not required a Comprehensive Plan Amendment for the portion of the site abutting the R-1(8000). This concept was shared with the P&TC; however, the six home sites did not meet the 6,000 s.f. minimum lot size criteria, given the roadway area deduction, so the alternative zoning concept was not pursued.

If the Council is supportive of the RM-15 rezoning and Village Residential Comprehensive Plan Amendment to support the revised concept plan for 23 homes instead of the original 26 home proposal, then direction to P&TC and staff should be provided to prepare a draft Ordinance for the rezoning, a draft Resolution for re-designation of the land use, and a recommendation on adoption of the CEQA documentation.

Resource Impact
Any development of the property would be subject to citywide traffic impact fees and the San
Antonio/West Bayshore traffic impact fee. Fees to address impacts on parks, community centers and libraries would also be required. The City's park-in-lieu fee and facilities fee is intended to offset impacts on park facilities, community centers and libraries from development projects. Subdivision projects are subject to payment of parkland dedication fees. If the property were “upzoned” the pending reassessment of the property value would result in a substantial increase in property taxes. If Council directs staff to return with documents for further consideration and approval of this application, additional information about resource impacts would be provided.

**Policy Implications**
The proposed project is not supportable since it is not consistent with the existing Comprehensive Plan designation for the site or with Comprehensive Plan policies for locating increased housing density near transit, and the Council has given specific policy direction to avoid rezoning R-1 properties to higher densities. Though bus service is provided, the closest train station to the site is located more than ½ mile away from the subject property, in Mountain View, and that station is not afforded frequent train service.

**Environmental Review**
This project, if considered approvable, is subject to the California Environmental Quality Act (CEQA) requirements. Staff completed a draft Initial Study and Mitigated Negative Declaration (Attachment J) for the re-designation, rezoning and 26-home concept plan for presentation to the P&TC. The document was posted on the City's website with the P&TC staff report and was advertised and made available for public review between January 28, 2011 and February 17, 2011; no written public comments were received on the document. CEQA Guidelines Article 18, Section 15270 Statutory Exemptions, notes that CEQA does not apply to a project a public agency rejects or disapproves; therefore, the recommended denial does not carry any requirement for a final determination of potential impacts in accordance with CEQA.

**COURTESY COPIES**
Katia Kamangar, Summerhill Homes
Penny Ellson, Greenmeadow Homeowners’ Association
Srini Sankaran, Greendell Homeowners’ Association

**ATTACHMENTS:**
- Attachment A: Draft Record of Land Use Action for Denial (DOC)
- Attachment B: Site Location Map (existing zoning) (PDF)
- Attachment C: Comp. Plan Land Use & Circulation Map (Excerpt) (PDF)
- Attachment D: Zoning Comparison Table (PDF)
- Attachment E: P&TC Staff Report & Minutes, 3/23/11 (PDF)
- Attachment F: Commissioner Questions & Responses (PDF)
- Attachment G: Applicant's Project Description (PDF)
- Attachment H: 26-Home Site Plan (PDF)
• Attachment I: 23-Home Concept (PDF)
• Attachment J: Initial Study/Mitigated Negative Declaration (PDF)
• Attachment K: Council Minutes of May 12, 2010 on Housing Element Direction (PDF)
• Attachment L: Letter from PAUSD, 1/12/2011 (PDF)
• Attachment M: Applicant’s Attorney Letter, 4/13/11 (PDF)
• Attachment N: Correspondence (PDF)

Prepared By: Jason Nortz, Planner

Department Head: Curtis Williams, Director

City Manager Approval: James Keene, City Manager
On [Date], the Council denied a request for: (1) a re-designation from Single Family Residential Comprehensive Plan Land Use Designation to Village Residential Land Use Designation, and (2) a rezoning from R-1 8000 (Single Family Residential, 8,000 s.f. minimum lot size) to RM-15 zone, making the following findings, determination and declarations:

SECTION 1. Background. The City Council finds, determines, and declares as follows:

A. On October 25, 2010, SummerHill Homes, “Applicant” submitted an application and fees to request a Zone Change and a Comprehensive Plan Amendment, with the intent for eventual development of a village residential, 26 unit single family residential Subdivision (“The Project”).

B. On March 2, 2011, the Applicant submitted a revised concept plan, rezoning and land use re-classification proposal for 23 homes for staff’s and Planning and Transportation Commission (“Commission”)’s consideration.

C. Following staff review, the Planning and Transportation Commission reviewed the project on March 23, 2011, and concurred with staff’s recommendation for denial based upon the findings herein.

SECTION 2. Environmental Review. An Initial Study/Mitigated Negative Declaration and notice of intent were prepared and circulated for a 20-day public comment period from January 28, 2011 through February 17, 2011. The study analyzed the original proposal for rezoning the entire site to RM-15 and reclassification of the entire site to Village Residential, with a development concept for 26 home sites.

SECTION 3. Finding for Denial of Rezone. Pursuant to PAMC Chapter 18.80, the following Commission-recommended denial findings are hereby affirmed by the City Council to deny the requested zone change:
The requested change of district boundaries (rezoning) would not be in accord with the purposes of this title (Title 18) and would not be in accord with the Palo Alto Comprehensive Plan.

The purposes of (Title 18) shall be to promote and protect the public health, safety, peace, morals, comfort, convenience, and general welfare, including the following more particularly specified purposes:

(a) To further, promote, and accomplish the objectives, policies, and programs of the Palo Alto Comprehensive Plan;

(b) To lessen congestion and assure convenience of access; to secure safety from fire, flood, and other dangers; to provide for adequate public health, sanitation, and general welfare; to provide for adequate light, air, sunlight, and environmental amenities; to promote and encourage conservation of scarce resources; to prevent overcrowding of land and undue concentration of population, to facilitate the creation of a convenient, attractive and harmonious community; to attain a desirable balance of residential and employment opportunities; and to expedite the provision of adequate and essential public services to the community.

- The existing zoning of the site, single family residential R-1 (8000), would allow for development of single family homes on larger lots (8,000 s.f.) and thereby maintain a balance of density adjacent to a neighborhood having the same zoning and density. The requested rezoning to RM-15 to enable a subdivision containing residential lots between 3,000 s.f. and 4,500 s.f. would more than double the density on a site intended for larger lot single family residential use.

- The proposal is for an increase in residential density for 'village residential' multiple family housing on a site having a Comprehensive Plan Land Use Designation of Single Family Residential. The proposal is not in accord with the Comprehensive Plan, since Village Residential housing is not permitted in single family neighborhoods. Further, Goal L-3 text notes "Eichler homes were oriented towards private backyards" and encourages "protection of privacy if second stories are added" and states "in some single-story neighborhoods, second stories are not desirable." Policy L-12 states, "Preserve the character of residential neighborhoods by encouraging new or remodeled structures to be compatible with the neighborhood and adjacent structures."
• Comprehensive Plan Program T-3 states, “locate higher density development along transit corridors and near multi-modal transit stations.” The site is beyond ½ mile from transit station, so is not well served or likely to be well served by transit; therefore, rezoning a low density parcel to increase density of housing on the site is contrary to Council policy for location of more dense residential development within ½ mile of transit stations well served by transit.

• Council discussion regarding the Housing Element on June 23, 2010 included reiteration that denser housing should be near transit stations and direction to not rezone R-1 areas to higher density housing.
PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:                        APPROVED:

_________________________   ____________________________
City Clerk                    Director of Planning and
___________________________                    Community Environment

APPROVED AS TO FORM:

Senior Asst. City Attorney

PLANS AND DRAWINGS REFERENCED:

1. Those plans prepared by _____ titled “______”, consisting of ___ pages, dated _____, (revised _____), and received ______.

2. ...

3. ...
<table>
<thead>
<tr>
<th>Development Standards</th>
<th>R-1 (8000) zone/single family res.</th>
<th>R-1 (6000) zone/single family res.</th>
<th>Rm-15/village residential</th>
<th>Original proposal 26 lots/2.65 ac. (115,869 sf)</th>
<th>Revised proposal 23 lots/2.65 acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Site Area (sf)</td>
<td>8,000</td>
<td>6,000</td>
<td>1,500 for attached units, 2,500 for detached units</td>
<td>1,400 to 2,000</td>
<td>3,120 for 17 homes</td>
</tr>
<tr>
<td>Maximum Site Area (sf)</td>
<td>15,999</td>
<td>11,999</td>
<td>4,000</td>
<td>2,000 sf</td>
<td>4,500 for 6 homes</td>
</tr>
<tr>
<td>Min. Site Width (feet)</td>
<td>60'</td>
<td>60'</td>
<td>NA</td>
<td>NA</td>
<td>40' for 17 homes 55' for 6 homes</td>
</tr>
<tr>
<td>Min. Site Depth (feet)</td>
<td>100'</td>
<td>100'</td>
<td>NA</td>
<td>NA</td>
<td>78' for 17 homes 82' for 6 homes</td>
</tr>
<tr>
<td>Min. Site for 2nd unit (sf)</td>
<td>10,800</td>
<td>8,100</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Front setback</td>
<td>Contextual 20'</td>
<td>Contextual 20'</td>
<td>20' to perimeter 10' 6' (10' for 70'lot width)</td>
<td>tbd</td>
<td>tbd</td>
</tr>
<tr>
<td>Rear setback</td>
<td>8'</td>
<td>6'</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Interior side setback</td>
<td>16'</td>
<td>16'</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Street side setback</td>
<td></td>
<td></td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>House Sizes (sf)</td>
<td>6,000 maximum</td>
<td>6,000 maximum</td>
<td>2,500 maximum</td>
<td>1400-2000</td>
<td>2240 for 17 homes 1650 for 6 homes</td>
</tr>
<tr>
<td>Homes abutting Greendell</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>7 homes, two story</td>
<td>6 homes, one story</td>
</tr>
<tr>
<td>Floor Area Ratio</td>
<td>.45:1 first 5,000 sf plus .3:1 for remaining sf</td>
<td>.45:1 first 5,000 sf plus .3:1 for remaining sf</td>
<td>.5:1 applied to entire 2.65 A</td>
<td>tbd</td>
<td>tbd</td>
</tr>
<tr>
<td>Maximum Density- Comp Plan</td>
<td>Up to 18 units (1-7 units/acre) based on gross land area prior to street area deduction</td>
<td>Up to 18 units (1-7 units/acre) based on gross land area prior to street area deduction</td>
<td>53 units max (20 units/acre), gross land area prior to deduction of street area</td>
<td>26 units (9.8 units/acre - gross land area prior to street deduction)</td>
<td>23 units (8.6 units/acre - gross land area prior to street deduction)</td>
</tr>
<tr>
<td>Maximum Density- Zoning</td>
<td>14 primary units (2nd units for any lot over 10,800 sf)</td>
<td>19 primary units (2nd units for any lot over 8,100 sf)</td>
<td>31 units max (12 units/acre)</td>
<td>26 units (9.8 units/acre - gross land area prior to street deduction)</td>
<td>23 units (8.6 units/acre - gross land area prior to street deduction)</td>
</tr>
<tr>
<td>Maximum Height (ft)</td>
<td>30'</td>
<td>30'</td>
<td>30'</td>
<td>2 stories, 28'6&quot;</td>
<td>6 homes 1 story, 17 homes 2 story</td>
</tr>
<tr>
<td>Private Street Width</td>
<td>na</td>
<td>na</td>
<td>na</td>
<td>32'</td>
<td>26' widens to 32'</td>
</tr>
<tr>
<td>Homes with driveway aprons</td>
<td>na</td>
<td>na</td>
<td>na</td>
<td>6</td>
<td>23</td>
</tr>
<tr>
<td>Resident Parking Requirement</td>
<td>2 spaces, one covered</td>
<td>2 spaces, one covered</td>
<td>2 spaces (1 covered), 25% can be tandem configuration</td>
<td>2 spaces covered</td>
<td>2 spaces covered</td>
</tr>
<tr>
<td>Guest Parking</td>
<td>NA</td>
<td>NA</td>
<td>33% of all units required</td>
<td>9 spaces within project (34%)</td>
<td>9 spaces on San Antonio (0%)</td>
</tr>
</tbody>
</table>
TO: PLANNING & TRANSPORTATION COMMISSION

FROM: Amy French, Planning Manager  DEPARTMENT: Planning and Community Environment

AGENDA DATE: March 23, 2011

SUBJECT: 525 San Antonio Rezoning and Comp. Plan Amendment: Request initiated by SummerHill Homes on behalf of A&D Protocol Transportations Inc. for a Zone Change from R-1 (8000) to RM-15 (Low Density Multiple-Family/Village Residential) and a Comprehensive Plan Amendment to assign the Village Residential Land Use Designation to a 2.65-acre site currently designated Single-Family Residential and in use as a preschool/daycare center. Environmental Assessment: A 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) conduct a public hearing on the proposed rezone and associated environmental document (Initial Study/Mitigated Negative Declaration, Attachment E) and:

(1) Recommend denial of the rezone application based on the findings in the attached record of land use action (Attachment A), that it would not be in accord with the purposes of Title 18 (Zoning Code) and the Palo Alto Comprehensive Plan; and

(2) Determine whether or not the requested Village Residential Comprehensive Plan Designation can be supported and direct Staff to prepare a draft Resolution for P&TC review only if it is determined to be generally supported.

If the P&TC agrees with Staff's recommendation to deny the rezone, the written findings and recommendation of the P&TC will be forwarded to Council within 30 days, in accordance with Palo Alto Municipal Code Section 18.80.070(f).
BACKGROUND:

Comprehensive Plan Amendment
Amending the Comprehensive Plan map to re-designate land use of a site is governed by PAMC Section 19.040.080, which requires the P&TC and the City Council to hold public hearings prior to adopting a resolution amending the Comprehensive Plan. In this case, staff is bringing the preliminary question of whether to move forward with such amendment to the PTC prior to preparing a draft resolution. If the P&TC supports the requested amendment, it should direct staff to prepare a Resolution for a subsequent vote (since staff has not prepared a draft Resolution, given staff’s recommendation for denial of the application). If the P&TC determines that it does not support the proposed amendment, staff would not prepare a draft resolution for P&TC consideration and majority vote.

Zone Change Initiation Process
On October 25, 2010, the applicant, SummerHill Homes, submitted an application pursuant to the PAMC Section 18.80.030(b) and (c) to request a Zone Change and a Comprehensive Plan Amendment. Action by the P&TC on an amendment to the Zoning Map is subject to the regulations of PAMC Section 18.80.070. The P&TC may recommend a zone change only if it finds that a change of district boundaries would be in accord with the purposes of this title (Title 18) and in accord with the Palo Alto Comprehensive Plan.

The purposes of (Title 18) are “to promote and protect the public health, safety, peace, morals, comfort, convenience, and general welfare, including the following more particularly specified purposes:

(a) To further, promote, and accomplish the objectives, policies, and programs of the Palo Alto Comprehensive Plan;

(b) To lessen congestion and assure convenience of access; to secure safety from fire, flood, and other dangers; to provide for adequate public health, sanitation, and general welfare; to provide for adequate light, air, sunlight, and environmental amenities; to promote and encourage conservation of scarce resources; to prevent overcrowding of land and undue concentration of population, to facilitate the creation of a convenient, attractive and harmonious community; to attain a desirable balance of residential and employment opportunities; and to expedite the provision of adequate and essential public services to the community.”

Site Information
The project site is 525 San Antonio Avenue, a 2.65 acre site consisting of two parcels (147-08-047 & 1487-08-046) zoned R-1 (8000) (Single Family Residential) and regulated by the Palo Alto Municipal Code (PAMC) Chapter 18.12, requiring a minimum residential lot size of 8,000 square feet. The subject property is currently used for a privately operated non-profit child care center and a preschool called Peninsula Day Care Center, which will close in June after approximately 35 years of operation, as the remaining founder is retiring and selling the property.

The R-1 zone allows for church and school use via approval of a Conditional Use Permit (CUP), though the current use on the site was established prior to the CUP requirement. The site
currently contains seven existing structures all used for the day care facility. The seven structures total approximately 18,718 square feet. The rest of the site consists of asphalt paving, permeable play areas and minimal landscaping. Signs indicating the existence of a PG&E pipeline are present on the south side of the property.

An application for tentative subdivision of the site into 10 parcels for single family residential development was approved by Council in 2002 but has since expired. At that time, the P&TC had voted 5-2 to recommend the map, with discussion centered on two issues: (1) the loss of a child care facility contrary to Comprehensive Plan Policy C-11, and (2) the potential for the site to yield additional housing units if developed at a multiple-family residential density.

Attachment B is a site location map showing existing zoning of the site and surrounding sites. The subject site is located in a transitional zone in terms of surrounding uses and zoning designations. It is surrounded on three sides by developed land. The site is bounded by San Antonio Avenue to the southeast, Palo Alto Unified School District’s (PAUSD) Greendell campus (zoned Public Facilities) and RM-15 zoned parcels to the north, and R-1 (8,000) parcels in the Greendell single family residential neighborhood to the southwest, with access off the San Antonio Avenue frontage road. The Greendell tract is primarily one story Eichler homes, and abuts the Greenmeadow single family residential neighborhood, which has a Single Story Overlay combining district with both R-1 (8000) and R-1 (7000) zone districts.

There are five single-family, single-story residences in the Greendell tract abutting the subject site. These homes are on parcels ranging from 8,030 square feet to 10,313 square feet, fronting Ferne Avenue and zoned R-1 (8000). The two low density multi-family zoned (RM-15) properties to the northwest are 15,732 square feet and 16,627 square feet in size and each parcel provides two housing units with addresses on the cul-de-sac Byron Street, abutting the northeast boundary of the site. Two more RM-15 sites across Byron Street provide three more housing units. Across San Antonio Avenue to the southeast is a private educational facility (Gideon Hausner Day School) on parcels zoned ROLM, and a Planned Community (PC 2640) providing affordable housing for elderly and families (128 units elderly and 28 units family housing known as Palo Alto Gardens). Farther south across San Antonio is the 48-unit Rosewalk condominium development zoned RM-30 and the Hewlett Packard (Mayfield) site approved for development of a 45-unit multi-family housing project.

Attachment C is an excerpt of the Comprehensive Plan Land Use and Circulation Map. The site is designated as Single Family Residential on the Palo Alto 1998-2010 Comprehensive Plan Land Use and Circulation Map. This land use classification includes one dwelling on each lot, and conditionally allows churches and schools. Specific areas within the Single Family Residential classification may be zoned to allow second units or duplexes where they would be compatible with neighborhood character and not create traffic and parking problems. The net density for Single Family Residential use will range from 1 to 7 units per acre but may rise to a maximum of 14 units in areas where second units or duplexes are allowed. Population densities will range from 1-30 persons per acre.
DISCUSSION:

Project Description
The applicant’s project description is provided as Attachment F, with an original site development concept for 26 homes (Attachment J). The applicant proposes to (1) amend the City of Palo Alto Comprehensive Plan designation of the entire site from Single Family Residential to Village Residential to allow for up to 20 housing units per acre and (2) rezone the site from R-1 (8,000) to RM-15 (Multiple Family Residential) for eventual development as a Village Residential community featuring small lots with detached homes distributed throughout the site. A second, revised conceptual site plan for 23 homes (Attachment G) and accompanying revised development description letter, and concept zoning and draft vesting tentative map have been provided more recently for staff and P&TC consideration, following neighborhood meetings. The majority of architectural design aspects have not been included with this initial Zone Change and Comprehensive Plan Amendment application.

The project description letter and concept plan(s) indicate a row of evergreen trees along the southwesterly property line to help mitigate potential privacy impacts of the proposed homes to the adjacent single story, single family residences. Information on tree species and quantity have not been provided. Staff has identified a gas pipeline that runs the entire length of the property line along the southwesterly edge of the property. Further study would be required following rezoning, in conjunction with ARB review of any development project, to determine if trees could actually be planted where indicated on the concept plans.

Village Residential Land Use
Following a successful rezoning and land use re-designation, an application for Village Residential development could be submitted and would be subject to discretionary review by the Architectural Review Board in accordance with the development regulations established for low density multiple-family residences set forth in PAMC 18.13. The specific regulations of this chapter and the additional regulations and procedures established by other relevant chapters of the Zoning Code would apply. Such an application would include the demolition of the existing daycare/preschool buildings on the 2.65 acre site.

The Village Residential land use designation is intended to create, preserve and enhance areas for a mixture of single-family and multiple-family housing that is compatible with lower density and residential districts nearby, including single-family residence districts. Housing types may include but are not limited to single family houses on small lots, attached row-houses/townhouses, and cottage clusters. Village residential also can serve as a transition to moderate density multiple-family districts or districts with non-residential uses. Permitted densities in the Village Residential designation set forth in the Comprehensive Plan is 20 housing units per acre; whereas the Zoning Code Chapter 18.13 sets forth a maximum of 12 housing units per acre for Village Residential within the RM-15 zone. Village Residential housing also provides a means to accommodate home ownership options in multiple-family zones.

Original Development Concept
The applicant’s initial submittal included a concept plan for the construction of 26 single family detached homes ranging in size from 1,400 to 2,000 square feet on small lots created following a subdivision process. The homes were indicated to be two-story homes with a maximum height
of 28’6”, which is under the 30 foot maximum height limit for Village Residential development. The initial development concept was analyzed in the environmental document as it illustrated what may be allowed via successful discretionary review following successful land use redesignation and rezoning as requested.

The original development concept for 26 single family detached homes showed seven homes backing up to the five Greendell homes abutting the subject property. The concept indicated each home having a side-by-side, two-car garage, with only six of the homes providing driveway “aprons” for parking in front of the garages. The minimum parking requirement required by the Village Residential development standards is two parking spaces, one of which must be covered. The proposal indicated the homes would be on individual lots ranging in size from 2,500 square feet to 4,000 square feet. The maximum lot size allowed per RM-15 Village Residential standards is 4,000 square feet. The homes in the original concept plan would range in size from 1,400 square feet to 2,000 square feet, where 2,500 square feet is the maximum allowed house size for detached units applying Village Residential development standards. The homes were shown to be a maximum of two-stories with a maximum height of 28’6” where 30 feet is the maximum height allowed in a Village Residential development.

Vehicular access to the site as indicated in concept plans would be provided with two vehicular and pedestrian connections onto the San Antonio frontage road, completing a full loop through the subdivision. The road is shown as a 32-foot wide private road, consistent with the City of Palo Alto’s Private Street Ordinance. The road would have a continuous sidewalk and parking along the roadway as well as four designated parking bays for guest parking. The conceptual site plan also indicates a small open space area designed with landscaping, picnic benches and tot lot equipment. Pedestrian access is shown in concept plans throughout the development along one side of the private street and includes a connection to a potential future pathway on the adjacent Greendell PAUSD site.

The original development concept plan and images were shared with neighborhood groups prior to revision of the development concept plan to reduce the density and height of homes. The environmental document was prepared prior to the submittal of the revised development concept.

**Revised Development Concept**

Following preparation of the environmental document, the applicant submitted a concept plan showing 23 homes, and shared the concept with the Greendell neighborhood in a meeting sponsored by the applicant. The revised concept shows six single story homes (each approximately 1,650 sq.ft.) abutting the five Greendell homes abutting the subject property, each on a 4,500 sq.ft. site (55’ x 82’). Each home site is shown with driveway aprons for parking in front of the two car garages, and the small open space area is still shown as included in the revised concept plan. The other 17 homes would each be approximately 2,240 sq.ft. on 3,120 sq.ft. lots (40’ x 78’). The private street would be 26 feet wide, widening to 32 feet at the end to provide an additional seven guest parking spaces, with 9 on-street guest spaces on San Antonio Avenue (the frontage road). The revised, 23-home concept plan is included as Attachment G and again, larger and in color, with Attachment J to allow for comparison with the original 26-home concept. A potential Lot Line Adjustment reflecting an alternative rezoning/Comp Plan re-
designation proposal and Draft Vesting Tentative Map associated with the 23-home concept are provided as Attachment H.

Residential Density
The development concept is not an allowed use per the City’s current zoning code (Palo Alto Municipal Code Chapter 18.12) and Comprehensive Plan land use designation. Per current R-1(8000) standards, 26 single family residences would exceed the allowable and the lot sizes would be 4,000 to 5,500 square feet smaller than the minimum lot size allowed for R-1 (8000) parcels. A density of 26 residences would also exceed the Comprehensive Plan's maximum density of 1-7 units per acre for single family residential uses. Based on the site’s existing Comprehensive Plan designation, the 2.65 acre site could accommodate a maximum of 18 single family residences; however, the R-1(8000) zoning would only allow, at most, 14 residences on the approximately 115,869 square foot site, if there were no roadways removing site area from availability for housing sites meeting minimum lot size of 8,000 square feet. If the Comprehensive Plan land use designation were amended from Single Family Residential to Village Residential, the maximum density would change to 20 units per acre, which would allow up to 53 units based the 2.65 acre site.

Alternative Rezoning
The P&TC may consider additional zone district classifications as part of its review, and there are several zoning districts that are more intense than R-1(8000) that would be allowed under the site’s existing comprehensive plan land use designation of single family residential. These are the standard R-1 zone (6,000 square foot minimum lot size) and R-1 (7000), and the R-2 zone (allowing for second dwelling units under the same ownership as the initial dwelling unit, or duplex development). The applicant has also suggested a potential alternative of retaining the single family land use designation for a small portion of the site abutting the R-1(8000) properties fronting Ferne Avenue, rezoning another portion of that site to allow smaller lots and higher density (at R-1 6000), and rezoning to RM-15 and re-designating as Village Residential for the larger portion of the site abutting the RM-15 zoned parcels fronting Byron Street to allow for even smaller lots and even higher density. However, staff is not recommending that any zoning alternatives be considered, since current Council policy regarding housing, discussed later in this report, does not support increasing density of any R-1 site to multiple family residential at this time.

Process for Development Review
The rezoning and Comprehensive Plan designation portion of the project is subject to review by the Planning and Transportation Commission and decision by City Council. If the site is successfully rezoned as requested, an ARB application and subdivision map could be submitted. The development portion of the project would only be subject to review by the Architectural Review Board (ARB) prior to the Director’s decision.

Any development project would be also required to comply with the standards for Leadership in Energy and Environmental Design for Neighborhood Development (LEED-ND) pilot program, assuming the development application were submitted during the term of the pilot program.
Housing Element and Population Concerns
At the P&TC's joint meeting with the City Council on May 12, 2010 (CMR 240:10), the City Council reviewed and discussed the ongoing work relating to the Comprehensive Plan Update, including the Housing Element, and provided guidance on how to approach the Regional Housing Need Allocation (RHNA). Council directed staff and the P&TC to not include R-1, R-2 and RMD sites for potential increased housing density, and to focus on sites within ½ mile of transit stations - if well served by transit or likely to be well served, as noted in the August 11, 2010 report to the P&TC on the Housing Element Update on potential areas for listing on the Housing Sites Inventory.

Therefore, staff is not recommending approval of re-zonings of R-1 zoned property, particularly those sites that are not likely to be served well by transit. Staff's recommendation for denial on this project is consistent with that Council direction. While bus service is provided within one-quarter mile of the project site, commuter rail service provided by Caltrain is associated with the San Antonio station in Mountain View, which is more than one half mile from the project site, and is not afforded frequent train service.

The intended development project, by adding to the housing stock by between 23 to 26 units, would cumulatively contribute to population in the area. The average household size in Palo Alto is 2.24 persons, which would mean the project could generate a total of 59 people. Based on the Palo Alto Unified School District (PAUSD) student generation rates of 0.75 students per single family detached dwelling unit and 0.7 per Below Market Rate rental unit, the project would generate 21 school-age children.

Therefore, based on the combination of poor transit access and a relatively significant population increase, staff believes that this rezone is inconsistent with the Council direction to focus increased housing densities near transit.

Community Concerns
The neighbors in both the adjacent and nearby single family neighborhoods, Greendell and Greenmeadow, respectively, have major concerns about the proposed Rezoning, Comprehensive Plan Amendment and redevelopment. Their correspondence is attached (Attachment I). The applicant has held several community meetings with these neighbors, sharing the two concept plans. The concerns included overflow parking into neighborhoods, impacts to school district, private streets, lack of regular train service nearby, and height of homes abutting the Greendell homes.

Transportation and Parking Analysis
A Technical Memorandum prepared by TJKM Transportation Consultants analyzed the potential impacts to the transportation system as a result of the redevelopment of the Peninsula Day Care Center site. A complete transportation impact analysis was not required due to the fact that the proposed project is estimated to result in a net decrease in both peak hour and daily trips. The existing facility at the project site includes seven single story structures used by the day care center. The existing day care center use generates an estimated 277 AM peak hour trips and 347 PM peak hour trips. The original concept for 26 residential units is estimated to generate 254 fewer AM peak hour trips and 317 fewer PM
peak hour trips. The traffic memorandum prepared by TJKM concludes that there will be no negative impacts at the site or at nearby intersections caused by the change in land use. The revised proposal would reduce vehicle trips.

The nearby intersection directly northeast of the project site at Middlefield Road and San Antonio Avenue is a busy intersection. The traffic memorandum prepared by TJKM studied the current level of service (LOS) for this intersection. LOS ratings were determined for existing, mid-term and long-term scenarios for both AM and PM peak hour conditions. The LOS ratings for each scenario is as follows:

1. Existing AM/PM peak hour: LOS C/E
2. Mid-Term AM/PM peak hour: LOS F/F
3. Long-Term AM/PM peak hour: LOS F/F

The current AM LOS is acceptable at LOS C, the current PM LOS is LOS E and both scenarios in the future can expect to experience LOS F conditions during the AM and PM peak hours. According to the traffic memo prepared by TJKM it is anticipated that trips would be removed from the intersection during each of the peak hours. Such a reduction would be expected to improve the future peak hour operating conditions at this intersection.

The development project concept shows two-car attached garages for each of the single family residences. The 26-home concept indicated a total of 52 parking spaces plus 9 designated parking spaces provided as guest parking spaces for a total of 61 parking spaces. Because only a conceptual site plan was provided as part of the application for the zone change and comprehensive plan amendment, limited information was provided regarding parking. The applicant would be required to provide a comprehensive parking plan as part of any ARB review application if the rezoning is approved. The revised concept would further improve the parking situation by providing driveway “aprons” for all units, which allows for additional off-street parking.

FINDINGS AND ALTERNATIVE:

Findings

The draft record of land use action includes the following findings why the project is not in accord with the purposes of Title 18 and the Comprehensive Plan, as follows:

- The existing zoning of the site, single family residential R-1 (8000), would allow for development of single family homes on larger lots (8,000 s.f.) and thereby maintain a balance of density adjacent to a neighborhood having the same zoning and density. The requested rezoning to RM-15 to enable a subdivision containing residential lots between 3,000 s.f. and 4,500 s.f. would more than double the density on a site intended for larger lot single family residential use.

- The proposal is for an increase in residential density for ‘village residential’ multiple family housing on a site having a Comprehensive Plan Land Use Designation of Single Family Residential. The proposal is not in accord with the Comprehensive Plan, since
Village Residential housing is not permitted in single family neighborhoods. Further, Goal L-3 text notes “Eichler homes were oriented towards private backyards” and encourages “protection of privacy if second stories are added” and states “in some single-story neighborhoods, second stories are not desirable.” Policy L-12 states, “Preserve the character of residential neighborhoods by encouraging new or remodeled structures to be compatible with the neighborhood and adjacent structures.”

- Comprehensive Plan Program T-3 states, “locate higher density development along transit corridors and near multi-modal transit stations.” The site is beyond ½ mile from transit station, so is not well served or likely to be well served by transit; therefore, rezoning a low density parcel to increase density of housing on the site is contrary to Council policy for location of more dense residential development within ½ mile of transit stations well served by transit.

- Council discussion regarding the Housing Element on June 23, 2010 included reiteration that denser housing should be near transit stations and direction to not rezone R-1 areas to higher density housing.

Alternative

Staff acknowledges that there are several positive components of the applicant’s most recent proposal for 23 homes. The homes adjacent to the one-story Eichler homes of the Greendell neighborhood would be single-story, much more compatible than the initial proposal. The driveway “aprons” would better address parking issues. And the overall site layout and density would provide a relatively appropriate transition from the Greendell homes to the school and multi-family zoned area. There are several Comprehensive Plan policies in the Land Use and Housing Elements that would support the proposal; these include Policy L-13 and Program L-13 citing village residential use, and Programs H-5 and H-11 regarding smaller lots.

If the P&TC is convinced to support this alternative, staff would prepare a draft Ordinance with findings in support and a draft Resolution for Comprehensive Plan Amendment with findings in support of the change to a multiple-family land use designation to allow for village residential development on the remaining, north-eastern portion of the site.

RESOURCE IMPACT:
Any development of the property would be subject to citywide traffic impact fees and the San Antonio/West Bayshore traffic impact fee. Impact fees to address impacts on parks, community centers and libraries would also be required. The City’s park-in-lieu fee and facilities fee is intended to offset impacts on park facilities, community centers and libraries from development projects. Subdivision projects are subject to payment of parkland dedication fees. If the property were “upzoned” the pending reassessment of the property value would result in a significant increase in property taxes. A fiscal analysis would be prepared for the Council report at such time as the proposal is forwarded to Council.

POLICY IMPLICATIONS
The proposed project is not supportable for two reasons. It is not consistent with the existing Comprehensive Plan designation for the site, and second, the Council has given specific policy
direction to avoid rezoning R-1 properties to higher densities. Furthermore, the closest train station to the site located more than \( \frac{1}{2} \) mile away from the subject property, in Mountain View, does not have frequent train service.

**ENVIRONMENTAL REVIEW:**
This project is subject to the California Environmental Quality Act (CEQA) requirements. Staff completed a draft Initial Study and Mitigated Negative Declaration (Attachment E), for the rezoning and also indicating the original concept plan for 26 homes. The document was made available for public review between January 28, 2011 and February 17, 2011, and no comments were received on the document.

**NEXT STEPS**
If the P&TC recommends denial of the application, the Draft Record of Land Use Action, as may be modified by the P&TC, would be forwarded to Council for action. If the P&TC wishes to approve the application, the environmental review will be updated and staff should be directed to return with a draft ordinance and record of land use action recommending approval of the rezoning and a draft Resolution to recommend the land use amendment to the Comprehensive Plan.

**ATTACHMENTS:**
A. Draft Record of Land Use Action (for Denial)
B. Site Location Map (showing existing zoning)
C. Comprehensive Plan Land Use and Circulation Map (excerpt)
D. Zoning Comparison Table
E. Notice of Intent and Initial Study/Draft Mitigated Negative Declaration
F. Applicant’s Project Description*
G. Applicant’s revised concept plan (23 homes)*
H. Proposed Lot Line Adjustment and Draft Vesting Tentative Map*
I. Neighbor correspondence
J. Zoning Exhibit, Color Site Plans (Commissioners and Libraries only)*:
   (a) original 26 homes
   (b) revised 23 homes

*prepared by applicant

**COURTESY COPIES:**
SummerHill Homes
Penny Ellson, Greenmeadow Homeowners’ Association
Srini Sankaran, Greendell Homeowners’ Association

Prepared by: Amy French, Planning Manager

Department/Division Head Approval: ________________

Curtis Williams, Director of Planning
525 San Antonio Rezoning and Comp. Plan Amendment*: Request initiated by SummerHill Homes on behalf of A&D Protocol Transportations Inc. for a Zone Change from R-1 (8000) to RM-15 (Low Density Multiple-Family/Village Residential) and a Comprehensive Plan Amendment to assign the Village Residential Land Use Designation to a 2.65-acre site currently designated Single-Family Residential and in use as a preschool/daycare center. Environmental Assessment: A Mitigated Negative Declaration has been prepared.

Ms. Amy French, Current Planning Manager: Good evening Commissioners. The proposal is to rezone a 2.6-acre site and assign a Village Residential Land Use Designation to allow development following the Village Residential development standards. This is the first request for the Village Residential Land Use Designation. A zoning table was provided as a Report attachment to allow for comparison among the standards for R-1 (8000), R-1 (6000), RM-15/Village Residential, and the project. Staff’s slide show includes images from the existing zoning of the area, which you can see on the screen here. I am going to go ahead and point with the fancy laser pointer.

This is the site. It is two parcels and is adjacent to the Greendell Elementary School, or former elementary school. Here is the Greendell tract of many Eichler homes. The Greenmeadow tract is on this side of the Cubberley campus. The slide show includes the Comprehensive Plan existing land use designation you will see the red box here. It has the single-family residential in the yellow land use designation.

Also we have the applicant’s revised proposal, which of late shows an interest in putting this piece as R-1 (6000) rezoned from R-1 (8000), and this part of the parcel being an RM-15 to allow for the Village Residential. This is the applicant’s revised 23-lot proposal showing six homes along the Greendell tract, and the remaining 17 homes in the Village Residential layout. The single drive, two driveway cuts onto San Antonio. This shows the preliminary map that would reflect that 23-lot concept. This is the 26-lot concept that they first came in with back in October.

This is a 2002 subdivision that was approved but has been expired for several years now for ten lots that originally came in. So I am going to take you back to the original image so you can have something to look at about the zoning. The applicant will also have a slideshow showing the project in more detail, and I believe photographs of the site.

Staff has provided written answers to Commissioner questions. The question topics included the use of LEED for Neighborhood Development Checklist to analyze the project. The Checklist is not required for this application since it did come in October. However, the applicant has said that they would prepare one. We have not received a Checklist for LEED-ND to help with the analysis.
Other questions included land use, school district capacity and interest in the parcel, allowable density under the site’s existing zoning, restrictions to the concept plan shown if the rezoning is approved, maximum house size and comparison to the Alma Plaza homes, and whether any follow up review by the Planning and Transportation Commission would occur if the rezoning is approved by Council.

Staff did note that the environmental document on the rezoning and the original 26-home concept would remain valid if the rezoning, and Comprehensive Plan designation, and the 23-unit concept were approved by Council, as any impacts would be less than the impacts that were already identified.

As far as the school issue the discussion of the Housing Element and population concerns on page 7 of the Staff Report includes a sentence that starts with, “Based on the Palo Alto Unified School district,” and continues from there. An excerpt from the initial study explanation about public services, which the environmental document did explain Staff’s finding that there would be no significant demand for school services therefore a less than significant impact was noted in accordance with CEQA. Attorney Silver has more to say regarding consideration of the project relative to schools. I want to say there was a letter submitted by owner and Director Williams will address that.

So Staff’s recommendation is provided in a Draft Record of Land Use Action for denial, and it was provided for the Planning and Transportation Commission to discuss and perhaps modify as desired to forward to the City Council. If the Commission believes as Staff does that the request is not in accord with the purposes of Title 18 and the Comprehensive Plan. If the Planning Commission agrees with the Staff’s recommendation to deny the rezoning the written findings and recommendation of the Planning and Transportation Commission will be forwarded to the Council within 30 days in accordance with our Municipal Code.

Alternatively, if the Planning and Transportation Commission instead initiates the rezoning and determines a Village Residential Comprehensive Plan designation can be supported Staff would then prepare a draft Resolution and Ordinance for the Commission’s review and recommendation at a future meeting. I will now turn it over to Curtis.

Ms. Cara Silver, Senior Assistant City Attorney: Thank you. Since this project involves a housing project that is adjacent to a school district and many of the public members have commented on school impacts I did want to just outline the Commission’s purview in this area.

There is a state law that prevents the City from denying a project based on school impacts. We have discussed this in the past. I just wanted to remind the Commission of that state law prohibition. We are required to analyze population increases and school impacts. In the environmental documentation there is an evaluation of that to this particular project and has not found an impact on school services nor a population impact to the extent there would have been an impact. Again, state law proscribes the ability of the City to mitigate those impacts by imposing school impact fees, and that is really the extent of the City’s ability to mitigate any identified school impacts.
Now I will turn it over to Curtis.

Mr. Curtis Williams, Director of Planning and Community Environment: Thank you. Commissioners, I just wanted to respond. I know you received a letter from the current owner of the property and in that letter there is a statement that Staff encouraged the proposed development that has come before you tonight. I just want to clarify that first of all that is a pretty significant overstatement I think of the Staff’s actions and positions on this request. I am not sure it was exactly intended that way in any event, but just to respond to it.

Early last year I think it was we were getting a lot of inquiries about this property. Most of the potential purchasers were interested in multifamily development that was in the RM-30 and sometimes even RM-40 density range. We indicated I think uniformly to all of those, and there might have been a half dozen or so that saw us, that there is no way that we could support something like that. SummerHill came in and they talked to us about RM-30 zoning and RM-15 zoning. We indicated that RM-15 did have or there were some advantages to looking at a transition that would serve as a better transition than an RM-30 or RM-40. We did indicate to them that even better than that was a Village Residential which is more restrictive, it is 12 units per acre maximum, but that what they would need to do is they would need to show that they could make that transition from the Eichler homes on the one side to the multifamily on the other, and that they would need to work with the neighborhood to see what the neighborhood would feel about it. We did not take a position on the project per se, but we indicated that if they were looking to change zoning that those were probably some of the issues they needed to address, and we talked about some other detailed issues.

After that time the Council and Planning and Transportation Commission jointly at one point had a meeting to talk about housing sites, potential housing opportunity sites where we could intensify zoning to accommodate more housing. Then the Council ultimately in late June of last year did set some direction for what we should look at. A couple of the key criteria that they came up with were number one, new or intensified housing should be located close to transit, areas that were well-served in fact was the word they used by transit. Secondly, they did not want us to intensify our existing R-1 zoning sites. I think we probably were a bit delinquent in getting that word directly to this applicant, but nevertheless they were going through the process with the neighbors. There were a number of neighborhood concerns raised, some of which I think they have addressed and some of which they have not at this point. Subsequent to that, later in the year, we did meet with them and talk to them about the fact that Council had provided this direction, and because of that and because of the adverse neighbor’s response that it looked to us likely that we would not support this project.

I also would point out that we did have some discussion about the fact that the school district had or there had been some word that the school district might be interested in this parcel. Subsequent to that we determined that that was not something that we could not consider as part of our deliberations, and the Commission cannot consider it part of theirs. In fact, the school district told us they didn’t have anything going that way and we should proceed with our process. So here we are. Ultimately, clearly it is the Commission’s, as we always tell applicants, and
Council’s determination as to whether this is a good fit for this property or not. That is a summary of the history. Thank you.

Chair Tuma: Okay, great, thanks very much for that presentation. At this point we will go to the applicant. My understanding is they have a presentation. You will have 15 minutes in the beginning and then after public comment you will have an additional three minutes for any wrap up or any additional comments you want to make. So when you are ready we are ready.

Just as a reminder to the applicant and also members of the public, as you begin to speak a light will go on, it will be a green light. When you have one minute of time left that will change to yellow, and at that point you should be thinking about wrapping up your comments. So with that welcome. Please state your name for the record and we will get going.

Ms. Katia Kamangar, SummerHill Homes, Applicant: Thank you. Good evening Commissioners and Chair Tuma. I am a Senior Vice President and Managing Director with SummerHill homes based here in Palo Alto on California Avenue for the past 35 years.

I would like to start off thanking Staff for all of their efforts on our proposal. Notwithstanding the tremendous respect I do have for your Staff we were disappointed with the recommendation and have to respectfully disagree with it. We believe that we have a compelling basis for our request. I plan to show you this evening how our requested actions are consistent with the City’s goals and guiding documents, how the site given its location and adjacencies, access to retail and transit, is an appropriate location for the requested density of 23 homes, and to respectfully request your recommendation of approval on our application.

As you are undoubtedly well aware as part of the Regional Housing Needs Allocation program the City of Palo Alto needs to provide its fair share of housing units needed to serve the Bay Area’s growing population. Not unlike other cities on the peninsula Palo Alto is fairly built out we all know, which means that planners and developers have to just get that much more creative in identifying where housing opportunities could lie whether it be from conversion of a nonresidential use or potentially an intensification of an existing residential zoning designation, as is the case here before you this evening.

We recognize that Palo Alto is also in the middle of a four-year Comprehensive Plan and Housing Element Update process and that discussions are underway. My comments here tonight will be in relation to the existing Comprehensive Plan and Housing Element since those are the documents that have not been updated yet, until such time that they are I am going to be using that as my context.

So let’s start in with the Comprehensive Plan and Housing Element. The key question here is where do we find sites that have the necessary characteristics to be good housing sites, good access to multiple forms of transit, services within walking distance, ones that can withstand intensification in density without placing an undue burden on the existing residents. I am here this evening because we believe that 525 San Antonio Road has all those characteristics, and in fact it does support a number of the Comprehensive Plan goals and policies you have in place. While there are others here, a few of the key ones that I wanted to highlight for you from the
Comprehensive Plan specifically. Our approach is directly in line with Policy L-6 and Program L-4 by providing a gradual density transition. I will illustrate that in greater detail for you later in my presentation. We utilized the Village Residential as Curtis mentioned, and as it is referenced in Program L-13 using small single-family homes and that is directly in support of this policy and program.

Regarding the Housing Element, and I am not going to read these slides. Obviously there is just too much text here. I will highlight that our proposal furthers Goal H-1 certainly by providing 20 market rate and three below market rate housing units. We are consistent with Program H-1 given that the site is within walking distance of the San Antonio Caltrain station. In fact, this program in particular really states very clearly to us that increased housing density along San Antonio is desired. Both Goals H-6 and H-10 also point to increasing densities and smaller units for families and children. Our use of Village Residential on small lots really supports that goal by offering a different home type that is currently found in this particular neighborhood. Our proposal is also in keeping with Program H-36 by setting aside 15 percent of the units as below market rate.

Now let’s turn to the zoning and the surrounding land uses. Here is a picture of the property. Most of you are probably quite familiar with it right on San Antonio Road. Here is an aerial view of the site kind of to illustrate the context here for you. Here is the site and here are the existing Eichlers that back up to the site as well as the apartments adjacent along El Camino. So the site is on one of the city’s main arterials, obviously San Antonio. It carries about 20,000 vehicles per day. With respect to the land uses they are varied. On the west you have the Eichlers under single-family R-1 (8000). On the north you have the school owned property. To the south and to the east you have RM-15 apartments, townhomes, as well as commercial uses, and then RM-30 over here.

So on one side you have the R-1 (8000). I have some imagery here from the Eichlers that back up to the site. Sere is the other side, which is apartments and these are 22 units to the acre. So clearly we are in between two very different residential density designations. This is what led us to the proposal that we have before you. Across the street there is also San Antonio Village, townhomes and office use, and the Rosewalk townhomes across the street as well.

Here I am highlighting some of the surrounding zoning designations again for you to illustrate the proposed project site here in white. The R-1 (8000) is here, RM-15 in the light green, which is 15 units to the acre and office uses, and RM-30 over here off to the left. So the purpose of the Village Residential is to “serve as a transition to moderate density multiple family districts, or districts with nonresidential uses.” As I showed that is exactly where our site is. It is next to multifamily on one side, commercial uses, and then lower density residential on the other. Under the Village Residential the permitted densities range from eight to 12 units to the acre. So our proposed project is really based on an overall density of 8.6 homes per acre and what I would say here is that clearly it is not high density residential, as has been mentioned by some. It is in progression, going from left to right we looked at the density. You have the Eichlers here approximately four units to the acre, here is our site. The ones that are crosshatched here on the left illustrate the fact that we have offered to do single story homes there. So that brings the density of those down to 7.4 units to the acre. The rest of the site being at nine units to the acre,
and again to the east of us is an existing 22 units to the acre. So a progression in densities and
that is in direct response to the comments received from the neighbors, concerns over privacy.
So we feel that this is an appropriate use for Village Residential zoning designation, and it does
achieve the intended Comprehensive Plan objectives of not having broad changes in density
designations, as I earlier alluded to.

So in addition to being in a transitional area, major arterial, the site has great access to various
forms of transit. Although the Staff Report states that it is not considered transit-oriented
development per the pure definition the site is clearly within walking distance of numerous
transit stations. This yellow circle here is a half-mile radius. The site is shown in blue. While
that is half acres that you see there between us and the San Antonio Caltrain station the walking
distance is yes, .58, but I have walked it. It is a nice 15-minute walk. I would argue it is
definitely in the zone and the intent, and very suitable for slightly increased density.

The site also has great access to neighborhood services and retail. A website called Walk Score
(walkscore.com) that rates walkability of different locations. Here what we are seeing is the City
of Palo Alto between these lines here, the blue lines, our site is down here with the little star.
Zero to 100 with anything over 70 is a great walkable neighborhood. The darker green is the
most walkable. That is downtown, University Avenue, California Avenue. What you see here is
ours is also very walkable and that is because right at Charleston and Middlefield you have nice
shopping, grocery stores, and so on and so forth. So here is our score, it is 78, very walkable.
What I would also like to point out is on their exhibits as well it says transit is within .58 miles of
the site. So very, very close proximity.

Regarding neighbor outreach we engaged with the surrounding neighbors in various formats for
the last six months. Back in the fall we reviewed our initial site plan, which had 26 single-family
homes all two story. The main concerns we heard at that point were school capacity, density,
traffic, parking, loss of privacy potentially for the Eichlers, and potentially setting precedent
having two story homes backing up to the Eichlers. So we took this initial input and looked at
ways to address the concerns raised. Over the past few weeks we had additional meetings with
both Greendell and Greenmeadow. Along the way of course we had several other meetings as
well with our neighbors individually.

What we did in response to the neighbor concerns raised is we introduced, as I mentioned earlier,
single story homes all along that R-1 interface with the Eichlers. That significantly I think takes
the temperature down in terms of concerns with privacy, understandably. We reduced the home
count from 26 to 23. We also introduced 20-foot driveway aprons for all the homes. Initially
some of the homes had more of a five-foot type of driveway apron where you can’t park a car,
and neighbors were concerned that there would be spillover parking into their neighborhoods.
So by introducing full driveway aprons we significantly improved the ability to park cars within
the subdivision. I feel that most people felt that these are very welcome changes and well
received.

So our proposal is consistent with the goals and policies. It is very walkable and well served by
transit, addresses a number of neighbor concerns, and the other thing is that the proposal has very
limited potential impacts as confirmed by the City’s environmental analysis. Under the Land
Use category, which is the diagram I have up here, they have identified no potentially significant impacts in terms of inconsistencies. Under Public Services here highlighted with a little blue thing around it are school impacts at the project level and cumulatively speaking are not considered potentially significant. For context, just looking at it with the current zoning allowing 14 units, and using the City’s and the Palo Alto School District’s student generation rates 14 homes would generate 11 school age children. With our proposed project of 23 homes we would generate 17 school age children. So the difference between the current zoning and our proposal is six students, which is why the school impact was found to be less than significant by the City’s environmental analysis as well as the school district, frankly.

Under the Traffic category, I wanted to touch on this as well because it is extremely unique. It is rare to find residential development proposals that generate no new traffic. The reason for that is of course is that the site is currently used as childcare center with over 300 children, 50-some employees on it Monday through Friday on a daily basis. Based on the traffic study that was done, which I will also state was done during school hours when school was in session, the actual traffic counts show that with the proposed development it would generate one-tenth, less than one-tenth of the traffic that is currently being generated by the current use. So I think those are very compelling factors in that the City’s own documents point to the fact that it is quite a low impact residential development. We feel that it is appropriate in the context of the adjacencies and access to retail, access to transit, and we would request your approval this evening.

I would like to offer for Mr. Herman Shaw to get up and just speak for a few minutes. He is the property owner. If that would be acceptable and I still have time.

Chair Tuma: There is one minute remaining on your time.

Mr. Herman Shaw, Palo Alto: Good evening Commissioners. Just to clarify the point, I am not the property owner.

Chair Tuma: Sir, if you could identify yourself for the public record.

Mr. Shaw: My name is Herman Shaw. I live at 2077 Williams Street in Palo Alto. I have been associated with that particular site well over 45 years, but as far as the childcare operation it is in its 37th year. I am not the property owner. My wife who passed away recently the property was designated to her heirs and to her children, although we had worked together for a number of years. The actually development of the property is not within my purview. I can only say that we have cooperated with SummerHill in respect to wanting to do exactly what they thought was best as far as the parents, the children, and the people that were associated with our center were concerned. When they approached us a year ago indicating that they had an interest in buying he property, and that the property had basically been sold to them, we began to cooperate with them with respect to what the future of our center was going to be. Am I done?

Chair Tuma: If you could just go ahead and wrap up your thoughts.
Mr. Shaw: Okay. Anyway, we cooperated with notifying parents a year in advance of closure. We provided on March 3rd a daycare fair for each parent that wanted to attend. Approximately 83 percent of the parents attended. There were 29 different caregivers there each separated with their private table, etc. So that all the parents that were involved in our center could have an option to see what was available in the entire Palo Alto and the surrounding area.

With respect to traffic, Katia touched on that. Currently as of last Monday we had 336 children onsite and the majority of those children come in single-family cars both to and from our center in the morning and in the evening. Also, our buses make 28 trips a day from the center to the various schools going and coming. We do not bus from home to school but we do bus to about 13 different public schools in the area for those children in our school age program.

So just to recap it all, we have served about 12,000 children in our 37 years. It has been our passion to provide the best service possible. We support this project because we feel that it is time to move to other areas and do other things that we might want to do in our shall we say twilight years of life. Thank you.

Chair Tuma: Thank you. Before we go to the public I want to welcome Commissioner Keller who joined us at approximately 6:30. Before we go any further I believe he has a disclosure that he would like to make having joined us.

Commissioner Keller: Thank you Chair. I had a conversation about a week and a half ago or so with Mr. Baer talking about his work with the developer here. He said that it was currently a daycare center and he said it was about three acres and that there was an option price of $9.0 million on the property. He and/or the people who were working with the developer met with the business manager of the school district and there was a discussion about the nature of the amount of land for a new school. He mentioned, Robert Fried, President of SummerHill Homes. He talked about the potential for Village Residential. He said that unlike some of the other developers in Palo Alto SummerHill is good on, as he put it, fence-line issues and in terms of the adjacency to Ferne is one story, he mentioned that. The question to address is whether we should increase the density of the land and that potential on the value of the land, but I am not sure that is really for the purview of the Planning Commission, but it is a land use issue whether it should be up zoned and not necessarily related to the quality of plans.

I also had a conversation earlier today with Penny Ellson who pointed out that there are developments on the Mountain View side of this sort of Mountain View-Palo Alto border. We are aware of the Mayfield site development that came before us, but we are not directly aware of the developments that are going on at the San Antonio Center at San Antonio and El Camino. Apparently there are proposals for increased development in terms of housing and in terms of additional retail. The question that she asked me and for which I didn’t have an answer was when we compare in terms of baseline and comparison, do we compare it to the existing which is I am not sure if it is a conforming use or a nonconforming use, but do we compare it to the existing use or do we compare it to the existing zoning? Perhaps at some point the City Attorney can answer that question. That concludes my disclosure.
Chair Tuma: Okay, thank you. With that we will go to the public. At this point I have 15 cards. If there are any other members of the public who would like to speak this evening please submit a card. We will take those for about another five minutes.

I will call the speaker and then the person to follow them. If the person to follow the current speaker could come sit down in the first row here before they speak that would help facilitate things. Again, as you approach if you could state your name for the record and you will have three minutes. Our first speaker will be Sandra Scaling followed by Osborne Hardison. Welcome.

Ms. Sandra Scaling, Palo Alto: Thank you, Commissioners. Good evening. I am a resident. I am not a member of the Greenmeadow neighborhood organization or Greendale. I am very impressed with the neighborhood community spirit that is here. I live on the other side of San Antonio Road. I live in the San Antonio Villages townhouses. So my issue with any property that is developed in this area is the impact on the traffic on San Antonio Road.

I am also concerned about there are 300 children in daycare at that daycare center. That daycare center has been active for as long as I have raised my children in this area. So I am concerned what is happening with those families.

San Antonio Road is the major thoroughfare for trucks in and out of our community to Los Altos and Mountain View. It is the primary road that is used by the major trucks. That is the zoning of that road. I don’t know what that is but I do know that because the other arteries are Rengstorff and Embarcadero and those roads are not for trucks. San Antonio is. San Antonio was just beautifully redeveloped. Unfortunately they forgot to put the bike lane in the middle. It may be a walker friendly area neighborhood according to the internet, but as someone who lives there, and now with the new school there, which has been an excellent addition to that community area it is not a very safe neighborhood to walk through.

Transit is marginal. I cannot take the bus from there to my place of work at the VA Hospital. It is quicker for me to ride my bike than it is to take the bus. The train is out of the question.

I am worried because this is an access road, a major access road. As evidence we have just had a major earthquake in Japan, this is a major access road in the event of an earthquake. There are no other arteries in or out. Developments, pieces of property in Mountain View behind the Toyota dealership that are vacant and the HP site are huge pieces of property. I am asking the Commission to be mindful, creative, and innovative when approving our future sites for future housing, future developments, and the impact on our schools. I

See advertisements on 101 advertising live here, send your kids to Palo Alto schools. I come from a generation where they were closing the schools, and we were telling the school district please keep them open the city will change. Young people will come, and they are here, and our schools are feeling it. My son is a teacher at Gunn High School. Thank you for your time.

Chair Tuma: Thank you. Osborne Hardison followed by Warren Storkman. Welcome.
Mr. Osborne Hardison, Palo Alto: Actually I have a slide I wanted to get up. I am homeowner from Palo Alto. I have been a homeowner since 1995. I live in the Greendell neighborhood. First off I just want to touch on a couple of corrections I think to the SummerHill presentation. They are not on or the project is not located directly on San Antonio it is on a little service road off of San Antonio so the impact on traffic might be a little bit more than implied just being able to get right on San Antonio there.

The San Antonio station, as you probably all are aware has also been on the list to be closed by Caltrain, so the implication that that is going to be around might not be so true in the future.

Specifically though I wanted to discuss kind of the proposed development from the standpoint of its impact on the neighborhood in South Palo Alto, specifically with regard to fair share. I went through and looked at Census data from 2000-2010 and came up with the chart that you see up there. It shows that the overwhelming number of new homes in the area have been on the South Palo Alto side of the city. When you take into account the impact of more houses and what it does to the schools, the traffic, the infrastructure, and you are thinking about fair share think about what we have already been burdened with in South Palo Alto. That is pretty much what I wanted to talk about.

Chair Tuma: Thank you. Warren Storkman followed by Srini Sankaran.

Mr. Warren Storkman, Palo Alto: I live in the Fairfield Estates, which seems to be overlooked many times. We are a group of several homes in there. When I bought my property back in 1954 we were given the impression that this part of the city was going to stay R-1 8,000 square foot lots and ever since then everybody tries to encroach upon that and cut the size of whatever they want to do down. Unfortunately I guess the battle is in Oregon Avenue. When the city was divided in two, when they decided to build Oregon Avenue as most of you probably know the haves and the have-nots. We are in the south of Oregon Avenue and with the have-nots and we accept all the unlikely things like we want to have such as the gentleman just mentioned. We are getting an overabundance, crowding in the area. I just want to say that I would like to see it stay R-1.

Chair Tuma: Thank you. Srini Sankaran followed by Marlene Kawahata.

Mr. Srini Sankaran, Palo Alto: I am the President of Greendell Community Association. As you can see Greendell is the neighborhood that is right next to 525 San Antonio Avenue. We have about a little over 100 homes in that community, and six of them are fence line neighbors of 525 San Antonio.

Next slide, please. Greendell is overwhelmingly opposed to rezoning 525 San Antonio Avenue from its current R-1 (8000) to any higher density housing. Why? There are several reasons and I will mention a few because we have only three minutes.

The first is schools. South Palo Alto has had an enrollment expansion. Let me focus on elementary schools and our own neighborhood elementary Fairmeadow. There has been roughly a 25 percent increase in the number of Fairmeadow area elementary school students/residents in
the last five years. That is an increase of 121 elementary school student residents. It is rather an understatement to say that the school district has a major challenge in handling this growth. Increasing the density of housing in this area will make the problem worse.

Next is the general increase in housing in South Palo Alto. We all know that the bulk of recent housing has been in the south. Between the recently built and the proposed to be built we are looking at about 1,000 units in just a few years. It is not just the schools but almost all public facilities in South Palo Alto are difficult to get. For example, just like many people in Palo Alto I play recreational sports. I coach kids’ sports and such. Getting a playground reserved has been just extremely difficult. I just found out yesterday that playgrounds at Cubberley are booked five months in advance. We are already seeing a deterioration in quality of life due to disproportionate increase in housing in relation to the public facilities we have, adding more density than what we have planned before in the Comprehensive Plan will be not a good thing.

Third is the traffic on San Antonio Avenue. San Antonio Avenue is a border street between Mountain View and Palo Alto. We can’t just take Palo Alto. In Mountain View along between Middlefield and El Camino 475 new housing units have been built in recent years. About 900 new housing units, and another 100,000 square feet of office or retail space is planned for expansion soon. So just think about that for a second, roughly 1,400 new houses, and 100,000 square feet of new retail space between Middlefield and El Camino on San Antonio. We think adding more previously unplanned houses to pour into the already crowded street there would make our neighborhood traffic even worse.

In summary, we think making a Comprehensive Plan Amendment to 525 San Antonio Avenue to higher density housing is not good for our community. Thank you.

Chair Tuma: Thank you. Marlene Kawahata followed by Neharma Treves.

Ms. Marlene Kawahata, Palo Alto: I live on Calcaterra Place. I would like everyone to stand up who is here, not everyone is going to talk, but there are a lot of people who took time out of their busy day to come. Could we all stand up and show you how many people are actually here, all objecting to this rezoning. So make a note of that.

I as I said object to the rezoning. It is going to tremendously impact the San Antonio Road. We have lived here since 1993 and I have seen a big increase in traffic already. With these 900-plus new units coming in a very close area around San Antonio there is going to be a tremendous effect. What is in it for Palo Alto to increase this density on this piece of property? Do we get anything out it? Is it of any use to us at all?

Another thing I want to say is I object to them having a private road. I know the Charleston condo units on Charleston and El Camino there is a problem with the neighbors parking on that property. I am sure that will affect Ferne. There will be people in that complex that will be parking on Ferne and causing lots of problems with those private roads.

When people ask me what part of Palo Alto I live in I say I live in the Wal-Mart size of Palo Alto because that is how I think we are treated. Thank you.
Chair Tuma: Thank you. Neharma Treves followed by Linda Lingane.

Ms. Neharma Treves, Palo Alto: I live on Ferne Avenue and it abuts the daycare center. Before I moved we had rented a house at 381 Parkside in Greenmeadow. We fell in love with the neighborhood and we decided to purchase a house, which we did in 1987. That year we continued to remodel it and we enjoyed it very much. Since then we enjoyed not only the house but also the neighborhood that was associated with low-density housing area, and outstanding neighbors. I would like also to say that we enjoyed the children in the daycare whose voices we hear during the daytime until five o’clock. By then everything calms down and quiet like in a park surrounds us. We would like to keep it that way. Everybody who supports me please stand up. Thank you, and thank you.

Chair Tuma: Thank you. Linda Lingane followed by Lisa Steinback.

Ms. Linda Lingane, Palo Alto: Thank you. First of all I would like to thank the Commissioners for taking the time to listen to us all.

I would like to have you takeaway two words from my presentation, and that is right balance. I want to make a distinction actually between what SummerHill was talking about about a transition because they are right in terms of numbers that it would be a transition, what they are presenting. But I want to make a different point. I would like to have the audience as well as you just take an experiment to make a point, very briefly. To let go of anything in your hands, please. Let go of everything in your hands. Then to clench your two hands into a very tight fist, and please do that. Please try. Just experiment with it. Clenching your hands into a very tight fist and then let go. When you let go look at your hands, notice what your hands look like. Now if you could clench your hands a little bit less than before, and the reason I am asking you to do this is so you can feel the difference. Let go. Then do the opposite, spread your hands very wide and let go. You can feel what the point I am trying to make is that human beings are beings of balance. They want their hands to be in balance. It is when you stretch too far, you clench too tightly it is unstable. You can’t keep it that way. You want to come back to balance. Other examples might be you don’t want food to be too salty or you don’t want it to not have enough salt. You don’t want favorite tools to be too high or too low, you want them right there in balance.

The stability is the thing that I wanted to point that I think is behind all these neighbors. The R-1 zoning that is there now is stable. I have been there 30 years and a number of people around me have been at their homes for a very long time. So the lot size is almost proven because of that stability to be the right balance. It is the right size.

Stability means that we are attached to our homes. We take pride in them and all of us do. We are willing to invest ourselves in the homes. It is not just a place to live it is our place to live. We want to be there for a long time. That sense of ownership spills over into the neighborhood.
I called a number of people yesterday in my area, a number of us are here and some of us could not come, but we are a few blocks away. We still felt so concerned. When I called maybe 20 people every one was concerned. So right balance please. Thank you.

Chair Tuma: Thank you. Lisa Steinback followed by Penny Ellson.

Ms. Lisa Steinback, Palo Alto: Good evening I live on Creekside Drive, speaking for Greenmeadow Community Association. The following position statement was approved by Greenmeadow Community Association last evening with 63 residents present, 60 voted in favor and three against. Greenmeadow Community Association supports Staff’s recommendation to deny the applicant’s request for a zone change from R-1 (8000) to RM-15 low-density multifamily Village Residential, and a Comprehensive Plan Amendment to assign the Village Residential land use designation. Staff’s recommendation is consistent with the current Comprehensive Plan, and with the recently updated Zoning Ordinance, and with direction that Council has provided regarding the Housing Element Update.

Further, we do not support any alternate zoning change to this site that might increase density of the project. The developer is not entitled to this increase based on the current zoning and Comprehensive Plan. Housing and number of square feet built in South Palo Alto during the term of the current Comprehensive Plan is already more than twice the number of units that were projected in the Comprehensive Plan EIR and Housing Element. Number of square feet developed in South Palo Alto overall already exceeds the volume projected in the Comprehensive Plan. Approval of this project will exacerbate a critical problem of unplanned housing development, and already is affecting South Palo Alto schools, playing fields, space availability, and transportation systems.

The purpose of zoning is to provide predictability of land us for planning purposes and to protect the rights of nearby property owners. Not simply for direct impacts on adjacent properties like privacy, use, and noise concerns, but also for long-term city planning purposes. For development of community services and infrastructure that support education, recreation, transportation, etc. Repeated unpredictable up zoning of smaller sites of the request of developers on South Palo Alto has created an aggregate growth scenario that was not planned for. Over the last ten years this has undermined resident’s trust in the City’s commitment to the Comprehensive Plan and zoning. More important, it has undermined the usefulness of those policy documents for planning purposes, particularly with regard to transportation, playing field space, and school enrollment. We ask you to demonstrate with your decision today that the Comprehensive Plan and Zoning Ordinance mean something that we can rely on. Thank you.

Chair Tuma: Thank you. I would like to remind members of the audience that we prefer to have an environment where people are free to speak their minds, and we ask that people neither applaud nor boo so that all positions can be hear, and people can feel comfortable stating those positions. Thank you. Penny Ellson followed by Wendy Kandasamy.

Ms. Penny Ellson, Palo Alto: Thank you. I live on El Capitan Place and I am here for Greenmeadow Civic Affairs Committee. I want to first of all thank Staff and the applicant for taking time to meet with us and help us understand what is being proposed here.
Within the lifetime of this Palo Alto Comprehensive Plan the City of Mountain View has built and/or approved a number of massive TOD projects on South Palo Alto’s border. The Crossings 359 units, you will see up here. The San Antonio Circles project 118 units where built within the half-mile radius of the train station. In addition, in the last five years Mountain View has approved a Final EIR for the Mayfield Mall, former Hewlett Packard site that permits up to 530 units, which has not yet been built. They are also processing a Draft EIR for the San Antonio Shopping Center, which would permit an additional 100,000 square feet of retail/office space and 350 new apartments. Much of this development was achieved through Mountain View Precise Plan Amendments, and therefore was not accounted for in the current City of Palo Alto Comprehensive Plan EIR Impacts Analysis.

These projects will certainly impact San Antonio Road at Alma, Middlefield, and Charleston intersections. The traffic study for the Mayfield Mall EIR subtracts trips for that site’s current use, which have not been on the road in more than a decade. So the actual automobile impacts of the massive Mayfield Mall project really are unknown. Neither project projects significant auto impacts at the San Antonio-Middlefield intersection. We are skeptical.

Each of these projects relied heavily on access to the train station to justify higher density. This is worrisome because South Palo Alto has experienced, since the train station has opened, repeated reductions in train service to this train station. This is usually associated with the addition of Bullet Trains, which bypass San Antonio station. The recent proposal by Caltrain to close the station raises serious questions about the long-term viability of that station. So we are concerned. We are also concerned about the lack of funding solutions for a long-term station there.

In addition, the VTA 35 and 32 bus lines serve this area because they are designed to serve the train station. So it is not really clear even if we will have the bus service once the train station goes, if it does. So even with the train station it is stretch to characterize 525 San Antonio as having good transit access. It outside the half-mile radius from the station on a high-volume arterial truck route, as you have heard. The pedestrian route to the train station crosses an expressway at grade, not a pedestrian friendly environment. The traffic study for 525 San Antonio – I am going to have to stop here.

**Chair Tuma:** Wendy Kandasamy followed by Shirley Eaton.

**Ms. Wendy Kandasamy, Palo Alto:** Good evening Commissioners. The traffic study for 525 San Antonio indicates that the project will yield no negative auto traffic impacts in the proposed project when compared to the current use would actually reduce trips. While this is true, we think the comparison is inappropriate. T

he study compares the project to a grandfathered, nonprofit use, which is no longer permitted, which provided a significant public benefit that is in very short supply, affordable local childcare and preschool services. The community accepted the very significant traffic impacts and inconveniences of the previous project because the benefits the facility provided were so important to the community. The same cannot be said of the proposed project. We believe that
the project should not be compared to the previous use, but to the use for which the site is zoned. In that comparison the project would increase transportation impacts.

Further, we ask the Commission to consider projected combined impacts on San Antonio aggregate approved Mountain View projects, recognizing that the San Antonio-Middlefield intersection is already stressed and that the approved Mayfield EIR by subtracting trips that may not have been on San Antonio Road for a decade fails to measure the actual auto impacts that the Mayfield project will have on this intersection. Further, it should consider the potential impacts of the San Antonio Shopping Center growth. That EIR is underway.

The exit from the project via San Antonio Avenue to San Antonio Road already is dangerous to navigate. It will be more so as these other massive projects move forward. This is an important consideration.

The site plan presented by the developer includes a gate to the Greendell campus, which the developer presents as access to Cubberley. This would be an improper characterization of the connectivity provided by this gate. PAUSD policy limits this use. It says visits during school hours should be first arranged with the teacher and principal or a designee. To ensure the safety of students and staff and avoid potential disruptions all visitors shall register immediately upon entering any school building or grounds when school is in session. Further, any change to campus access like this gate would have to go through a facility review by PAUSD and cannot be assumed to be acceptable. Even if approved, it could not be assumed to be permanent because future plans for the Greendell site are unknown. A review of several years of public district documents regarding enrollment growth and facilities planning reveals that the site requires major renovation and has been identified as one of two top choices for a future elementary school site. Further, a review of such gates – thank you.

Chair Tuma: Thank you. Shirley Eaton followed by Martha Sbarbori

Ms. Shirley Eaton, Palo Alto: My husband and I have lived Shasta Drive since 1974. I was Penny’s predecessor as co-chairman of the Civic Affairs Committee and was therefore responsible for a good many of the events that you learned about in the history of Greenmeadow including the single-story overlay, and the conversion of Cubberley High School to Cubberley Community Center.

To continue with the Greenmeadow point. Further, any change in campus access like this gate would have to go through a facility review by PAUSD and cannot be assured to be acceptable. Even if approved, it could not be assumed to be permanent because future plans for the Greendell site are unknown. A review of several years of public district documents regarding enrollment growth and facilities planning reveals that the site requires major renovation and has been identified as one of two top choices for a future elementary school site. Further, a review of such gates at other elementary school campuses during off hours indicates that many PAUSD sites lock their gates after school hours. A gate that connects to property owned and controlled by another body should not be construed as providing connectivity to a City of Palo Alto Community Center as that gate could, and probably would be closed and locked at most times of day except school commute times.
The developer has argued that the location on San Antonio Road cannot justify this evaluation that a single-family development would require. However, families are having single-family homes right next door in the Greendell neighborhood with some proximity to San Antonio and they are doing extensive remodeling on top of purchase price at market rates. We think this is evidence that the market does support single-family valuation at this location. The City has no obligation to support a developer speculative bid that may depend on up zoning. So therefore we ask that you keep the current zoning and do not upgrade it. Thank you.

Chair Tuma: Thank you. Martha Sbarbori followed by Lanie Wheeler.

Ms. Martha Sbarbori, Palo Alto: I live on Ben Lomond Drive, Greenmeadow Neighborhood. I have lived there since December of 1976, which puts me at over 34 years.

Aggregate housing growth. Conflict with any applicable land use plan, policy or regulations 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, report cites less than significant impact. We respectfully disagree. The requested up zoning will more than double the zoned use of the project. Taken by itself this might not have created a negative impact, however this project must be viewed in aggregate with all the other projects that have been approved above and beyond growth that was assumed in the Comprehensive Plan Housing Element and EIR in recent years.

A cursory review of the number of units in South Palo Alto in the Housing Element reveals that through multiple Individual Review Processes that also did not consider aggregates multiple projects were approved that were not studied in the EIR. When we look at these newly built projects in aggregate we see that the housing built in South Palo Alto during the term of the present Comprehensive Plan is already more than twice the projected number of units and square footage.

In essence, through repeated decisions to approve up zoning of small projects without looking at aggregates the City has seriously undermined the long-term planning process that should be rooted in Comprehensive Plan policies. This makes it impossible to plan thoughtfully for long-term impacts on schools, transportation, parks, playing fields, libraries, etc. To say that the impact of this project is less than significant is misleading when viewed in this context.

The traffic study associated with this project looks at specific, very localized impacts of this project comparing them to the current use of the site. This kind of project review has created an enormous disconnect between the long-term planning process that the Comprehensive Plan is supposed to provide and type of review that is used for project approval. The aggregate result has been unplanned overdevelopment.

We respectfully ask you to support the Staff’s recommendation. Further, we do not support any alternate zoning change that may increase density of the project. Thank you.
Chair Tuma: Thank you. Lanie Wheeler? I don’t see her. Okay, we will pass her over for now. Susie Siegel followed by Elizabeth Alexis.

Ms. Susie Siegel, Palo Alto: I live on Ferne Avenue in Palo Alto. I am mother of a second grader at Fairmeadow Elementary. I am a concerned parent about the rezoning to higher density housing that was currently allowed, as it will increase enrollment in our Palo Alto public schools that are already out of space. What I wanted to do was highlight four impacts of the increased enrollment especially on the elementary schools.

In the March 8 Board Meeting Minutes of the Palo Alto School District it notes that there were strains on district resources, inability to go to their neighborhood schools, the children there. Also that class size reduction programs were at risk, and that there were some emotional, social, and physical health concerns. So currently there are strains on the district resources so more students further strain this. There is little excess capacity. Right now the district has planned for construction of additional classroom capacity at Ohlone, Fairmeadow, and Duveneck elementary schools, which total about ten classrooms. It also states in the Board Meetings that from 2009 to 2011 282 new students have enrolled in the Palo Alto School District, so this expansion is keeping to that growth. They also state that the medium growth is forecasted about 199 new students for next year, and that the high growth is forecasted at 399 new students for next year.

In terms of parents really wanting to see their students or their children go to their neighborhood school, last year there was about 100 students that went to overflow schools. So there is this inability to be able to have your child go to their neighborhood school. There was a research that was done by the Lapkoff & Gobalet demographic research that stated – and they have been kind of looking at the Palo Alto School District statistics for quite some time. They show that the kindergarteners and first graders are surprisingly high, the enrollments, and it continues to grow in the south cluster.

So since I am running out of time I just wanted to mention that there is the class size reduction program right now that keeps the K-3rd grade at about 20 students. Right now they are averaging about 21 moving to 22. They wanted to extend that reduction program into the high schools to try to keep the classes for special subjects at 20 and it looks like with the increase in the number of families that may or may not happen.

Lastly, they had taken a survey of the students in terms of emotional, and social, and physical health and found that as of March 2010 that 31 percent of the students said that they did not have anyone at the school campus that they considered a mentor. Not a teacher, administrator, counselor, coach, staff, or other volunteer. That was in section 1.1 of page 2. So we need to help support these 31 percent before we add more. Thank you.

Chair Tuma: Thank you. Elizabeth Alexis followed by Sandra Rickard.

Ms. Elizabeth Alexis, Palo Alto: Good evening Commissioners. While I am with Greenmeadow these comments are my own. I would associate myself with those that were made earlier but this I would like to add.
There were two comments simply about the way the analysis is done. One is on the traffic impacts, which compares the proposed use to the current school. Unfortunately the current school is closing in two months. They have announced this. They have told their students to find a new home. It is really a sad thing for our community. However, in two months there will be zero trips generated by that space. So I think it is fair enough to look at what would be under the existing zoning to compare it, but using the current school is probably not a reasonable method.

The second thing is that repeatedly the documentation talks about that our R-1 (8000) could be seven units or 14 units or something per acre. Well, it doesn’t work quite that way because it depends on the exact shape of the lot and the access to the lot, and so on. in this case we can see that the previous map was probably a pretty good idea of how many houses under the current zoning you could fit onto that lot, which is ten, which works out to be somewhere between three and four houses per acre. So I would just encourage you to use the actual parameters of the lot rather than some generic numbers.

My final point is that I personally believe there are places where we can add housing and we should be adding housing. This is actually a really bad place for people to live. You want as few people living there as possible. There are two reasons for this. One, and this was mentioned by one speaker, but the primary egress from this neighborhood is a shot straight into traffic on San Antonio Road. It is extraordinarily dangerous. I know that the Planning Department has worked with the neighborhoods to see if there is anything they can do and nobody has been able to come up with anything. I would even suspect at some point it becomes closed.

The second thing is that I am listed as a contact for the Greenmeadow Neighborhood and there is an additional cul-de-sac sort of similar to this one next to it and around the corner. I get calls from people in the neighborhood who live there saying am I part of Greenmeadow? I am like, no. They are like, who do I belong to? The answer is no one. So these small inlet lots unless you do aggressive things to make them look just like the adjoining neighborhood like Greendell are going to be another island. We should not do that to people. Thank you very much.

Chair Tuma: Thank you. Our last speaker is Sandra Rickard.

Ms. Sandra Milne Rickard, Palo Alto: I live on Ferne on the first cul-de-sac off the San Antonio frontage road. I use that as a major egress when I am going many places. The other end of our neighborhood or development area is Alma, which is fine but these places are land bound or bound by their configuration.

San Antonio access road has no egress from past the daycare center towards the Middlefield corner, or at the other end not quite to Alma but there is access getting up to San Antonio Road. So it is a long stretch of no egress along the one perimeter.

When I go out, and I do frequently, and I have gotten quite bold so that I can handle it. Many of my friends won’t handle it who come to visit me. They will not use the egress to San Antonio Road to get to their homes in South Palo Alto or North Palo Alto past Oregon, because they get flummoxed, it is too much impact. I want you to understand the physical nature.
You go to the corner past the daycare center and you go to the opening that allows you to cross into San Antonio Road. Now you can turn right, but people rarely do, to go towards El Camino. That is not such a problem. But to get out of my neighborhood I have to cross those two lanes and go to a waiting place big enough for one car. You wait for the traffic light cycle, and you see the traffic coming up behind you, and it moves very quickly unless it is parking lot time because the traffic impact is so thick and then it moves very slowly. But there is a paint job on San Antonio that crosses the two left hand lanes, the two right hand lanes, etc. and cars don’t obey it. So getting out is a trick. Adding the 23 homes coming out into that area, we line up along the closed border. You line up to get out. It is doable now. I don’t understand the traffic study. It has nothing to do with life. Thank you.

Chair Tuma: Thank you. With that I will close the public comment and bring it back to the Commission. The applicant has up to three minutes for any closing comments that they would like to make.

Ms. Kamangar: Thank you. Let me just take on a few of the topics that were mentioned here to try to address some of them here. Regarding Caltrain everybody is aware that there is a potential closure list and the San Antonio Caltrain station is on that list. It is not with certainty that that will happen and nothing will take away the infrastructure that is already there, and that will remain there. An additional thing that we should be aware of is that as part of the Mayfield development project they will be constructing an underground pedestrian access from the Mayfield side of the tracks, under, and onto the Caltrain side, which will provide for definitely improved and safer pedestrian access. So I think that is a significant improvement and should be kept in mind as well.

Regarding schools there is no doubt that the school district has capacity challenges, but at the same time this project with its six student generation is beyond what is allowed by the current zoning can hardly be called a significant impact in the context of a school district that has an enrollment of 12,000 students.

I did also want to mention I did have discussions with the school districts, Dr. Kevin Skelly in particular, about the pedestrian path. I pointed out that it would be done in a similar fashion, no gate, as is currently at the 90-degree angle in Ferne Drive. If you have been in that community you can nicely walk from Ferne Avenue to Cubberley to Greendell and beyond. That is a wonderful feature in a community to connect neighborhoods as opposed to close them off. Certainly, when I talked to him he was all for that. So if there is a process he was all up for that.

I would also like to acknowledge property owner’s tremendous contributions to the community with the 35 years of his service as a daycare provider to the community. He has done a wonderful service to also the families he has by giving them more than a year notice of the closure.

Lastly, I would say that we don’t think that ten homes using the R-1 zoning is the appropriate use on this site either, as was indicated by another speaker. The market is extremely efficient. So when the ten-lot subdivision was approved back in 2002 first of all there was a lot of discussion
about shouldn’t we consider this site for slightly higher density given its location? Ultimately they had to vote on the project that was before them and they approved it, but clearly the market has spoken since those houses were never built. I don’t believe the City is interested in adding ten more houses on San Antonio in the $2.0 million-plus type of price range. I don’t see your goals in alignment with that.

So in closing I would just say that I believe that we provided a proposal that is in keeping with the Comprehensive Plan and the Housing Element, provides for some moderate increase in density, and does so in a way that is respectful and light in impacts to the neighbors. Thank you.

Chair Tuma: Thank you. Commissioners, now is our opportunity for combined questions and comments. We will do a first go around, possibly the only go around, at five minutes apiece. We will start off with Commissioner Fineberg.

Commissioner Fineberg: I would like to start with a couple of questions for Staff on the road width. In the Staff Report on page 4 and 5 it talks about the original development with 26 homes having a road width of 32 feet, which would be consistent with the new Palo Alto Private Streets Ordinance. Then it talks about the revised development plan with 23 homes having a private street of 26-foot width, widening to 32 feet at the end. It doesn’t comment about whether the 26-foot width is consistent with the new Private Street Ordinance. Is it?

Ms. French: It has not been analyzed. It was such a recent submittal.

Mr. Williams: The provision is if there is parking on the sides of that. In this case they have added the aprons for each unit. It also has what could theoretically be two off-street spaces in the aprons that it could be 26. That requires Council approval and Commission approval of the Subdivision Map.

Commissioner Fineberg: So if there are aprons it is not consistent?

Mr. Williams: The problem with the previous project was that wasn’t anywhere else to park. It was basically 26 feet and no place to park at or off-street other than the garages, which came right up to the street. In this case they have pushed that back. The way the language reads is if there is parking provided on the side of the street either in like turnouts or in this case aprons then it can be 26 feet. Otherwise if there aren’t then the 32 feet would be required so that you could have enough width to allow parking on at least one side of the street.

Commissioner Fineberg: Okay, so let me clarify. If there are aprons then 26 feet is consistent.

Mr. Williams: Right.

Commissioner Fineberg: Does the current proposal as it stands include aprons for all? I thought I read it was only some.

Mr. Williams: I thought it was all of them.
Ms. French: The original proposal has some. The 23-lot concept has all with aprons.

Commissioner Fineberg: Okay, thank you. I am going to take on the difficult task of talking about school impacts in the moment I have left. When a developer pays an impact fee the maximum allowed by the state is considered to fully mitigate that impact. Even though because we are basic aid it is only half of what the calculated maximum requirement is. So it doesn’t fully mitigate it but we must consider it as fully mitigated. That said, and I understand in my deliberation I cannot by law consider impact on the schools if the impact fees are paid, however I have questions about the cumulative impacts on the schools in our Mitigated Negative Declaration.

The school district has added ten or 15 maybe more trailers in the last few, two or three, years. They are currently building ten classrooms. They have gone on record that they are going to need I think the number was something astounding like 50 classrooms in the next five years. The acquisition of trailers and building that has already happened is in excess of one school, and 40 would be two elementary schools. So at what point do we get to the place where cumulative impacts matter?

I would differ with the applicant’s numbers. I don’t understand how they calculated. The numbers I have seen from Lapkoff & Gobalet are single-family homes yield one kid. So if we are building 23 homes that is a minimum of 23 kids. Every year their numbers go up. So I don’t see how if we are having 23 more children, we are building a classroom on top of we have already crossed the threshold that we are building two schools worth of classrooms with four more schools coming, how can we not consider cumulative impacts?

Ms. Silver: Commissioner Fineberg, I think you need to analyze the cumulative impacts just as you analyze the project impacts. State law imposes a limit on how to mitigate whether it is project impacts or cumulative impacts. The state legislation very clearly says that the only way you can mitigate those impacts is through the payment of impact fees.

Chair Tuma: Commissioner Tanaka.

Commissioner Tanaka: I also have a few questions for Staff. The first question is I realize that we can’t take schools into account, but what about this was a daycare service, an affordable daycare service. Is that an impact that we can take into account? It is not technically a public school, it is a private daycare. So I was wondering if that was an impact. A lot of the speakers mentioned the loss of that and how it provided a good service to the city for many years.

Ms. Silver: For CEQA purposes are you asking?

Commissioner Tanaka: Correct.

Ms. Silver: That is not typically. As I understand it this daycare use is going to end regardless of the project. So the use and the prospective displacement if any of the daycare center is really a separate process. It is not related to this so you really can’t consider that as part of this project.
Commissioner Tanaka: Okay. Was there outreach done to the Byron Street neighbors? I heard a lot of speakers from the other parts of the surrounding neighborhoods, but I was wondering about Byron Street. It is an adjacent cul-de-sac.

Mr. Williams: That is where the apartments are, right? I believe they did have meetings with them but you would have to ask the applicant specifically. I guess they did.

Commissioner Tanaka: Then I was wondering about the private roads. I know that the FAR was not calculated, but I was wondering are the private roads included in the lot size when calculating the FAR for these houses.

Ms. French: It is subtracted so the net lot size is what the FAR is based on.

Commissioner Tanaka: Okay, those are my questions for now. Thank you.

Chair Tuma: Commissioner Keller.

Commissioner Keller: My first question, since the daycare use is going away, in term of the impact do we compare it with the current use or the currently zoned use?

Ms. Silver: For CEQA purposes this is a baseline issue. The law regarding baseline is constantly evolving. As of today the baseline law is that you look at the current use on the ground in use at the time that the environmental document is prepared and compare it to the future use.

Commissioner Keller: Thank you. In terms of since the neighborhood school, which I understand is Fairmeadow, is impacted in enrollment and therefore this increase in housing will mean that there will be an increase in overflow students. Is the transportation impact of the increase of overflow students, and those students having to attend different schools than their neighborhood school, is that a transportation impact that it should be considered, and was it considered?

Ms. Silver: I think that would be a fair issue to evaluate in the environmental document. However, since we are only dealing with six additional students and it is speculative at this point where the overflow transportation pattern would be I don’t think that that particular issue was analyzed in this document.

Commissioner Keller: I think that it is actually probably if you take 23 houses compared to ten houses, because you can’t fit the amount of houses when you have a street network in there. So therefore it is reasonable to consider the baseline ten houses, you have 13 additional students at least. So six students is not an appropriate number.

Do you know how many Caltrain stations an hour go rush hour through this point in either direction? Okay, well from the Caltrain schedule that is on my old Palm Trio that I still use it says that there is one per hour, at least there was when I downloaded the schedule. So there is one per hour in each direction. Out of so many trains there is one per hour on an hourly basis
and that is not very many. Even if it remains open that is not a major profession of Caltrain service compared to California Avenue and downtown. I believe that that is why when we were considering transit-oriented we did not consider the San Antonio station as being transit-oriented. Is that correct?

Mr. Williams: It might have had something to do with that, but I think it more had to do with the fact that we really don’t have development that is in proximity to that. It is mostly Mountain View’s development.

Commissioner Keller: With respect to the underpass, I understood that the EIR process for the San Antonio, the Mayfield redevelopment actually didn’t mandate that they have an underpass under Central Expressway, but they are supposed to consider it. I don’t think it was actually required. Do you know whether that is actually required as part of the development?

Mr. Williams: I thought it was. I am sorry we don’t have our Transportation Staff here tonight.

Commissioner Keller: I remember going to one of those hearings when it was approved on the Mountain View side, and something to the effect that they were considering it and they will see if they can make it feasible, but they were not guaranteeing it is what I recall.

Mr. Williams: I am sure Penny could answer that.

Commissioner Keller: Okay. The other issue is in terms of are we allowed to or should we consider the market value or the salability of R-1 (8000) foot home versus the marketability or salability of the proposed increased density homes?

Mr. Williams: No that is not before the Commission.

MOTION

Commissioner Keller: Great, thank you. Then I will make a motion to move Staff recommendation.

SECOND

Commissioner Fineberg: Second.

Chair Tuma: Okay, so that is a motion by Commissioner Keller to approve the Staff recommendation, seconded by Commissioner Fineberg. Commissioner Keller, do you wish to speak to your motion?

Commissioner Keller: Yes. I think that this is not a good location for higher density housing. I think that the proper zoning is appropriate. It is not within half a mile or in fact 2,000 feet, which is less than half a mile, which is the way the Comprehensive Plan quote that was given by the applicant read. A half a mile would be, if my math is right, 2,640 feet as opposed to the 2,000 that is indicated in the quote from the Comprehensive Plan.
In terms of this, with San Antonio having one train per hour it is not really a place where there is going to be a lot of transit use. I would suspect that there is a fair likelihood that if the San Antonio train station closes that that is not going to lead to an increase in bus traffic in serving Palo Alto. In any event, it seems to be ratcheting in one direction with the only exception that I have seen in the many years that I have been seeing transit stuff going on in Palo Alto is when the VTA increased service for the 88 bus for the L and M routes for Gunn High School. That is basically the only increase I have ever seen in VTA bus service for Palo Alto.

I think that in terms of the expectations that were made for people living in this area, the increase in housing, and in terms of the cumulative dramatic increases in South Palo Alto that this is not really a good place for more higher density housing. That is why we are looking at situations like near transit, California Avenue. To the extent that Caltrain continues to live and they figure out some way of funding it that is much more likely to be a place for transit. There are also a lot more amenities. It is not a pleasant walk from San Antonio Road to Piazza’s shopping center, which is identified as the shopping center for people to get groceries. Walking along Middlefield past the gas station, trying to navigate your way through the crazy intersections there doesn’t seem to be a very pleasant place. It is not very walkable. There are not many other amenities. I suppose one could go to the Crossroads Market across the way. There are a few tiny stores like that. But this is not really a very effective place for higher density housing.

I will close by mentioning that there was a talk called Winds of Change that I attended a few years ago. At first I was sort of thinking about well, what are these winds of change? I was sort of skeptical about this idea. I think it was Don Weden that gave the talk. One thing I thought interesting about the talk that Don Weden said, is if you want to build higher density housing you should put it in a place near transit, concentrate it together where there is a critical mass and we can provide the services, and not hide it all over town in various places. In fact, we have done the opposite of that especially in South Palo Alto. We have hid it all over town. We have put it on East Meadow Circle. We have put it on West Bayshore. We have put in different places where there were no amenities nearby, where there are no services nearby, and here is another one adding to that mix. I think that we shouldn’t be doing that. Thank you.

Chair Tuma: Commissioner Fineberg, would you like to speak to your second?

Commissioner Fineberg: Yes. I would like to support Staff’s recommendation to not proceed with the zoning change or the Comprehensive Plan designation change of the land use. As far as the Comprehensive Plan designation of Village Residential I have said this on other projects, and I believe that Palo Alto has not flushed out what Village Residential should look like. In most communities Village Residential is an absolutely wonderful cluster of smaller tightly packed homes that allow for the development of amenities on the properties. Things like large significantly usable park space not a tot-lot that is a jungle gym. It includes interior walkways. It includes facilities that would be let’s say shared parking so that there could be a justification for reduction in a large lot that is not adjacent to the homes. It includes a site that is near a vibrant village center, near significant public transit where people can really take trains to work, not pretend that there is a train more than half a mile away that no one will use. So I don’t think
that our Village Residential is flushed out well enough, that it provides the benefits that one would want from Village Residential.

As far as it being walkable, it is not a walkable neighborhood. The streets are busy. I will echo the comments that other people have said. I don’t believe that our Mitigated Negative Declaration has considered the cumulative impacts of the schools. I understand that they can be mitigated legally to be considered less than significant, but even acknowledging the fact that before mitigation they are significant is step that we must take in our environmental analysis.

I am sorry on this project that we don’t have a LEED-ND checklist, because it would go towards informing us of whether this project according to an objective, measurable set of criteria is a good neighborhood. It would not allow a neighborhood for housing. It would not allow for this kind of subjective statement of it is a great neighborhood, you can walk to things, or there is transit nearby. It tells you how to measure it, and then you measure it, and you get a response. So unfortunately we don’t have the benefit whether that would vote it up or down I don’t know, but it would have been helpful to have it to inform us.

I don’t believe the analysis has correctly handled the baselines for the yield of students generated. I believe also there is issue in the environmental analysis with baselines for traffic, the underlying zoning versus the current use. So I am wholly supportive of Staff’s recommendation and do not find in Attachment A we have the Draft Record of City of Palo Alto Denial of 525 San Antonio, and by reference I would confer with findings that the findings are not present. It is not supported in the zoning or the land use that is noted, for brevity I will simply refer to page 2 and 3 of the Record of Land Use Action.

Chair Tuma: Thank you. Vice-Chair Lippert.

Vice-Chair Lippert: I have a couple of questions for Staff still and then one for the applicant. If I understand correctly R-1 daycare is a permitted use within the R-1 zone. So it is a legally existing permitted use.

Ms. French: Daycare is a conditionally permitted use in an R-1 zone. This particular daycare predates the requirement for a Conditional Use Permit.

Vice-Chair Lippert: So in that case would it be a legally existing nonconforming?

Ms. French: Yes, legal nonconforming, but they would just have to come in for a use permit to make it legal conforming.

Vice-Chair Lippert: So that is the reason why the underlying zoning supports the traffic analysis and the ….

Ms. French: Yes, and because again per Cara it is a snapshot of time when the use was and continues to be active until a certain date.
Vice-Chair Lippert: Okay. If a school use, let’s say a public school were to take over the site there again that is something that we have no basis upon which to rule, but yet schools are permitted in the R-1 zone, particularly because we want to be able to have students in the neighborhood walk to schools versus having them outside the R-1 zone, or outside neighborhoods because then they would have to possibly get trucked or carpooled.

Ms. French: So private educational facility K-8 educational material would also require a Conditional Use Permit.

Vice-Chair Lippert: That was my next question. Private schools generally…

Ms. French: If it is a public school then typically those are zoned Public Facility, PF.

Vice-Chair Lippert: Okay. Lastly, I have a question for the applicant if one of you wouldn’t mind taking the mike. It has to do with your below market rate units. Recently we have had this housing bubble and the bubble has burst. Certain developments have moved forward. It is true that the market rate housing really pays for the below market rate housing, but if the market rate housing doesn’t sell what happens to the below market rate housing?

Ms. Kamangar: Well, if a project is conditioned to build the units typically the builder would build them. I am not sure what your line of questioning is, but I guess I do know that on another project recently here in Palo Alto we did something that was slightly more creative in the way that it enabled the fees emanating from a development project enabled the ability for another affordable housing project with many, many more units to be built in this city.

Vice-Chair Lippert: You are getting close to where my line of questioning here, which is that if those housing units did not sell then would the developer – how would it become an in lieu fee? How would that happen?

Ms. Kamangar: I am not sure if I follow your line of questioning really. If it is a condition of approval then that is normally how it happens unless there are some other circumstances.

Vice-Chair Lippert: My experience has been that in lieu fees do not really cover the cost of construction. So in this case, an entity like Palo Alto Housing Corp would be really managing those properties if they were rental units. They could not build units for what it would cost to build those houses. Whereas, if they were built as a condition of the project then they would be there and they would be providing below market rate housing.

Ms. Kamangar: Right. If you are asking us whether we would be in a position to either build the units or pay fees, we would be happy to do either, but our current proposal was based on building the affordable units as part of the project.

Vice-Chair Lippert: That troubles me quite a bit, and that is one of the reasons why I am inclined to support the current motion and deny the project. Below market rate housing is a very important component of all the housing that we build in the city. By potentially losing those
below market rate units because of the market rate units not selling I couldn’t see this moving forward the way it is currently configured.

I did look at some other options here but that is not currently what is on the table. So I would be inclined to vote along with my colleagues in denying the project.

Chair Tuma: Commissioner Martinez.

Commissioner Martinez: first I have a question of Staff. The daycare center has been there for 37 years, we have heard tonight. I know this predates all of us, but what is the thinking in sort of maintaining the R-1 zoning? Was it that this public benefit could continue in perpetuity? That it was sort of in a protected realm by being in this R-1 zoning? I sort of feel what has happened is the opposite. I looked at the Comprehensive Plan on page L-12 to see if there were an appropriate zoning classification and it kind of falls into Major Institutional with nonprofit uses and stuff like that. That doesn’t sound right either. Is there sort of a strategy in the R-1 planning that has existed all these years?

Mr. Williams: Thank you, Commissioner Martinez. There isn’t really a strategy here as far as trying to retain the daycare use. I think trying to retain the R-1 use allows the possibility for that, or it allows R-1 single-family on larger lots that are clearly compatible with the existing, particularly the Eichler, neighborhood and allows semi-institutional uses that are like daycare, facilities that may be of service to the area without intensifying the residential component of it and the various impacts they have. In this case I would differ with many of the speakers in terms of the level of the impacts, but we believe that in terms of the consistency with Council direction and where we do intensify that maintaining the R-1 zoning is appropriate for this location.

Commissioner Martinez: It has setup kind of a target for this site for developers. We have heard that there have been over a half dozen that wanted to do higher density multifamily housing on this site. So it didn’t really do sort of what I would have expected it to do, and that is sort of really preserve probably one of the greatest community benefits that we need at this point in time and that is for preschool and daycare. On the contrary it has sort of made it easier for it to go away by it being R-1.

My point of view is that R-1 is probably the absolutely worst zoning for this site because that is not the kind of housing we need to build in the 21st Century in Palo Alto. We don’t need bigger, energy-using, sprawling houses and we particularly don’t need them in this neighborhood. I always say planning is not black or white, it is kind of gray, and we are kind of in this gray area where we do have these Eichler homes on one side but then we have school district property on the back, and we have higher density apartments on the side, and a busy, busy street to the south. It doesn’t feel like an R-1 zone. I am really sort of struggling in supporting the recommendation that is on the floor tonight because it doesn’t sit well as an R-1 site. Thank you.

Chair Tuma: Commissioner Garber.

Commissioner Garber: First of all I would like to praise the applicant. I think their behavior in the way in which they have proceeded to pursue their project and their outreach to the
neighborhood proactively not only with the neighborhood but with the other neighbors, as well as the imagination that they have used to pursue development schemes is really model behavior for our community. We don’t often get applicants that are willing to do that homework. I think they deserve a lot of praise and a lot of credit for the work that they have done there.

I also think that they have used the Village Residential zone exactly as that zone was written to be and intended to be in that it is squeezed between and creates the opportunity to buffer to dissimilar zones. It also adds something that the city really, really needs which is housing, especially smaller housing that is more affordable. It is rare that we have the opportunity of an application in front of us that actually has the potential to reduce parking and traffic impacts. All of those things are very good and highly valued in this community.

San Antonio is a high-volume transit corridor and it is a very difficult street from a planning standpoint for our city. It is not a good place for R-1 to be adjacent to of any sort, and yet it exists there, as do any number of other uses. You can find almost every zone in the city along that street. One of the primary concepts of zoning is to try and put together like zones. On one side you have R-1 so keeping it R-1 makes sense. On the other side you have the RM-15 so changing it to RM-15 makes sense.

However, my struggle here is that the Council has made it very clear that the R-1 zone is not to be changed to higher density. I have been a very strong proponent of that policy, in large part because I believe the R-1 zone is the heart of our community. It is the one thing that should not be changed. Further, the way that the Village Residential zone was initially written was to change zones other than R-1. So to despite some of the obvious issues that would compel me to otherwise support this I find it very difficult to make findings different than what the Staff has.

It is imaginable to me that there could be a project that presents an opportunity so compelling that the issues of policy and definition should be superceded and that the Commission should create a recommendation to Council to make that sort of a change. I think the one thing that is missing in this project that would make it that compelling for me personally is for it to be either one, within an existing PTOD district or clearly meet the definition of a transit-oriented district, or that it be significantly closer to a multimodal station so that the argument could be made clearly and not border on the gray. So despite the obvious benefits that a project such as this would have for our community, and especially the opportunity to bring smaller, more affordable housing I will end up supporting the motion as it has been stated.

Chair Tuma: Thank you. I have a question for Staff. My understanding is that this site despite it being zoned R-1 is not on the Housing Inventory.

Ms. French: That is correct it is not on the Housing Inventory.

Chair Tuma: Why is that?

Mr. Williams: Generally because the Housing Inventory is for sites where we want to develop multiple-family housing. So it is usually at least RM-15 and more likely RM-30 sites that we would be pointing towards, and would be substantial housing sites.
Chair Tuma: Okay, great. I have a comment to make about the traffic analysis. I understand what CEQA requires, but I think in a circumstance like this it makes sense to also analyze it against the underlying zoning, because otherwise we are sort of denying reality in the sense that we know that this use is going away. So to compare it against the existing use while maybe mandated by CEQA I think in addition it would make sense to compare it to underlying zoning looking forward. It gives us a better look at the picture and a better understanding of what the potential real impacts are in a situation where we know it is going away. If this application were coming three months from now there would be nothing there. So then what would we compare it against? Director.

Mr. Williams: I don’t disagree that it would be helpful to look at that scenario also. I do want to point out that not rezoning it, leaving it as the zoning is now, maintains the opportunity for either someone to take over the building as a daycare or for another daycare to move into that location. So it does not necessarily mean it is going away. We have a lot of inquiries about where are sites that daycares can go, and we are having more and more trouble finding those in the city. So there is some possibility that if this site is not rezoned now and if ten single-family lots do not look like a viable proposal then daycare may ultimately be one option.

Chair Tuma: I remember a couple of years ago we looked at a series of properties, as I recall primarily in South Palo Alto, but I know from time to time we look at properties and consider rezoning them. To you knowledge have we ever looked at rezoning this particular property in any way at our initiation as opposed to by an applicant or the owner?

Mr. Williams: Not to my knowledge. The ones that we have looked at have generally been ones that are commercial, have commercial uses on them, or retail type uses on them that are zoned residentially, and rezoning them to preserve the commercial use.

Chair Tuma: Okay, thanks. So I am generally of the mind that as a city we have a certain not only obligation but also there is a certain reality of forces that we can’t control that will cause some level of growth in this town, as it will everywhere. As a result we have an obligation to provide some fair share of housing. I don’t agree with the fair share that ABAG has assigned us, I think it is too much, but we have to look for good, solid, creative opportunities to build housing in the right locations.

I do go back to the Joint Meeting that we had with Council in May of 2010 and then having attended the subsequent meetings and discussions that they had regarding where should that housing go, what type of housing should it be, and what policies should govern how we move forward. I was then and continue to be fully supportive of the policies that the Council set forth at that time including not rezoning R-1 to more dense housing. So to me in many ways while I could go on about other reasons that this is sort of a good or bad place to be that is enough of an analysis. This is not appropriate under the current guidelines and circumstances from Council.

I would agree with Commissioner Garber that there could be circumstances very compelling where you could rezone an R-1 district. This is not in my view anywhere close to that sort of set
of compelling circumstances. So for me it is actually fairly easy to support the Staff’s recommendation based on that policy alone.

I do agree with many of the comments that were made earlier this evening regarding impacts. Yes this .58 as opposed to half a mile away from fixed rail. I used to own a home right around the corner from here years ago, so there is no conflict. It is not a pedestrian friendly corridor along this stretch of San Antonio, particularly the frontage road there. It is not a great place to go to and from transit. I will agree with the one speaker who spoke about dodging out from there onto San Antonio in the eastbound. It is dicey.

So while I am generally supportive of housing of the right types in the right places this is not a project that I can support.

So that completes our initial round. I do have lights for a second round. I will remind people that it is now 8:20. There is another item so if we want to go through briefly on second rounds but it sounds to me as if the outcome here is somewhat certain given the comments that everyone has made. Commissioner Fineberg.

Commissioner Fineberg: I hesitated to bring this up before because when I was speaking I was speaking in support of the motion. So now I am going to talk about the one item that gives me a little bit of heartburn about the motion and this project.

We are charged with the responsibility of relying on the codes, the Comprehensive Plan, and a body of regulation to make our decisions. At our last meeting, and again at this meeting tonight I am observing guidelines and recommendations that Council has made during Study Sessions about the identification and handling of potential sites for inclusion on our Housing Element sort of mutating, and I choose that word carefully, but from directions for Staff for how to evaluate sites into now those directions for how to evaluate sites for inclusion on the Housing Element are now being used as policies to support last week and then this week deny approval of a project.

Whether I agree with the conclusion of that, I believe that it is dangerous for us to use recommended analysis for future Housing Element and Comprehensive Plan Updates as policy for project level decisions in the present. It is not the role of the Planning Commission nor Staff to bring policy back dated on current projects until Council has voted and acted on it. I think we are going down a bit of a dangerous path there. That was one item that in this project it gives me heartburn.

Mr. Williams: Mr. Chair.

Chair Tuma: Yes.

Mr. Williams: If I could just clarify one thing. When the Council provided this direction and the direction last week that was not a Study Session and it was voted on. That and this motion, this one particularly was a unanimous vote. It was scheduled not to be a Study Session so they could provide that specific direction. Now it is not adopted into a Comprehensive Plan or a Zoning Ordinance or that kind of thing so there is some validity in what you say, but it was not a Study
Session where we were just assimilating various comments from the Council. It was actually put up as a vote. One item that we would not intensify R-1 and R-2 zoned properties, and they voted on that and then they went to the next one. So there was a series of about eight or ten items that the Council took action on to vote as sort of the policy at this time.

Chair Tuma: Thanks for that clarification. Vice-Chair Lippert.

Vice-Chair Lippert: First of all I want to thank the members of the public for coming here this evening. I know you have taken time from your busy schedules to come and speak as opposed to this project. I also want to thank the applicant. I think that your proposal is very compelling, very seductive in some ways, and I would love to be able to get behind it. I find myself agreeing with the comments of my colleagues up here so I am going to vote in denying the project.

I do want to entertain one other little piece of comment, and it is really food for thought. We were challenged by the public here to be creative. So I would like to share my creativity, which is that I feel as though while the underlying zoning is R-1 there are portions of the site that perhaps could entertain higher density, could go to the RM-15 zone, or could support the Village Residential concept although it is not the majority of the site. What I see is there is an opportunity since this is two sites that the A & D Protocol Transportation Inc. site might very well be able to support RM-15 as a transition. An important component of this project is the below market rate units and the Palo Alto Housing Corp really supports and tries to promote smaller units, that they be rental units, and that perhaps that could act as the transition here although it is not part of tonight’s recommendation for denial. So that is just something that I am throwing out there in terms of something to think about and perhaps if this were to come back at some point in the future maybe that is some way to think about it. But, as far as I am concerned I am going to go with my colleagues in terms of denying this project tonight.

Chair Tuma: Commissioner Garber. Commissioner Tanaka.

Commissioner Tanaka: I just have a brief comment. I also support my fellow Commissioner on the thought about whether this should have been kept as R-1. I also see that in Palo Alto there is a tremendous need for daycare, let alone affordable daycare and preschools. As a parent myself I know how difficult it is. One statistic is that in 2007 there were actually more people born in the United States than were ever born before, even at the height of the baby boom. There are a lot of young children and we do need that use. So I would like to see that use protected however this project turns out in the future.

I think one of the speakers mentioned San Antonio not being idea for residential. I think that is very true because it is not a great walkable area. It is a very busy street. So perhaps the current use is actually the right use. So I am supporting the motion that is currently on the table. Also, because it is the Council’s direction. Thank you.

Chair Tuma: Commissioner Martinez and then I think we are ready to vote.

Commissioner Martinez: I would like to encourage the applicant to kind of push forward with their proposal because I would like the Council to hear that gray area that just because we say we
want to preserve single-family that doesn’t mean that every parcel that is zoned single-family right now makes sense that way. I think you make a great argument for why this is a mixed residential zone. This is not California Avenue perhaps, but we want housing near commercial. We want it near bus lines. We want to walk to transit, and we want it near parks and schools. This is a project very much like that and I would like the Council to hear that we can have these proclamations that state we want to preserve our single-family tradition, but on the other hand there are these areas on the edges that don’t really make that much sense that way. Maybe as Vice-Chair Lippert said there are some things to improve the Village Residential aspect of your project, but the idea of smaller houses for an underserved population, BMR units, a non R-1 kind of use here makes a lot of sense to me. I think I may be the one dissenting vote here. Thank you.

**MOTION PASSED** (6-1-0-0, Commissioner Martinez opposed)

**Chair Tuma:** Okay with that the motion on the floor is to move Staff’s recommendation. If there are no other additional comments, all those in favor of the motion say aye. (ayes) All those opposed. (nay) The motion passes six to one, with Commissioner Martinez voting no.
Questions Regarding 525 San Antonio Project from Commissioner Keller:

1. Can we have the applicant complete the LEED-ND checklist for at least the smart location and linkages and preferably the entire LEED-ND section?

Staff Answer: The application, submitted in October 2010, was not required to submit a LEED-ND checklist (which became a requirement beginning January 2011.) The applicant is voluntarily preparing a draft LEED-ND checklist, with guidance by planning staff, within the next two days, for the P&TC’s consideration. If the rezoning to RM-15 were approved, the applicant would be required to provide a completed LEED-ND checklist with an ARB application for development of the parcel.

2. As a rezoning, to what extent can we consider alternative uses for the land?

Staff Answer: The requested rezoning to RM-15 would allow, as permitted uses:

- Multiple-family (3 or more units) residential, village residential, two-family and single family residential (on lots have an area less than 8,500 sf), mobile homes, residential care homes, day care homes, accessory facilities with a primary use, horticulture, and second dwelling units (depending upon lot size).

Conditionally permitted uses in the RM-15 include:

- Day care centers, large adult day care homes, temporary uses, churches, private educational facilities, community centers, neighborhood recreational centers, and utility facilities. These uses can be considered for discussion purposes; however, rezoning to RM-15 would not require an applicant to subsequently submit an application for a specific project involving the above permitted or conditionally permitted uses.

If the rezoning is not approved, uses of the site other than multiple family residential could be proposed by the property owner. The owner noted in their letter to the P&TC, dated March 20, 2011, they would consider selling or renting to a religious institution; however other zone changes are not agendized for discussion.

3. As a rezoning, can we consider school district capacity issues?

Staff Answer: The environmental document concluded that there is “no significant demand for school services resulting from the project” and therefore a “less than significant impact” to schools under Public Services (Section M.) This is a standard response on environmental checklists prepared for standard development projects which meet zoning requirements and allowable density. While the City does a general population screening for CEQA purposes, the City is prohibited from imposing mitigation measures or denying both quasi-judicial and legislative decisions based on school impacts. Therefore, the PTC cannot consider school impacts when denying this request for an “up-zoning” (see Government Code 65996).
4. Considering that it is public knowledge that PAUSD is interested in acquiring this land, to what extent may the Commission consider the school district's interest during the rezoning consideration?

Staff Answer:
This question is similar to Question #2. The only zoning application before the P&TC is the current one and other proposed uses for the land are not agendized for discussion at this time.

5. Considering that the 3-acre site would have to include right-of-way for public streets per current city standards if the parcel were built out under current zoning of R-1(8000), how many single family parcels could be created, each with one house, under current zoning?

Staff answer: The previous subdivision of this site was approved in 2002 for 10 homes on a 2.64 acre site accessed via a single cul-de-sac street. If the same cul-de-sac area (16,450 sf) were deducted from a 2.64 acre site (or 2.65 acre site per City records), the remaining area (approximately 98,548 sf) would allow for subdivision to create 12 home sites each at least 8,000 sf.

Staff notes that the applicant’s letter indicates that the site is 2.97 acres in size, as a gross area with the frontage road area deduction resulting in a net lot area of 2.64 acres.

6. Was this site discussed in the recent school board meeting regarding potential school sites?

Staff Answer: The City received a letter on January 12, 2011 noting that the PAUSD Board has made no formal decision on acquisition of this property. PAUSD would formally notify the City if or when they make any decision to acquire the site. Staff is not aware of whether the site was discussed by PAUSD (we don’t believe it was), but that is not relevant to the PTC discussion or decision, unless the District initiates acquisition proceedings.

7. To what extent is the developer limited to the current draft proposal if the rezoning is approved?

Staff Answer: The Village Residential Comprehensive Plan Land Use Designation is intended to allow for smaller lots and homes on multi-family lots, and staff believes it is appropriate for a re-zoning to RM-15 to include some basic parameters outlined by the Village Residential Development Standards (similar to the Pedestrian and Transit Oriented Development District). While the Village Residential land use designation has not been applied to any site previously, staff believes that a re-zoning ordinance, if approved, could specify some of those key Village Residential development standards or parameters, e.g., number of homes, maximum house size, height limits on some homes, parking, etc. and a resolution in support of Village Residential Land Use Designation could also include specific parameters. Specific design review would then occur at the Architectural Review Board. The environmental document was prepared for a potential
26 home concept, but staff believes it would remain valid if a project is approved at the now-proposed 23 unit project, as any impacts would be less.

8. If the proposed rezoning is approved, what is the maximum house size? Would the developer be legally allowed to build something comparable to what was approved for the residential portion of Alma Plaza?

**Staff Answer:** The maximum house size in a Village Residential project is 2,500 sf (shown on Attachment D) and would include the area of the covered parking spaces. The proposed maximum house size in the 23-lot alternative is 2,240 sf (17 of the homes) and 1,650 for the 6 homes adjacent to Greendell homes). The maximum density for village residential is 12 units per acre; the 23-lot proposal is a density of 8.6 units per acre. The height of the two story homes were indicate at 28’6” in the 26-lot proposal, with one story homes in the 23-lot proposal adjacent to Greendell homes.

Alma Plaza residential tract was approved at a density of 8.8 dwelling units per acre. The residential lot sizes were approved ranging from 1,921 to 2,883 sq. ft, with homes ranging from 1,820 to 2,350 sq. ft. of floor area. The three story homes had a height of 36 to 37 feet, and the two story homes were approved at a height of 26 feet to 28’11½”.

9. Assuming the rezoning is approved, what future PTC review will there be of any project on this site, including approval of any maps? To what extent is there discretion in any of that review?

**Staff Answer:** Following a successful rezoning, a Village Residential project on the site would first require review of an ARB application by the ARB and staff to approve the development plans, prior to review by the P&TC and Council of a Tentative Map to subdivide the property into individual residential lots.

**Question regarding 525 San Antonio Project from Commissioner Fineberg:**

1. Any chance that we can have a LEED-ND checklist completed for the 525 San Antonio Project? I understand that it is required when a complete application is submitted and we are considering rezoning only. Having the LEED-ND checklist would provide us with an objective and quantifiable measure of the desirability of the site for housing. The parameters of the checklist that we are measuring have more to do with the existing conditions in the neighborhood (smart location, proximity to jobs, transit, neighborhood schools, sidewalks, parks, etc.) and not much to do with actual project design so it should be possible to complete most of the checklist.

**Staff answer:** The LEED ND checklist was not required for this application, the requested rezoning/comp plan re-designation, submitted before LEED ND checklists were required. A LEED ND checklist would be required for a development project, if the rezoning were recommended by PTC and approved by Council.
March 7, 2011
Job No.: 1852-000

Description of Site Plan
for
525 San Antonio Avenue
Palo Alto, California

The proposed Site Plan consists of 23 single family lots, common open space, a private street and an interior walkway with a connection to the adjacent Cubberley Community Center on the 2.97 acre site.

Six single family lots will be located adjacent to the existing single family neighborhood to the south. The lots will be 55' x 82' (4,500± SF) and have single story homes roughly 1,650 SF of living area. The remaining 17 single family lots will be approximately 40' x 78' (3,120± SF) and will have two story homes roughly 2,240 SF of living area. All of the homes will have twenty foot long driveways to provide two off-street parking spaces per home in addition to those provided by the garages.

A 2,280 SF common open space parcel will be located within the interior of the community as well as an additional open space buffers adjacent to the entryways on San Antonio Avenue.

A 26' wide private street will loop through the community and connect to San Antonio Avenue in two locations. The street will widen to 32' at the end of the loop to provide an additional 7 guest parking spaces. There will be 9 additional on-street guest parking spaces located on San Antonio Avenue.
Project Statement
For
525 San Antonio Road

SummerHill Homes is proposing to redevelop the 2.97 Acre property at 525 San Antonio Road with 26 single family detached homes on fee simple lots.

Current Use:

The subject property is currently used for a privately operated non-profit childcare center and a preschool called Peninsula Day Care. Most of the children attending the school come from Mountain View, and others from Palo Alto and Los Altos. After 30 years in this business and nearing his 80's, in the spring of 2010, the operator of the school made the decision to finally retire and make plans for the closure of the school. He proactively informed all of the approximately 340 student families of his plans to wind down the business in order to afford everyone ample time and opportunity to arrange for alternative care arrangements.

Transitional Area:

The subject site is located in a transitional zone in terms of the surrounding uses and zoning designations. It is surrounded on three sides by developed land; five single family residences and R-1 zoning along the West property line, the Cubberley Community Center to the North, and RM-15 zoned land to the East and to the South. Immediately to the East, there are two and a half story apartments on RM-15 land and across the street is RM-15 zoned land with townhomes and condominiums.

Due to the above outlined adjacencies in zoning and uses, as well as due to its central location along a major thoroughfare such as San Antonio Road, the site presents a very attractive and logical land use opportunity for housing.

Proposal:

SummerHill proposes to amend the Comprehensive Plan and to Rezone the property from R-1 to Village Residential. The Village Residential designation was chosen after consultation with City Community Development Staff. Given the adjacencies and the
context, as well as the City’s need for additional housing opportunity sites, Village Residential presents the most appropriate choice for the underlying zoning.

The record confirms that when the property was zoned to R-1 in 2002, there was clear reluctance and mixed feelings among the decision makers to do so as the site context and location along busy San Antonio Road pointed to a more appropriate land use being a slightly higher housing yield.

The City’s Zoning Code Section 18.13.050 states that the Purpose of Village Residential is to “...serve as a transition to moderate density multiple-family districts or districts with nonresidential uses. Permitted densities range from eight to twelve dwelling units per acre. Village Residential housing also provides a means to accommodate home ownership options in multiple-family zones.”

**Pedestrian and Vehicular Circulation and Traffic:**

The conceptual siteplan contemplates two vehicular and pedestrian connections onto the San Antonio frontage road, completing a full loop through the subdivision for easy access. The road is designed as a private road, entirely in keeping with the newly adopted Private Street Ordinance. The road is 32 feet wide from curb-to-curb, has a continuous sidewalk and parking along the roadway as well as designated parking bays. The proposed project is anticipated to be the first new residential development project fully compliant with the new Private Street Ordinance.

Pedestrian access is provided throughout the community along one side of the loop road and includes a connection to a future pathway on the Cubberley Community Center site.

The traffic volumes generated by 26 homes on the property is less than 1/10th of the traffic currently generated by the child care center. SummerHill retained a traffic consultant to conduct counts at and near the subject site while school was in session. The childcare center not only has traffic from pick-up and drop-off by parents and caregivers but it also utilizes ten school buses to transport children.

**Addressing Privacy Impacts:**

As an experienced in-fill development firm, SummerHill has taken great care at the early stages to minimize potential privacy impacts to the five existing residences along the Westerly property boundary.

Although the backyard setbacks in other parts of the proposed development have been set at approximately 15 feet, the homes along the Westerly property line are proposed with a 25 foot setback from the joint property line. Recognizing that the existing homes along the Westerly property line and backing the subject land are single story Eichlers
and that no single story overlay zone exists in this neighborhood, SummerHill's proposal includes the following:

- A rear setback of 25' which is identical to that allowed per current zoning, identical to R-1, and identical to the rear setback afforded to the existing homes.
- A row of evergreen shrubs and trees along the property line between existing and new homes that would be designed with the individual homeowners.
- A proposal to maintain or relocate the existing eight foot tall wooden fence between the existing homeowners and Peninsula Day Care.
- Thoughtful design of second story windows to minimize potential privacy impacts.

**Architectural Design and Other Project Parameters**

The architectural design aspects of the project are planned for later stages in the project, but a brief summary of the product proposed is as follows:

- 1,400 to 2,000 square foot homes
- All units have a side-by-side two-car garage
- Four homes are planned as BMRs
- All homes have two stories with a maximum height of 28'6"
- Per Village Residential, the lots range in size from 2,500 to 4,000 square feet.
- SummerHill will be requesting an Exception for lot #7 as it exceeds the 4,000 square foot limit in an effort to provide added buffer between the house on that lot and the existing residence backing it.
- Six homes have full driveway aprons large enough to accommodate two added guest cars.
- The land plan includes a small open space feature with landscaping, picnic benches and tables and tot lot equipment.
## Notice of Intent to Adopt a Mitigated Negative Declaration

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

<table>
<thead>
<tr>
<th>File Number</th>
<th>TAZ</th>
<th>APN(s)</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>10PLN-00364</td>
<td></td>
<td>147-08-046, 148-08-047</td>
<td>1/25/09</td>
</tr>
</tbody>
</table>

### Project Name
Request by Katia Kamangar of SummerHill Homes, applicant, on behalf of A&D Protocol Transportations Inc., property owner, for a request for a Zone Change and Comprehensive Plan Amendment to assign the Village Residential land use designation and RM-15 zoning to a 2.65 acre developed site currently designated as Single Family Residential and zoned R-I (8,000) but used as a preschool/daycare center. The developed project in concept would include the demolition of the existing preschool/daycare center buildings and construction of 26 single family detached homes. The specific development plans and 26-lot subdivision map may be subject to further environmental review following rezoning and land use designation amendment.

### Project Location
525 San Antonio Avenue, Palo Alto, CA 94303

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

### Public Review Period

Public Comments regarding the correctness, completeness, or adequacy of this negative declaration are invited and must be received on or before the hearing date. Such comments should be based on specific environmental concerns. Written comments should be addressed to the City of Palo Alto. Oral comments may be made at the hearing. A file containing additional information on this project may be reviewed at the Planning Office under the file number appearing at the top of this form. For additional information regarding this project and the Mitigated Negative Declaration, please contact Jason Nortz at (650) 617-3137.

### The Mitigated Negative Declaration and Initial Study may be viewed at the following locations:
1. Palo Alto Planning Department at 250 Hamilton Avenue, Palo Alto, CA 94301
2. Palo Alto Development Center at 285 Hamilton Avenue, Palo Alto, CA 94301
Mitigation Measures included in the project to reduce potentially significant impacts to a less than significant level:

Mitigation Measure 1: The effects of construction activities would be increased dustfall and locally elevated levels of particulate matter downwind of construction activity. Construction dust has the potential for creating a nuisance at nearby properties. This impact is considered less than significant if mitigation measures put place.

During demolition of existing structures:
- Water active demolition areas to control dust generation during demolition and pavement break-up.
- Cover all trucks hauling demolition debris from the site.
- Use dust-proof chutes to load debris into trucks whenever feasible.

During all construction phases:
- Pave, apply water 3x/daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
- Hydrosed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- Enclose, cover, water 2x/daily, or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- Limit traffic speeds on unpaved roads to 15 miles per hour.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.
- Suspend construction activities that cause visible dust plumes to extend beyond the construction site.
- The project shall ensure that emissions from all construction diesel powered equipment used on the project site do not exceed 40% opacity for more than three minutes in any one hour. Any equipment found to exceed 40% opacity shall be repaired immediately.
- Diesel equipment standing idle for more than five minutes shall be turned off.
- As possible, avoid staging construction equipment adjacent to existing residences.

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

Mitigation Measure 2: Provide optimum tree replacement for loss of four trees as identified above. The applicant shall work with the City Arborist to identify adequate replacement trees (size, species, location, etc...) prior to development project approval.
Mitigation Measure 3: Prepare a Tree Preservation Report for all trees to be retained. Activity within the dripline of ordinance-regulated oak and redwood 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 in conjunction with an ARB application. 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 development project shall be modified as needed for ARB review, to address recommendations identified in the TPR 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 include a review of 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 4: The design of all buildings shall be in accordance with current earthquake resistant standards, including the 2007 CBC guidelines and design recommendations regarding the potential for localized liquefaction presented in the Geotechnical Investigation provided by TRC.

Mitigation Measure 5: Prior to final approval of any development plan and prior to building permit issuance the applicant will be required to retain a geotechnical engineer to 1) perform a final geotechnical investigation once site development plans are complete, 2) review the final construction plans and specifications, and 3) observe the earthwork and foundation installation.

Mitigation Measure 6: In order to meet the indoor noise level criteria, sound rated exterior facades shall be required for those affected units listed in the Environmental Noise Assessment provided my Charles M. Salter Associates Inc., dated September 17, 2010. Recommendations for sound-rated construction will depend on the size and type of rooms, windows, and exterior facades, and must be determined during the design phase project review.

Mitigation Measure 7: In order to mitigate noise impacts associated with outdoor mechanical equipment mitigation measures will be required. These may include a combination of selecting quiet units, maintain minimum distances to property lines, and physical barriers and/or enclosures. The applicant shall work with staff during the design phase to determine to specific requirements.
A reporting or monitoring program must be adopted for measures to mitigate significant impacts at the time the Mitigated Negative Declaration is approved, in accord with the requirements of section 21081.6 of the Public Resources Code.

Prepared by: [Signature] 1/25/11

Approved by: [Signature] 1/25/11
PROJECT DESCRIPTION: Request for a Zone Change and a Comprehensive Plan Amendment to assign the Village Residential land use designation and RM-15 zoning to a 2.65 acre developed site currently designated as Single Family Residential and zoned R-1 (8,000) but used as a preschool/childcare center. The development project, in concept, would include the demolition of the existing childcare/preschool buildings and construction of 26 single family detached homes ranging in size from 1,400 to 2,000 square feet on small lots ranging in size from 2,400 to 4,000 square feet. The specific development plans and 26-lot subdivision map may be subject to further environmental review following rezoning and land use designation amendment.

1. PROJECT TITLE

525 San Antonio Avenue
Palo Alto, California 94306

2. LEAD AGENCY NAME AND ADDRESS

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

3. CONTACT PERSON AND PHONE NUMBER

Jason Nortz
Planner, City of Palo Alto
650-617-3137

4. PROJECT SPONSOR'S NAME AND ADDRESS

Katia Kamangar
777 S. California Avenue
Palo Alto, CA 94304

5. APPLICATION NUMBER

10-PLN-00364

6. PROJECT LOCATION

525 San Antonio Avenue
Palo Alto
Parcel Numbers: 147-08-046 & 148-08-047
The project site is located in the southern section of the City of Palo Alto, in the northern part of Santa Clara County, west of U.S. Highway 101 and east of Interstate 280. The project site is bounded by San Antonio Avenue to the southeast, Palo Alto Unified School District’s (PAUSD) Greendell campus (zoned Public Facilities) and RM-15 zoned parcels to the north, and R-1 (8,000) parcels in the Greendell and Greenmeadow single family residential neighborhoods to the southwest.

7. GENERAL PLAN DESIGNATION:

The site is designated as Single Family Residential in the Palo Alto 1998-2010 Comprehensive Plan. This includes one dwelling on each lot as well as conditional uses requiring permits such as churches and schools. Specific areas may be zoned to allow second units or duplexes where they would be compatible with neighborhood character and not create traffic and parking problems. The net density will range from 1 to 7 units per acre but may rise to a maximum of 14 units in areas where second units or duplexes are allowed. Population densities will range from 1-30 persons per acre. The applicant proposes to amend the City of Palo Alto Comprehensive Plan designation of the entire site to Village Residential to allow for up to 20 housing units per acre.

8. ZONING

The project site consists of two parcels under the address 525 San Antonio Avenue. Both parcels (147-08-047 & 1487-08-046) are zoned R-1 (8000) (Single Family Residential) and are regulated by the Palo Alto Municipal Code (PAMC) Chapter 18.12. The project site is proposed to be zoned RM-15 for eventual development as a Village Residential community of 26 single family detached homes on small lots distributed throughout the site. Following rezoning, an application for Village Residential development would be subject to discretionary review by the Architectural Review Board in accordance with the development regulations established for low density multiple-family residences set forth in PAMC 18.13. The specific regulations of this chapter and the additional regulations and procedures established by other relevant chapters of the Zoning Code would apply. Village Residential use is not a permitted use in the R-1(8000) zone district, which requires minimum lot sizes of 8,000 square feet. Standard R-1 zoning requires a minimum lot size of 6,000 square feet; however, standard R-1 zoning has not been proposed for any portion of the site.

9. PROJECT DESCRIPTION

The project at 525 San Antonio Avenue is for a Zone Change and a Comprehensive Plan Amendment to assign the Village Residential land use designation and RM-15 zoning to the site, which is currently designated as Single Family Residential and zoned R-1 (8,000). The development project, an application for which could be submitted following rezoning, would include the demolition of the existing daycare/preschool buildings on the 2.65 acre site and construction of 26 single family detached homes ranging in size from 1,400 to 2,000 square feet on small lots created following a subdivision process. The development concept has been
analyzed as it illustrates what may be allowed following successful discretionary review, land use re-designation and rezoning as requested.

The subject property is currently used for a privately operated non-profit child care center and a preschool called Peninsula Day Care. Most of the children attending come from Mountain View, and others from Palo Alto and Los Altos.

The development project following rezoning and land use re-designation, is intended to be a Village Residential development. Village Residential is intended to create, preserve and enhance areas for a mixture of single-family and multiple-family housing that is compatible with lower density and residential districts nearby, including single-family residence districts. Housing types may include but are not limited to single family houses on small lots, attached rowhouses/townhouses, and cottage clusters. Village residential also serves as a transition to moderate density multiple-family districts or districts with non-residential uses. Permitted densities in the Village Residential designation set forth in the Comprehensive Plan is 20 housing units per acre; whereas the Zoning Code Chapter 18.13 sets forth a maximum of 12 housing units per acre for Village Residential. Village Residential housing also provides a means to accommodate home ownership options in multiple-family zones.

The development concept is for 26 single family detached homes. Each home would have a side-by-side two-car garage. The minimum parking requirement required by the Village Residential development standards is two parking spaces, one of which must be covered. The proposal indicates the homes would be on individual lots ranging in size from 2,500 square feet to 4,000 square feet. 4,000 square feet is the maximum lot size allowed per the Village Residential development standards for RM-15 zoned properties. The homes in concept would range in size from 1,400 square feet to 2,000 square feet, where 2,500 square feet is the maximum allowed house size for detached units applying Village Residential development standards. The homes would be a maximum of two-stories with a maximum height of 28’6” where 30 feet is the maximum height allowed in a Village Residential development.

Vehicular access to the site as indicated in concept plans would be provided with two vehicular and pedestrian connections onto the San Antonio frontage road, completing a full loop through the subdivision. The road is shown as a 32 foot wide private road, which is consistent with the City of Palo Alto’s Private Street Ordinance. The road would have a continuous sidewalk and parking along the roadway as well as four designated parking bays for guest parking.

The conceptual site plan also indicates a small open space area designed with landscaping, picnic benches and tot lot equipment. The development project would be required to comply with the standards for Leadership in Energy and Environmental Design for Neighborhood Development (LEED-ND) pilot program, assuming the development application were submitted during the term of the pilot program.

10. **SURROUNDING LAND USES AND SETTING**

The subject site is located on the 500 block of San Antonio Avenue bounded by Middlefield Road to the east and Ferne Avenue to the southwest at the southern most end of the City of Palo
Alto. The subject site is located in a transitional zone in terms of surrounding uses and zoning designations. It is surrounded on three sides by developed land. Five single family, single-story residences in the Greendell tract on parcels ranging from 8,030 square feet to 10,313 square feet and zoned R-1 (8000), the same zoning as the subject site, are along the site's southwesterly property line. The Greendell Campus and Cubberley Community Center beyond are to the northwest. Two low density multi-family zoned (RM-15) properties, 15,732 square feet and 16,627 square feet in size and each providing two housing units with addresses on the cul-de-sac Byron Street, abut the northeast boundary of the site, with two more RM-15 sites across Byron Street providing three more housing units.

Across San Antonio Avenue to the southeast is a private educational facility (Gideon Hausner Day School) on parcels zoned ROLM, and a Planned Community (PC 2640) providing affordable housing for elderly and families (128 units elderly and 28 units family housing known as Palo Alto Gardens). Farther south across San Antonio is the 48-unit Rosewalk condominium development zoned RM-30 and the Hewlett Packard site approved for development of a 45-unit multi-family housing project.

11. OTHER PUBLIC AGENCIES

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.

### 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>
</tr>
</thead>
<tbody>
<tr>
<td>Would the project:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Substantially degrade the existing visual character or quality of the site and its surroundings?</td>
<td>1,2,7</td>
<td></td>
<td></td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>b) Have a substantial adverse effect on a public view or view corridor?</td>
<td>1,2,3,6,7</td>
<td></td>
<td></td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>c) Substantially damage scenic resources,</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></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>
</tr>
<tr>
<td>---------------------------------------------</td>
<td>---------</td>
<td>--------------------------------</td>
<td>------------------------------------------------------</td>
<td>-------------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>Would the project:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>including, but not limited to, trees, rock</td>
<td>1,2-</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>outcroppings, and historic buildings within</td>
<td>Map L4,6</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a state scenic highway?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) Violate existing Comprehensive Plan</td>
<td>1,2,7</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>policies regarding visual resources?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>e) Create a new source of substantial light</td>
<td>1,6,7</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>or glare which would adversely affect day</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>or nighttime views in the area?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>f) Substantially shadow public open space</td>
<td>1,6,7</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(other than public streets and adjacent</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>sidewalks) between 9:00 a.m. and 3:00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>p.m. from September 21 to March 21?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**DISCUSSION:**

The project proposes to amend the Comprehensive Plan and to rezone the site from R-1 (8,000) single family residential with 8,000 square foot minimum lot size, to RM-15, multi-family residential for Village Residential development allowing a 2,500 square foot minimum lot size for detached residential units. The site is currently zoned R-1 (8,000) single family and is designated in the Comprehensive Plan for single family residential. The majority of architectural design aspects have not been included with this initial application for a zone change and Comprehensive Plan Amendment. A conceptual site plan and development project description letter have been provided as part of this application. With this current information, the phased project includes development of the site with 26 single family residences following a successful rezoning and review by the Architectural Review Board. The residences would all be two-stories and approximately 28'6" in height, which would comply with the maximum height limit of 30' for all development using the Village Residential standards allowed in the RM-15 zone district. Each residence would include a two car attached garage. Six of the 26 residences would have full driveway aprons. The residences would be accessed by way of a private street. The residences would range in size from 1,400 to 2,000 square feet. The conceptual site plan includes a small open space feature with landscaping and picnic areas for the enjoyment of the residents housed in the development. The rezoning and Comprehensive Plan designation portion of the project is subject to review by the Planning and Transportation Commission and decision by City Council, whereas the development portion of the project following successful rezoning would only be subject to review by the Architectural Review Board (ARB) prior to the Director's decision. ARB review will ensure an appropriate site layout and architectural design that is aesthetically pleasing and compatible with surroundings, and addressing edge conditions of single family, single story residences to the southwest, low density multi-story, multi-family residences to the northeast and recreational and one-story school buildings to the northwest.

No landscape plan has been provided as part of the zone change and Comprehensive Plan amendment application. The project description letter and site plan propose adding a row of evergreen trees along the southwesterly property line to help mitigate potential privacy impacts of two story homes to the adjacent single story, single family residences. Information on tree species and quantity have not been provided. Staff has identified a gas pipeline that runs the entire length of the property line along the
southwesterly edge of the property. Further study would be required following rezoning, in conjunction with ARB review of the development project, to determine if the proposed trees could actually be planted where proposed.

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

The development project shown in concept as associated with the rezoning would be subject to the City of Palo Alto Architectural Review Board review and approval findings to require an orderly and harmonious development, enhancement of the desirability of living conditions upon the immediate site and adjacent areas and promotion of a visual environment of high aesthetic quality and variety. The specific development project would also be subject to the performance criteria for multi-family development, and revisions to the conceptual design may be required during the ARB review process. With the required architectural review and performance criteria, the specific development project would not be permitted to substantially degrade the existing visual character or quality of the site or its surroundings, therefore no mitigation is required associated with this rezoning and comprehensive plan land use amendment.

Mitigation Measure:

None

<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) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</td>
<td>1,2,3,6</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</td>
<td>1,2-Map L-9,3,6</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?</td>
<td>1,2-Map L-9,3,7</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

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

**Mitigation Measures:**

None

### C. AIR QUALITY

<table>
<thead>
<tr>
<th>Issues and Supporting Information Resources 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>1,2,10</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<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>1,2,10</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>i. Direct and/or indirect operational emissions that exceed the Bay Area Air Quality Management District (BAAQMD) criteria air pollutants of 80 pounds per day and/or 15 tons per year for nitrogen oxides (NO), reactive organic gases (ROG), and fine particulate matter of less than 10 microns in diameter (PM_{10});</td>
<td>1,2,10</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>ii. Contribute to carbon monoxide (CO) concentrations exceeding the State Ambient Air Quality Standard of nine parts per million (ppm) averaged over eight hours or 20 ppm for one hour (as demonstrated by CALINE4 modeling, which would be performed when a) project CO emissions exceed 550 pounds per day or 100 tons per year; or b) project traffic would impact intersections or roadway links operating at Level of Service (LOS) D, E or F or would cause LOS to decline to D, E or F; or c) project would increase traffic volumes on nearby roadways by 10% or more)?</td>
<td>1,2,10</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?</td>
<td>1,2,10</td>
<td></td>
<td></td>
<td>X</td>
<td></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>
</tr>
<tr>
<td>---------------------------------------------</td>
<td>---------</td>
<td>--------------------------------</td>
<td>-----------------------------------------------------</td>
<td>-----------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>Would the project:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) Expose sensitive receptors to substantial levels of toxic air contaminants?</td>
<td>1,10</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>i) Probability of contracting cancer for the Maximally Exposed Individual (MEI) exceeds 10 in one million</td>
<td>1,10</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ii) Ground-level concentrations of non-carcinogenic TACs would result in a hazard index greater than one (1) for the MEI</td>
<td>1,10</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>e) Create objectionable odors affecting a substantial number of people?</td>
<td>1,10</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>g) Not implement all applicable construction emission control measures recommended in the Bay Area Air Quality Management District CEQA Guidelines?</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

**DISCUSSION:**

The project is not expected to result in a significant impact on air quality. The project may result in temporary dust emissions due to construction activity. The project would have emissions well below the Bay Area Air Quality Management District’s (BAAQMD) thresholds. Development of the project site would be considered urban infill and the project is too small to incorporate project specific transportation control measures listed in the latest Clean Air Plan (i.e., Bay Area 2010 Clean Air Plan). Due to the size of the project, construction period emissions would be less than significant. The BAAQMD identified the size of land use projects that could result in significant air pollutant emissions. For construction impacts, the single family project size was indentified as 114 dwelling units. For operations impacts, the project size was indentified as 325 dwelling units. Since the project proposes 26 dwelling units, it is concluded that emissions would be below the BAAQMD significance thresholds for both construction exhaust and operational emissions. In addition, the project would replace an existing use that produces operational emissions.

The project would not violate any air quality standard. Carbon monoxide emissions from traffic generated by the project would be the pollutant of greatest concern at the local level. The project would generate a small amount of traffic, so the contribution of project generated traffic would be minimal and the project would not cause or contribute to a violation of an ambient air quality standard.

The project's impact to sensitive receptors would be less than significant as long as construction period mitigation measures are put in place. Sensitive receptors are defined as children, elderly, or ill people who can be more adversely affected by air quality problems. The proposed project will be located in an area consisting of both residential and public facility uses. Construction activity is anticipated to involve the demolition of the existing buildings as well as building construction. During construction related activities dust would be the primary pollutant generated. The nearby land uses most affected by the construction generated dust would be those residences located directly south of the site due to the typical winds generated during late spring through early fall. The BAAQMD considers these impacts to be less than significant if best management practices are
employed to reduce the emissions. The other potential pollutant generated would be diesel exhaust from heavy construction equipment and heavy duty truck traffic. Diesel exhaust poses both a health and nuisance impact to nearby receptors. The construction activities that will generate the diesel exhaust are anticipated to occur during a relatively short time and therefore the impacts are considered to be less than significant if reasonable control measures put in place. Although sensitive receptors are in the immediate vicinity of the project, the construction impacts would be addressed as conditions of the architectural review approval, resulting in a less than significant impact to sensitive receptors.

The City of Palo Alto uses the BAAQMD thresholds of significance for air quality impacts, as follows:

Long Term Impacts: Long-term project emissions primarily stem from motor vehicles associated with the proposed project. As discussed in the Transportation/Traffic section of this Initial Study, the project will not generate additional new vehicle trips. Long-term air-quality impacts are expected to be less than significant.

The development project following rezoning would be subject to the following City’s standard conditions of approval:

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

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

**Mitigation Measures C-1:** The effects of construction activities would be increased dustfall and locally elevated levels of particulate matter downwind of construction activity. Construction dust has the potential for creating a nuisance at nearby properties. This impact is considered less than significant if mitigation measures put place.

During demolition of existing structures:

- Water active demolition areas to control dust generation during demolition and pavement break-up.
- Cover all trucks hauling demolition debris from the site.
- Use dust-proof chutes to load debris into trucks whenever feasible.
- During all construction phases:
  - Pave, apply water 3x/daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
- Hydoseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- Enclose, cover, water 2x/daily, or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- Limit traffic speeds on unpaved roads to 15 miles per hour.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.
- Suspend construction activities that cause visible dust plumes to extend beyond the construction site.
- The project shall ensure that emissions from all construction diesel powered equipment used on the project site do not exceed 40% opacity for more than three minutes in any one hour. Any equipment found to exceed 40% opacity shall be repaired immediately.
- Diesel equipment standing idle for more than five minutes shall be turned off.
- As possible, avoid staging construction equipment adjacent to existing residences.

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

### D. BIOLOGICAL RESOURCES

<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) 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, 6,7</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, 6,7</td>
<td></td>
<td></td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>c) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</td>
<td>1, 2-MapN1, 6,7</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>d) Conflict with any local policies or ordinances protecting biological resources, such as a tree</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></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>
</tr>
<tr>
<td>---------------------------------------------</td>
<td>---------</td>
<td>-------------------------------</td>
<td>-----------------------------------------------------</td>
<td>----------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>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, 6,7,8,9,18</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, 3, 6, 7, 8,9,18</td>
<td></td>
<td></td>
<td>x</td>
<td></td>
</tr>
</tbody>
</table>

**DISCUSSION:**

The project site is located in an established urban area with no riparian or tree habitat for the candidate, sensitive, or special status species in the area. No endangered, threatened, or rare animals, insects and plant species have been identified at this site. The project site is located in an established residential urban setting. The project site is located approximately ½ mile from Adobe Creek, which, at its closest point to the project site, is a channelized, flowing creek. The rezoning project and eventual construction of detached village residential homes would not impact the creek, in that the project site is in an established residential area and on a site that currently contains a day care facility with seven structures, hardscape and landscaping. The project plans are conceptual due to the fact the application under review is for a zone change and comprehensive plan amendment, as a result limited information is known about drainage and runoff from the site. However, due to the fact this site is located approximately ½ mile from the nearest creek, there are no anticipated changes to the creek banks or habitat along the creek. These factors would result in a less than significant impact to any possible riparian habitat at Adobe Creek.

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, including native oaks and other significant trees, on public and private property.
- **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 lots.

**Palo Alto’s Regulated Trees**

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

Palo Alto Municipal Code Tree Preservation Ordinance

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

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

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

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

Palo Alto Tree Preservation Guidelines

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

The conceptual development project associated with the proposed rezoning includes demolition of all existing buildings, pavement and other structures and redevelopment of the entire site. Existing trees are located within areas proposed for demolition, grading and construction. As such, significant impacts to both tree roots and crowns would be unavoidable. The applicant’s submittal, Tree Report and Protection Plan prepared by HortScience, Inc., recommends that four designated trees be removed. The four trees recommended for approval include:

1. Monterey Pine (27") with a canopy of 28'-40' located in the playground area along the southern property line.

2. Monterey Pine (24") with a canopy of 28'-40' located in the playground area along the southern property line.

3. Japanese Black Pine with a canopy of 28'-40' located in a turf area in the center of the project.

4. Almond with a canopy class of 4'-9' located in the planter strip between the southern edge of the property and the adjacent residential homes along Ferne Ave.

Each of these tree locations are identified on the site plan in the Tree Survey and Protection Plan provided by HortScience.

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 value of $16,050.

The Tree Survey and Protection Plan prepared by HortScience identifies design recommendations to be incorporated in the plans to reduce the potential impact on protected trees (both on the subject property and those adjacent to the site and/or overhanging onto the site). The applicant would be required to work with the project arborist in conjunction with the development project, to ensure all design recommendations can and will be met prior to and during all construction related activities.

Summary

As previously mentioned, this application is for a zone change and comprehensive plan amendment and only a site plan and boundary map were provided, so limited information is available relevant to existing and proposed landscaping. The applicant shall work with staff during the ARB review process following rezoning, to ensure all City standards regarding tree removal and replacement are met. The applicant shall also work with staff to ensure all proposed landscape materials proposed in specific development project plans are drought tolerant, non-invasive plants that meet all City Standards.

**Mitigation Measure D-1:**
*Provide optimum tree replacement for loss of four trees as identified above. The applicant shall work with the City Arborist to identify adequate replacement trees (size, species, location, etc...) prior to development project approval.*

**Mitigation Measure D-2:**
*Prepare a Tree Preservation Report for all trees to be retained. Activity within the dripline of ordinance-regulated oak and redwood 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 in conjunction with an ARB application. 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 development project shall be modified as needed for ARB review, to address recommendations identified in the TPR 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 include a review of 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.*

### E. CULTURAL RESOURCES

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

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

If archaeological materials are discovered the applicant would be required to perform additional testing and produce an Archaeological Monitoring and Data recovery Plan (AMDRP) to be approved prior to the start of construction. The City’s standard condition of approval will address this potentiality.

Mitigation Measures:

None

F. GEOLOGY, SOILS AND SEISMICITY

<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) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</td>
<td>See below</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.</td>
<td>2-MapN-5, 6</td>
<td></td>
<td></td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>ii) Strong seismic ground shaking?</td>
<td>2-MapN-10, 6,11</td>
<td></td>
<td></td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>iii) Seismic-related ground failure, including liquefaction?</td>
<td>2-MapN-5, 6,11</td>
<td></td>
<td></td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>iv) Landslides?</td>
<td>2-MapN-</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
b) Result in substantial soil erosion or the loss of topsoil?  
5, 6, 11

<p>| | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>x</td>
<td></td>
</tr>
</tbody>
</table>

c) Result in substantial siltation?  
2-MapN-5, 6, 11

<p>| | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>x</td>
<td></td>
</tr>
</tbody>
</table>

d) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?  
2-MapN-5, 6, 11

<p>| | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>x</td>
<td></td>
</tr>
</tbody>
</table>

e) Be located on expansive soil, as defined in Table 18-I-B of the Uniform Building Code (1994), creating substantial risks to life or property?  
2-MapN-5, 6, 11

<p>| | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>x</td>
<td></td>
</tr>
</tbody>
</table>

f) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?  
1, 6, 11

<p>| | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>x</td>
</tr>
</tbody>
</table>

g) Expose people or property to major geologic hazards that cannot be mitigated through the use of standard engineering design and seismic safety techniques?  
1, 4, 6, 11

<p>| | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>x</td>
<td></td>
</tr>
</tbody>
</table>

DISCUSSION:
The entire state of California is in a seismically active area. According to the Palo Alto Comprehensive Plan the project site is not in an area that is subject to very strong ground shaking in the event of an earthquake or in an area subject to expansive soils, surface rupture, liquefaction, or earthquake induced landslides. Based on the engineering analysis in the Geotechnical Investigation prepared by Lowney Associates, from a geotechnical engineering viewpoint, the site is suitable for residential development. However, there are important geotechnical conditions to be considered as part of the continued planning of the development, which are:

- Moderate expansion potential of the shallow clay soils;
- Grounds water measured as shallow as a depth of 7.5 feet (at time of drilling)

The moderate expansion potential of the shallow clay soils can be addressed by utilizing conventional or post-tensioned mat foundations and maintaining the moisture content of the clay soils exposed at the bottom of footing excavations during construction. If ground water is shallower at time of construction, it could affect the foundation excavations or utility trench excavations and construction. Ground water levels at the site are subject to seasonal and climatic fluctuation and could occur at higher elevations at future times. Therefore, as a mandatory condition of approval associated with eventual development on the site, and particularly if basements are proposed underneath the residential structures submitted for ARB review, it would be prudent to determine the depth to ground water near the time of construction and, if required, provide effective dewatering for footing or utility excavations. Preliminary grading and drainage plans would be required for City staff review in conjunction with an ARB application.

Development on the site would be required to conform to all requirements in the Uniform Building Code, which includes provisions to ensure that the design and construction of all buildings includes provisions to resist damage from earthquakes to the extent feasible and acceptable. Substantial or
permanent changes to the site topography are not expected. Standard conditions of development approval would require submittal of a final grading and drainage plan for the project for approval by the Public Works Department prior to the issuance of a building permit. The application of standard grading, drainage, and erosion control measures as a part of the approved grading and drainage plan is expected to avoid any grading-related impacts.

**Mitigation Measures F-1:** The design of all buildings shall be in accordance with current earthquake resistant standards, including the 2007 CBC guidelines and design recommendations regarding the potential for localized liquefaction presented in the Geotechnical Investigation provided by TRC.

**Mitigation Measures F-2:** Prior to final approval of any development plan and prior to building permit issuance the applicant will be required to retain a geotechnical engineer to 1) perform a final geotechnical investigation once site development plans are complete, 2) review the final construction plans and specifications, and 3) observe the earthwork and foundation installation.

None

---

### G. HAZARDS AND HAZARDOUS MATERIALS

<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) Create a significant hazard to the public or the environment through the routing transport, use, or disposal of hazardous materials?</td>
<td>1, 6, 16</td>
<td></td>
<td></td>
<td></td>
<td></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>1, 6, 16</td>
<td></td>
<td></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, 6, 16</td>
<td></td>
<td></td>
<td></td>
<td></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, 6, 16</td>
<td></td>
<td></td>
<td></td>
<td></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, MapN-9, 6</td>
<td></td>
<td></td>
<td></td>
<td></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</td>
<td></td>
<td></td>
<td></td>
<td></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</td>
<td>1, 2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1,2-MapN-7</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>2-MapN-7</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1, 6,16</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**DISCUSSION:**
The proposed project will not involve the handling, transportation, use, disposal, or emission of hazardous materials. The project site is not identified by either the California Environmental Protection Agency or the California State Water Resources Control Board as a hazardous materials site. The project is not expected to pose airport-related safety hazards. The proposed project will not interfere with either emergency response or evacuation. The project site is not located in a designated fire hazard area. The new construction and site design shall be required to comply with the City’s building permit approval standards and fire equipment and fire protection coverage standards as conditions of project approval prior to the issuance of a building permit.

The Phase I Preliminary Site Assessment provided by Henshaw Associates indicates the subject site is not on any list of known contaminated sites, nor do there appear to be any listed sites in the immediate facility that have an obvious potential to impact soil or groundwater quality at the subject site. Signs indicating the existence of a PG&E pipeline are present on the south side of the property near the play area. The line itself does not appear to represent a significant environmental concern. However, both the City of Palo Alto Fire and Utilities Departments would provide specific conditions of ARB approval to ensure the protection of the pipeline during construction.

**Mitigation Measures:**
None

**H. HYDROLOGY AND WATER QUALITY**

<table>
<thead>
<tr>
<th>Issues and Supporting Information Resources</th>
<th>Sources</th>
<th>Potentially Significant Issues</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Would the project:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>a) Violate any water quality standards or waste discharge requirements?</td>
<td>1,2,6,7</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b) Substantially deplete groundwater supplies or interfere substantially with groundwater</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Condition</td>
<td>Map/Maplet Reference</td>
<td>1, 2, 3, 4, 5, 6, 7</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------------------------------------------------------------------------</td>
<td>----------------------</td>
<td>---------------------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Substantially alter the existing drainage pattern of the site or area,</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>including through the alteration of the course of a stream or river,</td>
<td>1, 2, 6, 7</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>in a manner which would result in substantial erosion or siltation on-</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>or off-site?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) Substantially alter the existing drainage pattern of the site or area,</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>including through the alteration of the course of a stream or river,</td>
<td>1, 2, 6, 7</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>or substantially increase the rate or amount of surface runoff in a</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>manner which would result in flooding on- or off-site?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>e) Create or contribute runoff water which would exceed the capacity of</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>existing or planned stormwater drainage systems or provide substantial</td>
<td>1, 2, 6, 7</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>additional sources of polluted runoff?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>f) Otherwise substantially degrade water quality?</td>
<td>1, 2</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>g) Place housing within a 100-year flood hazard area as mapped on a</td>
<td>1, 2, Map N-6, 7</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>federal Flood Hazard Boundary or Flood Insurance Rate Map or other</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>flood hazard delineation map?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>h) Place within a 100-year flood hazard area structures which would</td>
<td>2-Map N6</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>impede or redirect flood flows?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>i) Expose people or structures to a significant risk of loss, injury or</td>
<td>2-Map N6, N8</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>death involve flooding, including flooding as a result of the failure</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>of a levee or dam or being located within a 100-year flood hazard</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>area?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>j) Inundation by seiche, tsunami, or mudflow?</td>
<td>2-Map N6, N8</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>k) Result in stream bank instability?</td>
<td>1, 2, Map N6, 9</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**DISCUSSION:**

The site currently contains seven existing structures all used for the purposes of a day care facility. The seven structures total approximately 18,718 square feet. The rest of the site consists of asphalt paving, permeable play areas and minimal landscaping.

The project site is not located in an area of groundwater recharge and will not deplete the groundwater supplies. The project site is located approximately ½ mile outside of the 100-year flood hazard area and would not impede or redirect flood flows. The site is approximately a ½ mile away from Adobe Creek which is located north/northwest of the site. The project site is not in an area that is subject to seiche, tsunami or mudflow. As previously mentioned in the Geology, Soils and Seismicity section of this study, groundwater at the site has been measured to as shallow a depth as 7.5 feet. Therefore it would be
prudent to determine the depth to ground water prior to construction. The City would require the level of
groundwater be determined prior to the ARB review process. With the City's required conditions of
ARB approval the water impacts of the project would not be significant. During demolition, grading
and construction, storm water pollution could result. Standard conditions of ARB 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 development
project to less than significant.

Mitigation Measure:

None

<table>
<thead>
<tr>
<th>I. LAND USE AND PLANNING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Issues and Supporting Information Resources</td>
</tr>
<tr>
<td>Would the project:</td>
</tr>
<tr>
<td>a) Physically divide an established community?</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>
</tr>
<tr>
<td>c) Conflict with any applicable habitat conservation plan or natural community conservation plan?</td>
</tr>
<tr>
<td>d) Substantially adversely change the type or intensity of existing or planned land use in the area?</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>
</tr>
<tr>
<td>f) Conflict with established residential, recreational, educational, religious, or scientific uses of an area?</td>
</tr>
<tr>
<td>g) Convert prime farmland, unique farmland, or farmland of statewide importance (farmland) to non-agricultural use?</td>
</tr>
</tbody>
</table>

DISCUSSION:
The project at 525 San Antonio Avenue is for a Zone Change and a Comprehensive Plan Amendment to
assign the Village Residential land use designation and RM-15 zoning to the site which is currently
designated as Single Family Residential and currently being occupied by the Peninsula Day Care Center.
The project includes the demolition of all existing buildings on the 2.65 acre site located at 525 San Antonio Avenue and construction of 26 single family detached homes ranging in size from 1,400 to 2,000 square feet. The individual lots would range in size from 2,500-4,000 square feet, which is within the allowable lot size for properties for a Village Residential development; however, a subdivision map application has not been filed and would not be processed until the site’s rezoning and land use re-designation are approved and ARB review is completed. The homes are proposed as two-story homes with a maximum height of 28’ 6”, which is under the 30 foot maximum height limit for Village Residential development.

The development project would involve the lot merger of two existing, adjacent lots into one large lot totaling 2.65 acres. The applicant would apply for a tentative map for a 26-lot subdivision in accordance with the procedures set forth in the Subdivision Map Act. The 26 single family detached residences will be fee simple lots.

The proposed project is not an allowed use per the City’s current zoning code (Palo Alto Municipal Code Chapter 18.12) and Comprehensive Plan land use designation. The project proposal is a request to change the zoning from R-1 (8000) to RM-15, Multi-Family Residential for the intended Village Residential development, and amend the Comprehensive Plan from Single Family Residential to Village Residential in order to accommodate a multi-family development that includes 26 detached single family residences. Village Residential is a multi-family development intended to create, preserve and enhance areas for a mixture of single family and multi-family housing that is compatible with lower density and nearby residential districts.

Per current R-1(8000) standards, 26 single family residences would exceed the density allowed per that zoning designation and the lot sizes would be 4,000 to 5,500 square feet smaller than the minimum lot size allowed for R-1 (8000) parcels. The proposed density of 26 residences also exceeds the Comprehensive Plan’s maximum density of 1-7 units per acre for single family residential uses. Based on the Comprehensive Plan, the 2.65 acre site could accommodate a maximum of 18 single family residences; however, the R-1(8000) zoning would only allow 14 residences on the approximately 115,869 square foot site, if there were no roadways removing site area from availability for housing sites meeting minimum lot size of 8,000 square feet. If the Comprehensive Plan land use designation were amended from Single Family Residential to Village Residential, the maximum density would change to 20 units per acre, which would allow up to 53 units based the 2.65 acre site.

There are several zoning districts that are more intense than R-1(8000) that would be allowed under the site’s existing comprehensive plan land use designation of single family residential. These are the standard R-1 zone (6,000 square foot minimum lot size) and the R-2 zone (allowing for second dwelling units under the same ownership as the initial dwelling unit, or duplex development). The applicant has not requested consideration of these alternative zone districts for rezoning allowing some intensification of the site beyond the existing R-1(8000) zoning. One alternative covered under this environmental review as less intense than the requested rezoning, is retention of the single family land use designation for a small portion of the site abutting the R-1(8000) properties fronting Ferne Avenue, but rezoning of the small site portion to allow smaller lots and higher density (such as standard R-1 or R-2), and rezone to RM-15 and re-designate as Village Residential or Multiple Family Residential a larger portion of the site abutting the RM-15 zoned parcels fronting Byron Street to allow for even smaller lots and even higher density.
The development concept indicates a Design Enhancement Exception (DEE) would be requested for one lot in order to exceed the 4,000 square foot maximum lot size set forth in the Village Residential development standards. Details as to the exact size of the lot have not been provided as part the application for the zone change and comprehensive plan amendment but would be required as part of the formal Architectural Review Board application.

The subject site is located in a transitional zone in terms of surrounding uses and zoning designations. It is surrounded on three sides by developed land. Five single family, single story residences zoned R-1 (8000), the same zoning as the subject site, are along the southwesterly property line, PAUSD’s Greendell campus is to the northwest, and four low density multi-family zoned (RM-15) properties are to the northeast. Directly across San Antonio Avenue to the south is a private educational facility and more multi-family housing comprised of townhomes and condominiums.

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.

Compliance with parking regulations is addressed in Section O below.

Mitigation Measures:

None.

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

DISCUSSION:
The 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:
### K. NOISE

<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) 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>1,2,13</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Exposure of persons to or generation of excessive ground borne vibrations or ground borne noise levels?</td>
<td>1,2,13</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td>1,2,13</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td>1,2,13</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</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</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>1,2,13</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>1,2,13</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>1,2,13</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>1,2,13</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>1,2,13</td>
<td></td>
<td>X</td>
<td>X</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>1,2,13</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**DISCUSSION:**
The project site is located in an area with an existing noise level ranging between 56-70dBA. This noise level is typical for single-family residential districts. Grading and construction activities will result in temporary increases in local ambient noise levels. Typical noise sources would include mechanical equipment associated with excavation, grading and construction, which will be short term in duration. Standard approval conditions would require the project to comply with the City’s Noise Ordinance (PAMC Chapter 9.10), which restricts the timing and overall noise levels associated with construction activity. Short-term construction that complies with the Noise Ordinance would result in impacts that are expected to be less than significant.

Estimated future noise levels at the site will range from DNL (day-night average sound level) 6875dBA along the front half of the site fronting San Antonio Avenue (eastern portion) to 60dBA in the western portion of the site. These levels fall within the normally and conditionally acceptable land use categories at the site. Where the DNL exceeds 60dBA, the project must incorporate mitigation measures into the building design to reduce interior noise levels from exterior sources to DNL 45dBA or less, and to reduce maximum sound levels in residential units from vehicles to 50dBA in bedrooms and 55dBA in other rooms. To meet the indoor noise level criteria, sound-rated exterior facades will be necessary for some units. Recommendations for sound rated construction will depend on the size and type of rooms, window and exterior facades, and must be determined during the design phase.

Long term noise associated with the proposed project will not increase. The Peninsula Day Care Center currently occupies the site. The Technical Memorandum prepared by TJKM Transportation Consultants dated May 14, 2010 indicates the proposed residences would reduce peak hour trips in and out of the site by approximately 90%. Therefore the vehicle trips associated with the project is not expected to increase environmental noise in the project vicinity. However, there are long term noise impacts associated with the use of outdoor condensing units. At this time it is not known whether any of the units will have outdoor condensing units. If outdoor condensing units are proposed mitigation measures will be needed to reduce noise to within the Noise Ordinance limits.

The City’s standard conditions of approval will be applied to the project to ensure the construction noise and outdoor mechanical equipment noise impacts will be reduced to a level of insignificance. The City will continue to work with the applicant during the design phase of the project to ensure that adequate noise reduction measures be implemented to help mitigate potential noise impacts from increased traffic along San Antonio Avenue. The project site is not located within an airport land use plan or within the vicinity of a private airstrip.

Mitigation Measures N-1: In order to meet the indoor noise level criteria, sound rated exterior facades shall be required for those affected units listed in the Environmental Noise Assessment provided my Charles M. Salter Associates Inc., dated September 17, 2010. Recommendations for sound-rated construction will depend on the size and type of rooms, windows, and exterior facades, and must be determined during the design phase project review.

Mitigation Measures N-2: In order to mitigate noise impacts associated with outdoor mechanical equipment mitigation measures will be required. These may include a combination of selecting quiet units, maintain minimum distances to property lines, and physical barriers and/or enclosures. The applicant shall work with staff during the design phase to determine to specific requirements.
L. POPULATION AND HOUSING

<table>
<thead>
<tr>
<th>Issues and Supporting Information Resources</th>
<th>Sources</th>
<th>Potentially Significant Issues</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Would the project:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?</td>
<td>1,2,6,7</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>1,6,7</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</td>
<td>1,6,7</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) Create a substantial imbalance between employed residents and jobs?</td>
<td>1,2,7</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>e) Cumulatively exceed regional or local population projections?</td>
<td>1,2,7,17</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

DISCUSSION:
The project is a redevelopment of a 2.65 acre site into a residential-use project consisting of 26 detached single family residences. The proposal includes the demolition of the existing Peninsula Day Care Center, which includes all structures, hardscape and landscape. Based on information submitted by the applicant, it is assumed that the applicant intends to sell the 26 units as fee simple lots.

Population in Palo Alto’s sphere of influence in 1996, according to Palo Alto Comprehensive Plan was 58,000 people. This is projected by the City’s Comprehensive Plan to increase to 62,880 by 2010. The project, by adding to the housing stock by 26 units, would cumulatively contribute to population in the area. The average household size in Palo Alto is 2.24 persons, which would mean the project could generate a total of 59 people. The projects cumulative impacts for the purposes of CEQA are also considered to be less than significant, as the impact 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 incremental increase in population generated by the proposed project would not be considered a significant impact. City development standards, development fees (including impact fees) and standard conditions of project approval reduce potential negative impacts of the project to less than significant.

The project would be subject to the policies and regulations of the Below Market Rate Housing program, including the payment of in-lieu fees.

Mitigation Measures:

None.
### M. PUBLIC SERVICES

<table>
<thead>
<tr>
<th>Issues and Supporting Information Resources</th>
<th></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>
<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>1, 2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fire protection?</td>
<td></td>
<td>1, 2</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Police protection?</td>
<td></td>
<td>1, 2, 20</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Schools?</td>
<td></td>
<td>1, 2</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Parks?</td>
<td></td>
<td>1, 2</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Other public facilities?</td>
<td></td>
<td>1, 2</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

**DISCUSSION:**

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

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

**Schools**
No significant demand for school services would result from the project, which is not expected to generate a substantial increase in Palo Alto's residential population. Based on the Palo Alto Unified School District (PAUSD) student generation rates of 0.75 students per single family detached dwelling unit and 0.7 per Below Market Rate rental unit, the project would generate 21 school-age children. Currently, enrollment in the PAUSD is approaching capacity. School overcrowding is not considered a significant effect however, under CEQA [Goleta Union School District v. The regents of the University of California (35 Cal.App.4th 1121 (1995)]). Rather, the increase in students from a project is only significant if such an increase would create significant environmental effects, such as impacts from the construction of a new school. Due to demand, the PAUSD is examining options to
increase capacity, including re-opening currently closed schools. However, the project’s cumulative impacts for the purposes of CEQA are considered to be less than significant, as the impact from the project alone is not considerable. It should be noted that the PAUSD has implemented a school impact fee that the applicant would be required to pay. Impact fees are used only for construction and reconstruction of school facilities. As of July 21, 1996, the City of Palo Alto withholds building permits until PAUSD has certified that school impact fees have been paid.

**Parks**
Impact fees to address impacts on parks were adopted by the Palo Alto City Council in March of 2002. As a condition of subdivision and prior to receiving a building permit, the project applicant will be required to pay a one-time development impact fee for parks. The City’s park-in-lieu fee and park facility fee will be used to offset impacts on park facilities as a result of this project. Therefore, the project would result in a less than significant impact.

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

**Mitigation Measures:**

None

<table>
<thead>
<tr>
<th>N. RECREATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Issues and Supporting Information Resources</td>
</tr>
<tr>
<td>Would the project:</td>
</tr>
<tr>
<td>Sources</td>
</tr>
<tr>
<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>
</tr>
<tr>
<td>b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?</td>
</tr>
</tbody>
</table>

**DISCUSSION:**
The development project following rezoning and subject to ARB review would be subject to payment of impact fees for parks, libraries and community facilities. The eventual subdivision project would be further subject to payment of parkland dedication fees. The project in total would therefore not have any
significant impact on existing parks, nor include or require construction of recreational facilities. No mitigation is required.

There would not be a significant change to the demand of recreation services as a result of the proposed project. The development project includes a proposal for common area for recreation and private yard areas for each residence.

**Mitigation Measures:**

None

### O. TRANSPORTATION AND TRAFFIC

<table>
<thead>
<tr>
<th>Issues and Supporting Information Resources</th>
<th>Sources</th>
<th>Potentially Significant Issues</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<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) 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>1,6,7,14,</td>
<td></td>
<td>X</td>
<td></td>
<td></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>1,6,7,14,</td>
<td></td>
<td>X</td>
<td></td>
<td></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</td>
<td></td>
<td>X</td>
<td></td>
<td></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>1,6,7,14</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>e) Result in inadequate emergency access?</td>
<td>1,2,6</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>f) Result in inadequate parking capacity?</td>
<td>1,2,6,7,14</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian, transit &amp; bicycle facilities)?</td>
<td>1,2,6,7,14</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>h) Cause a local (City of Palo Alto) intersection to deteriorate below Level of Service (LOS) D and cause an increase in the average stopped delay for the critical movements by four seconds or more and the critical volume/capacity ratio (V/C) value to increase</td>
<td>1,2,6,14</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Issues and Supporting Information Resources Would the project:</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>
</tr>
<tr>
<td>-------------------------------------------------------------</td>
<td>---------</td>
<td>-------------------------------</td>
<td>-----------------------------------------------------</td>
<td>-----------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>by 0.01 or more?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>i) Cause a local intersection already operating at LOS E or F to deteriorate in the average stopped delay for the critical movements by four seconds or more?</td>
<td>1,2,6,14</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>j) Cause a regional intersection to deteriorate from an LOS E or better to LOS F or cause critical movement delay at such an intersection already operating at LOS F to increase by four seconds or more and the critical V/C value to increase by 0.01 or more?</td>
<td>1,2,6,14</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>k) Cause a freeway segment to operate at LOS F or contribute traffic in excess of 1% of segment capacity to a freeway segment already operating at LOS F?</td>
<td>1,2,6,14</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>l) Cause any change in traffic that would increase the Traffic Infusion on Residential Environment (TIRE) index by 0.1 or more?</td>
<td>1,2,6,14</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>m) Cause queuing impacts based on a comparative analysis between the design queue length and the available queue storage capacity? Queuing impacts include, but are not limited to, spillback queues at project access locations; queues at turn lanes at intersections that block through traffic; queues at lane drops; queues at one intersection that extend back to impact other intersections, and spillback queues on ramps.</td>
<td>1,2,6,14</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>n) Impede the development or function of planned pedestrian or bicycle facilities?</td>
<td>1,2,6,14</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>o) Impede the operation of a transit system as a result of congestion?</td>
<td>1,2,6,14</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>p) Create an operational safety hazard?</td>
<td>1,6,14</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

**DISCUSSION:**

A Technical Memorandum prepared by TJKM Transportation Consultants analyzed the potential impacts to the transportation system as a result of the redevelopment of the Peninsula Day Care Center site. A complete transportation impact analysis was not required due to the fact that the proposed project is estimated to result in a net decrease in both peak hour and daily trips. The existing facility at the project site includes seven single story structures used by the day care center. The existing day care center use generates an estimated 277 AM peak hour trips and 347 PM peak hour trips. The proposed project of 26 residential units is estimated to generate 254 fewer AM peak hour trips and 317 fewer PM peak hour trips.

The traffic memorandum prepared by TJKM concludes that there will be no negative impacts at the site or at nearby intersections caused by the change in land use.
The nearby intersection directly northeast of the project site at Middlefield Road and San Antonio Avenue is a busy intersection. The traffic memorandum prepared by TJKM studied the current level of service (LOS) for this intersection. LOS were made for existing, mid-term and long-term scenarios for both AM and PM peak hour conditions. The LOS ratings for each scenario is as follows:

1. Existing AM/PM peak hour: LOS C/E  
2. Mid-Term AM/PM peak hour: LOS F/F  
3. Long-Term AM/PM peak hour: LOS F/F

The current AM LOS is acceptable at LOS C, the current PM LOS is LOS E and both scenarios in the future can expect to experience LOS F conditions during the AM and PM peak hours. According to the traffic memo prepared by TJKM it is anticipated that trips would be expected to be removed from the intersection during each of the peak hours. Such a reduction would be expected to improve the future peak hour operating conditions at this intersection.

Access/Circulation
Proposed access to the site is indicated on concept plans as two vehicular and pedestrian connections onto the San Antonio frontage road, completing a full loop through the subdivision. The road is conceptually designed as a 32 foot wide private road, which is consistent with the City of Palo Alto’s Private Street Ordinance. The road would have a continuous sidewalk and parking along the roadway as well as four designated parking bays for guest parking.

Parking Spaces
The development project would provide the necessary parking requirements as required by the City of Palo Alto Zoning Ordinance. Parking is indicated as two-car attached garages for each of the 26 single family residences for a total of 52 parking spaces. In addition to the 52 parking spaces there would also be 9 designated parking spaces provided as guest parking spaces for a total of 61 parking spaces. Because only a conceptual site plan was provided as part of the application for the zone change and comprehensive plan amendment, limited information was provided regarding parking. The applicant would be required to provide a comprehensive parking plan as part of the ARB review application.

Transit Service Impacts
Existing bus service is provided within one-quarter mile of the project site. Commuter rail service is provided by Caltrain at the San Antonio station which is approximately one half of a mile from the project site. The project is estimated to have a less than significant impact to transit service.

Pedestrian and Bicycle Impacts
Pedestrian access is provided throughout the development along one side of the private street and includes a connection to a potential future pathway on the adjacent Cubberley Community center site.

The project has been reviewed by the City Fire Department and Transportation Division and does not contain design features that will substantially increase hazards or result in inadequate emergency access. The project would not result in a change to air traffic patterns.
Impact Fees
The development of the property would be subject to citywide traffic impact fees and the San Antonio/West Bayshore traffic impact fee.

Mitigation Measures:

None

<table>
<thead>
<tr>
<th>P. UTILITIES AND SERVICE SYSTEMS</th>
<th>Sources</th>
<th>Potentially Significant Issues</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Issues and Supporting Information Resources 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></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></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></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></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></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></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></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></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

DISCUSSION:
As previously mentioned, this application is for a zone change and comprehensive plan amendment and as a result only a site plan and boundary map were provided so limited information is available relevant to the project’s impact on utilities and service systems. Based on the information that was provided 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 ARB approval would 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 would be are proposed in the development project to accommodate the expected waste and recycling streams that would be generated by the expected uses within the building. The development project would be subject to all conditions of approval that would be provided by all applicable city departments.

Mitigation Measures:

None

Q. MANDATORY FINDINGS OF SIGNIFICANCE

<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) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</td>
<td>1,2-Map L4,5</td>
<td></td>
<td></td>
<td>X</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>1,2,5</td>
<td></td>
<td></td>
<td>X</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>1,5,9,10,13,</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

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

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

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

The proposed project would generate GHGs primarily through electricity generation and use and the creation of vehicle trips. Efforts to reduce the project’s GHG emissions by reducing electricity demand and reducing vehicle trips and miles, therefore, should be implemented. The proposed project would conform to the City’s Comprehensive Plan and other policies to reduce vehicle trips and miles traveled.

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

The project is required to comply with the standards for Leadership in Energy and Environmental Design for Neighborhood Development (LEED-ND) pilot program. Consequently, to the best of our knowledge, the proposed project would result in less-than-significant global climate change and cumulative impacts.
SOURCE REFERENCES

1. Project Planner's knowledge of the site and the proposed project
2. Palo Alto Comprehensive Plan, 1998-2010 (list specific policy and map references)
3. Palo Alto Municipal Code, Title 18 – Zoning Ordinance
4. Required compliance with the Uniform Building Code (UBC) Standards for Seismic Safety and Windload
5. Boundary Map, Carlson, Barbee & Gibson, Inc. Civil Engineers, received October 20, 2010
6. Site Plan, Summerhill Homes, received, October 26, 2010
7. Project Description, Summerhill Homes, received October 20, 2010
16. Palo Alto Fire Department, Hazardous Materials Disclosure Checklist
17. City of Palo Alto Department Review Comments, Planning/Affordable Housing, November, 2010
18. City of Palo Alto Department Review Comments, Planning/City Arborist
19. City of Palo Alto, Environmental Assessment Worksheet, October 25, 2010
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>
<th></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>
<td>x</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>
<td></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>
<td></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>
<td></td>
</tr>
</tbody>
</table>

Project Planner

[Signature]

Date: 1/24/11

Director of Planning and Community Environment

[Signature]

Date: 1/24/11
The City Council of the City of Palo Alto met with the Planning & Transportation Commission on this date in the Council Chambers at 6:04 p.m.

Present: Council Members Burt, Holman, Klein, Price, Scharff, Schmid, Shepherd

Planning & Transportation Commission Members Fineberg, Garber, Keller, Lippert, Tanaka, Tuma

Absent: Council Members Espinosa, Yeh

Planning & Transportation Commission Member Martinez

STUDY SESSION

1. Joint City Council/Planning & Transportation Commission Review of the Comprehensive Plan Amendment and Housing Element Update.

A brief presentation was given by the Director of Planning and Community Environment, Curtis Williams who described the four main issues needing further direction from the City Council prior to Staff and the Planning and Transportation Commission (P&TC) moving forward with preparation of the Comprehensive Plan Amendment. These included: 1) Criteria for preparation of the Housing Element Housing Sites Inventory; 2) 2020 growth projections; 3) The extent of revisions to the Vision, policies and programs of the Comprehensive Plan; and 4) Additional work items outside the current Comprehensive Plan Amendment work plan scope. Each of the P&TC Commissioners gave a short four minute presentation describing their main concerns regarding the four key issues. After the Commissioners’ presentation’s, the Council asked individual Commissioner’s questions in order to further understand their positions on the four topics. The discussion primarily focused on the Housing Element and preparation of the Housing

1 05/12/10
Sites Inventory. The criteria for site identification generated the most discussion and included the following observations:

- Explore mixed-use development in commercial areas
- Explore increasing the 50 foot height restriction under limited circumstances
- Employ a “bottoms up” approach that defines the parameters for accommodating housing
- Explore increasing densities for existing multifamily residential sites
- Locate high densities near transit stations
- Explore use of Transfer of Development Rights for increasing housing production
- Encourage small, high density units

Mayor Burt left the meeting at 6:50 p.m.

At the conclusion of the Study Session, the Planning and Transportation Commission (P&TC) members left the Dias.

Candice Gonzales, Palo Alto Housing Corporation, encouraged the completion of the Housing Element prior to the project being out of compliance. The Housing Corporation and Staff had been working together for more than a year and requested Council to direct Staff on the final phase. She noted being out of compliance limited the State funding available for affordable housing and infrastructure.

Bob Moss, 4010 Orme Street, noted over the past fifteen years the City had been eliminating retail establishments, hotels and restaurants in an effort to create space for more housing. By eliminating the above mentioned establishments the City was eliminating the walkable neighborhoods. He requested to discontinue the loss of commercial space.

Mayor Burt returned to the meeting at 7:30 p.m.

**ACTION**

2. City Council Direction Regarding the Comprehensive Plan Amendment and Housing Element Update.

**MOTION:** Council Member Holman moved, seconded by Council Member Scharff to direct Staff and the Planning & Transportation Commission to not consider R-1, R-2, and RMD sites in the housing site criteria.

**MOTION PASSED:** 7-0 Espinosa, Yeh absent
MOTION: Council Member Scharff moved, seconded by Council Member Holman to direct Staff and the Planning & Transportation Commission to not allow rezoning of commercial to residential, but allow mixed use with no decrease of retail sites throughout the city.

Council Member Scharff spoke about the importance in protecting the economic viability of the City.

Council Member Price asked whether the Motion would preclude any serious examination of the Fry’s Electronic site.

Director of Planning and Community Environment, Curtis Williams stated the Fry’s site was not presently in play for the Housing Element since their lease expired in 2013.

Chief Planning & Transportation Officer, Julie Caporgno stated the Fry’s site was zoned for residential uses, although it was currently being used for commercial.

Council Member Holman asked whether the intention of the Motion was not to increase the building envelope but to consider a multitude of mixed uses that would include housing.

Council Member Scharff stated his Motion had a broader direction in order to not limit the Council on future decisions of larger mixed uses.

Council Member Holman stated larger projects were subject to a Planned Community (PC) Zoning.

MOTION PASSED: 7-0 Espinosa, Yeh absent

Council Member Holman requested to retain the fifty foot height limit on buildings.

Council Member Price stated she supported the allowance of exploration of exceptions within a quarter mile of transit. She stated there needed to be flexibility within the Comprehensive Plan.

MOTION: Council Member Klein moved, seconded by Council Member XXXX to direct Staff and the Planning & Transportation Commission to consider that the height is generally not to exceed 50 feet.

MOTION FAILED DUE TO LACK OF A SECOND

MOTION: Council Member Scharff moved, seconded by Council Member Shepherd to direct Staff and the Planning & Transportation Commission to
consider that the height is generally not to exceed fifty feet, and Staff is to perhaps explore and return with exceptions within 1/4 mile of fixed rail transit stations.

Council Member Scharff stated there needed to be flexibility to look at the fifty foot height limit in the area of the fixed rail stations, which was a limited area.

Council Member Schmid asked for clarification on whether the exception was within a quarter mile of transit or transit stations.

Council Member Scharff stated transit stations.

Council Member Klein stated he did not support the Motion.

Council Member Scharff stated the intent of the Motion was for Staff to explore the options and return to Council for a decision on which direction would best suit the City.

Council Member Klein stated Staff came to Council for guidance and the Motion was without guidance.

Mayor Burt clarified asking Staff and the Planning & Transportation Commission (P&TC) to evaluate a process was guidance. He noted historically the fifty foot height limit was of concern for the community.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to delete the word “perhaps”, and change “explore” to “evaluate”, and include the wording “limited exceptions” after explore.

Council Member Holman stated she did not support the Motion. She stated once an exception was allowed there tended to be increasing slow progress towards extended exceptions. Compatibility was imperative moving forward.

Council Member Shepherd suggested expanding the study to include the High Speed Rail (HSR).

Council Member Price stated she supported the Motion with the incorporated language.

Council Member Klein stated if the Motion was adopted, the City was undercutting the use of the bottom-up argument on the Regional Housing Needs Allocation (RHNA) numbers.
Mayor Burt clarified there was no vote for altering the height limit, only to allow the consideration of altering the limit. He stated it would be inappropriate to not consider any height limitation in an effort to protect the R-1 and R-2 neighborhoods.

Council Member Holman stated she wanted to avoid over building using the allowed exception without consideration for the community goal.

**MOTION AS AMENDED PASSED:** 5-2 Holman, Klein no, Espinosa, Yeh absent

Mayor Burt stated the focus needed to be modifying the language of which portions of El Camino Real would be appropriate for housing sites.

Council Member Scharff stated he did not feel El Camino Real was the type of transit route that made sense for housing. He clarified the bus transit route was not adequate enough to be considered, although areas incorporated with fixed rail would be sufficient. He asked Staff for clarification on the variance between the quarter mile and the half mile distance.

Mr. Williams stated the Comprehensive Plan currently had a designation of Transit Oriented Residential which was 2,000 feet from a transit station. He clarified the number was modified to fit the circumstances with California Avenue Pedestrian Transportation Oriented Development (PTOD).

**MOTION:** Council Member Scharff moved, seconded by Council Member Schmid to direct Staff and the Planning & Transportation Commission to focus on sites within 1/2 mile of transit stations.

Council Member Scharff stated transit oriented development was an important direction.

Council Member Schmid stated the transit stations; fixed rail, Caltrain, and possibly High Speed Rail (HSR), granted a higher level of opportunity for housing development than that of El Camino Real.

Council Member Shepherd stated concern with whether the transit systems would continue their present routes in the future. She suggested starting the outreach process and connecting it to the developments making headway to see if the City could reach an agreement with the developers to secure transit pathways.

Council Member Price suggested the focus be on the area of El Camino Real that was sufficiently served by transit and not the distance of a quarter or half mile. She stated she did not support the Motion.
Mayor Burt stated the current El Camino Real bus route system had the heaviest usage in Santa Clara County.

Council Member Holman stated she supported the Motion.

Council Member Schmid stated the sites were not indiscriminantly and there were other criteria that were important for identifying sites that were accessible as walkable options appropriate for the neighborhoods.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to have Staff and Planning & Transportation Commission evaluate sites within ¼ mile of El Camino Real if well served by transit or likely to be well served.

Council Member Scharff stated he had concerns with the El Camino Real bus system. The purpose of having housing near transit systems was to eliminate vehicle travel. He asked for clarification on where the El Camino bus system went in order for him to determine the viability of building housing near the bus system.

Mayor Burt stated there were projections by Valley Transportation Authority (VTA) on the trip ratio and destinations.

**MOTION AS AMENDED PASSED:** 6-1 Schmid no, Espinosa, Yeh absent

Mayor Burt stated Staff was asking direction on: 1) Should the City of Palo Alto draft a Housing Element with a primary goal of providing adequate sites to accommodate all of the City’s RHNA allocations, or 2) Should the City use a “bottoms-up” approach to define what kind and amount of housing can best be accommodated, consistent with the principles of locating housing in areas close to support services and transit, regardless of whether it ultimately complies with the RHNA allocation.

**MOTION:** Council Member Holman moved, seconded by Council Member Scharff to direct Staff and the Planning & Transportation Commission to use a “bottoms-up” approach to define what kind and amount of housing can best be accommodated.

**MOTION PASSED:** 7-0 Espinosa, Yeh absent

Mayor Burt stated Staff was asking direction on: 3) What criteria should be used to identify sites to include in the housing inventory, e.g., housing type, size, location, existing zoning proximity to transit and pedestrian-oriented areas.
Council Member Scharff stated in meeting the Housing Element goal from a “bottom-up” perspective, areas that needed to be looked at were up zoning parcels of existing areas such as apartments, going from RM-15 to RM-40.

Council Member Schmid stated identification of sites needed to include key criteria of what the denser housing sites would have; accessibility of neighbors, walkable options and compatible access to schools.

Mayor Burt stated an alternative to directing Staff was not to provide an action for all of the recommendations. Council could provide Staff with a sense of their proposed directions, and Staff could return to Council with specific alternatives.

Council Member Price stated the potential for mixed-use developments within a housing site should be considered.

Council Member Holman stated a smaller unit size had less impact on schools. She was interested in whether there were community benefits in the up zoning.

Mayor Burt stated if there were areas like California Avenue or downtown with existing zoning he would be interested in the concept of overlay zones and of smaller units with a higher number of units per acre; not necessarily subsidized housing. He asked, with an added overlay, would it have a higher Floor Area Ratio (FAR).

Council Member Price asked for clarification on whether the comment was to consider the implementation of overlays at different sites. She asked whether Staff’s intention was in the size of the site or the size of the unit.

Mr. Williams stated the direction requested by Staff was for unit sizes not parcel sizes.

Mayor Burt stated for Association of Bay Area Government (ABAG) and RHNA a 600 square foot unit counted the same as a 6,000 square foot home.

Council Member Scharff stated smaller units were practical and more feasible for a community. He asked whether the concept of an overlay would be counted towards the RHNA numbers.

Mr. Williams stated if the project was in an overlay without constrictions then it could be counted towards the RHNA numbers.
Ms. Caporgno stated if there were an overlay zone with options of the underlying land use designation to be used and the project were in the overlay then it would be necessary to implement the overlay.

Council Member Scharff stated Council’s responsibility was to ensure proper zoning.

Ms. Caporgno clarified if the site was placed in the housing inventory; there was an implied commitment that this site was going to be developed in a certain manner.

Mayor Burt asked for clarification on placing a site in the housing inventory.

**MOTION:** Council Member Schmid moved, seconded by Council Member Shepherd to direct Staff and the Planning & Transportation Commission that the criteria for sites should provide such things as access to services, accessibility to neighbors, compatibility to neighborhood, close to jobs and schools, accessible to transit.

Council Member Schmid stated with the creation of a list of criteria we would be able to check-off the developments that had the most likelihood of being built.

Mayor Burt asked whether all of the criteria mentioned would be required or the list would be the pallet.

Council Member Schmid stated the list of criteria would be a pallet to choose from.

Council Member Shepherd stated there needed to be a nexus between the services and the developments. Specific criteria of what types of services would be available was imperative.

Council Member Price asked whether the potential for mixed-use was still a part of the discussion.

Mayor Burt stated the Motion on the floor was in regards to criteria for development. The discussion of mixed-use was a part of a discussion however not specific to the vote.

**INTEGRATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add the wording to the Motion: the potential for mixed use development be a criteria for identifying sites.
INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to change the wording in the Motion “that the criteria for sites” to “that among the primary criteria for sites.”

Mayor Burt asked whether the term incentives in the Motion was meant as a preference for these sites intended for development.

Council Member Schmid stated the intent was one of guidance for there to be a list of services available for the intended residents as an incentive of a site that would be developed. Staff would be able to sort through the list of primary criteria in an effort to assist in the choices of sites to develop.

MOTION: Council Member Scharff moved, seconded by Council Member XXX to continue the remainder of this Agenda Item to a date uncertain.

MOTION FAILED DUE TO LACK OF A SECOND

MOTION AS AMENDED PASSED: 7-0 Espinosa, Yeh absent

MOTION: Mayor Burt moved, seconded by Council Member Scharff to direct Staff and the Planning & Transportation Commission that higher density, small unit overlays be evaluated particularly in our two Transit Oriented Districts.

MOTION PASSED: 7-0 Espinosa, Yeh absent

Council Member Shepherd was concerned that there were 26 days left before the Alternatives Analysis comments were due.

MOTION: Council Member Shepherd moved, seconded by Council Member XXX to direct Staff and the Planning & Transportation Commission to add to the existing work program; 1) High Speed Rail land use scenarios, and 2) University Avenue/Downtown Area Concept Plan.

MOTION FAILED FOR LACK OF SECOND

MOTION: Council Member Holman moved, Council Member Schmid to direct Staff and the Planning & Transportation Commission to: 1) identify existing sites zoned for housing or mixed use in proximity to transit and services, 2) explore working with Stanford to reassign up to 600 units from the County to the City for housing sites allowed under Stanford’s Community Plan and General Use Permit, in conjunction with or following the Development Agreement for the Stanford University Medical Center expansion, 3) explore potential housing inventory sites using LEED-ND (LEED for Neighborhood Development) criteria as primary evaluation tool, particularly near transit and services (El Camino Real, Stanford, and...
University Ave., and 4) emphasize smaller size units and minimize housing impacts on schools and other public facilities.

Council Member Price asked for clarification on the LEED-ND criteria as it related to the Housing Element.

Mr. Williams stated the LEED-ND criteria included virtually all of the evaluations of whether the site and the surrounding area created walkability that was accessible to public spaces and services.

Council Member Scharff stated he wanted to support the Motion although there needed to be focus on senior housing.

**AMENDMENT:** Council Member Scharff moved, seconded by Mayor Burt to include units for seniors.

Mayor Burt stated the presentation listed an emphasis on smaller units. Units for seniors minimized the housing impacts on schools and other public facilities.

Council Member Schmid supported the Amendment.

**AMENDMENT PASSED:** 7-0 Espinosa, Yeh absent

**MOTION AS AMENDED PASSED:** 7-0 Espinosa, Yeh absent

**MOTION:** Council Member Klein moved, seconded by Council Member Scharff to continue the remainder of this Agenda Item to a date uncertain.

Council Member Schmid asked what was being specifically extended within the Housing Element and will there be further discussion at a later date.

Mr. Williams stated the Housing Element would be returning to Council for discussion.

Council Member Schmid asked whether there would be site information provided at the continued meeting.

Mayor Burt stated the continued meeting would be to discuss the items in the CMR that were on the Council agenda for this evening.

Council Member Holman requested to add a topic for discussion to be heard tonight under the Housing Element.
Mayor Burt reiterated that the Housing Element was being continued for further discussion for the items which had not yet been discussed at this evenings meeting.

Council Member Shepherd asked when the discussion of the strategic planning for the corridor study would be occurring.

Mayor Burt clarified the discussion was currently addressing the Comprehensive Plan and the Housing Element although the question asked was on the Alternatives Analysis for the corridor study.

Council Member Scharff requested discussing the construction of affordable units this evening. He felt the issue needed minimal further discussion and could be resolved without waiting.

Council Member Price stated she understood the difference between the Alternatives Analysis and corridor study in short-term and long-term. She noted the item was time sensitive and there needed to be a clear understanding of when there would be discussion.

Mayor Burt explained the opportunity to discuss all items not covered during this evenings meeting would be at the upcoming special Council meeting before the end of June.

**MOTION PASSED:** 7-0 Espinosa, Yeh absent

**ORAL COMMUNICATIONS**

None

**ADJOURNMENT:** The meeting adjourned at 9:48 p.m.
January 12, 2011

Curtis Williams
Director, Planning and Community Development
City of Palo Alto
250 Hamilton Avenue
Palo Alto, CA 94301

Re: 525 San Antonio Road

Dear Mr. Williams

I am writing to express Palo Alto Unified School District’s (“PAUSD”) potential interest in acquiring the property at 525 San Antonio Road. This property has the potential to serve as an addition to the adjoining Greendell Elementary School. The purpose of this letter is to keep the City informed of PAUSD’s thinking in relation to the property.

We wish to emphasize that PAUSD’s Board has made no formal decision to move forward with acquisition of the property. There are extensive statutory and regulatory requirements applicable to acquisition of property to build or expand school sites, including review of the site and its suitability for school use, a related public hearing before the Board, approval by the California Department of Education, and clearance from the Division of Toxic Substances Control (“DTSC”). PAUSD has not yet taken any of these steps.

Because PAUSD’s consideration of the site is only preliminary at this point, we are not yet seeking input by the Planning and Community Development Department pursuant to applicable statutory provisions, nor do we expect the Department to submit comments to PAUSD within the next thirty days, as called for by statute. We understand that SummerHill Homes, Inc., is currently under contract with the property owner, A&D Protocol, Inc., to purchase the property. Should development on the property be proposed by any party, including the owner or SummerHill, we wanted to emphasize the fact that PAUSD has not made a decision to acquire the site, and the City should feel free to process any applications for development as it otherwise would.
If PAUSD makes a decision to acquire the site, and if it is able to obtain the necessary approvals to do so, we will formally notify the Development Department pursuant to applicable statute. Until then, please feel free to contact me with any questions.

Sincerely,

[Signature]

Kevin Skelly, Ph.D.
Superintendent

cc: Robert Freed, President & CEO, SummerHill Homes, Inc.
Via E-Mail and First Class Mail

April 13, 2011

Hon. Sid Espinosa, Mayor
and City Council Members
City of Palo Alto
250 Hamilton Avenue
Palo Alto, CA 94301

Re: City Council Meeting: May 2, 2011
525 San Antonio

Dear Mayor Espinosa and Members of the Council:

This firm represents SummerHill Homes LLC, the developer of the 23-unit residential project located at 525 San Antonio Avenue, Palo Alto, and which will be considered by the Council at its May 2, 2011 meeting ("Project"). For the legal and factual reasons set forth herein, we respectfully oppose the Planning Commission's recommendation that the City Council deny the pending Project applications. Although the Commission's written recommendation has not yet been submitted, the Commission voted on March 23 to recommend denial of the Project.

Until recently, the City supported the Project. The City's CEQA review determined that the Project would not create any significant environmental impacts, and there was no debate that the Project conformed to the City's planning and zoning regulations while promoting the Comprehensive Plan's goals (and the State's mandate) to provide market rate and affordable housing within the City's limited land supply. Staff raised no substantive concerns about the Project while SummerHill spent considerable time and money processing its applications.

The City changed its position only after the Palo Alto Unified School District ("District") expressed interest in acquiring the Project site. Once this occurred, Staff recommended denial of the Project. As a result, the District would be able to acquire the Property at a suppressed price. This type of pre-condemnation activity is unlawful. Not only has Staff stated that it could no longer politically or legally support the Project because of the District's stated desires to acquire the Project site, the deficiencies in the Staff Report and the Planning Commission's denial reveal that there are no reasonable bases for denial of the Project.
I. THE PLANNING COMMISSION'S BASES FOR RECOMMENDING PROJECT DISAPPROVAL ARE WITHOUT MERIT

The Project's pending applications are for a Comprehensive Plan Amendment, changing the Land Use Designation for the Project site from Single-Family Residential to Village Residential, and for rezoning the site from an R-1 (8000) to RM-15 Zoning District. A Mitigated Negative Declaration ("MND") regarding these two approvals has been prepared by the City and made available for public review, and no comments were received.

The Commission, as reflected in its Staff Report for its March 23 meeting, submits two reasons for recommending denial of the Project: (1) the Project "is not consistent with the existing Comprehensive Plan designation on the site"; and (2) "the Council has given specific policy direction to avoid rezoning R-1 properties to higher densities" and that "the closest train station to the site is located more than ½ mile away from the subject property." (See Staff Report, pp. 9-10.) Both of these bases are without merit.

A. Inconsistency with the Existing Comprehensive Plan is Not a Basis for Denial

As a preliminary point, the argument that a general plan amendment proposal should be denied simply because the amendment is inconsistent with the existing general plan land use designation it seeks to amend is a circular one. By definition, an amendment proposal is inconsistent with that which it seeks to amend. Under controlling law, an amendment proposal must be considered under its own merits, and any denial must have procedural or substantive support. This is not a situation involving a development that seeks subservient approvals to make it consistent with the existing general plan land use designation; instead, the application asks for a different land use designation to which the development is consistent. In this case, the Project's density exceeds that allowed under the existing Single Family Residential designation, thus SummerHill seeks an amendment to the Comprehensive Plan and subservient regulations to allow development at the Project's proposed density. SummerHill has a right to have that proposal considered on its merits.

The Commission also implies that a Village Residential designation may be inappropriate for the surrounding area. For example, some Commissioners claim, that Village Residential housing is not permitted in single family neighborhoods. There is no such prohibition in the Comprehensive Plan. To the contrary, the Village Residential designation by definition includes "single family houses on small lots" in addition to duplexes, fourplexes and small apartment buildings. (Comprehensive Plan, p. L-13.) In fact, the use of the Village Residential designation is expressly encouraged by the Comprehensive Plan, as it helps promote the Policy of seeking "alternative types of housing that increase density and provide more diverse housing opportunities." (Comprehensive Plan, p. L-18, Policy L-13, Program L-13.) This fact was recognized by
Commissioner Garber during the Commission's March 23 meeting, where he also stated that the existing Comprehensive Plan land use designation and zoning are not appropriate for the Project site and that Village Residential was preferable. It should also be noted that very early in the process, Staff directed SummerHill to apply for the Village Residential designation because it was the most appropriate for the Project site considering the adjacent uses.

In addition, the reference to the area as a "single family neighborhood" is misleading. The only single-family homes near the Project site are the five residences on Ferne Avenue abutting to the southwest. The remainder of the neighborhood is devoid of a "single family" character. To the northwest and northeast of the Project site are the District's Greendell campus and parcels zoned RM-15, respectively. RM-15 allows a density of 8 to 15 units per acre (City Code, § 18.13.010(a)), and is the density proposed in the Project applications. Even higher densities are found immediately across San Antonio Avenue to the southeast, where a private education facility, the 156-unit Palo Alto Gardens multifamily project, and the 48-unit Rosewalk condominium development are located.

Finally, in January 2011, Staff determined that the Project would have a less than significant impact on: physically dividing an established community; the City's planning and zoning regulations; any incompatibility with adjacent land uses or with the general character of the surrounding area; housing; and traffic. (MND, pp. 21, 26, 29.) Thus, Staff has previously determined that the Project would not have any adverse planning effects on the surrounding neighborhood. During the MND process, not a single comment was received -- the District and the neighborhood groups said nothing.

B. The Council's "Policy Direction" Cannot Subvert the City's Adopted Planning and Zoning Regulations

The Commission relies on a "Council discussion regarding the Housing Element on June 23, 2010" that purportedly provided "direction to not rezone R-1 areas to higher density housing." (See Staff Report, p. 9.) As an initial point, it is unclear whether this is an accurate representation of the Council's discussion. Neither the June 23 Council meeting video nor the Council Minutes make any such a reference. Instead, the reference to residential intensification occurred during a discussion between Council and Staff about whether work on a South El Camino Real Area Concept Plan should be added to the existing work program. In a May 12, 2010 memorandum from the City Manager to the Council that included this issue, Staff suggested that the Council consider developing a policy for inclusion in the Comprehensive Plan that supports preparation of a South El Camino Real Area at a later date, "and that restricts rezoning for residential intensification unless/until the Concept Plan is approved." (May 12, 2010 Staff Report, p. 5.) The discussions between Council and Staff on this issue are less than clear, but any discussion of a potential restriction on residential intensification was not applied to R-1 zoning districts citywide, and was instead limited to properties located within the South El Camino Real Area Concept Plan. At no
point has the City determined that the Project site is within this Concept Plan, thus the Council's May 12 suggestion to restrict rezoning does not apply to the Project.

Even if this Council "direction" was derived from a Council discussion last June, it has never been adopted into the City's Comprehensive Plan, its Housing Element or its Zoning Code, and thus should not be given equal dignity with the City's controlling planning and zoning regulations. To the contrary, the City's governing land use regulations clearly support allowing higher densities on properties currently zoned R-1, and specifically along San Antonio Road. For example, the Commission recognizes that densities higher than allowed under R-1(8000) are compatible with the Project site's current Single Family Residential land use designation.

Moreover, the Comprehensive Plan's Housing Element's primary goal is to create "a supply of affordable and market rate housing that meets Palo Alto's share of regional housing needs." (Comprehensive Plan, Housing Element, Goal H-1, p. 7.) (The City last updated its Housing Element in 2002, and has not met its 2007-2014 RHNA obligation of 2,860 units.) A policy supporting this goal is "to increase housing density and diversity in appropriate locations." (Comprehensive Plan, Housing Element, Policy H-2, p. 7.) Programs to effectuate this goal and policy include: increasing housing density along San Antonio Road where appropriate; increasing minimum development density requirements; encouraging the conversion of non-residential lands to residential (and not the other way around) in order to increase the housing supply; and to modify the Zoning Code to "Permit higher densities under the R-1 Zoning District to accommodate smaller lots for courtyard homes or other similar types of housing." (Comprehensive Plan, Housing Element, Programs H-1, H-2, H-3, and H-5, pp. 7-10.) The purpose behind these policies and programs is summed up in the Housing Element as follows:

Since housing supplies are so limited, the loss of development potential on any residential site must be discouraged. The purpose of the programs listed above is to ensure that Palo Alto efficiently uses its limited land supply and makes the most of its opportunities to provide both market rate and affordable housing.

(Comprehensive Plan, Housing Element, p. 11.)

Third, according to the Staff and Commission, this "Council policy" was adopted in May or June of 2010, several months before SummerHill filed the Project application with the City in October 2010. While SummerHill conducted countless meetings with Staff and neighborhood groups and expended substantial sums on securing the land and developing a project plan that responded to Staff's suggestions, this supposed Council policy was never raised until after the District expressed interest in acquiring the Project site.
C. Proximity to a Train Station is Not Justification for Denial

As referenced above, another one of the reasons the Commission claims that the Project should be denied is because of its distance from a train station. The Staff Report's claim that "the closest train station to the site [is] located more than ½ mile away from the subject property" (Staff Report, p. 10), is contradicted by Staff's earlier finding in the MND (at p. 31) that Caltrain's San Antonio station was "approximately one half of a mile from the Project site." More importantly, the Commission's policy rationale is unsound for several reasons. The Staff and Commission rely on a Program from the Comprehensive Plan's Transportation Element that provides: "Locate higher density development along transit corridors and near multi-modal transit stations" (Staff Report, p. 9; Comprehensive Plan, Transportation Element, Program T-3, p. T-3), but do not explain why this Program applies to the Project.

To the contrary, the Project lacks any indicia of a "higher density development." The Project's proposed 23 residential units on a 2.65-acre site equates to a gross density of 8.7 units per acre. This density is at the low end of the densities set forth in the Comprehensive Plan's residential land use designations:

- Single Family Residential has a net density of 1-7 units per acre, and up to 14 units per acre where second units or duplexes are allowed. (Comprehensive Plan, Land Use Element, p. L-12.)
- Village Residential has net densities ranging up to 20 units per acre. (Id. at p. L-13.)
- Multiple Family Residential has a net densities ranging from 8-40 units per acre to 8-90 units per acre. (Id. at pp. L-12 to L-13.)
- Transit-oriented Residential has a net density ranging up to 50 units per acre. (Id. at p. L-13.) Because it is designed for development near transit stations, it is fair to assume that the Transit-oriented Residential land use designation is the "higher density development" referenced in Transportation Element Program T-3. (Id.)

Not only is it incorrect to label the Project as "higher density development," there is nothing in the Transportation Element that prohibits increased density in locations other than near transit corridors or multi-modal stations. This lack of a prohibition is evident by the City's approval of higher density projects next to the Project site.

The Commission also improperly relies on a Council "direction" that does not rise to the level of adopted planning or zoning regulations. The Commission claims that increasing density on the Project site "is contrary to Council policy for location of more dense residential development
within ½ mile of transit stations well served by transit." (See Staff Report, p. 9.) This unwritten "policy" appears to emanate from the Council's May 12, 2010 meeting relating to the Comprehensive Plan update and meeting the City's RHNA obligations, where the Council directed Staff to "Focus on sites within ½ mile of transit stations if well served by transit or likely to be well served." (August 11, 2010 Staff Report, p. 2.) This "direction," which the Council reiterated is merely guidance, is simply the Council's attempt to meet its RHNA obligations by seeking housing development sites that are well-suitied for high density development near transit stations, such as the 50 units per acre Transit-oriented Residential designation, which by definition are approximately 2,000 feet from multi-modal stations. This direction is not a prohibition against increasing housing density on other sites. Not only would such an approach be contrary to the Housing Element's express mandate to increase density and provide more units Citywide (discussed above), it would be contrary to the Council's other "direction" from its May 12 meeting regarding "the type of housing the City should support", which emphasizes "smaller size units" and "higher density, smaller unit overlays." (August 11, 2010 Staff Report, p. 2.)

It is also worth noting that during the March 23 meeting, Commissioner Fineberg expressed concerns about relying on any Council "direction" as a basis for the Commission's recommendations, as she correctly recognized that such direction was not an adopted City land use regulation. Nevertheless, the Commission relies on these directions in support of its recommendation.

Thus, the Project will conform to the City's planning and zoning regulations and promotes the City's critical goal of providing adequate housing. The City recognized this and supported the Project until the District expressed interest in the Project site. Although Staff and the Commission have attempted to provide justification for their recommendation to deny the Project, none of these justifications have merit, and it is clear that the District's interest in the Project site has caused Staff to withdraw its support for the Project.

II. THE SCHOOL DISTRICT'S INTEREST IN THE PROJECT SITE IS WHY DISAPPROVAL IS NOW RECOMMENDED

Not coincidentally, the City's change of position occurred only after the District expressed interest in the Project site late in the application process. Although the City has stated that its consideration of the Project will not be affected by the District's recent actions, this claim is dubious. Staff informed SummerHill that the District's interest in the Project site is the primary reason for the City's abandonment of support for the Project. Moreover, the reasons for denial set forth in the Staff Report are contradicted by the City's earlier determinations and the governing planning and zoning documents.

As a result, SummerHill asked this firm to review the matter. On March 16, 2011, we submitted Public Records Act requests to the City and District regarding the Project. Based on the events that have transpired, the concern is that the City intends to either delay the application
process or deny the Project so that the District can obtain the Property at a reduced price. Such actions would constitute "unreasonable precondemnation conduct" under Klopping v. City of Whittier (1972) 8 Cal.3d 39, 51-52, and related cases, and would be subject to discovery.

As the City is aware, SummerHill Homes has a long relationship with this community, and has always worked with the City to reach mutually-beneficial outcomes. However, SummerHill Homes is very concerned about an apparent effort by Staff and the Commission to deny the Project application on unreasonable and unmeritorious (unlawful) grounds, which efforts followed the District’s expression of interest in acquiring the Project site. There is an opportunity for the Council to resolve the issues presented in this correspondence by carefully considering the merits of the application and approving it at the Council’s May 2nd meeting.

Before this Council considers denying the Project, it is important to remember that it is not the City’s duty to facilitate condemnation by the District. To the contrary, the City’s duty is to apply its land use regulations to the application currently before it and to address the Project on its merits. If the District one day decides that it wants the Project site for a school, then the District may exercise its powers of eminent domain. That day may or may not arrive, and must have no bearing on the City’s review of the Project.

Thank you for this opportunity to comment on this future Agenda Item.

Respectfully submitted,

[Signature]

Michael Patrick Durkee
Attorneys for SummerHill Homes LLC

cc:  Molly Stump, Esq., City Attorney
     David H. Blackwell, Esq.
     Robert R. Moore, Esq.
     Robert Freed, SummerHill Homes LLC
     Jason Biggs, Esq., SummerHill Homes LLC
     Katia Kamangar, SummerHill Homes LLC
March 3, 2011
Bill Hamilton
4180 Byron St
Palo Alto, CA 94306

City of Palo Alto Planning Department
Mr. Jason Nortz
250 Hamilton Avenue
Palo Alto, CA 94301

Dear Mr. Nortz:

As an adjacent property owner and neighbor, I am writing to express my support for the residential project proposed for the Peninsula Day Care site by SummerHill Homes.

I met with SummerHill’s representatives two weeks ago and reviewed their plans to build 26 homes on the subject property. Although we all know that the City has experienced tremendous growth in recent years, this subject land is a site that would be best suited as added residential units for the City.

I was very pleased to learn that the projected traffic associated with the new homes would be only 1/10th of the traffic associated with the current day care use. That would be a significant benefit to us as the neighbors. Over the years, we have experienced overflow parking on our streets on a regular basis as a result of the current use.

With respect to the interest of the Palo Alto Unified School District in this land, I am opposed to the site being developed as another school use due to the added traffic and noise this would introduce into an already congested area.

In the context of the surrounding uses, residential would seem like the most logical and appropriate use for this site as the property is surrounded on three sides by existing residential and is near all major transportation corridors.

I also believe that SummerHill will build a well executed project on this land, and for all of the above reasons, I support their efforts and hope that the City will do so as well.

Best Regards,

Bill Hamilton

Attachment N

RECEIVED
MAR 04 2011
Department of Planning & Community Environment
March 1, 2011

Jason Nortz
Planner
City of Palo Alto
250 Hamilton Avenue
Palo Alto, Ca 94301

Re: Proposed SummerHill Project for Peninsula Day Care site on San Antonio Road

Dear Mr. Nortz:

This letter is to express my support for the project proposed by SummerHill Homes.

Back on December 1st 2010 I attended the community meeting held by SummerHill regarding their proposal for new homes at the subject property. I live across the street from this development at the Rosewalk residences.

I believe that the proposed homes will be a welcome addition to this community as the project has been designed to transition well with the surrounding neighborhood and SummerHill is known for their attractive, high quality homes. Most importantly, at the community meeting I learned that the proposed project's traffic study shows a considerable reduction in traffic volumes relative to the current use as a child care center. This reduction in traffic is something we would be happy to see, along with fewer large buses. Currently, there is quite a lot of traffic relating to drop off and pick up at the day care center.

In summary, I support this project and want to encourage you to approve it as it seems like the appropriate type of use on San Antonio Road and presents an improvement in traffic which is welcomed by the neighbors.

Sincerely,

David Arscott
444 San Antonio Road
Palo Alto, CA 94306
Via E-Mail and First Class Mail

April 13, 2011

Hon. Sid Espinosa, Mayor
and City Council Members
City of Palo Alto
250 Hamilton Avenue
Palo Alto, CA 94301

Re: City Council Meeting: May 2, 2011
525 San Antonio

Dear Mayor Espinosa and Members of the Council:

This firm represents SummerHill Homes LLC, the developer of the 23-unit residential project located at 525 San Antonio Avenue, Palo Alto, and which will be considered by the Council at its May 2, 2011 meeting ("Project"). For the legal and factual reasons set forth herein, we respectfully oppose the Planning Commission's recommendation that the City Council deny the pending Project applications. Although the Commission's written recommendation has not yet been submitted, the Commission voted on March 23 to recommend denial of the Project.

Until recently, the City supported the Project. The City's CEQA review determined that the Project would not create any significant environmental impacts, and there was no debate that the Project conformed to the City's planning and zoning regulations while promoting the Comprehensive Plan's goals (and the State's mandate) to provide market rate and affordable housing within the City's limited land supply. Staff raised no substantive concerns about the Project while SummerHill spent considerable time and money processing its applications.

The City changed its position only after the Palo Alto Unified School District ("District") expressed interest in acquiring the Project site. Once this occurred, Staff recommended denial of the Project. As a result, the District would be able to acquire the Property at a suppressed price. This type of pre-condemnation activity is unlawful. Not only has Staff stated that it could no longer politically or legally support the Project because of the District's stated desires to acquire the Project site, the deficiencies in the Staff Report and the Planning Commission's denial reveal that there are no reasonable bases for denial of the Project.
THE PLANNING COMMISSION'S BASES FOR RECOMMENDING PROJECT DISAPPROVAL ARE WITHOUT MERIT

The Project's pending applications are for a Comprehensive Plan Amendment, changing the Land Use Designation for the Project site from Single-Family Residential to Village Residential, and for rezoning the site from an R-1 (8000) to RM-15 Zoning District. A Mitigated Negative Declaration ("MND") regarding these two approvals has been prepared by the City and made available for public review, and no comments were received.

The Commission, as reflected in its Staff Report for its March 23 meeting, submits two reasons for recommending denial of the Project: (1) the Project "is not consistent with the existing Comprehensive Plan designation on the site"; and (2) "the Council has given specific policy direction to avoid rezoning R-1 properties to higher densities" and that "the closest train station to the site [is] located more than ½ mile away from the subject property." (See Staff Report, pp. 9-10.)

Both of these bases are without merit.

A. Inconsistency with the Existing Comprehensive Plan is Not a Basis for Denial

As a preliminary point, the argument that a general plan amendment proposal should be denied simply because the amendment is inconsistent with the existing general plan land use designation it seeks to amend is a circular one. By definition, an amendment proposal is inconsistent with that which it seeks to amend. Under controlling law, an amendment proposal must be considered under its own merits, and any denial must have procedural or substantive support. This is not a situation involving a development that seeks subservient approvals to make it consistent with the existing general plan land use designation; instead, the application asks for a different land use designation to which the development is consistent. In this case, the Project's density exceeds that allowed under the existing Single Family Residential designation, thus SummerHill seeks an amendment to the Comprehensive Plan and subservient regulations to allow development at the Project's proposed density. SummerHill has a right to have that proposal considered on its merits.

The Commission also implies that a Village Residential designation may be inappropriate for the surrounding area. For example, some Commissioners claim, that Village Residential housing is not permitted in single family neighborhoods. There is no such prohibition in the Comprehensive Plan. To the contrary, the Village Residential designation by definition includes "single family houses on small lots" in addition to duplexes, fourplexes and small apartment buildings. (Comprehensive Plan, p. L-13.) In fact, the use of the Village Residential designation is expressly encouraged by the Comprehensive Plan, as it helps promote the Policy of seeking "alternative types of housing that increase density and provide more diverse housing opportunities." (Comprehensive Plan, p. L-18, Policy L-13, Program L-13.) This fact was recognized by
Commissioner Garber during the Commission's March 23 meeting, where he also stated that the existing Comprehensive Plan land use designation and zoning are not appropriate for the Project site and that Village Residential was preferable. It should also be noted that very early in the process, Staff directed SummerHill to apply for the Village Residential designation because it was the most appropriate for the Project site considering the adjacent uses.

In addition, the reference to the area as a "single family neighborhood" is misleading. The only single-family homes near the Project site are the five residences on Ferne Avenue abutting to the southwest. The remainder of the neighborhood is devoid of a "single family" character. To the northwest and northeast of the Project site are the District's Greendell campus and parcels zoned RM-15, respectively. RM-15 allows a density of 8 to 15 units per acre (City Code, § 18.13.010(a)), and is the density proposed in the Project applications. Even higher densities are found immediately across San Antonio Avenue to the southeast, where a private education facility, the 156-unit Palo Alto Gardens multifamily project, and the 48-unit Rosewalk condominium development are located.

Finally, in January 2011, Staff determined that the Project would have a less than significant impact on: physically dividing an established community; the City's planning and zoning regulations; any incompatibility with adjacent land uses or with the general character of the surrounding area; housing; and traffic. (MND, pp. 21, 26, 29.) Thus, Staff has previously determined that the Project would not have any adverse planning effects on the surrounding neighborhood. During the MND process, not a single comment was received -- the District and the neighborhood groups said nothing.

B. The Council's "Policy Direction" Cannot Subvert the City's Adopted Planning and Zoning Regulations

The Commission relies on a "Council discussion regarding the Housing Element on June 23, 2010" that purportedly provided "direction to not rezone R-1 areas to higher density housing." (See Staff Report, p. 9.) As an initial point, it is unclear whether this is an accurate representation of the Council's discussion. Neither the June 23 Council meeting video nor the Council Minutes make any such a reference. Instead, the reference to residential intensification occurred during a discussion between Council and Staff about whether work on a South El Camino Real Area Concept Plan should be added to the existing work program. In a May 12, 2010 memorandum from the City Manager to the Council that included this issue, Staff suggested that the Council consider developing a policy for inclusion in the Comprehensive Plan that supports preparation of a South El Camino Real Area at a later date, "and that restricts rezoning for residential intensification unless/until the Concept Plan is approved." (May 12, 2010 Staff Report, p. 5.) The discussions between Council and Staff on this issue are less than clear, but any discussion of a potential restriction on residential intensification was not applied to R-1 zoning districts citywide, and was instead limited to properties located within the South El Camino Real Area Concept Plan. At no
point has the City determined that the Project site is within this Concept Plan, thus the Council's May 12 suggestion to restrict rezoning does not apply to the Project.

Even if this Council "direction" was derived from a Council discussion last June, it has never been adopted into the City's Comprehensive Plan, its Housing Element or its Zoning Code, and thus should not be given equal dignity with the City's controlling planning and zoning regulations. To the contrary, the City's governing land use regulations clearly support allowing higher densities on properties currently zoned R-1, and specifically along San Antonio Road. For example, the Commission recognizes that densities higher than allowed under R-1(8000) are compatible with the Project site's current Single Family Residential land use designation.

Moreover, the Comprehensive Plan's Housing Element's primary goal is to create "a supply of affordable and market rate housing that meets Palo Alto's share of regional housing needs." (Comprehensive Plan, Housing Element, Goal H-1, p. 7.) (The City last updated its Housing Element in 2002, and has not met its 2007-2014 RHNA obligation of 2,860 units.) A policy supporting this goal is "to increase housing density and diversity in appropriate locations." (Comprehensive Plan, Housing Element, Policy H-2, p. 7.) Programs to effectuate this goal and policy include: increasing housing density along San Antonio Road where appropriate; increasing minimum development density requirements; encouraging the conversion of non-residential lands to residential (and not the other way around) in order to increase the housing supply; and to modify the Zoning Code to "Permit higher densities under the R-1 Zoning District to accommodate smaller lots for courtyard homes or other similar types of housing." (Comprehensive Plan, Housing Element, Programs H-1, H-2, H-3, and H-5, pp. 7-10.) The purpose behind these policies and programs is summed up in the Housing Element as follows:

Since housing supplies are so limited, the loss of development potential on any residential site must be discouraged. The purpose of the programs listed above is to ensure that Palo Alto efficiently uses its limited land supply and makes the most of its opportunities to provide both market rate and affordable housing.

(Comprehensive Plan, Housing Element, p. 11.)

Third, according to the Staff and Commission, this "Council policy" was adopted in May or June of 2010, several months before SummerHill filed the Project application with the City in October 2010. While SummerHill conducted countless meetings with Staff and neighborhood groups and expended substantial sums on securing the land and developing a project plan that responded to Staff's suggestions, this supposed Council policy was never raised until after the District expressed interest in acquiring the Project site.
C. Proximity to a Train Station is Not Justification for Denial

As referenced above, another one of the reasons the Commission claims that the Project should be denied is because of its distance from a train station. The Staff Report's claim that "the closest train station to the site [is] located more than ½ mile away from the subject property" (Staff Report, p. 10), is contradicted by Staff's earlier finding in the MND (at p. 31) that Caltrain's San Antonio station was "approximately one half of a mile from the Project site." More importantly, the Commission's policy rationale is unsound for several reasons. The Staff and Commission rely on a Program from the Comprehensive Plan's Transportation Element that provides: "Locate higher density development along transit corridors and near multi-modal transit stations" (Staff Report, p. 9; Comprehensive Plan, Transportation Element, Program T-3, p. T-3), but do not explain why this Program applies to the Project.

To the contrary, the Project lacks any indicia of a "higher density development." The Project's proposed 23 residential units on a 2.65-acre site equates to a gross density of 8.7 units per acre. This density is at the low end of the densities set forth in the Comprehensive Plan's residential land use designations:

- Single Family Residential has a net density of 1-7 units per acre, and up to 14 units per acre where second units or duplexes are allowed. (Comprehensive Plan, Land Use Element, p. L-12.)

- Village Residential has net densities ranging up to 20 units per acre. (Id. at p. L-13.)

- Multiple Family Residential has a net densities ranging from 8-40 units per acre to 8-90 units per acre. (Id. at pp. L-12 to L-13.)

- Transit-oriented Residential has a net density ranging up to 50 units per acre. (Id. at p. L-13.) Because it is designed for development near transit stations, it is fair to assume that the Transit-oriented Residential land use designation is the "higher density development" referenced in Transportation Element Program T-3. (Id.)

Not only is it incorrect to label the Project as "higher density development," there is nothing in the Transportation Element that prohibits increased density in locations other than near transit corridors or multi-modal stations. This lack of a prohibition is evident by the City's approval of higher density projects next to the Project site.

The Commission also improperly relies on a Council "direction" that does not rise to the level of adopted planning or zoning regulations. The Commission claims that increasing density on the Project site "is contrary to Council policy for location of more dense residential development
within ½ mile of transit stations well served by transit." (See Staff Report, p. 9.) This unwritten "policy" appears to emanate from the Council's May 12, 2010 meeting relating to the Comprehensive Plan update and meeting the City's RHNA obligations, where the Council directed Staff to "Focus on sites within ½ mile of transit stations if well served by transit or likely to be well served." (August 11, 2010 Staff Report, p. 2.) This "direction," which the Council reiterated is merely guidance, is simply the Council's attempt to meet its RHNA obligations by seeking housing development sites that are well-suited for high density development near transit stations, such as the 50 units per acre Transit-oriented Residential designation, which by definition are approximately 2,000 feet from multi-modal stations. This direction is not a prohibition against increasing housing density on other sites. Not only would such an approach be contrary to the Housing Element's express mandate to increase density and provide more units Citywide (discussed above), it would be contrary to the Council's other "direction" from its May 12 meeting regarding "the type of housing the City should support", which emphasizes "smaller size units" and "higher density, smaller unit overlays." (August 11, 2010 Staff Report, p. 2.)

It is also worth noting that during the March 23 meeting, Commissioner Fineberg expressed concerns about relying on any Council "direction" as a basis for the Commission's recommendations, as she correctly recognized that such direction was not an adopted City land use regulation. Nevertheless, the Commission relies on these directions in support of its recommendation.

Thus, the Project will conform to the City's planning and zoning regulations and promotes the City's critical goal of providing adequate housing. The City recognized this and supported the Project until the District expressed interest in the Project site. Although Staff and the Commission have attempted to provide justification for their recommendation to deny the Project, none of these justifications have merit, and it is clear that the District's interest in the Project site has caused Staff to withdraw its support for the Project.

II. THE SCHOOL DISTRICT'S INTEREST IN THE PROJECT SITE IS WHY DISAPPROVAL IS NOW RECOMMENDED

Not coincidentally, the City's change of position occurred only after the District expressed interest in the Project site late in the application process. Although the City has stated that its consideration of the Project will not be affected by the District's recent actions, this claim is dubious. Staff informed SummerHill that the District's interest in the Project site is the primary reason for the City's abandonment of support for the Project. Moreover, the reasons for denial set forth in the Staff Report are contradicted by the City's earlier determinations and the governing planning and zoning documents.

As a result, SummerHill asked this firm to review the matter. On March 16, 2011, we submitted Public Records Act requests to the City and District regarding the Project. Based on the events that have transpired, the concern is that the City intends to either delay the application
process or deny the Project so that the District can obtain the Property at a reduced price. These actions appear to constitute "unreasonable precondemnation conduct" under Klopping v. City of Whittier (1972) 8 Cal.3d 39, 51-52, and related cases.

As the City is aware, SummerHill Homes has a long relationship with this community, and has always worked with the City to reach mutually-beneficial outcomes. However, SummerHill Homes is very concerned about an apparent effort by Staff and the Commission to deny the Project application on unreasonable and unmeritorious grounds, which efforts followed the District's expression of interest in acquiring the Project site. There is an opportunity for the Council to resolve the issues presented in this correspondence by carefully considering the merits of the application and approving it at the Council's May 2nd meeting.

Before this Council considers denying the Project, it is important to remember that it is not the City's duty to facilitate condemnation by the District. To the contrary, the City's duty is to apply its land use regulations to the application currently before it and to address the Project on its merits. If the District one day decides that it wants the Project site for a school, then the District may exercise its powers of eminent domain. That day may or may not arrive, and must have no bearing on the City's review of the Project.

Thank you for this opportunity to comment on this future Agenda Item.

Respectfully submitted,

Michael Patrick Durkee
Attorneys for SummerHill Homes LLC

cc: Molly Stump, Esq., City Attorney
    David H. Blackwell, Esq.
    Robert R. Moore, Esq.
    Robert Freed, SummerHill Homes LLC
    Jason Biggs, Esq., SummerHill Homes LLC
    Katia Kamangar, SummerHill Homes LLC
Grider, Donna

From: Victor Martindale [victormartindale@gmail.com]
Sent: Tuesday, April 26, 2011 4:44 PM
To: Clerk, City
Subject: Re: May 2, 2011 Agenda 525 San Antonio Rd. Property
Attachments: Letter To Curtis Williams.pdf; Letter To City Council.pdf; Letter To Dr. Kevin Skelly.pdf

Dear City Clerk,

My name is Victor Martindale and I’m representing our family who own the property located at 525 San Antonio Rd. I would deeply appreciate your time in reading this letter which we wrote. I am also including 2 letters from our attorney Jesse Jack, who wrote Dr. Kevin Skelly and Curtis Williams.

As stated in the letter if you have any questions or would like to speak directly with me I can be reached at 650-823-6889 or you can email me at victormartindale@gmail.com.

Sincerely, Victor Martindale

4/27/2011
January 4, 2011

Curtis Williams, AICP  
Director, Planning Department  
City of Palo Alto  
250 Hamilton Avenue 5th Floor  
Palo Alto, CA  94301  

RE:  SUMMERHILL APPLICATION FOR 525 S. SAN ANTONIO RD.  

Dear Mr. Williams:  

I represent A & D Protocol which is in contract to sell the above described property to SummerHill. I am in receipt of a copy of the letter dated December 10, 2010 from Katia Kamangar, Senior Vice President and Managing Director for SummerHill. The content of that letter is alarming. Because of that letter and because of the public statement made on behalf of the Palo Alto School District I have hired Norman Matteoni, an attorney who specializes in matters of this type to advise my client.  

Mr. Matteoni has made it clear that the Planning Department does not have the legal right to refuse to process the application of SummerHill for the right to develop the above described property. If in fact, it is the position of the Planning Department that “Planning Staff may no longer be in support of” the SummerHill project, then I would urge you to reconsider.  

Have you or anyone from your staff been in contact with the School District or City Council? If so, what information has the Planning Department received from the School District or City Council that would indicate that the School District intends to acquire the 525 S. San Antonio Road property? Do you have any knowledge that the Palo Alto School District has passed a “Resolution of Necessity” or taken any other action legally required to acquire the subject property?  

These issues are very material to the interests of my client and I would appreciate a prompt response.  

Sincerely,  

JESSE W. JACK  

JJ:jj  
Cc: client
April 26, 2011

Mayor Espinosa and Council members
City of Palo Alto
250 Hamilton Avenue
Palo Alto, CA 94301

Re: May 2, 2011 Agenda Item for 525 San Antonio Road Property

Dear Mayor Espinosa and Council members:

As long-time property owners and residents of Palo Alto, we are writing to request your approval of the Rezoning and Comprehensive Plan Amendment applications by SummerHill Homes. This matter is to be reviewed at your May 2nd meeting.

Over the past 36 years our parents operated a non-profit childcare center at the site known as Peninsula Day Care Center. Their foremost desire was to provide an affordable service for families in the surrounding communities in a loving, caring and creative environment. Each month, a portion of the tuition helped organizations provide clothing, schooling, and food for children in other parts of the United States and throughout the world. Over the years, they provided child care for over 12,000 children here locally while also helping thousands of children in over 46 countries through our work.

My father and I began talking about the possibility of selling the property in 2009 as my mother’s health began to deteriorate. After she passed away in March, 2010, and with my father nearing 80 years of age, we made the difficult decision to put the property up for sale. We had already spoken with a number of real estate brokers and selected one with a very high level of expertise in the sale of residential land including a broad network of connections to maximize the exposure our property would obtain.

Before marketing the property, our broker met with Mr. Curtis Williams, Director of Community Development, to receive direction about the land uses and residential density for which the property would be suitable so that our broker could best represent the property’s development potential in his marketing efforts. Our broker was told that RM-15 zoning, with a residential density of 8 to 15 units per acre was reasonable and appropriate given, (1) the property’s location on highly trafficked San Antonio Road, (2) adjacent rental apartments to the north have been zoned RM-15 for many years, and (3) the medium to high density town homes across San Antonio Road have been zoned RM-15 and RM-30 for many years. Further, Mr. Curtis Williams told our broker that the attainment of RM-15 zoning would be a “slam dunk,” meaning that the likelihood of approval would be very good given the thoroughfare location and intensive adjacent uses on three sides of the property.

Of note, Amy French, Planning Manager, also told our broker that special consideration could be given the one-story residential Eichler neighbors adjacent to the south, and this could be provided by way of a slightly greater setback than the minimum required by zoning. However, Amy French also opined that an application to change zoning to RM-15 in order to increase density in this location would be a reasonable thing to do.
We placed our property on the open market for bids. We were fortunate to receive a tremendous amount of interest in our land, including eight offers. Every purchase offer we received involved a zoning change to RM-15, and most all of the developers who submitted purchase offers had independently spoken to Mr. Williams and/or Ms. French prior to the submittal of their purchase offers. In addition, never before or during this extensive marketing period did we receive an inquiry from the Palo Alto Unified School District or an expression of interest in our land.

We felt that residential use on the land would be most sensitive to our neighbors. We selected Summerhill Homes for their extensive experience in Palo Alto, their high quality homes and their well-regarded reputation for collaboration with all stakeholders to build new homes in a way that meet the needs of the community at large. We have not been disappointed in Summerhill’s efforts to date as we have watched them address the concerns raised by neighbors very diligently and thoughtfully, including their offer to build single story homes backing the existing Eichlers.

Putting the needs of the families we serve at the forefront, we proactively informed all parents in August 2010 that our childcare would close in June of 2011 so that they would have ample time to find alternative care arrangements for their children. We also hosted an open house event this February where we brought in 29 different childcare providers from this area to help our parents further in finding the care they need. The event turned out to be a huge success and confirmed what we had also been informed by the Mari Lu Monico, Social Staff Analyst Child Care Division last fall; that there are a number of childcare providers in this area that have unfilled capacity.

When Palo Alto Unified School District suddenly expressed an interest to acquire our land in the October/November timeframe, by openly stating so in the media and by discussing our property at six consecutive closed session hearings, we were shocked. Not only had they never previously expressed interest in our land, they did not bid on our property, they did not call us, and now the Superintendent of PAUSD was suddenly voicing interest to local newspapers inappropriately, late in the process with full knowledge that Summerhill Homes had a formal development application on file with the City of Palo Alto.

Out of deep concern over the events that had transpired, we retained our own legal counsel to advise us on land use law and the school district’s power of eminent domain and sent the City and the District correspondence to voice our concerns (the letters are attached for reference).

We are also aware of Summerhill’s concerns about the integrity of the process and want to echo our concern as the private property owners in this matter.

We believe that we have taken all the necessary steps to be thorough in our efforts to market the property, to select a qualified developer, to have our broker conduct due diligence to find out what staff sees appropriate for our land (which was later confirmed independently by Summerhill as part of their due diligence on the property), yet we find ourselves in the most peculiar situation where City Staff changes position mid-way through the process and the project appears to be headed for a denial at City Council. .
The Planning Commission Staff Report indicated that back on May 12, 2010, City Council had advised Planning Staff that Sites within R-1 zoning districts should not be re-zoned for increased density. So the question is why did the Planning Staff not inform Summerhill or our family that this was the position of the City Council. Had staff informed either Summerhill or my family then either of us would have had other alternatives to evaluate the project. Instead, both Summerhill and my family made decisions based on our understanding that the City was in favor of the re-zoning.

We remain very concerned about whether SummerHill’s application will be viewed through the appropriate lens in terms of its merits. We request that you carefully consider all of the facts presented and the merits of the application before you, and do so independent of any desire you may have to solve the School District’s facility challenges, as we believe the SummerHill proposal is “smart growth” consistent with the needs of the City and the region as a whole, sensitive to our neighbors, and the appropriate land use for our family’s property.

Please feel free to call me at 650-823-6889 or email me with any questions anytime you would like. I will make myself available to speak with you or answer any questions via email at a moments notice.

Sincerely,

Victor Martindale, Family Representative

Herman Shaw
Victor Martindale
Myra Gishi
Warren Shaw

Cc: SummerHill Homes / Katia Kamangar
November 22, 2010

Dr. Kevin Skelly, Superintendent
Palo Alto School District
25 Churchill Avenue
Palo Alto, CA 94306

RE: 525 SAN ANTONIO ROAD
PALO ALTO, CA.

Dear Dr. Skelly:

I represent A & D Protocol, Inc which owns the above described property. As you know, A & D has entered into a contract to sell the San Antonio property to SummerHill Homes. SummerHill intends to purchase the property for a residential development and has made formal application to the City of Palo Alto for that purpose.

According to recent newspaper articles in the Palo Alto Daily News and the Palo Alto Post, most recently last Wednesday, November 17, you were quoted as saying that the School District is in talks with SummerHill to acquire 525 San Antonio Road. The activity on your part on behalf of the School District is inappropriate. SummerHill is currently under contract with A&D Protocol to purchase the property at 525 San Antonio Road. Your activity could interfere with the efforts of SummerHill to develop the subject property. If the activity of the School District does interfere with the contract or the ability of SummerHill to develop the property the School District could be liable for damages as a result. I urge you to refrain from any activities that could result in the termination of the contract with SummerHill or the development of the property by SummerHill.

In order for the School District to pass a resolution of necessity the District must, among other things, establish that (a) it is in the public interest and necessary to acquire the subject property, (b) the proposed project is planned in a manner that will be most compatible with the greatest public interest and least private injury, and (c) this property is necessary for the project.

I understand that there is a board meeting this evening and the school’s interest in 525 San Antonio Road will be a topic of discussion. I urge you not to make any public statements regarding this matter because of the probable impact on the contract between A & D and SummerHill.

Very truly yours,

Jesse W. Jack
Attorney at Law

JWJ/jsj
Cc: Victor Martindale