City of Palo Alto (ID # 5657)

City Council Staff Report

Report Type: Consent Calendar **Meeting Date: 4/6/2015**

Summary Title: Appeal of 429 University Avenue Mixed Use Project

Title: Appeal of the Planning and Community Environment Director's Architectural Review Approval of a 31,407 s.f., Four Story, Mixed Use Building With Parking Facilities on Two Subterranean Levels Requested by Ken Hayes Architects, Inc. on Behalf of Kipling Post LP to Replace Two One-story Commercial/Retail Buildings on an 11,000 s.f. Site in the Downtown Commercial (CD-C (GF)(P)) Zone District Located at 429 University Avenue

From: City Manager

Lead Department: Planning and Community Environment

Recommendation

Staff recommends that Council uphold the Director's determination on the consent calendar.

Executive Summary

The proposed project is a new 31,407 square foot (s.f.), four story, mixed-use building with two levels of subterranean parking. Retail is proposed on the ground floor, office on the second floor, three residential units on the third floor, and office and one residential unit on the fourth floor. The project is located on a 11,000 s.f. site in the Downtown Commercial (CD-C (GF)(P)) zone district addressed as 429 University Avenue (Attachment A – Project Location Map). The project replaces two existing one-story buildings.

The Architectural Review Board (ARB) recommended approval of the project on a 4-0-0-1 vote after three public hearings. The Director of Planning and Community Environment conditionally approved the project and the environmental document on February 25, 2015. The Director's determination reflects the ARB's recommendation, but includes an additional condition requiring a Transportation Demand Management (TDM) plan for the commercial component of the project.

The attached appeal was submitted within the prescribed appeal period. The appeal by Michael Harbour, along with 24 co-signers, is related to four main topics:

1. the aesthetic quality of the approved design and its impact on the character of the

Downtown University Avenue District,
2. the aesthetic quality of the approved design and its impact on the surrounding heritage buildings on University Avenue and Kipling Street,
3. the project's access, circulation, and parking provisions, and potential traffic and parking impacts on adjacent streets, and
4. the proposed ground-floor retail space as compared to the existing condition.

The appellant presented similar objections verbally and in writing during the three ARB public hearings.

Palo Alto Municipal Code (PAMC) 18.77.070(f) requires placement of an appealed project on the Council consent calendar within 30 days of the submittal of the appeal, and it takes a minimum of three Councilmembers to pull an Architectural Review appeal off the consent calendar.

The alternatives available to the Council include:

1. Affirm the Director's approval (approving the project on consent calendar),
2. Remove the item from the consent (requires four votes) and schedule a public hearing.

While in theory, the Council could hear the appeal on the same night it pulls the item from consent, doing so would require the Council to review the Director's action and make a decision based on the record (without accepting new evidence). Instead, staff recommends that – if the item is removed from consent – a hearing date be set for May 4, 2015. This would allow the Council to hear additional evidence, and would also allow staff time to prepare more detailed responses to the issues raised on appeal, and a draft Record of Land Use Action.

This project and the resultant appeal touch on several current policy conversations the Council and community are having related to downtown development activity, retail preservation, office development, housing, and parking. The property owner has availed herself of code permitted transfer of development rights, including 5,000 square feet of parking-exempt TDRs (which is equivalent to 20 vehicular parking spaces). The site was previously assessed and the owner is paying into the assessment district for 37 parking spaces. These factors effectively reduce the amount of parking required onsite, but it remains that the project complies with municipal regulations. The appellant raises other context-based arguments about the project's compatibility with the neighborhood, traffic impacts and historic resources, which are at odds with the ARB's and Director's conclusions.

Included with this report are all relevant records, including (draft) verbatim transcripts of the ARB meetings (Attachments E, F, G) and public comments (Attachment I). This material is provided to inform the Council's decision to consider the appeal or accept the Director's determination on consent.

Background

The subject project was submitted on June 19, 2014. The project is a new four-story, mixed-use building containing 20,407 sf of commercial floor area (a 1.86:1 Floor Area Ratio (FAR)) and 11,000 sf of residential floor area (1.0:1 FAR). The total of 31,407 sf floor area (2.86:1) is within the maximum allowable floor area of 32,000 sf (2.91:1 FAR) with Transferable Development Rights in the Downtown Parking Assessment District.

The property is located at the northwest corner of University Avenue and Kipling Street within the Downtown Parking Assessment District. The properties have been assessed and had paid 'in lieu' fees for a total of 37 parking spaces not provided on-site. The project includes approximately 9,200 square feet of transferred development rights. Five thousand of those TDRs are exempt from parking, which reduces required parking by 20 spaces. These parking exempt TDRs were established prior to the current parking exempt TDR ban.

Parking is provided in two levels of subterranean parking. Forty spaces are provided onsite. The total spaces normally required based on the mix of land uses and floor area is 92 spaces. Accordingly, the project provides five additional spaces beyond code: 92 (required) – 37 (parking assessment) – 20 (parking-exempt TDR) – 40 (provided onsite) = 5 extra parking spaces. Ingress and egress to parking is from Lane 30, which is a one-way alley exiting on Kipling Street.

The project was approved on February 25, 2015, based on a recommendation from the ARB, as reflected in the approval letter (Attachment C). The Director's approval included the Architectural Review approval and the adoption of the MND and Mitigation Monitoring Program (Attachment J).

ARB Review and Recommendation

The ARB reviewed the project plans, received written public comments and oral public testimony at three public hearings. The ARB had also conducted a Preliminary Review of concept plans in November 2013.[1]

[1] The relevant ARB reports, with all attachments, initial study and appendices thereto, and project plans are viewable on the City's website at the links provided below:

- ARB November 7, 2013 Preliminary Review report: http://www.cityofpaloalto.org/civicax/filebank/documents/37588
- ARB November 20, 2014 report, Attachment H: https://www.cityofpaloalto.org/civicax/filebank/documents/44755
- ARB January 15, 2015 report, Attachment F, inclusive of November 20, 2104 excerpt verbatim minutes and initial study/MND: https://www.cityofpaloalto.org/civicax/filebank/documents/45512
- ARB February 19, 2015 report, Attachment D, inclusive of Initial Study/MND: https://www.cityofpaloalto.org/civicax/filebank/documents/45974
- Project plans recommended by the ARB and approved by the Director of Planning and Community Environment: http://www.cityofpaloalto.org/civicax/filebank/documents/37684

The ARB conducted the first public hearing on November 20, 2014 and discussed the aesthetic quality of the project. The ARB requested the applicant to reconsider: the project's scale, massing configuration, façade treatment, and transition relative to the context.

The applicant modified and presented the project plans in the January 15, 2015 ARB hearing. The main modifications included:

1. repositioning the stair and elevator shafts to reduce their appearance from street view, reducing the height of stair shaft, and stepping back upper floors to enhance the building's transition with smaller scale structures along Kipling Street;
2. dividing façade segments and stepping back upper floors along University Avenue to respect the general pattern of facades along the street;
3. replacing vehicular parking with landscape planters and bicycle lockers to enhance the environment on Lane 30.

The ARB members were generally in favor of the modifications and provided additional comments relating to architectural details, the placement of public art, and the corner treatment at the junction of University Avenue and Kipling Street.

On February 19, 2015, the applicant modified and presented the project plans. The main modifications focused on:

1. fine-tuning design details (adjusting railing and storefront glass translucence);
2. further setting back the second and third floor balconies to make a better transition with buildings on Kipling Street;
3. locating public art from the lobby to the exterior wall of the building facing Kipling Street.

During the public hearing, the ARB also discussed the project's potential impact upon parking and traffic conditions on Kipling Street, and noted that concerns regarding the existing road conditions of Kipling Street were appropriate for a policy discussion. The ARB recommendation was based upon the Architectural Review Approval Findings and Context Based Design Criteria Findings on pages 1-5 of Attachment A to the February 19, 2015 staff report (Attachment D, includes attachments).

The ARB recommended approval of the project on February 19, 2015.

Discussion

- Draft Initial Study/Mitigated Negative Declaration reviewed by ARB and approved by Director: http://www.cityofpaloalto.org/civicax/filebank/documents/44785
- Appendices to IS/MND: http://www.cityofpaloalto.org/civicax/filebank/documents/44807

The appeal (Attachment B) was filed in a timely manner, within 14 days following the Director's decision. The appellant is Michael Harbour, the property owner of 421-423 Kipling Street. The appeal includes 24 co-signers. Staff has summarized the key appeal statements as follows:

1. Aesthetic Quality. The aesthetic quality of the approved design and its impact on the character of the Downtown University Avenue District,
2. Historic Character. The aesthetic quality of the approved design and its impact on the surrounding heritage buildings,
3. Parking and Traffic Impacts. The project's access/circulation, parking and transportation arrangements and their impacts to adjacent streets, and;
4. Ground Floor Retail Preservation. The proposed ground-floor retail space as compared to the existing condition.

The appellant presented verbally at all three ARB public hearings and submitted various written letters for similar objections as noted in the appeal letter.

Below is more information about the appeal followed by initial staff comments. If the project is scheduled for a public hearing, staff will provide a more detailed response to the appeal statements.

Aesthetic Quality

The appellant expresses concern with the project's building size, style and massing, and finds it out of context with Kipling Street and University Avenue. The appellant conducted an inventory and analysis of structures near the project site, and concluded that the project is incompatible with its context because it is 'overly tall, massive and architecturally dissimilar' and has 'nothing in common stylistically'.

Where the Comprehensive Plan provides policy direction, the Zoning Ordinance provides specific quantitative limits to regulate the sizes of development, and the Context-based design criteria and the Downtown Urban Design Guide provide qualitative guidance to ensure the aesthetic quality of development respects the surrounding context. The project is a building that complies with the zoning regulations of the CD-C district. The project meets the development standards relating to building setbacks, site coverage, height, daylight plane, and floor area ratio, and does not require approval of design enhancement exceptions or a variance.

The attached determination letter further details the project's conformance with specific findings, including context-based findings.

Notwithstanding code compliance, the project is subject to discretionary review. While the ARB and Director found the project consistent with required findings, the Council on appeal may reach the same or different conclusion based on the administrative record.

Historic Character

The appeal notes concerns about the project's potential impacts to nearby historic buildings. Although the project site is within the vicinity of buildings listed on the City's local Historical Resources Inventory, the project is not located within the vicinity of a designated historic district recognized by local, state or national historic registers requiring the establishment of visual and historic linkages. According to the Historical Architectural Evaluation (HAE) prepared by Preservation Architecture (and peer reviewed by the City's environmental consultant), there are no previously identified historic districts in the vicinity of the project site. Furthermore, the HAE found that there is no apparent collection of resources, thematically or architecturally, that may constitute an identifiable historic district that would include the subject property. The Downtown area is comprised of buildings that spans several periods of development, and no particular period, style or building type is prevalent.

As described in the HAE, several historic structures are located in the vicinity of the project site, including properties listed in the City's Inventory and in the National Register of Historic Places. The historic structure that is nearest to the project site is a Category 3 building, listed on the City's local Historic Resource Inventory, located west of the project site. The proposed work, which is limited to the project site, would not have any physical or material effect on nearby individual historic structures, including the adjacent Category 3 structure. Standard conditions for construction activities would be applied to help ensure the project would not adversely affect the historical and architectural integrity of existing individual historic structures in the vicinity of the project site.

Parking and Traffic Impacts

The appeal references various statements in the Traffic Impact Analysis (TIA) conducted by Hexagon Transportation Consultant, Inc., dated October 20, 2014. The appellant states concerns that the traffic pattern, trip generation and queuing time would exacerbate the road capacity and safety conditions of Kipling Street.

The Initial Study (Attachment J, pages 34 through 39) addresses parking and traffic, and references the TIA, which concluded that the new building would provide adequate corner sight distance at the exit of the alley (Lane 30) for drivers to see approaching vehicles on Kipling Street. To ensure adequate visibility of the alley for vehicles exiting the garage, mirror installations at the parking garage driveway are required to allow drivers to see when a pedestrian or vehicle is approaching in Lane 30 (Condition of approval #20). The trip generation estimates outlined in the TIA applied the applicable trip generation rates, published in the Institute of Transportation Engineers (ITE) Trip Generation Manual, to the existing and proposed building, which is consistent with the City's guidelines for traffic analysis. Based on the project's size, the anticipated level of traffic impacts are less than significant.
While the environmental analysis did not conclude a significant environmental impact under the California Environmental Quality Act, Kipling Street is a narrow street and typically requires the 'queuing' or 'taking turns' for vehicles to pass each other slowly.

Ground Floor Retail

The appeal notes concern regarding the loss of ground floor retail space associated with the development. The policy referenced in the appeal letter is a draft policy prepared by the Planning & Transportation Commission for the Comprehensive Plan update and has not been formally adopted.

While the CD-C zoning district does not have a minimum area requirement for ground floor retail use, the proposed development is consistent with regulations for the ground floor (GF) and pedestrian shopping (P) combining districts by providing retail space on the ground floor with pedestrian design features. The proposed first floor of the project is primarily for retail use, other uses include lobby, elevator and stairway access to upper floors, trash receptacles, mechanical room, garage ramp and bicycle lockers.

It is correct that the area of staircases, the elevator and the ramp to reach the below grade parking facility for the retail, office and residential uses would displace some amount of ground floor retail space. The existing retail area on the ground floor is 8,800 sf, comprised of recessed entrances, retail area, storage area and restrooms. The proposed retail area (not including floor area of two required stairs, elevator and elevator lobby, garage ramp, exit hallways, trash areas for other uses, mechanical rooms, and open site areas formed by the alley setback, and bicycle locker/utility service area) is 7,160 sf.

Resource Impacts

There are no significant fiscal or budget impacts associated with this recommendation.

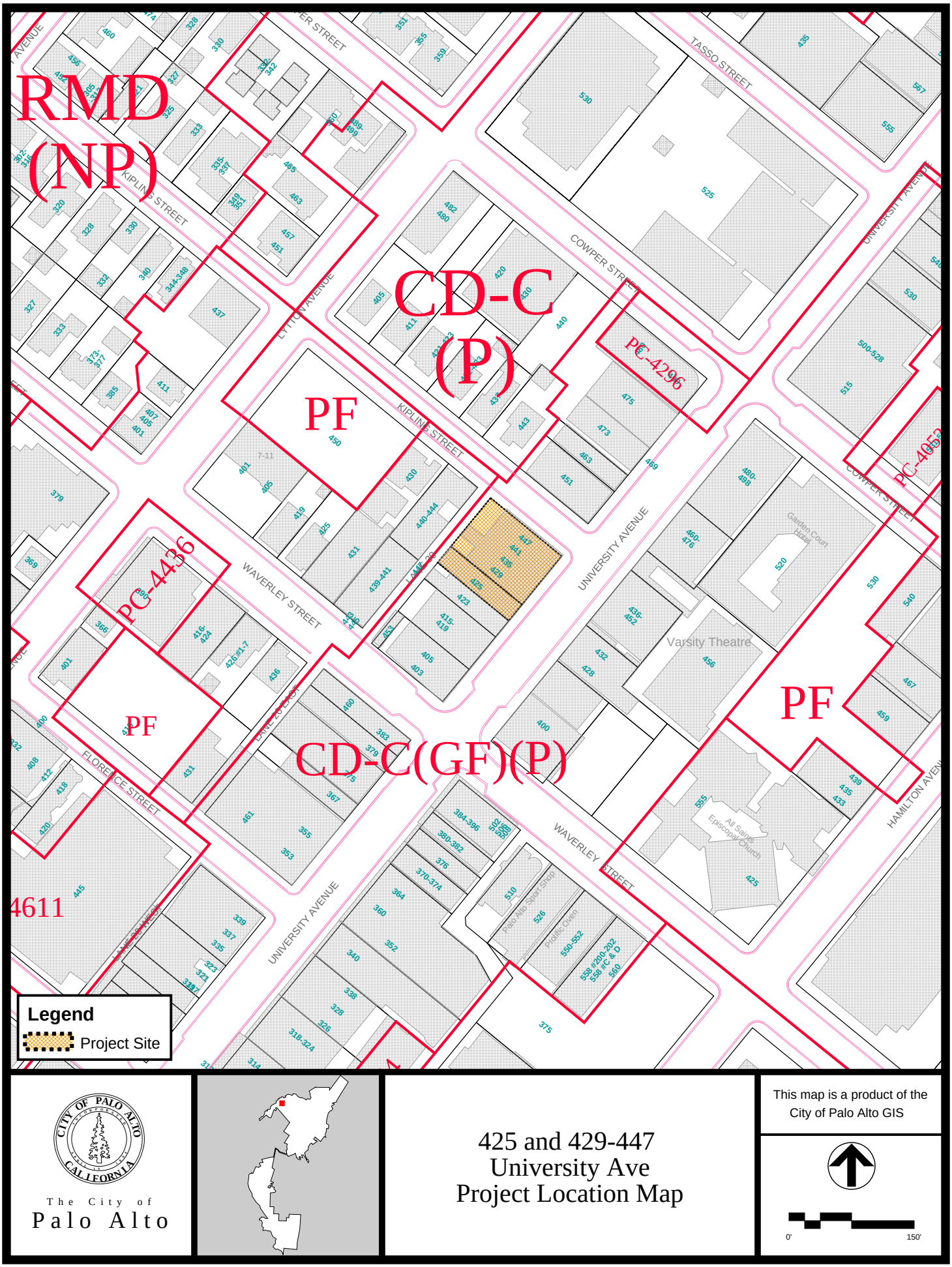
Environmental Review

The proposed project is subject to environmental review under provisions of the California Environment Quality Act (CEQA). Pursuant to the requirements of the CEQA, a Draft Initial Study and Mitigated Negative Declaration was prepared and circulated. With a required 20-day public review, the comment period for this project began from November 17, 2014 to December 12, 2014. The Initial Study/Mitigated Negative Declaration is attached as Attachment J.

Attachments:

- Attachment A - Project Location Map (PDF)
- Attachment B - Appeal filed March 11, 2015 (PDF)
- Attachment C - Director's Decision dated February 25, 2015 (PDF)
- Attachment D - February 19, 2015 ARB Staff Report (PDF)
- Attachment E - February 19, 2015 ARB Excerpt Verbatim Minutes (DOCX)
- Attachment F - January 15, 2015 ARB Staff Report (PDF)
- Attachment G: January 15, 2015 ARB Excerpt Verbatim Minutes (DOC)
- Attachment H - November 20, 2014 ARB Staff Report (November 20, 2014 ARB Excerpt Verbatim Minutes is available in the January 15, 2015 ARB Staff Report) (PDF)
- Attachment I: Public Correspondence (PDF)
- Attachment J - Initial Study and Mitigated Negative Declaration (PDF)

Attachment A



The City of Palo Alto

425 and 429-447 University Ave Project Location Map

This map is a product of the City of Palo Alto GIS

0' 150'

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429University CF (\\cc-maps\gis$\gis\admin\Personal\Planning.mdb)

Attachment B

CITY OF PALO ALTO

Office of the City Clerk

APPEAL FROM THE DECISION OF DIRECTOR OF PLANNING AND COMMUNITY ENVIRONMENT*

CITY OF PALO ALTO, CA
CITY CLERK'S OFFICE
15 MAR 11 PM 3:57

For appeals of final decisions on Architectural Review Board and Home Improvement Exception applications (rendered after public hearing), this appeal form shall be completed and submitted by appellant within fourteen days from date of the Director's decision. Appeals of final decisions on Individual Review applications (rendered after public hearing) must be submitted within ten days of the Director's decision. Complete form, the current fee and a letter stating reasons for the appeal shall be submitted to front desk staff of the Planning Division, 5th floor, City Hall, 250 Hamilton Avenue, *except* for 980 Fridays when City Hall is closed, when these items shall be submitted to Planning staff at the Development Center, 265 Hamilton Avenue (glass storefront across from City Hall on the corner of Bryant and Hamilton).

* Director of Planning includes his designees, which are Planning Managers or the Chief Planning Official

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Appeal Application No. Ap-02-15 Receipt No. _____

Name of Appellant Michael Harbour Phone (650 224-4171

Address 421-23 Kipling St Palo Alto CA 94301

Street City ZIP

LOCATION OF PROPERTY SUBJECT TO APPEAL:

Street Address 429 University Ave

Name of Property Owner (if other than appellant) Kipling Post, LP (Elizabeth Wong)

Property Owner's Address _____

Street City ZIP

The decision of the Director of Planning and Community Environment dated February, 20 15

whereby the application 14 PLN-00222 by Ken Hayes, Architect

(file number) (original project applicant)

was Approved, is hereby appealed for the reasons stated in the attached letter (in duplicate)

(approved/denied)

Date: 3-11-15 Signature of Appellant Michael Harbour

PLANNING COMMISSION RECOMMENDATION TO THE CITY COUNCIL (TO BE FILLED OUT BY STAFF):

Date _____ Approved _____ Denied _____

Remarks and/or Conditions:

CITY COUNCIL DECISION (TO BE FILLED OUT BY STAFF):

Date _____ Approved _____ Denied _____

Remarks and/or Conditions:

SUBMITTAL REQUIREMENTS SATISFIED:

1. Letter stating reasons for appeal ✓ Received by: _____
2. Fee (currently $406.00) ✓ Received by: (CC)

Appeal of Conditionally Approved Proposal
by Ken Hayes and Kipling Post, LP
to develop 429 University Avenue

Introduction

Recently the director of Palo Alto Planning conditionally approved a new building at 429 University Avenue at Kipling Street in the Downtown North area of Palo Alto. The proposal is for a mixed use four-story, 31,401 sq. foot building with two floors of underground parking. Although the address is on University Avenue, this project is as significant for Kipling Street as it is to University Avenue. The design attempts to maximize use of permitted space both vertically and horizontally, so that the City's 50-foot height limit is no longer the maximum but rather has become the new norm for new commercial construction applications, regardless of context. The Architectural Review Board overlooked several critical items that affect the unique status of both streets which therefore needs to be reconsidered by the City Council for remedy. We ask the City Council to reconsider this proposal in relationship to the specific municipal codes for commercial district contextuality and compatibility (18.18.110) including the Palo Alto Comprehensive Plan (Goal B-1, Policy L-4, L-5, L-6) and Downtown Urban Design Guidelines for size and style compatibility, parking, traffic, safety, and loss of retail space.

Incompatible Size and Style

The site of the proposed project is in the middle of an area densely populated with heritage buildings including one and two story Victorian homes that are being used for both residential and commercial purposes. On the 400 blocks of Kipling and University stand 13 heritage buildings in Category 1 to 4, and only half a dozen modern ones. Yet in the planners' staff report and throughout the ARB hearings, very little attention was given to the historical significance and unique architecture of Kipling Street and how it relates to University Avenue. Kipling Street is enjoyed as an important pedestrian thoroughfare. It is the most preferred walking route from Downtown North and Johnson Park to University Avenue due to its beauty, tranquility afforded by the narrow street, and nostalgic period feel. The proposed building with its disproportionate size, discordant design, and resultant traffic and parking will permanently destroy the character of the street and the pedestrian environment (Policy L-5, Policy L-12)

Municipal code states that a new building's "compatibility is achieved when the apparent scale of mass of new buildings is consistent with the pattern of achieving a pedestrian oriented design, and when new construction shares general characteristics and establishes design linkages with the overall pattern of buildings so that the visual unity of the street is maintained." (18.18.110 a2) Unfortunately the newly proposed building does not meet this requirement with regard to size and existing design from the perspective of Kipling Street or University Avenue. The architect and developer made no effort to ensure conformance to stylistic compatibility within any building

in sight. The submitted renderings of the proposed building appear similar to a parking garage. The side and rear of the proposed building along Kipling Street is overly tall, massive and architecturally dissimilar to be remotely consistent with the existing one and and two story Victorian or Spanish Colonial structures on Kipling Street . The City of Palo Alto website has a page solely devoted to "Historic Downtown Buildings" and shows pictures of the homes at 405 and 421-423 Kipling Street as laudabe examples (http://www.cityofpaloalto.org/gov/boards/historic/bldgs.asp). These buildings include category 2, 3 and 4 historical structures. The historical and architectural significance of Kipling Street is obvious and should be maintained and protected. According to Palo Alto Municipal Code and ARB Charter the proposed building is not "compatible" (18.18.110, 18.76.101) or "harmonious" and "considerate" of nearby buildings (18.76.020).

The following inventory and analysis of the architectural styles near the proposed building describes the buildings and styles:

University Avenue, north side--the entire north side of the block consists of one and two story retail buildings, many with canvas canopies extending over the sidewalk. Their pedestrian appeal is strong. Cafe Venetia has decorative tiles at its base and a recessed entrance, both of which have an inviting appearance to pedestrians. The Taxim Mediterranean Cuisine building also has a recessed entrance. The buildings slated for demolition have attractive decorative articulation along the roof line which creates more pedestrian appeal, and stone or tile cladding at the base, in addition to four recessed entrances.

The design proposed for 429 University has nothing in common stylistically with any building on the block, makes no Code-required gestures of shared style elements (see SoFA 2 for compatibility definition), and its size far exceeds all of its neighbors. It will dominate the block with its sheer mass, showing no Code-required consideration for neighboring structures, just like the ugly office tower at 525 University dominates the whole area (18.18.110 2Bi)

University Avenue, south side--
Diagonally and directly across 429 University Avenue are historic buildings including the Varsity Theater in Mission Revival style, one of Palo Alto residents' favorite architectural monuments. Adjacent to it is a series of three 2-story Spanish Colonial Revival buildings articulated on their upper floor with wood-framed balconies or arched windows. The Peets Coffee building in the Spanish style features a large arched entryway with picture windows and recessed entrance, and above it an ironwork balcony and punched window and gabled, red-tiled roof for roofline interest. The proposed design clashes incompatibly with these structures (18.18.111 2A).

Directly across University at 428-432 University Avenue stands the least appealing building on the block which houses Lululemon. It is a 4-story structure with almost completely square or rectangular modules (windows), excepting only a tall arched main doorway. Its stone cladding is

unarticulated and its windows have minimal borders, giving an impression of monotony. Although it has an arched doorway and red hues like the Union Bank next to it, the building most closely resembles the parking garage at 445 Bryant. It is hardly a model to emulate in a shopping district and should not have built for that reason. Therefore, 428 University should not be put forth as a compatibility model to justify a new monotonous, strictly utilitarian building design on the city's most prominent shopping street. Finally the Union Bank building is a one or 1-1/2 story, red brick structure with multiple inviting arched doorways, covered with ivy. The overall effect is lifelike and pedestrian-friendly.

Kipling Street--across from the proposed building on the corner of Kipling Street and University Avenue, is a Birge Clark designed building. It is the old home of Swain's music and the original Apple Store. The building is simple and plain and represents no specific architectural category. However, it does feature a slight moulding to articulate the roofline. It deserves no emulation. Further north lies a row of six Victorian or Queen Anne homes used for residential, office and retail space including an unique wine-bar with outdoor seating that clearly serves the Code and Comp Plan requirement for pedestrian-friendly design. The impression of this strip of old houses is cozy. Behind the proposed site is a one story building with red tile roof and another Category 3 Vernacular structure which previously housed Zibibbo Restaurant before it was completely changed to office space. The proposed design at 429 University again clashes violently in size and style with these serene old buildings (18.18.110, 18.76.020, Policy L-5, L-11, L-18).

Size and Massing with existing University Avenue and Kipling Street structures

The size and massing of the building, especially on the side and rear facing Kipling St. will create a structure that overwhelms the adjacent and existing structures. Municipal code states that "buildings shall be designed to minimize massing" (18.18.110). Through a series of Transfer Development Rights and a bonus, the developer was able to nearly triple the 1.0 Floor Area Ratio (FAR) guideline to a FAR of 2.86. The new four story, 50 ft building would tower over the adjacent one and two story buildings on Kipling St. Kipling St is one of the narrowest streets in downtown Palo Alto at only 29 ft. wide. The proposed new building would have the same effect as placing the Bryant Street Garage on Kipling Street. Bryant Street is 49 ft wide, however, and can visually and physically accommodate such a building. Kipling Street cannot. An example of this incongruous size and architecture is already visible on the rear side of the Bryant Street Garage where it extends through to Florence Street. Florence Street is slightly wider at 30 feet, yet it is overwhelmed by this garage. It towers over the lovely Victorian building at 418-420 Florence St. and casts a long shadow across the street. This same effect would occur on Kipling Street which is even narrower and has more historic buildings. The juxtaposition of such a massive square building looming over the lovely shade of the Victorians is like prison being built next door to the famous "Painted Ladies" homes in San Francisco.

At the final ARB hearing on 2/19/15, Chairman Popp and member Lew both stated that they personally felt that the building was "too big." However, the current building code gave them no authorization to enforce a change in the proposed size. Each said that the code would have to be changed for them to reach their desired height and size. Each mentioned the "polarizing" aspect that this proposed project has had on the community. These comments are conspicuously missing from the planning staff notes despite the fact that ARB member Lew specifically asked that they be put in the report. He also mentioned the need for long-term planning for Kipling Street including the future development of the city's surface parking lot on the corner Kipling St and Lytton Ave. He also suggested a special designation for a "Victorian Way" which is a wonderful idea that warrants further consideration from City Council.

Safety, Traffic and Parking

In addition to the 4 story structure, there is a proposed two story underground garage. Normally most citizens are enthusiastic when a developer includes parking with their buildings. However, this parking garage entrance is located at the rear of the building and will create more problems than it solves. The ARB did not consider the city's traffic study at any of the hearings until it was brought up by me at the third and final hearing. All inbound traffic will be routed from Waverly Street (48 feet wide) and the resultant outbound traffic will empty out onto narrow Kipling Street (29 feet wide) where drivers could then turn either right or left. Kipling Street is currently so narrow that it is barely possible for two cars to travel past one another when cars are parked along both sides of the street. The city already prohibits left hand turns from University Avenue onto Kipling Street. Turning right onto Kipling Street is also problematic.

The city commissioned the Hexagon traffic report for this project which was released on October 20, 2014. It states that a "queue of more than a single vehicle in the southbound direction could prevent other vehicles from turning right from westbound University Avenue onto Kipling Street, due to the extremely narrow roadway width and presence of parked vehicles" (pg. 39). Kipling Street residents and business tenants all report frequent accidents occurring on Kipling Street including side swipes, loss of side view mirrors, near misses, bicycle accidents, and drivers who repeatedly turn left from University Avenue who either miss or ignore the no turn sign. I personally have been hit twice while in my car. I was sideswiped once and had a sideview mirror torn off on another occasion since becoming a property owner in 2002. I also sideswiped a parked car by misjudging a passing car.and had to leave message on the windshield to notify the owner. If this building is built, the narrow road will be critically beyond its capacity and accidents will increase. The traffic study indicated a net increase of 166 automobile trips per day after construction is completed. This is probably an underestimation of car trips as office space today is utilized by a greater number of employees due to open work environments. One person no longer occupies 250 sq feet of office. It is more common for 4-6 persons to occupy that same space, thereby increasing the daily automobile trips and those looking for parking. Accidents and mishaps of all types will only get worse with increased traffic.

ARB Chairman Popp said in his final comments that he was "concerned about safety" and this would need to be mitigated as part the conditional approval process. He also suggested that existing street parking spaces may need to be removed in order to accommodate the parking egress from the building. This important aspect is missing from the director's conditional approval letter. The City Council should thoroughly assess the potential loss of parking spaces as well as safety and congestion issues by ordering a more detailed traffic analysis before proceeding with any development.

The Hexagon traffic study also describes the building's Site Access as another concern. It states, "in the event that a vehicle making a right turn out of the alley onto Kipling Street encountered a significant queue, the driver might choose to make a left turn onto Kipling Street and then onto Lytton Avenue to circle around the block" (pg. 47). This additional traffic "churn" would increase downtown traffic, congestion, and greenhouse emissions. The combination of increased traffic due to daily trips, increased congestion and emissions, increased traffic accidents, decreased compatibility for bicycles, and decreased desirability for pedestrians completely contradicts the Municipal Code that states "the design of new projects shall promote pedestrian walkability, a bicycle friendly environment, and connectivity through design elements" (18.18.110 (b)1).

Loss of Retail

The staff report does not discuss the loss of ground floor retail associated with this development. The Comprehensive Plan Policy B5.3 (page 13) states that measures should be used "to ensure no additional net loss of retail space due to any proposed land use and other policy changes." We estimate that there is presently about 9,000 sq. ft. of ground floor retail on the site, while the proposed plans show just 7,160 sq. ft. will remain in the new building. This represents a loss of approximately 20% of retail, which is a devastating level of loss when the city is trying to preserve retail. Furthermore, retail loss reduces pedestrian interest and thus hurts other retail in that vicinity of University and Kipling as well. The staff report and ARB should have discussed this issue and examined alternative plans that would preserve or increase ground floor retail.

Summary

The proposed building at 429 University Avenue does not fit into its existing surroundings in either size or design. As a stand-alone modern building, it has design features that the ARB members liked. However, this building should not be evaluated by itself without the context of where it will be built. Palo Alto Municipal Code and Downtown Urban Design Guidelines state that the proposed building must be evaluated within the context of its surroundings. When viewed this way it is obvious that the project is not compatible and harmonious with its surroundings. This is where the developer and architect have failed. It neglects its unique Victorian neighbors. It

also neglects its neighboring historical storefronts. It will tower over all of them as if as if to deny their legitimacy and declare them inferior and obsolete. While doing so, it will create permanent problems including safety, traffic, potential loss of existing street parking, congestion, and a loss of retail space and tranquility. We can do much better by designing a building that harmoniously transitions between the old and new.

Respectfully Submitted,

Michael J. Harbour, MD
421-423 Kipling Street

Co-signers:

YogaWorks, Adam Guttentag, SVP and Amber Hozar, RVP 440 Kipling St.
AZIZA Beauty Salon, Coralia Ayalew, owner and 8 other co-workers 444 Kipling St.
Vino Locale, Debra Szecsei, Jocelyn Alexander, and Emily Mathews, co-owners 431 Kipling St.
Lisa, Douglas and Parker Rutherford, residents 443 Kipling St.
Lidia's Skin Care, Lidia Klosek, owner 437 Kipling St.
Norwell Design and Build Remodeling, Mike Sullivan and Ian Wheeler, managers 437 Kipling St.
Idean, Linda McElravy, manager 411 Kipling St.
Sevin Rosen Funds, Steve Dow, CEO 421 Kipling St.
Carolyn Lorch-Taber, resident 328 Kipling St.

PLANNING & COMMUNITY ENVIRONMENT

CITY OF PALO ALTO
250 Hamilton Avenue, 5th Floor
Palo Alto, CA 94301
650.329.2441

February 25, 2015

Hayes Group Architects, Inc.
2657 Spring Street
Redwood City, CA 94063
Attn: Ken Hayes

Subject: 429 University Avenue [14PLN-00222]: Architectural Review

Dear Mr. Hayes:

On February 19, 2015, the Architectural Review Board (ARB) recommended approval of the application referenced above, and the Director of Planning and Community Environment (Director) approved the project on February 25, 2015. The approval was based on the findings in Attachment A, and is subject to conditions of approval as noted in Attachment B. The approval also includes the adoption of a Mitigated Negative Declaration and a Mitigation Monitoring Program.

The approval will become effective 14 days from the postmark date of this letter, unless an appeal is filed in accordance with Title 18 of the Palo Alto Municipal Code, for Council consideration of the project, described as follows:

429 University Avenue [14PLN-00222]: Request by Ken Hayes Architects, Inc. on behalf of Kipling Post LP for Architectural Review of a proposal to demolish two existing one-story commercial/retail buildings with a total of 11,633 sf and a construct a 31,407 sf, four-story mixed use building with two levels of underground parking providing 40 on-site spaces on an 11,000 sf site in the Downtown Commercial (CD-C (GF)(P)) zoning district. Environmental Assessment: A Mitigated Negative Declaration was prepared and circulated for public review.

Unless an appeal is filed in accordance with Title 18 of the Palo Alto Municipal Code, the effective approval date is fourteen (14) days from the postmark date of this letter. This project approval shall be effective for one year following the effective approval date, within which time construction of the project shall have commenced. Application for extension may be made prior to the expiration to the expiration date. The time period for a project may be extended once for an additional year by the Director of Planning and shall be subject to appeal at that time. In the event the building permit is not secured for the project within the time limits specified above, the Architectural Review Board approval shall expire and be of no further force

or effect.

The fees, dedications, reservations or other exactions imposed by the City in connection with your development project are described in your conditions of approval and included by reference in the approved development plans. Pursuant to Government Code Section 66020, you may initiate any protest of fees, dedications, reservations or exactions at the time the development project is approved or conditionally approved, or within ninety (90) days after the date they are imposed on the project. Additionally procedural requirements for protesting these development fees, dedications, reservations and exactions are set forth in Government Code Section 66020.

Should you have any questions regarding this ARB action, please do not hesitate to contact the project planner Christy Fong at (650) 838-2996.

Sincerely,

Jonathan Lait, AICP
Assistant Director of Planning and Community Environment

Attachments:
A. ARB Findings
B. Conditions of Approval

cc. Elizabeth Wong

Notice: Occupants and owners within 1,200 foot radius

ATTACHMENT A
FINDINGS FOR APPROVAL
ARCHITECTURAL REVIEW BOARD STANDARDS FOR REVIEW AND CONTEXT-BASED DESIGN CRITERIA
429 University Avenue / File No. 14PLN-00222

Architectural Review Findings

The design and architecture of the proposed project, as conditioned, complies with the Findings for Architectural Review as required in PAMC Chapter 18.76.

(1) *The design is consistent and compatible with applicable elements of the Palo Alto Comprehensive Plan.* This finding can be made in the affirmative in that the project complies with the policies and programs of the applicable elements in the Comprehensive Plan, as outlined in Attachment E of the February 19, 2015 Architectural Review Board staff report and appended at the end of this attachment. In addition to the policies and programs that were outlined in the Attachment, this project is also consistent with the Palo Alto Comprehensive Plan policies related to business and economics. The Comprehensive Plan encourages owners to upgrade or replace existing commercial properties so that these commercial areas are more competitive and better serve the community. The proposed project for a new mixed use building is consistent with the land use designation;

(2) *The design is compatible with the immediate environment of the site.* This finding can be made in the affirmative in that the project is designed to take advantage of the available site area while staying within the limitations of the zoning. While the Downtown Urban Design Guide has not specified the desirable number of stories for this site, the project is compatible in the Downtown urban context where the immediate environment along University Avenue is comprised of buildings varying in heights ranging from two to four stories. The proposed building, with contextual consideration of massing and setbacks, respects the scale of abutting low density buildings on Kipling Street, west of the project site;

(3) *The design is appropriate to the function of the project.* This finding can be made in the affirmative in that the new building would accommodate retail, office and residential uses. The proposed building would have ample storefront glass with canopies to create an inviting retail and pedestrian environment. The design is also consistent with the requirements and recommendations of the Context Based Design Criteria;

(4) *In areas considered by the board as having a unified design character or historical character, the design is compatible with such character.* This finding can be made in the affirmative in that the project is consistent with the applicable guidelines in the Downtown Urban Design Guide, particularly when the project reinforces University Avenue as the retail core of Downtown Palo Alto by maintaining ground floor retail

uses, preserving the general pattern of storefronts, and continuing retail vitality onto Kipling Street;

(5) *The design promotes harmonious transitions in scale and character in areas between different designated land uses.* This finding can be made in the affirmative in that the subject and adjacent properties have similar designated land uses and the proposed mixed use project includes the type of uses expected within the district. The building incorporates architectural features, step backs and modulation that provide a transition to adjacent buildings along University Avenue and Kipling Street;

(6) *The design is compatible with approved improvements both on and off the site.* This finding can be made in the affirmative in that the project design is compatible with the surrounding commercial, office, mixed use, and residential buildings in the Downtown commercial area;

(7) *The planning and siting of the various functions and buildings on the site create an internal sense of order and provide a desirable environment for occupants, visitors and the general community.* This finding can be made in the affirmative in that the new building is designed to have an active storefront along University Avenue, and a softer edge with landscaping to transition to the adjacent lower density neighborhood. Parking facilities are located underground with access from the alley. The façade is scaled proportionally to preserve the existing storefront rhythms. The upper floor massing is set back to respect the scale of nearby buildings. Ample outdoor balconies and terraces are proposed to meet the needs of the buildings users;

(8) *The amount and arrangement of open space are appropriate to the design and the function of the structures.* This finding can be made in the affirmative in that the proposal provides open space with wider sidewalks, balconies and a roof-top terrace. An adequate amount of recesses is provided to fulfill the zoning requirements of the "P" overlay with the intent is to add interest at the ground floor for pedestrians. Additionally, the project provides sufficient open space for both residential and office tenants. The design of open space is appropriate to the function of the structure and the surrounding context;

(9) *Sufficient ancillary functions are provided to support the main functions of the project and the same are compatible with the project's design concept.* This finding can be made in the affirmative in that project provides mechanic service, trash/recycle enclosures, employee showering, vehicular and bicycle parking to support the main functions of the project. The design and placement of these features are compatible with the project's design concept;

(10) *Access to the property and circulation thereon are safe and convenient for pedestrians, cyclists and vehicles.* This finding can be made in the affirmative in that the project is easily approachable by all modes of transportation. The proposed vehicular circulation is safe and does not introduce significant changes to the adjacent street and sidewalk system;

(11) *Natural features are appropriately preserved and integrated with the project.* This finding can be made in the affirmative in that the project is situated in an existing developed and urbanized environment. There are few natural features requiring preservation. However, there are existing street trees along University Avenue that would be preserved. Four destructive trees along Kipling Street will be replaced by four new 36" box Golden Maidenhair trees that are complementary to existing natural environment;

(12) *The materials, textures, colors and details of construction and plant material are appropriate expression to the design and function.* This finding can be made in the affirmative in that proposal includes smooth stone, glazing, metal and earth-tone colors that are common to contemporary commercial development in the Downtown environment and would fit in with the eclectic nature of the district. Proposed plant materials, as conditioned, are appropriate expression to the building design and function;

(13) *The landscape design concept for the site, as shown by the relationship of plant masses, open space, scale, plant forms and foliage textures and colors create a desirable and functional environment.* This finding can be made in the affirmative in that the proposal includes landscape materials that are used to screen and soften the appearance of the building while also providing a pleasing color palette. Proposed plantings in the planter, at the corner of Lane 30 and Kipling Street, as conditioned, would be low in height to ensure visibility from the alley to the side street;

(14) *Plant material is suitable and adaptable to the site, capable of being properly maintained on the site, and is of a variety which would tend to be drought-resistant to reduce consumption of water in its installation and maintenance.* This finding can be made in the affirmative in that the proposed landscape materials, as conditioned, are not extensive and would require relatively low maintenance within easy-to-maintain planters. In addition, the maintenance of proposed landscape materials would require to conform with the City's water efficiency standards;

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

- *Optimize building orientation for heat gain, shading, daylighting, and natural ventilation;*
- *Design landscaping to create comfortable micro-climates and reduce heat island effects;*
- *Design for easy pedestrian, bicycle and transit access;*
- *Maximize on site stormwater management through landscaping and permeable paving;*
- *Use sustainable building materials;*
- *Design lighting, plumbing and equipment for efficient energy and water use;*

- *Create healthy indoor environments; and*
- *Use creativity and innovation to build more sustainable environments.*

This finding can be made in the affirmative in that the project would comply with the City's green building ordinance, and the design includes overhangs, recesses, and other shading devices and techniques to reduce the solar heat gain and energy consumption related to the cooling of the building. The design is easy for pedestrian, bicycle and transit access. The project incorporates high efficiency LED light fixtures, low-flow plumbing fixtures and high efficiency HVAC equipment for efficiency energy and water use. Green building features will be incorporated to achieve CalGreen Tier 2 standards for the commercial portion and Green Point rated standards for the residential portion;

(16) *The design is consistent and compatible with the purpose of architectural review as set forth in subsection 18.76.020(a) - Architectural Review.* This finding can be made in the affirmative in that the project design promotes visual environments that are of high aesthetic quality and variety.

Context-Based Design Criteria Findings

The design and architecture of the proposed project has been reviewed with respect to the Context-Based Design Criteria set forth in PAMC 18.18.110. Section 18.18.110 (a) notes that the project shall be:

(A) Responsible to its context and compatible with adjacent development, and shall promote the establishment of pedestrian oriented design (where "responsible to context" is not a desire to replicate surroundings, but provide appropriate transitions to surroundings), and

(B) Compatible with adjacent development, when apparent scale and mass is consistent with the pattern of achieving a pedestrian oriented design and when new construction shares general characteristics and establishes design linkages with the overall pattern of buildings so the visual unit of the street is maintained.

Generally, while it will be taller and have greater scale and mass than other buildings in the immediate vicinity, the proposed building includes features that provide appropriate transition to the immediate surroundings. The proposed building (1) creates a rhythmic pattern and façade treatment that is consistent with the pedestrian environment on University Avenue; (2) provides contextual consideration of massing and building step backs to respect the scale of the adjacent lower scale neighborhood on Kipling Street; and (3) improves the environment of Lane 30 through the treatment of landscaping. The project's compliance with the above "context and compatibility" criteria is further addressed in findings 1-4 below.

Pursuant to PAMC 18.18.110(b), the following additional findings have been made in the affirmative:

(1) **Pedestrian and Bicycle Environment:** *The design of new projects shall promote pedestrian walkability, a bicycle friendly environment, and connectivity through design elements.* This finding can be made in the affirmative in that the project supports widened sidewalks with recessed entries on primary pedestrian routes, at-grade bicycle racks near the building entrances, and secured bicycle facility at ground level and within the underground parking

garage. The project also includes a showering facility in the garage to support the bicycle environment;

(2) **Street Building Facades.** *Street facades shall be designed to provide a strong relationship with the sidewalk and the street(s), to create an environment that supports and encourages pedestrian activity through design elements.* This finding can be made in the affirmative in that the proposed street facades are designed to create an environment that supports and encourages pedestrian activity. The building façade facing University Avenue preserves the existing storefront pattern with distinguishing architectural elements to break up the building mass. Entries are clearly defined and have a scale that is in proportion to the building functions. Elements that signal habitation, such as entrances, stairs, and balconies, are visible to people on the street. The proposed placement and orientation of doorways, windows and landscape elements are appropriate to create strong and direct relationships with the streets. Upper floors are stepped back, the width of the overhang is reduced and the elevator shaft is oriented inward to reduce the building mass and fit in with the context of the neighborhood;

(3) **Massing and Setbacks.** *Buildings shall be designed to minimize massing and conform to proper setbacks.* This finding can be made in the affirmative in that the project incorporates design with a series of recessed terraces and interchange in materials to proportionally scale the building massing and provide visual interest. Variation in massing and materials creates a façade with two distinctive frontages, which respect the existing storefront patterns and rhythms on University Avenue. The proposed design incorporates a columns framework and tall display windows to reinforce the street corner. With the intent to minimize massing and ensure greater setback, the current, revised design presents a reduced-in-height stairway tower and stepped back roofline for the upper floor terrace at the corner of Lane 30 and Kipling Street;

(4) **Low-Density Residential Transitions**. *Where new projects are built abutting existing lower scale residential development, care shall be taken to respect the scale and privacy of neighboring properties.* Although the parcels abutting the project site along Kipling Street have a commercial zoning designation, most of the built forms have a low density residential appearance. While the height is taller than most of the buildings in the neighborhood, the proposed building height of 50 feet is compliant with the height limit in the Downtown Commercial District. The proposed design includes at least a 10 foot setback with open terraces at the upper stories to reduce the impact of the building height on the adjacent lower density neighborhood. Potential privacy impacts are minimized because the buildings behind the project site are mostly one-story with commercial/office uses and mature trees along Kipling Street would provide some degree of screening. The proposed design includes storefront glass on both frontages to introduce a daylight source on the ground level;

(5) **Project Open Space.** *Private and public open space shall be provided so that it is usable for residents, visitors, and/or employees of the site.* This finding can be made in the affirmative in that the project provides open space with wider sidewalks, balconies, and a roof-top terrace. The balconies would be accessible by residents on the site and would be located on

four sides of the building to encourage 'eyes on the street'. The proposed roof-top terrace would have ample solar exposure and is designed for office tenants;

(6) **Parking Design.** *Parking needs shall be accommodated but shall not be allowed to overwhelm the character of the project or detract from the pedestrian environment.* This finding can be made in the affirmative in that the project's parking facilities would be located within the below-grade garage and would not detract from pedestrian environment. The project includes a well-integrated garage entry, a four foot setback from property lines, and mirrors that would aid traffic and visibility on the alley (Lane 30). In addition, the project incorporates a landscaping element to soften the exit of Lane 30. The intent is to enhance the character of pedestrian environment, while maintaining traffic visibility with low profile plant materials;

(7) **Large (Multi-Acre) Sites.** *Large sites (over one acre) shall be designed so that street, block, and building patterns are consistent with those of the surrounding neighborhood.* This finding does not apply as the project site is 11,000 square feet;

(8) **Sustainability and Green Building Design.** *Project design and materials to achieve sustainability and green building design should be incorporated into the project.* This finding can be made in the affirmative in that the project would comply with the City's green building ordinance; and the design includes overhangs, recesses, and other shading devices and techniques to reduce the solar heat gain and energy consumption related to the cooling of the building. The design is easy for pedestrian, bicycle and transit access. The project incorporates high efficiency LED light fixtures, low-flow plumbing fixtures and high efficiency HVAC equipment for efficiency energy and water use. Green building features will be incorporated to achieve CalGreen Tier 2 standards for the commercial portion and Green Point rated standards for the residential portion.

EXCERPT OF THE ARCHITECTURAL REVIEW BOARD STAFF REPORT
FEBRUARY 29, 2015
ATTACHMENT E - COMPREHENSIVE PLAN TABLE
429 University Avenue / File No. 14PLN-00222

Program L-19: Support implementation of the Downtown Urban Design Guide. The Downtown Urban Design Guide is not mandatory but provides useful ideas and direction for private development and public improvement in the Downtown area.	The project incorporates many of the goals of the Downtown Urban Design Guide including: (1) Reinforce University Avenue as the retail core of Downtown Palo Alto by maintaining ground floor retail uses. (2) Create ground floor architectural interest with windows and displays (3) Continue retail vitality onto the side streets.
Policy L-20 Encourage street frontages that contribute to retail vitality in all Centers. Reinforce street corners with buildings that come up to the sidewalk or that form corner plaza.	The project incorporates design to reinforce street corners and integrate with nearby sidewalks with great building frontage.
Policy L-23: Maintain and enhance the University Avenue/Downtown area as the central business district of the City, with a mix of commercial, civic, cultural, recreational and residential uses. Promote quality design that recognizes the regional and historical importance of the area and reinforces its pedestrian character.	The project incorporates several design considerations contained in the Downtown Urban Design Guide in that the project design would: (1) provides pedestrian friendly amenities such as recessed entries, canopies, and new street trees, (2) includes attractive display windows at frequent intervals that invite shoppers, (3) promotes a mixed of uses including housing and commercial.
Policy L-24: Ensure that University Avenue/ Downtown is pedestrian-friendly and supports bicycle use. Use public art and other amenities to create an environment that is inviting to pedestrian.	The project incorporates pedestrian-friendly design and support bicycle use to complement the nearby Caltrain transit hub. Public art is proposed to be located on site to create an environment that is inviting to pedestrian and building tenants.
Policy L-48: Promote high quality, creative design and site planning that is compatible with surrounding development and public spaces.	The project is designed to promote a strong relationship with the streets and create an environment that supports and encourages pedestrian activities. Site planning is appropriate with its context and is compatible with the retail pedestrian environment of the downtown commercial district.

Policy L-49: Design buildings to revitalize streets and public spaces and to enhance a sense of community and personal safety. Provide an ordered variety of entries, porches, windows, bays and balconies along public ways where it is consistent with neighborhood character; avoid blank or solid walls at street level; and include human-scale details and massing.	The project is consistent with this policy in that the proposed building would incorporate clear glass windows to avoid blank or solid walls at street frontage. A variety of recessed entryways, glass canopies and balconies on both the University Avenue and Kipling Street frontages would promote 'eye-on-the-street'.
Policy H-4: Encourage mixed use projects as a means of increasing the housing supply while promoting diversity and neighborhood vitality.	The proposed mixed use project provides four housing units.

ATTACHMENT B
DRAFT CONDITIONS OF APPROVAL
429 University Avenue / File No. 14PLN-00222

PLANNING DIVISION

1. The plans submitted for Building Permit shall be in substantial conformance with plans received on January 26, 2015, except as modified to incorporate the following conditions of approval and any additional conditions placed on the project by the Director of Planning and Community Environment, Architectural Review Board, or City Council in the event of an Appeal. The following conditions of approval shall be printed on the cover sheet of the plan set submitted with the Building Permit application.

2. The proposed project includes the use of 9,207 square feet of Transferable Development Rights (TDR). The identified sender sites are documented in the administrative record. Prior to the submittal of a building permit for construction, the applicant shall provide sufficient information so that the Director of Planning and Community Environment can issue written confirmation of the transfer, which identifies both the sender and receiver sites and the amount of TDRs which have been transferred. This confirmation shall be recorded in the office of the county recorder prior to the issuance of building permits and shall include the written consent or assignment by the owner(s) of the TDRs where such owner(s) are other than the applicant.

3. The current project includes the use of an one-time 200 square foot floor area bonus, as permitted per PAMC 18.18.070(a)(1). This bonus cannot be utilized again for any future development on the site. This note shall be added to the Building Permit plan set along with the standard project data required.

4. All noise producing equipment shall not exceed the allowance specified in Section 9.10 Noise of the Palo Alto Municipal Code.

5. New construction and alterations of the ground floor space shall be designed to accommodate retail use and shall comply with the provisions of the Pedestrian (P) combining district.

6. A Certificate of Occupancy is required for separate businesses occupying tenant spaces, and for residential buildings having three or more units. This project is subject to the use restrictions set forth in PAMC 18.30(C) with the provisions of the Ground Floor retail (GF) combining district.

7. The development impact fees for this project are estimated to be $254,993.10. The development impact fees shall be paid prior to the issuance of the project's building permit. These fees are adjusted annually in August. Actual fees shall be calculated at the rate in effect at the time of building permit issuance.

8. The applicant shall prepare and submit a Transportation Demand Management Plan for the commercial (office and retail) uses. The Plan shall be approved by the Director of Planning and Community Environment prior to the issuance of building permits. The applicant shall comply with the approved Plan, which shall include proposed performance targets for parking and/or trip reduction and indicate the basis for such estimates, and shall designate a single entity to implement the proposed measure during building occupancy.

9. The use of the outdoor terrace spaces, associated with both residential and non-residential uses within the building, shall be limited. There shall be no smoking and use shall comply with the restrictions outlined in the City of Palo Alto Noise Ordinance at all time.

10. The proposed Floor Area Ratio (FAR) of 31,407 sq. ft., is near the maximum allowable FAR (32,200 sq. ft. which includes a one-time 200 sq. ft. floor area bonus) for this site. Additional FAR can only be requested through the Transfer of Development Rights. All transfers of floor area are subject to the restrictions and procedures set forth in PAMC 18.18.080 and the Architectural Review process. Any proposal for transfer of additional TDRs to the site would be subject to providing for the associated parking spaces.

11. Any exterior modifications to the building or property shall require Architectural Review, including outdoor furniture.

12. All future signage, public art placement, lighting of the art, glass selection for residential balconies, landscape plan shall be reviewed by Architectural Review Board subcommittee and staff.

13. The project shall be subject to the mandatory Green Building Ordinance.

14. The project shall be subject to the performance criteria outlined in PAMC 18.23.

15. Where the exterior light source is visible from outside the property boundaries, such lighting shall not exceed 0.5 foot-candle as measured at the abutting property line.

16. Timing devices should be considered for exterior and interior lights in order to minimize light glare at night without jeopardizing security of employees. Prior to issuance of a building permit, the project applicant must demonstrate how interior and exterior lighting sources will be reduced after operating hours or when the use of the facility is reduced.

17. A Parcel Map, to merge the two parcels into a single parcel, must be recorded with the County of Santa Clara prior to building permit issuance.

18. Mitigation Measure BIO-1: Prior to issuance of demolition, grading and building permit, as well as during demolition, exaction and construction, the following measures shall be implemented to reduce impacts to protected trees:
    a. City of Palo Alto (City)-approved Modified Type III fencing shall be installed for the two street trees to be retained along University Avenue. City-approved tree protection signs shall be posted on all fencing.
    b. Soil conditions for the four new trees to be planted along Kipling Street shall be improved by preparing a planting area at least 6 feet square for each tree and

installing Silva Cells to reduce compaction. The Silva Cells shall be filled with proper soil amendments and growing medium as determined by the City Arborist.

c. Unless otherwise approved, each new tree shall be provided with 1,200 cubic feet of root-able soil area, utilizing Standard Drawing #604/513. Root-able soil is defined as compaction less than 90% over the area, not including sidewalk base areas.
d. Two bubbler drip irrigation units shall be installed for each new tree to adequately water the new planting area.
e. New sidewalk shall be installed such that the final planting space opening is at least 5 feet by 5 feet for each new tree.
f. Kiva tree grates shall be used around each new tree.
g. Replacement tree size shall be a 36-inch box, properly structured nursery stock.
h. Based on growth habit and proven performance, Ginkgo biloba "Autumn Gold" is highly recommended for the replacement trees. Other tree species may be approved by the City Arborist.
i. All work within the Tree Protection Zone, including canopy pruning of protected trees, shall be supervised by a Certified Arborist approved by the City.

19. Mitigation Measure CUL-1: Prior to commencement of site clearing and project grading, the project applicant shall retain a qualified archaeologist to train construction personnel regarding how to recognize cultural resources (such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains) that could be encountered during construction activities. If artifacts or unusual amounts of shell or bone or other items indicative of buried archaeological resources or human remains are encountered during earth disturbance associated with the proposed project, the on-site contractor shall immediately notify the City of Palo Alto (City) and the Native American Heritage Commission as appropriate. All soil-disturbing work shall be halted within 100 feet of the discovery until a qualified archaeologist, as defined by the California Environmental Quality Act (CEQA) Guidelines (14 CCR 15000 et seq.) and the City, completes a significance evaluation of the finds pursuant to Section 106 of the National Historic Preservation Act. Any human remains unearthed shall be treated in accordance with California Health and Safety Code, Section 7050.5, and California Public Resources Code, Sections 5097.94, 5097.98, and 5097.99, which include requirements to notify the Santa Clara County Medical Examiner's office and consult with Native American representatives determined to be the Most Likely Descendants, as appointed by the Native American Heritage Commission. Identified cultural resources shall be recorded on State Department of Parks and Recreation Form 523 (archaeological sites). Mitigation measures prescribed by the Native American Heritage Commission, the Santa Clara County Medical Examiner's office, and any Native American representatives determined to be the Most Likely Descendants and required by the City shall be undertaken before construction activities are resumed. If disturbance of a project area cultural resource cannot be avoided, a mitigation program, including measures set forth in the City's Cultural Resources Management Program and in compliance with Sections 15064.5 and 15126.4 of the CEQA Guidelines, shall be implemented.

20. Mitigation Measure HAZ-1: Prior to issuance of building demolition and during demolition, the project applicant shall demonstrate to the satisfaction of the City of Palo Alto that a survey of the existing buildings has been conducted by a qualified environmental specialist who meets the requirements of the current U.S. Environmental

Protection Agency regulations for suspected lead-containing materials (LCMs), including lead-based paint/coatings; asbestos containing materials (ACMs); and the presence of polychlorinated biphenyls (PCBs). Any demolition activities likely to disturb LCMs or ACMs shall be carried out by a contractor trained and qualified to conduct lead- or asbestos-related construction work. If found, LCMs and ACMs shall be disposed of in accordance with state and federal regulations, including the EPA's Asbestos National Emissions Standards for Hazardous Air Pollutants, the Cal-OSHA Construction Lead Standard (CCR Title 8, Section 1432.1), and California Department of Toxic Substances Control and EPA requirements for disposal of hazardous waste. If PCBs are found, these materials shall be managed in accordance with the Metallic Discards Act of 1991 (California Public Resources Code, Sections 42160–42185) and other state and federal guidelines and regulations. Demolition plans and contract specifications shall incorporate any necessary abatement measures in compliance with the Metallic Discards Act, particularly Section 42175, Materials Requiring Special Handling, for the removal of mercury switches, PCB-containing ballasts, and refrigerants.

21. Mitigation Measure NOI-1: Prior to issuance of building permit, submittal materials shall include window and transmission ratings and interior noise levels verification from a qualified acoustical consultant. For residential portion: Window and exterior door assemblies with Sound Transmission Class (STC) rating shall be up to 45 and upgraded exterior walls shall be used to achieve the City's maximum instantaneous noise guideline for residential uses. For commercial portion: Window and exterior door assemblies shall have a minimum STC rating of 32 at the corner of University Avenue and Kipling Street, and a minimum STC of 28 at all other commercial locations within the building to comply with the State of California CalGreen noise standards (maximum interior noise level of 50 dB during the peak hour of traffic).

22. Mitigation Measure NOI-2: Prior to issuance of building permit, submittal material shall include details of the residential ventilation system to ensure a habitable interior environment when windows are closed.

23. Mitigation Measure NOI-3: Prior to issuance of building permit, noise levels from rooftop equipment shall be reduced to meet the City of Palo Alto Noise Ordinance requirements. An enclosure or other sound-attenuation measures at the exhaust fans shall be provided to reduce rooftop equipment noise is no greater than 8 dB above the existing ambient level at potential future neighboring buildings to meet the property plane noise limit. Use of quieter equipment than assumed in this analysis may support reduced mitigation, which shall be evaluated by a qualified acoustical consultant.

24. Mitigation Measure TRANS-1: Prior to issuance of building permit, building permit submittal materials shall include mirrors installation at the parking garage driveway to allow drivers to see when a pedestrian or vehicle is approaching in Lane 30.

25. Mitigation Measure-TRANS-2: Prior to issuance of building permit, building permit submittal materials shall include mirrors installation at each turn within the parking garage to provide adequate sight distance.

26. The project approval shall be valid for a period of one year from the original date of approval. In the event a building permit(s), if applicable, is not secured for the project within the time limit specified above, the ARB approval shall expire and be of no further force or effect. Application for extension of this entitlement may be made prior to the one year expiration.

27. Government Code Section 66020 provides that project applicant who desires to protest the fees, dedications, reservations, or other exactions imposed on a development project must initiate the protest at the time the development project is approved or conditionally approved or within ninety (90) days after the date that fees, dedications, reservations or exactions are imposed on the project. Additionally, procedural requirements for protesting these development fees, dedications, reservations and exactions are set forth in Government Code Section 66020. IF YOU FAIL TO INITIATE A PROTEST WITHIN THE 90-DAY PERIOD OR TO FOLLOW THE PROTEST PROCEDURES DESCRIBED IN GOVERNMENT CODE SECTION 66020, YOU WILL BE BARRED FROM CHALLENGING THE VALIDITY OR REASONABLENESS OF THE FEES, DEDICATIONS, RESERVATIONS, AND EXACTIONS. If these requirements constitute fees, taxes, assessments, dedications, reservations, or other exactions as specified in Government Code Sections 66020(a) or 66021, this is to provide notification that, as of the date of this notice, the 90-day period has begun in which you may protest these requirements.

28. This matter is subject to the Code of Civil Procedures (CCP) Section 1094.5, and the time by which judicial review must be sought is governed by CCP Section 1094.6.

29. Except as expressly specified herein, the site plan, floor plans, building elevations and any additional information or representations, submitted by the Applicant during the Staff review and public hearing process leading to the approval of this entitlement, whether oral or written, which indicated the proposed structure or manner of operation, are deemed conditions of approval.

30. The approved use and/or construction are subject to, and shall comply with, all applicable City ordinances and laws and regulations of other governmental agencies.

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

32. This project does not include any residential or commercial subdivision of property. Any future requests would require an amendment to this approval and compliance with applicable city requirements regarding subdivisions, including possible off-site improvements.

PUBLIC WORKS ENGINEERING

PRIOR TO BUILDING PERMIT SUBMITTAL

33. CERTIFICATE OF COMPLIANCE: The applicant has revised the project description to indicate that she is no longer pursuing the development of condominiums. Since the project site is located within two parcels 120-15-029 and 120-15-028 a certificate of compliance for a lot merger is required. Applicant shall apply for a certificate of compliance and provide the necessary documents. Certificate of Compliance shall be recorded prior to issuance of a building or grading and excavation permit.

PRIOR TO ISSUANCE OF A DEMOLITION PERMIT

34. LOGISTICS PLAN: The applicant and contractor shall submit a construction logistics plan to the Public Works Department that addresses all impacts to the City's right-of-way, including, but not limited to: pedestrian control, traffic control, truck routes, material deliveries, contractor's parking, on-site staging and storage areas, concrete pours, crane lifts, work hours, noise control, dust control, storm water pollution prevention, contractor's contact. The plan shall be prepared and submitted along the Rough Grading and Excavation Permit. It shall include notes as indicated on the approved Truck Route Map for construction traffic to and from the site. Plan shall also indicate if the bus stop will need to be relocated.

35. Applicant shall schedule a meeting with Public Works Engineering and Transportation Division to discuss the existing building demolition, excavation and building construction logistics. Construction fence shall be located at the building property line, travel lane closures will not be permitted. Applicant shall propose a logistics plan that shows how pedestrian access is maintained and eliminating the least number of parking spaces during construction.

PRIOR TO ISSUANCE OF EXCAVATION AND GRADING PERMIT:

36. GRADING PERMIT: An Excavation and Grading Permit is required for grading activities on private property that fill, excavate, store or dispose of 100 cubic yards or more based on PAMC Section 16.28.060. Applicant shall prepare and submit an excavation and grading permit to Public Works separately from the building permit set. The permit application and instructions are available at the Development Center and on our website. http://www.cityofpaloalto.org/gov/depts/pwd/forms_and_permits.asp

37. ROUGH GRADING: provide a Rough Grading Plan for the work proposed as part of the Grading and Excavation Permit application. The Rough Grading Plans shall including the following: pad elevation, basement elevation, elevator pit elevation, ground monitoring wells, shoring for the proposed basement, limits of over excavation, stockpile area of material, overall earthwork volumes (cut and fill), temporary shoring for any existing facilities, ramps for the basement access, crane locations (if any), etc. Plans submitted for the Grading and Excavation Permit, shall be stand-alone, and therefore the plans shall include any conditions from other divisions that pertain to items encountered during rough grading for example if contaminated groundwater is encountered and dewatering is expected, provide notes on the plans based Water Quality's conditions of approval. Provide a note on the plans to direct the contractor to the approve City of Palo Alto Truck Route Map, which is available on the City's website.

38. BASEMENT SHORING: Provide shoring plans for the basement excavation, clearly including tiebacks (if any). Tieback shall not extend onto adjacent private property or into the City's right-of-way without having first obtained written permission from the private property owners and/or an encroachment permit from Public Works. During the ARB process and via email dated 9/25/14 the applicant indicated that the tiebacks will extend into the adjacent private property. As such provide a letter from the neighboring property owner to allow the encroachment of permanent tiebacks into their property. In addition the shoring plans shall clearly show the property line and the dimension between the outside edge of the soldier piles and the property line for City records. Also provide notes on the Shoring Plans for the "Contractor to cut-off the shoring 5-feet below the sidewalk elevation." AND "Contractor shall submit and obtain an permanent encroachment permit from Public Works for the tiebacks and shoring located within public right-of-way.

39. DEWATERING: Basement excavation may require dewatering during construction. Public Works only allows groundwater drawdown well dewatering. Open pit groundwater dewatering is not allowed. Dewatering is only allowed from April through October due to inadequate capacity in our storm drain system. The geotechnical report for this site must list the highest anticipated groundwater level. We recommend that a piezometer be installed in the soil boring. The contractor shall determine the depth to groundwater immediately prior to excavation by using a piezometer or by drilling an exploratory hole if the deepest excavation will be within 3 feet of the highest anticipated groundwater level. If groundwater is found within 2 feet of the deepest excavation, a drawdown well dewatering system must be used, or alternatively, the contractor can excavate for the basement and hope not to hit groundwater, but if he does, he must immediately stop all work and install a drawdown well system before he continues to excavate. Based on the determined groundwater depth and season the contractor may be required to dewater the site or stop all grading and excavation work. In addition Public Works may require that all groundwater be tested for contaminants prior to initial discharge and at intervals during dewatering. If testing is required, the contractor must retain an independent testing firm to test the discharge water for contaminants Public Works specifies and submit the results to Public Works.

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

40. GEOTECHNICAL REPORT: Shall clearly identify the highest projected groundwater level to be encountered in the area of the proposed basement in the future. Provide a note on the Rough Grading Plan that includes the comment above as a note.

41. GAS METERS: In-ground gas meters are not typically allowed by Public Works Utilities. If in-ground gas meters are not allowed, the above ground gas meter shall be located complete within private property. Plot and label the proposed location. If in-ground gas meters are permitted, applicant shall submit an email from Utilities that indicates in-ground gas meters are acceptable for this project.

PRIOR TO ISSUANCE OF A BUILDING PERMIT

42. The project plans shall be updated to provide the following items:

    a. Explain how all of the site runoff will drain directly into the media filter. The media filter shall be located complete with the private property as shown on the approve ARB plans. The details provided indicate that the media filter is to be installed below ground and discharge would need to be pumped to the surface. However that is not reflected on the Utility Plan.

    b. Plot and label the total the number of disconnected downspouts. The civil has indicated that the downspouts runoff will drain into the media filter, but it's not clear on the plans how this will be accomplished.

    c. The site plan shall demonstrate how the runoff from the MFS flows by gravity into the gutter, provide pipe inverts and flow line grades. If a new separate structure is required to allow runoff to flow by gravity into the gutter or reduce the velocity, then the structure shall be located completely within the private property. The 4th and 5th resubmittal ARB plans show a junction box within the public right-of-way, this box shall be located completely within the private property.

    d. The 5th submittal shows a planter box adjacent to the alley and the MFS has been relocated to be within this planter boxes. The plans submitted lack information, show how the roof runoff is directed into the mechanical treatment facility. Plot and label the pump, drain lines, downspouts. Show how all of the site runoff is treated by the proposed MFS.

    e. It's not clear if the planter box is intended to provide C3 treatment. If LID treatment is proposed provide the surface drainage areas and calculations.

    f. Resize the new planter box to allow the junction box to be within the private property and behind the Kipling Street sidewalk. The planter box and planting material shall have height clearance with a maximum of three feet within the 4-ft by 6-ft clear site distance (triangle). In addition the planter box shall be located 1-foot minimum away from the adjacent alley.

43. GRADING AND DRAINAGE PLAN: The plan set must include a grading & drainage plan prepared by a licensed professional that includes existing and proposed spot elevations, earthwork volumes, finished floor elevations at every at grade door entrance, area drain and bubbler locations, drainage flow arrows to demonstrate proper drainage of the site. See Palo Alto Municipal Code Section 16.28 Adjacent grades must slope away from the building foundation at minimum of 2% or 5% for 10-feet per 2013 CBC Section 1804.3. Downspouts and splash-blocks should be shown on this plan, as well as any site drainage features such as swales. Grading will not be allowed that increases drainage onto, or blocks existing drainage from, neighboring properties. Public Works generally does not allow rainwater to be collected and discharged into the street gutter or connected directly to the City's infrastructure, but encourages the developer to keep rainwater onsite as much as feasible by directing runoff to landscape and other pervious areas of the site. Plan shall also include a drainage system as required for all uncovered exterior basement-level spaces such as light well, stairwells or driveway ramps.

44. BASEMENT DRAINAGE: Due to high groundwater throughout much of the City and Public Works prohibiting the pumping and discharging of groundwater, perforated pipe drainage systems at the exterior of the basement walls or under the slab are not allowed for this site. A drainage system is, however, required for all exterior basement-level spaces, such as light wells, patios or stairwells. This system consists of a sump, a sump pump, a backflow preventer, and a closed pipe from the pump to a dissipation device onsite at least 10-feet from the property line, such as a bubbler box in a landscaped area, so that water can percolate into the soil and/or sheet flow across the site. The device must not allow stagnant water that could become mosquito habitat. Additionally, the plans must show that exterior basement-level spaces are at least 7-3/4" below any adjacent windowsills or doorsills to minimize the potential for flooding the basement. Public Works recommends a waterproofing consultant be retained to design and inspect the vapor barrier and waterproofing systems for the basement.

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

46. STORM WATER POLLUTION PREVENTION: The City's full-sized "Pollution Prevention - It's Part of the Plan" sheet must be included in the plan set. The sheet is available here: http://www.cityofpaloalto.org/civicax/filebank/documents/2732

47. STORM WATER TREATMENT: This project shall comply with the storm water regulations contained in provision C.3 of the NPDES municipal storm water discharge permit issued by the San Francisco Bay Regional Water Quality Control Board (and incorporated into Palo Alto Municipal Code Chapter 16.11). These regulations apply to land development projects that create or replace 10,000 square feet or more of impervious surface, and restaurants, retail gasoline outlets, auto service facilities, and uncovered parking lots that create and/or replace 5,000 square feet or more of impervious surface. In order to address the potential permanent impacts of the project on storm water quality, the applicant shall incorporate into the project a set of permanent site design measures, source controls, and treatment controls that serve to protect storm water quality, subject to the approval of the Public Works Department. The applicant shall identify, size, design and incorporate permanent storm water pollution prevention measures (preferably landscape-based treatment controls such as bio-swales, filter strips, and permeable pavement rather than mechanical devices that require long-term maintenance) to treat the runoff from a "water quality storm" specified in PAMC Chapter 16.11 prior to discharge to the municipal storm drain system. Effective February 10, 2011, regulated projects, must contract with a qualified third-party reviewer during the building permit review process to certify that the proposed permanent storm water pollution prevention measures comply with the requirements of Palo Alto Municipal Code Chapter 16.11. The certification form, 2 copies of approved storm water treatment plan, and a description of Maintenance Task and Schedule must be received by the City from the third-party reviewer prior to approval of the building permit by the Public Works department. Within 45 days of the installation of the required storm water treatment measures and prior to the issuance of an occupancy permit for the building, third-party reviewer shall also submit to the City a certification for approval

48. UTILITY PLAN: shall be provided with the Building Permit that demonstrates how the site's drainage flows by gravity into the City's system and is not pumped. Public Works generally does not allow downspout rainwater to be collected, piped and discharged directly into the street gutter or connect directly to the City's infrastructure. The utility plan shall indicate that downspouts are disconnected, daylight at grade, and are directed to landscaped and other pervious areas onsite. Downspouts shall daylight away from the foundation.

    If pumps are required, plot and label where the pumps will be located on-site, storm water runoff from pumped system shall daylight onto onsite landscaped areas and be allow to infiltrate and flow by gravity to the public storm drain line. Storm water runoff that is pumped shall not be directly piped into the public storm drain line.

49. TRANSFORMER AND UTILITIES: Applicant shall be aware that the project may trigger water line and meter upgrades or relocation, if upgrades or relocation are required, the building permit plan set shall plot and label utility changes. The backflow preventer, and above grade meters shall be located within private property and plotted on the plans. Similarly if a transformer upgrade or a grease interceptor is required it shall also be located within the private property.

50. WORK IN THE RIGHT-OF-WAY: The plans must clearly indicate any work that is proposed in the public right-of-way, such as sidewalk replacement, driveway approach, or utility laterals. The plans must include notes that the work must be done per City standards and that the contractor performing this work must first obtain a Street Work Permit from Public Works at the Development Center. This project may be required to replace the driveway approach the sidewalk associated with the existing driveway may be required to replace with a thickened (6" thick instead of the standard 4" thick) section.

51. SIDEWALK ENCROACHMENT: Add a note to the site plan that says, "The contractor using the city sidewalk to work on an adjacent private building must do so in a manner that is safe for pedestrians using the sidewalk. Pedestrian protection must be provided per the 2013 California Building Code Chapter 32 requirements. If the height of construction is 8 feet or less, the contractor must place construction railings sufficient to direct pedestrians around construction areas. If the height of construction is more than 8 feet, the contractor must obtain an encroachment permit from Public Works at the Development Center in order to provide a barrier and covered walkway. The contractor must apply to Public Works for an encroachment permit to close or occupy the sidewalk(s) or ally.

52. SIDEWALK, CURB & GUTTER: As part of this project, the applicant must replace all of the existing sidewalks, ramps, curbs, gutters or driveway approaches in the public right-of-way along the frontage(s) of the property. Applicant shall be responsible for replacing the two ramps immediately across the street from the project site. Applicant shall meet with Public Works and Transportation to discuss the potential for adding a bulb-out along the University Avenue side to widen the sidewalk. If construction of the new ramps and/or sidewalk results in a conflict with utilities or traffic signal than applicant will be responsible for adjusting to grade or relocating conflict and to bring the improvements to current designs standards. The site plan and grading and drainage plan submitted with the building permit plan set must show the extent of the replacement work. Provide references to the specific City's Standard Drawings and Specification. The plan must note that any

work in the right-of-way must be done per Public Works' standards by a licensed contractor who must first obtain a Street Work Permit from Public Works at the Development Center.

53. RESURFACING: The applicant is required to resurface (grind and overlay) the entire width of the street on University Avenue and Kipling Street frontages adjacent to the project. In addition this project is required to resurface the full width of the Lane along the project frontage. Note that the base material for these 3 streets varies. Thermoplastic striping of the street(s) will be required after resurfacing. Include an off-site plan that shows the existing signage and striping that is to be replaces as part of this project and for the contractor's use.

54. DEMOLITION PLAN: Place the following note adjacent to an affected tree on the Site Plan and Demolition Plan: "Excavation activities associated with the proposed scope of work shall occur no closer than 10-feet from the existing street tree, or as approved by the Urban Forestry Division contact 650-496-5953. Any changes shall be approved by the same".

55. STREET TREES: The applicant may be required to replace existing and/or add new street trees in the public right-of-way along the property's frontage(s). Call the Public Works' arborist at 650-496-5953 to arrange a site visit so he can determine what street tree work, if any, will be required for this project. The site plan submitted with the building permit plan set must show the street tree work that the arborist has determined, including the tree species, size, location, staking and irrigation requirements, or include a note that Public Works' arborist has determined no street tree work is required. The plan must note that in order to do street tree work, the applicant must first obtain a Permit for Street Tree Work in the Public Right-of-Way from Public Works' arborist (650-496-5953).

56. BIKE RACKS: Currently, there are 2 bike racks on University Avenue. It is not Public Works' responsibility to approve the relocation or installation of the bike racks near this location. If the applicant would like to requests the installation of new or more bike racks along University Avenue, the applicant must obtain approval from the Transportation Division at 650-329-2520 to determine an appropriate location, type/model and quantity that can be installed per City Standards. The plan must note that in order to install or relocate any bike racks, the applicant must first obtain a Street Work Permit from Public Works.

57. GARBAGE/TRASH RECEPTACLES: The plans provided for preliminary review do not include the existing garbage/trash receptacle along University Avenue. This shall be shown on the plans and remain in its location for as long as possible during construction. If construction activities require the temporary removal of the receptacle, the contractor may remove during that construction activity but must place it back as soon as those activities have been completed. Prior to doing so, the contractor must notify the public works department to determine if Public Works Operations should pick it up for storage during that time.

58. ADJACENT NEIGHBORS: For any improvements that extend beyond the property lines such as tie-backs for the basement or construction access provide signed copies of the original agreements with the adjacent property owners. The agreements shall indicate that

the adjacent property owners have reviewed and approved the proposed improvements (such as soldier beams, tiebacks) that extend into their respective properties

59. "NO DUMPING" LOGO: The applicant is required to paint the "No Dumping/Flows to San Francisquito Creek" logo in blue color on a white background, adjacent to all onsite storm drain inlets. Stencils of the logo are available from the Public Works Environmental Compliance Division, which may be contacted at (650) 329-2598. A deposit may be required to secure the return of the stencil. Include the instruction to paint the logos on the construction grading and drainage plan. Similar medallions shall be installed near the catch basins that are proposed to be relocated. Provide notes on the plans to reference that medallions and stencils.

60. OIL/WATER SEPARATOR: Parking garage floor drains on interior levels shall be connected to an oil/water separator prior to discharging to the sanitary sewer system. The oil/water separator shall be located within private property.

61. GREASE INTERCEPTOR: If a commercial kitchen is proposed requiring the installation of a grease interceptor, the grease separator shall be installed and located within private property. In no case shall the City of Palo Alto allow the right-of-way (ROW) to be used to satisfy this requirement.

PRIOR TO BUILDING PERMIT FINAL

62. STORMWATER MAINTENANCE AGREEMENT: The applicant shall designate a party to maintain the control measures for the life of the improvements and must enter into a maintenance agreement with the City to guarantee the ongoing maintenance of the permanent C.3 storm water discharge compliance measures. The maintenance agreement shall be executed prior to the first building occupancy sign-off. The City will inspect the treatment measures yearly and charge an inspection fee. There is currently a $381 (FY 2015) C.3 plan check fee that will be collected upon submittal for a grading or building permit.

63. Contractor and/or Applicant shall prepare and submit an electronic (pdf) copy of the Off-Site Improvements As-Built set of plans to Public Works for the City's records. The as-built set shall include all the improvements within the public road right-of-way and include items such as: shoring piles, tiebacks, public storm drain improvements, traffic signs, street trees, location of any vaults or boxes, and any other item that was installed as part of this project.

64. Contractor shall submit and obtain an Encroachment permit for the permanent structures (shoring and tiebacks) that were installed within the public road right-of-way.

65. Additional comments and/or conditions may apply as the project is revised.

ZERO WASTE/ SOLID WASTE

PRIOR TO ISSUANCE OF A BUILDING PERMIT

66. Provide a garbage and recycling chute for the residential unit, with either an additional chute or a bin space, for compost-ables on the residential floor.

67. SERVICE LEVELS: Without a restaurant: the enclosure should be sized for 3-yard garbage bin, 4-yard recycling bin, 1-yard compost-ables bin; with a restaurant: 3-yard garbage bin, 4-yard recycling bin, 2-yard compost-ables bin.

68. TRASH DISPOSAL AND RECYCLING (PAMC 18.23.020): (A) Assure that development provides adequate and accessible interior areas or exterior enclosures for the storage of trash and recyclable materials in appropriate containers, and that trash disposal and recycling areas are located as far from abutting residences as is reasonably possible. (B) Requirements: (i) Trash disposal and recyclable areas shall be accessible to all residents or users of the property. (ii) Recycling facilities shall be located, sized, and designed to encourage and facilitate convenient use. (iii) Trash disposal and recyclable areas shall be screened from public view by masonry or other opaque and durable material, and shall be enclosed and covered. Gates or other controlled access shall be provided where feasible. Chain link enclosures are strongly discouraged. (iv) Trash disposal and recycling structures shall be architecturally compatible with the design of the project. (v) The design, construction and accessibility of recycling areas and enclosures shall be subject to approval by the architectural review board, in accordance with design guidelines adopted by that board and approved by the city council pursuant to Section 18.76.020.

69. RECYCLING STORAGE DESIGN REQUIREMENTS (PAMC 5.20.120): The design of any new, substantially remodeled, or expanded building or other facility shall provide for proper storage, handling, and accessibility which will accommodate the solid waste and recyclable materials loading anticipated and which will allow for the efficient and safe collection. The design shall comply with the applicable provisions of Sections 18.22.100, 18.24.100, 18.26.100, 18.32.080, 18.37.080, 18.41.080, 18.43.080, 18.45.080, 18.49.140, 18.55.080, 18.60.080, and 18.68.170 of Title 18 of this code.

70. SERVICE REQUIREMENTS: (a) Collection vehicle access (vertical clearance, street width and turnaround space) and street parking are common issues pertaining to new developments. Adequate space must be provided for vehicle access. (b) Weight limit for all drivable areas to be accessed by the solid waste vehicles (roads, driveways, pads) must be rated to 60,000 lbs. This includes areas where permeable pavement is used. (c) Containers must be within 25 feet of service area or charges will apply. (d) Carts and bins must be able to roll without obstacles or curbs to reach service areas "no jumping curbs".

71. GARBAGE, RECYCLING, AND YARD WASTE/COMPOSTABLES CART/ BIN LOCATION AND SIZING:

    a. Office Building: The proposed commercial development must follow the requirements for recycling container space[1]. Project plans must show the placement of recycling containers, for example, within the details of the solid waste enclosures. Collection space should be provided for built-in recycling containers/storage on each floor/office or alcoves for the placement of recycling containers.

        i. Enclosure and access should be designed for equal access to all three waste streams – garbage, recycling, and compost-ables.

1 In accordance with the California Public Resources Code, Chapter 18, Articles 1 and 2

ii. Collection cannot be performed in underground. Underground bins locations require a minimum of 77" of vertical clearance. Pull out charges will apply. In instances where push services are not available (e.g., hauler driver cannot push containers up or down ramps), the property owner will be responsible for placing solid waste containers in an accessible location for collection.

iii. All service areas must have a clearance height of 20' for bin service.

iv. New enclosures should consider rubber bumpers to reduce wear and tear on walls.

For questions regarding garbage, recycling, and compost-ables collection issues, contact Green Waste of Palo Alto (650) 493-4894.

b. Restaurants and Food Service Establishments: Please contact Green Waste of Palo Alto (650) 493-4894 to maximize the collection of compost-ables in food preparation areas and customer areas.

For more information about compostable food service products, please contact City of Palo Alto Zero Waste at (650) 496-5910.

c. Multi-family Residential: The proposed multi-family development must follow the requirements for recycling container space[2]. All residential developments, where central garbage, recycling, and compost-ables containers will serve five or more dwelling units, must have space for the storage and collection of recyclables and compost-ables. This includes the provision of recycling chutes where garbage chutes are provided. Project plans must show the placement of recycling and compost-ables containers, for example, within the details of the solid waste enclosures.

i. Enclosure and access should be designed for equal access to all three waste streams – garbage, recycling, and compost-ables.

ii. Collection cannot be performed in underground. Underground bins locations require a minimum of 77" of vertical clearance. Pull out charges will apply. In instances where push services are not available (e.g., hauler driver cannot push containers up or down ramps), the property owner will be responsible for placing solid waste containers in an accessible location for collection.

iii. All service areas must have a clearance height of 20' for bin service.

iv. New enclosures should consider rubber bumpers to reduce wear-and-tear on walls.

For questions regarding garbage, recycling, and compost-ables collection issues, contact Green Waste of Palo Alto (650) 493-4894.

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2 In accordance with the California Public Resources Code, Chapter 18, Articles 1 and 2

72. DUMPSTERS FOR NEW AND REMODELED FACILITIES (PAMC 16.09.180(b)(10)): New buildings and residential developments providing centralized solid waste collection, except for single-family and duplex residences, shall provide a covered area for a bin/dumpster. The area shall be adequately sized for all waste streams (garbage, recycling, and yard waste/compostables) and designed with grading or a berm system to prevent water runon and runoff from the area.

73. COVERED DUMPSTERS, RECYCLING AND TALLOW BIN AREAS (PAMC 16.09.075(q)(2)):

    a. Newly constructed and remodeled Food Service Establishments (FSEs) shall include a covered area for all dumpsters, bins, carts or container used for the collection of trash, recycling, food scraps and waste cooking fats, oils and grease (FOG) or tallow.

    b. The area shall be designed and shown on plans to prevent water run-on to the area and runoff from the area.

    c. Drains that are installed within the enclosure for recycle and waste bins, dumpsters and tallow bins serving FSEs are optional. Any such drain installed shall be connected to a Grease Control Device (GCD).

    d. If tallow is to be stored outside then an adequately sized, segregated space for a tallow bin shall be included in the covered area.

    e. These requirements shall apply to remodeled or converted facilities to the extent that the portion of the facility being remodeled is related to the subject of the requirement.

    It is frequently to the FSE's advantage to install the next size larger GCD to allow for more efficient grease discharge prevention and may allow for longer times between cleaning. There are many manufacturers of GCDs which are available in different shapes, sizes and materials (plastic, reinforced fiberglass, reinforced concrete and metal).

    The requirements will assist FSEs with FOG discharge prevention to the sanitary sewer and storm drain pollution prevention. The FSE at all times shall comply with the Sewer Use Ordinance of the Palo Alto Municipal Code. The ordinances include requirements for GCDs, GCD maintenance, drainage fixtures, record keeping and construction projects.

74. CONSTRUCTION AND DEMOLITION DEBRIS (CDD) (PAMC 5.24.030):

    a. Covered projects shall comply with construction and demolition debris diversion rates and other requirements established in Chapter 16.14 (California Green Building Code). In addition, all debris generated by a covered project must haul 100 percent of the debris not salvaged for reuse to an approved facility as set forth in this chapter.

b. Contact the City of Palo Alto's Green Building Coordinator for assistance on how to recycle construction and demolition debris from the project, including information on where to conveniently recycle the material.

PUBLIC WORKS WATER QUALITY CONTROL

75. DISCHARGE OF GROUNDWATER (PAMC 16.09.170, 16.09.040): Prior approval shall be obtained from the city engineer or designee to discharge water pumped from construction sites to the storm drain. The city engineer or designee may require gravity settling and filtration upon a determination that either or both would improve the water quality of the discharge. Contaminated ground water or water that exceeds state or federal requirements for discharge to navigable waters may not be discharged to the storm drain. Such water may be discharged to the sewer, provided that the discharge limits contained in Palo Alto Municipal Code (16.09.040(m)) are not exceeded and the approval of the superintendent is obtained prior to discharge. The City shall be compensated for any costs it incurs in authorizing such discharge, at the rate set forth in the Municipal Fee Schedule.

76. UNPOLLUTED WATER (PAMC 16.09.055): Unpolluted water shall not be discharged through direct or indirect connection to the sanitary sewer system (e.g. uncovered ramp to garage area).

77. COVERED PARKING (PAMC 16.09.180(b)(9)): If installed, drain plumbing for parking garage floor drains must be connected to an oil/water separator with a minimum capacity of 100 gallons, and to the sanitary sewer system.

78. DUMPSTERS FOR NEW AND REMODELED FACILITATIES (PAMC 16.09.180(b)(10)): New buildings and residential developments providing centralized solid waste collection, except for single-family and duplex residences, shall provide a covered area for a dumpster. The area shall be adequately sized for all waste streams and designed with grading or a berm system to prevent water run-on and runoff from the area. ARCHITECTURAL COPPER PAMC (16.09.180(b)(14)): On and after January 1, 2003, copper metal roofing, copper metal gutters, copper metal down spouts, and copper granule containing asphalt shingles shall not be permitted for use on any residential, commercial or industrial building for which a building permit is required. Copper flashing for use under tiles or slates and small copper ornaments are exempt from this prohibition. Replacement roofing, gutters and downspouts on historic structures are exempt, provided that the roofing material used shall be pre-patinated at the factory. For the purposes of this exemption, the definition of "historic" shall be limited to structures designated as Category 1 or Category 2 buildings in the current edition of the Palo Alto Historical and Architectural Resources Report and Inventory.

79. LOADING DOCKS (PAMC 16.09.175(k) (2)): (i) Loading dock drains to the storm drain system may be allowed if equipped with a fail-safe valve or equivalent device that is kept closed during the non-rainy season and during periods of loading dock operation. (ii) Where chemicals, hazardous materials, grease, oil, or waste products are handled or used within the loading dock area, a drain to the storm drain system shall not be allowed. A drain to the sanitary sewer system may be allowed if equipped with a fail-safe valve or equivalent device that is kept closed during the non-rainy season and during periods of

loading dock operation. The area in which the drain is located shall be covered or protected from rainwater run-on by berms and/or grading. Appropriate wastewater treatment approved by the Superintendent shall be provided for all rainwater contacting the loading dock site.

80. CONDENSATE FROM HVAC (PAMC 16.09.180(b)(5)): Condensate lines shall not be connected or allowed to drain to the storm drain system.

81. SILVER PROCESSING (e.g. photo-processing retail) (PAMC 16.09.215): Facilities conducting silver processing (photographic or X-ray films) shall either submit a treatment application or waste hauler certification for all spent silver bearing solutions. 650-329-2421.

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

83. MERCURY SWITCHES (PAMC 16.09.180(12)): Mercury switches shall not be installed in sewer or storm drain sumps.

84. COOLING SYSTEMS, POOLS, SPAS, FOUNTAINS, BOILERS AND HEAT EXCHANGERS (PAMC 16.09.205(a)): It shall be unlawful to discharge water from cooling systems, pools, spas, fountains boilers and heat exchangers to the storm drain system.

85. STORM DRAIN LABELING (PAMC 16.09.165(h)): Storm drain inlets shall be clearly marked with the words "No dumping - Flows to Bay," or equivalent.

86. UNDESIGNATED RETAIL SPACE (PAMC 16.09): Newly constructed or improved buildings with all or a portion of the space with undesignated tenants or future use will need to meet all requirements that would have been applicable during design and construction. If such undesignated retail space becomes a food service facility the following requirements must be met:

Designated Food Service Establishment (FSE) Project:

a. Grease Control Device (GCD) Requirements, PAMC Section 16.09.075 & cited Building/Plumbing Codes

   i. The plans shall specify the manufacturer details and installation details of all proposed GCDs. (CBC 1009.2)

   ii. GCD(s) shall be sized in accordance with the 2007 California Plumbing Code.

   iii. GCD(s) shall be installed with a minimum capacity of 500 gallons.

   iv. GCD sizing calculations shall be included on the plans. See a sizing calculation example below.

v. The size of all GCDs installed shall be equal to or larger than what is specified on the plans.

vi. GCDs larger than 50 gallons (100 pounds) shall not be installed in food preparation and storage areas. Santa Clara County Department of Environmental Health prefers GCDs to be installed outside. GCDs shall be installed such that all access points or manholes are readily accessible for inspection, cleaning and removal of all contents. GCDs located outdoors shall be installed in such a manner so as to exclude the entrance of surface and storm water. (CPC 1009.5)

vii. All large, in-ground interceptors shall have a minimum of three manholes to allow visibility of each inlet piping, baffle (divider) wall, baffle piping and outlet piping. The plans shall clearly indicate the number of proposed manholes on the GCD. The Environmental Compliance Division of Public Works Department may authorize variances which allow GCDs with less than three manholes due to manufacture available options or adequate visibility.

viii. Sample boxes shall be installed downstream of all GCDs.

ix. All GCDs shall be fitted with relief vent(s). (CPC 1002.2 & 1004)

x. GCD(s) installed in vehicle traffic areas shall be rated and indicated on plans.

b. Drainage Fixture Requirements, PAMC Section 16.09.075 & cited Building/Plumbing Codes

i. To ensure all FSE drainage fixtures are connected to the correct drain lines, each drainage fixture shall be clearly labeled on the plans. A list of all fixtures and their discharge connection, i.e. sanitary sewer or grease waste line, shall be included on the plans.

ii. A list indicating all connections to each proposed GCD shall be included on the plans. This can be incorporated into the sizing calculation.

iii. All grease generating drainage fixtures shall connect to a GCD. These include but are not limited to:

1. Pre-rinse (scullery) sinks
2. Three compartment sinks (pot sinks)
3. Drainage fixtures in dishwashing room except for dishwashers shall connect to a GCD
4. Examples: trough drains (small drains prior to entering a dishwasher), small drains on busing counters adjacent to pre-rinse sinks or silverware soaking sinks
5. Floor drains in dishwashing area and kitchens
6. Prep sinks
7. Mop (janitor) sinks

8. Outside areas designated for equipment washing shall be covered and any drains contained therein shall connect to a GCD.
9. Drains in trash/recycling enclosures
10. Wok stoves, rotisserie ovens/broilers or other grease generating cooking equipment with drip lines
11. Kettles and tilt/braising pans and associated floor drains/sinks

iv. The connection of any high temperature discharge lines and non-grease generating drainage fixtures to a GCD is prohibited. The following shall not be connected to a GCD:

1. Dishwashers
2. Steamers
3. Pasta cookers
4. Hot lines from buffet counters and kitchens
5. Hand sinks
6. Ice machine drip lines
7. Soda machine drip lines
8. Drainage lines in bar areas

v. No garbage disposers (grinders) shall be installed in a FSE. (PAMC 16.09.075(d)).

vi. Plumbing lines shall not be installed above any cooking, food preparation and storage areas.

vii. Each drainage fixture discharging into a GCD shall be individually trapped and vented. (CPC 1014.5)

c. Covered Dumpsters, Recycling and Tallow Bin Areas PAMC, 16.09.075(q)(2)

i. Newly constructed and remodeled FSEs shall include a covered area for all dumpsters, bins, carts or container used for the collection of trash, recycling, food scraps and waste cooking fats, oils and grease (FOG) or tallow.

ii. The area shall be designed and shown on plans to prevent water run-on to the area and runoff from the area.

iii. Drains that are installed within the enclosure for recycle and waste bins, dumpsters and tallow bins serving FSEs are optional. Any such drain installed shall be connected to a GCD.

iv. If tallow is to be stored outside then an adequately sized, segregated space for a tallow bin shall be included in the covered area.

v. These requirements shall apply to remodeled or converted facilities to the extent that the portion of the facility being remodeled is related to the subject of the requirement.

d. Large Item Cleaning Sink, PAMC 16.09.075(m)(2)(B)

i. FSEs shall have a sink or other area drain which is connected to a GCD and large enough for cleaning the largest kitchen equipment such as floor mats, containers, carts, etc. Recommendation: Generally, sinks or cleaning areas larger than a typical mop/janitor sink are more useful.

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

Sizing Criteria:		**GCD Sizing:**	
Drain Fixtures	**DFUs**	**Total DFUs**	**GCDVolume (gallons)**
Pre-rinse sink	4	8	500
3 compartment sink	3	21	750
2 compartment sink	3	35	1,000
Prep sink	3	90	1,250
Mop/Janitorial sink	3	172	1,500
Floor drain	2	216	2,000
Floor sink	2		

Example GCD Sizing Calculation:

Quantity	Drainage Fixture & Item Number	DFUs	Total
1	Pre-rinse sink, Item 1	4	4
1	3 compartment sink, Item 2	3	3
2	Prep sinks, Item 3 & Floor sink, Item 4	3	6
1	Mop sink, Item 5	3	3
1	Floor trough, Item 6 & tilt skillet, Item 7	2	2
1	Floor trough, Item 6 & steam kettle, Item 8	2	2
1	Floor sink, Item 4 & wok stove, Item 9	2	2
4	Floor drains	2	8
	1,000 gallon GCD minimum sized	Total:	30

Note:
- All resubmitted plans to Building Department which include FSE projects shall be resubmitted to Water Quality.

- It is frequently to the FSE's advantage to install the next size larger GCD to allow for more efficient grease discharge prevention and may allow for longer times between cleaning. There are many manufacturers of GCDs which are available in different shapes, sizes and materials (plastic, reinforced fiberglass, reinforced concrete and metal)

- The requirements will assist FSEs with FOG discharge prevention to the sanitary sewer and storm drain pollution prevention. The FSE at all times shall comply with the Sewer Use Ordinance of the Palo Alto Municipal Code. The ordinances include requirements for GCDs, GCD maintenance, drainage fixtures, record keeping and construction projects.

FIRE DEPARTMENT

87. Fire sprinklers, fire standpipe and fire alarm systems required in accordance with NFPA 13, NFPA14, NFPA 24, NFPA 72 and State and local standards. Sprinkler, standpipe, fire alarm and underground fire supply installations require separate submittal to the Fire Prevention Bureau.

88. Sprinkler main drain must be coordinated with plumbing design so that the 200 gpm can be flowed for annual main drain testing for 90 seconds without overflowing the collection sump, and the Utilities Department approved ejector pumps will be the maximum flow rate to sanitary sewer.

89. Applicant shall work with Utilities Department to provide acceptable backflow prevention configuration.

90. All floor levels in multi-story buildings must be served by an elevator capable of accommodating a 24 x 84 inch gurney without lifting or manipulating the gurney.

91. All welding or other hot work during construction shall be under a permit obtained from the Palo Alto Fire Department with proper notification and documentation of procedures followed and work conducted.

92. Low-E glass and underground parking areas can interfere with portable radios used by emergency responders. Please provide an RF Engineering analysis to determine if additional devices or equipment will be needed to maintain operability of emergency responder portable radios throughout 97% of the building in accordance with the Fire Code Appendix J as adopted by the City of Palo Alto. A written report to the Fire Marshal shall be provided prior to final inspection.

UTILITIES – ELECTRICAL ENGINEERING

GENERAL

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

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

95. The applicant shall submit a request to disconnect all existing utility services and/or meters including a signed affidavit of vacancy, on the form provided by the Building Inspection Division. Utilities will be disconnected or removed within 10 working days after receipt of request. The demolition permit will be issued after all utility services and/or meters have been disconnected and removed.

FOR SUBMITTALS TO ELECTRIC SERVICE

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

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

98. Only one electric service lateral is permitted per parcel. Utilities Rule & Regulation #18.

99. Applicant has selected the option of going with a submersible transformer. This installation will fall under "Special Facilities". Special Facilities will have additional costs for substructure work, annual cost of ownership plus one time replacement cost of submersible transformer. Vault and submersible transformer along with the required infrastructure will be installed by the City in the alley/public right of way or at a feasible location at applicant's expense. Note that submersible transformers are more susceptible to extended outages and potential cause for failures due to accumulation of dirt, debris and water in the vaults. . During servicing/maintenance or outage there will be no power to the building. The applicant will be responsible for maintaining the electric service to the building or to any critical equipment through a generator, if required. The City will not reimburse or compensate for anything (e.g. damages/lost production hours/labor cost etc.) during maintenance/outage or shut down time. The City will replace the transformer in the event of failure at no cost to the applicant.

100. Based on the electric loads the applicant has projected for the new building, the Utilities will consider installing a 500KVA, 120/208Y Volts transformer. However, if the load drops significantly below the rated capacity of the transformer for any continuous period of twelve (12) months, the City will notify the applicant about the fees and charges attributable to the reduced capacity. If the loads are added in the future and existing submersible transformer is found to be overloaded or exceeded its operational limitations then the City will require the applicant to accept the electric service to the building at

277/480Y Volts. At that time, in order to get the electric service to the building at new voltage; all the required modifications will be done by the applicant.

101. The customer shall install all electrical substructures (conduits, boxes and pads) required from the service point to the customer's switchgear. The design and installation shall be according to the City standards and shown on plans. Utilities Rule & Regulations #16 & #18.

102. Location of the electric panel/switchboard shall be installed outside the building and shall be easily accessible to Utilities meter readers and maintenance crews. Electric switchboard shall be NEMA 3R. All the substructure work done/installed for providing electric service to the new building shall be at applicant's expense. Detailed comments and final cost estimate shall be provided to the applicant when plans are submitted to the Building Department for review and approval.

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

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

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

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

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

108. If the customer's total load exceeds 2500 kVA, service shall be provided at the primary voltage of 12,470 volts and the customer shall provide the high voltage switchgear and transformers.

109. For primary services, the standard service protection is a submersible fault interrupter owned and maintained by the City, installed at the customer's expense. The customer must provide and install the pad and associated substructure required for the fault interrupter.

110. Any additional facilities and services requested by the Applicant that are beyond what the utility deems standard facilities will be subject to Special Facilities charges. The Special

Facilities charges include the cost of installing the additional facilities as well as the cost of ownership. Utilities Rule & Regulation #20.

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

DURING CONSTRUCTION

112. Contractors and developers shall obtain permit from the Department of Public Works before digging in the street right-of-way. This includes sidewalks, driveways and planter strips.

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

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

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

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

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

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

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

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

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

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

AFTER CONSTRUCTION & PRIOR TO FINALIZATION

122. The customer shall provide as-built drawings showing the location of all switchboards, conduits (number and size), conductors (number and size), splice boxes, vaults and switch/transformer pads.

PRIOR TO ISSUANCE OF BUILDING OCCUPANCY PERMIT

123. The applicant shall secure a Public Utilities Easement for facilities installed on private property for City use.

    a. All required inspections have been completed and approved by both the Building Inspection Division and the Electrical Underground Inspector.

    b. All fees must be paid.

    c. All Special Facilities contracts or other agreements need to be signed by the City and applicant.

ADDITIONAL COMMENTS

The following conditions apply to three-phase service and any service over 400 amperes:

124. A pad-mount or submersible transformer is required.

125. The Utilities Director, or his/her designee, may authorize the installation of submersible or vault installed facilities if in their opinion, pad-mounted equipment would not be feasible or practical.

126. Submersible or vault installed facilities shall be considered Special Facilities as described in Rule and Regulation 20, and all costs associated with the installation, including continuing ownership and maintenance, will be borne by the applicant (see Rule and Regulation 3 for details).

127. The customer must provide adequate space for installation, or reimburse the Utility for additional costs to locate the transformer outside the property boundaries. All service

equipment must be located above grade level unless otherwise approved by Electric Engineering.

WATER - GAS - WASTEWATER ENGINEERING

PRIOR TO ISSUANCE OF DEMOLITION PERMIT

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

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

FOR BUILDING PERMIT

130. The applicant shall submit completed water-gas-wastewater service connection applications - load sheets for City of Palo Alto Utilities for each unit or place of business. The applicant must provide all the information requested for utility service demands (water in fixture units/g.p.m., gas in b.t.u.p.h, and sewer in fixture units/g.p.d.). The applicant shall provide the existing (prior) loads, the new loads, and the combined/total loads (the new loads plus any existing loads to remain).

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

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

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

134. The applicant's engineer shall submit flow calculations and system capacity study showing that the on-site and off-site water and sanitary sewer mains and services will provide the domestic, irrigation, fire flows, and wastewater capacity needed to service the development and adjacent properties during anticipated peak floor demands. Field testing may be required to determine current flows and water pressures on existing water main. Calculations must be signed and stamped by a registered civil engineer. The applicant is required to perform, at his/her expense, a flow monitoring study of the existing sewer main to determine the remaining capacity. The report must include existing peak flows or depth of flow based on a minimum monitoring period of seven continuous days or as determined by the senior wastewater engineer. The study shall meet the requirements and the approval

of the WGW engineering section. No downstream overloading of existing sewer main will be permitted.

135. For contractor installed water and wastewater mains or services, the applicant shall submit to the WGW engineering section of the Utilities Department **four** copies of the installation of public water, gas and wastewater utilities improvement plans (the portion to be owned and maintained by the City) in accordance with the utilities department design criteria. All utility work within the public right-of-way shall be clearly shown on the plans that are prepared, signed and stamped by a registered civil engineer. The contractor shall also submit a complete schedule of work, method of construction and the manufacture's literature on the materials to be used for approval by the utilities engineering section. The applicant's contractor will not be allowed to begin work until the improvement plan and other submittals have been approved by the water, gas and wastewater engineering section. After the work is complete but prior to sign off, the applicant shall provide record drawings (as-builts) of the contractor installed water and wastewater mains and services per City of Palo Alto Utilities' record drawing procedures. For contractor installed services the contractor shall install 3M marker balls at each water or wastewater service tap to the main and at the City clean out for wastewater laterals.

136. An approved reduced pressure principle assembly (RPPA backflow preventer device) is required for all existing and new water connections from Palo Alto Utilities to comply with requirements of California administrative code, title 17, sections 7583 through 7605 inclusive. The RPPA shall be installed on the owner's property and directly behind the water meter within 5 feet of the property line. RPPA's for domestic service shall be lead free. **Show the location of the RPPA on the plans.**

137. An approved reduced pressure detector assembly is required for the existing or new water connection for the fire system to comply with requirements of California administrative code, title 17, sections 7583 through 7605 inclusive (a double detector assembly may be allowed for existing fire sprinkler systems upon the CPAU's approval). Reduced pressure detector assemblies shall be installed on the owner's property adjacent to the property line, within 5' of the property line. **Show the location of the reduced pressure detector assembly on the plans.**

138. All backflow preventer devices shall be approved by the WGW engineering division. Inspection by the utilities cross connection inspector is required for the supply pipe between the meter and the assembly.

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

140. Existing wastewater main is 5.4" PE on Kipling Street. (sewer lateral to be 4")

141. Existing water services (including fire services) that are not a currently standard material shall be replaced at the applicant's expense.

142. The applicant shall pay the capacity fees and connection fees associated with new utility service/s or added demand on existing services. The approved relocation of services, meters, hydrants, or other facilities will be performed at the cost of the person/entity requesting the relocation.

143. Each unit or place of business shall have its own water and gas meter shown on the plans. Each parcel shall have its own water service, gas service and sewer lateral connection shown on the plans.

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

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

146. A new water service line installation for irrigation usage may require. Show the location of the new water service and meter on the plans.

147. A new water service line installation for fire system usage is required. Show the location of the new water service on the plans. The applicant shall provide to the Engineering Department a copy of the plans for fire system including all Fire Department's requirements. Please see a fire/domestic combination service connection for your provide- see City of Palo Alto standard WD-11.

148. A new gas service line installation is required. Show the new gas meter location on the plans. The gas meter location must conform with utilities standard details. Gas meter to be installed above ground.

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

150. All existing water and wastewater services that will not be reused shall be abandoned at the main per WGW utilities procedures.

151. Utility vaults, transformers, utility cabinets, concrete bases, or other structures cannot be placed over existing water, gas or wastewater mains/services. Maintain 1' horizontal clear separation from the vault/cabinet/concrete base to existing utilities as found in the field. If there is a conflict with existing utilities, Cabinets/vaults/bases shall be relocated from the plan location as needed to meet field conditions. Trees may not be planted within 10 feet of existing water, gas or wastewater mains/services or meters. New water, gas or wastewater services/meters may not be installed within 10' or existing trees. Maintain 10' between new trees and new water, gas and wastewater services/mains/meters.

152. To install new gas service by directional boring, the applicant is required to have a sewer cleanout at the front of the building. This cleanout is required so the sewer lateral can be videoed for verification of no damage after the gas service is installed by directional boring.

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

154. All WGW utilities work on University Avenue is 1.5 times the stated fee due to traffic; existing conditions require the work to be done outside of regular work hours.

BUILDING INSPECTION

FOR BUILDING PERMIT SUBMITTAL

155. The permit application shall be accompanied by all plans and related documents necessary to construct the complete project.

156. A demolition permit shall be required for the removal of the existing building on site.

157. The entire project is to be included under a single building permit and shall not be phased under multiple permits.

158. Separate submittals and permits are required for the following systems: E.V., P.V. and Solar Hot Water.

159. Design of building components that are not included in the plans submitted for building permit and are to be "deferred" shall be limited to as few items as possible. The list of deferred items shall be reviewed and approved prior to permit application.

160. The plans submitted for the building permit shall include an allowable floor area calculation that relates the mixed occupancies to type of construction.

161. The plans submitted for the building permit shall include allowable floor area calculations that relate the proposed occupancies to type of construction. This includes possible future installation of assembly occupancies such as large conference rooms or cafeterias, for example.

162. An acoustical analysis shall be submitted and the plans shall incorporate the report's recommendations needed to comply with the sound transmissions requirements in CBC Section 1207.

URBAN FORESTRY

163. Any existing city street trees approved to remain shall be maintained and protected during construction per City of Palo Alto standard requirements.

164. All landscape material shall be well maintained for the life of the project and replaced if it fails.

165. Two regulated public trees (London Plane) on University Ave frontage are to be retained and protected. Protection shall consist of Modified Type III (see attached graphic) for the entire trunk and will include primary branches on the building side. For any branch clearance pruning for building or scaffolding, contractor shall coordinate with Urban

Forestry for direct supervision by staff of private tree contractor (submit written Tree Care Application to Dorothy.dale@cityofpaloalto.org)

166. Kipling frontage-Trees. four trees in the RoW are approved for removal including stumps (two flowering pears, two carobs). Four replacement trees shall be installed, Ginkgo biloba 'Autumn Gold', Maidenhair, 36-inch box size, in 5'x5' Kiva tree grates, two irrigation bubblers per tree (PW Standard Detail # 603a and 513). A certified arborist for the applicant shall evaluate/select matching trees for quality. Contractor shall coordinate an Urban Forestry inspection of the new trees, before they are planted in the ground.

167. Sidewalk base medium (Kipling side only). As a root growing medium between the curb and building face, Silva Cell technology or approved equal, shall be designed as a suspended sidewalk element and provide low compaction area for long term root growth. A certified arborist for the applicant shall calculate how many cubic feet of soil and Silva cell material will be needed for each tree. The remaining soil between the engineered root growing areas.

GREEN BUILDING

168. Green Building Ordinance:

    a. Commercial Portion - CALGreen Tier 2: The project must meet the California Green Building Code Tier 2 requirements. Due to the size of the project, the team must engage a commissioning agent and fulfil on the commissioning requirements. Additional information may be found at the following link http://www.cityofpaloalto.org/gov/depts/ds/green_building/default.asp. The new Energy California Energy Code contains significant changes and Palo Alto is currently enforcing code minimum for the energy code . The details can be found at the following link. http://www.energy.ca.gov/title24/2013standards/

    b. Residential Portion- Green Point Rated: The project is required to achieve Green Point Rated Certification through Build It Green. The project team must engage a Green Point Rater. The required minimum points value is 70. The required prerequisite and points associated with exceeding the code shall be excused. Additional information may be found at the following linkhttp://www.cityofpaloalto.org/gov/depts/ds/green_building/default.asp

169. BASE Energy Services: The project may elect to engage the City of Palo Alto consultant, BASE Energy Inc, free of charge. BASE will assist the project in meeting and exceeding Title 24 Energy Code. Rebates may be available via working with Base. For more information, visit cityofpaloalto.org/commercial program or call 650.329.2241. The applicant may also contact Ricardo Sfeir at BASE Energy at rsfeir@baseco.com to schedule a project kick-off.

170. EV Parking Ordinance: The project is subject to meet the new Electric Vehicle Parking Ordinance. The press release provides an outline of the ordinance. The future ordinance language can be found within the staff report. There are multi-family and commercial provisions that apply. See the ordinance for all details.

a. Multi-family: One EVSE Ready or EVSE Installed per unit. For guest parking, either conduit only, EVSE Ready or EVSE Installed shall be provided for 25% of the parking. A minimum of 1 EVSE Installed for multi-family guest parking shall be provided.

b. Commercial: For commercial parking, either conduit only, EVSE Ready or EVSE Installed shall be provided for 25% of the parking. A minimum of 1 EVSE Installed for commercial parking shall be provided.

171. Other Incentives & rebates: The Utilities department has several rebates and incentives that would apply to the project. These rebates are most successfully obtained when planned into the project early in design. For the incentives available for the project, please see the information provided on the Utilities website http://www.cityofpaloalto.org/gov/depts/utl/business/rebates/default.asp

PUBLIC ART

PRIOR TO ISSUANCE OF A BUILDING PERMIT

172. This project must comply with the provisions outlined in PAMC 16.61. The project proposes to install on-site public art and must follow the processes and requirements under this section. Removal or relocation of proposed public art shall be reviewed by the Architectural Review Board and approved by the Palo Alto Public Art Commission. No building permit may be issued until the Public Art Commission issues the approval of the final artwork and placement required for the on-site public art.

173. For building permit submittal, the design and installation of public art must comply with all the building code requirements.

174. The Architectural Review Board (subcommittee) shall review the final placement of public art to ensure the artwork or associated lighting would not create adverse impacts of lighting and glare to adjacent neighbors.

175. In lieu of installation of on-site public art, the applicant may make a monetary contribution to the Palo Alto Public Arts Fund. The applicant must notify the Public Art Office of the intent to fulfill the public art requirement by payment of the in-lieu fee instead of commissioning art on site. The applicant is required to submit the amount equal to 1% of the estimated construction valuation into the Public Art Fund account and provide a copy of the receipt to the Public Art office prior to the issuance of building permit.

City of Palo Alto (ID # 5524)

Architectural Review Board ARB Staff Report

Report Type: New Business **Meeting Date: 2/19/2015**

Summary Title: 14PLN-00222 429 University Avenue

Title: 429 University Avenue [14PLN-00222]: Request by Ken Hayes Architects, Inc. On Behalf Of Kipling Post LP for Architectural Review of a proposal to demolish two one-story commercial/retail buildings with a total of 11,633 sf and construct a 31,407 sf, four-story, mixed use building with a below grade, 40-space parking facility on two levels, on an 11,000 sf site in the Downtown Commercial (CD-C (GF)(P)) zoning district. Environmental Assessment: Initial Study and draft Mitigated Negative Declaration public review period was November 17, 2014 through December 12, 2014. The hearing of this item was continued from the January 15, 2015 ARB meeting to this date.

From: Amy French

Lead Department: Architectural Review Board

RECOMMENDATION

Staff recommends the Architectural Review Board (ARB) recommend the Director of Planning and Community Environment approve the proposed project, based upon the Architectural Review findings (Attachment A) and subject to the conditions of approval (Attachment B).

BACKGROUND

The project is for the demolition of two one-story commercial/retail buildings (11,633 sf of gross floor area) and the construction of a 31,407 sf, four-story, mixed use building with a below grade, 40-space parking facility on two levels, on an 11,000 sf site in the Downtown Commercial (CD-C (GF)(P)) zoning district. The ARB initially reviewed this project on November 20, 2014 and again on January 15, 2015.

The January 15, 2015 ARB staff report included the following:

- A summary of project modifications made since the November 20, 2014 ARB hearing;
- Discussion regarding Comprehensive Plan conformance, zoning compliance, parking and circulation, trees and landscaping, Context-based design considerations; and

- The Draft Initial Study/Mitigated Negative Declaration (MND) and Mitigation Monitoring Program.

The ARB continued the review to the February 19, 2015 and provided the following comments:

- The store front rhythm along University Avenue is improved, with distinct façades for each lot frontage;
- The corner treatment abutting Lane 30 and Kipling Street is improved, given adjustments to the massing and articulation on the upper floors. However, the perceived massing of the third floor can be reduced further by holding back the canopy and/or setting back the terrace;
- The placement of public art needs to be visually accessible by the public;
- A frosted railing is recommended, to shield residents' personal property items from public view, given the commercial context along University Avenue;
- While some ARB members concurred that the proposed corner design at the junction of University Avenue and Kipling Street is consistent with the Downtown Urban Design Guide, others recommended the applicant continue to explore other corner designs that would enhance the pedestrian experience;
- The landscaping element shall extend to the utility area abutting Lane 30; and
- More details are required on the landscape design for the proposed planters.

The most recent plan set responding to these comments has been uploaded to the City's website as a courtesy for the public to view the changes.

CURRENT PROPOSAL

The applicant modified the project plans to address the aesthetic concerns regarding architectural details, the placement of public art and the building's transition to the Kipling neighborhood east of the site. The applicant provided a description of the modifications in Attachment F, excerpted here:

University Avenue Modifications

1. Railings: The residential railings at the third floor will have a translucent white frosting to shield from public view any personal property that might be stored on the balconies. Additionally, since these will be apartments, the owner is concerned about what is stored on the balconies and will monitor this with the tenants. The fourth floor commercial railing will have transparent glass to bring the feel of downtown to the terrace.
2. Storefront glass: The ground floor retail windows will be clear glass.

Kipling Modifications

1. Railings: The residential railings at the third floor will receive the same translucent white frosting and the owner's oversight of tenant storage items, as on the University side. The railings at corner balconies above the lobby will have transparent glass to give the area an open feel.
2. Storefront glass: The ground floor retail windows will be clear glass.

3. Increased setbacks: The second floor and third floor balconies adjacent to the stair element have been pushed away from the alley by 1.5 additional feet to make a better transition to the Kipling buildings. Additionally, the metal canopy at the third floor elevator entrance has been pushed back from Kipling five (5) feet, and from the alley 16", to improve the transition to Kipling.

Alley Modifications

1. Railings: The railings at the alley will be transparent.
2. Landscaping: A new landscape report (included in the drawing set as drawing L-1) provides details for the plant material proposed in the built-in planters and in the new concrete containers added to demarcate the bike area. The landscape report also describes the containers and planting on the fourth floor terrace.

DISCUSSION

Comprehensive Plan and Zoning compliance

The revised plan (http://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?BlobID=37684) would not change the mixed-use program, total gross floor area, building setbacks, lot coverage, building height and material palette from the plans presented January 15, 2015. The proposed land uses remain in conformance with the applicable policies found in the Comprehensive Plan. The project's overall relationship with the Comprehensive Plan is discussed within Attachment E. The project is eligible for an on-site parking exemption under the Municipal Code. The long term policies and programs in the Comprehensive Plan related to parking are further discussed below:

- Program T-2: *Promote mixed use development to provide housing and commercial services near employment centers, thereby reducing the necessity of driving.*
  This project is a mixed use development in the Downtown employment center with housing and commercial services. The project is designed to create an inviting pedestrian and bicycle environment that supports walking, bicycling and reduced dependence on cars.

- Policy T-45: *Provide sufficient parking in the University Avenue/Downtown and California Avenue business districts to address long-range needs.*
  The project site was previously assessed for parking not provided on site; instead, an 'in lieu' fee was paid for the parking acquisition or improvements within the University Avenue parking assessment district. In addition, the Municipal Code allows for transfer of development rights (TDR) floor area that is not "parked", as long as the TDR area was documented prior to the Council's 2013 action on "exempt" floor area. The applicant is not requesting a parking reduction, and will provide five additional parking spaces beyond the on-site parking requirement. To encourage the reduction of parking demand and increased transit use, staff included a draft condition of approval allowing for implementation of a transportation demand management program.

- Policy T-47: *Protect residential areas from the parking impacts of nearby business districts.* The project is surrounded by buildings with commercial uses; however, it appears there is at least one residence on the Kipling block between University and Lytton Avenues. The applicant proposes to locate the required parking spaces on site.

- Program T-53 states: *Discourage parking facilities that would intrude into adjacent residential neighborhoods.* The below grade parking facility would not intrude into an adjacent residential neighborhood (the Kipling block is commercially zoned and used primarily for commercial use).

Zoning Compliance

With the exception of a ten foot rear setback for the residential component, the CD-C(GF)(P) zone district standards do not limit the building's site coverage nor require minimum setbacks from property lines. Palo Alto Municipal Code (PAMC) CD-C Zone District Chapter 18.18, Section 18.18.060 (b) Mixed Use Development Standards do not require property line setbacks for the commercial portion of the building.

The revised plan is consistent with the previous plan, providing the required 10 foot rear setback to the residential wall. The second, third and fourth floor balconies begin at approximately four feet from the rear property line. Residential balconies are allowed to extend up to six (6) feet into the 10 foot residential (per PAMC Section 18.18.060 (b)). The new building would meet the 50 foot height limit, while the height of the proposed utility and mechanical features would be below the maximum height limit of 15 feet above the roof.

The allowable floor area for the new building is 22,000 sf (twice the lot size, or a 2.0:1 Floor Area Ratio (FAR)), with a maximum of 1.0:1 FAR (11,000 sf) for residential use and 1.0:1 FAR (11,000 sf) for commercial uses. The applicant proposes to transfer bonus floor area, in accordance with the Transferable Development Rights (TDR) provisions of the Palo Alto Municipal Code, in the amount of 9,207 sf. The TDR floor area has been gathered from eligible sender sites and documented to increase the commercial floor area of this project. The applicant also requests a one-time 200 sf floor area bonus (available for non-seismic and non-historic buildings)[1]. The revised plan includes the same total gross floor area of 31,407 sf consistent with the previous plans (which is an FAR of 2.86:1). The distribution of commercial space (20,407 sf, or an FAR of 1.86:1) and residential space (11,000 sf, a 1.0:1 FAR) remains the same. The zoning compliance table (Attachment D) sets forth the project's compliance with zoning regulations.

Pedestrian Shopping Combining District

[1] Though the parking exemption for the 200 square foot bonus floor area was eliminated by Council action in 2013, the bonus floor area still remains for eligible properties.

PAMC Chapter 18.30(B) Pedestrian (P) Shopping Combining District, Section 18.30(B).040 requires "Pedestrian arcades, recessed entryways or covered recessed areas for pedestrian use with an area not less than the length of the adjoining frontage times 1.5 feet." The site has 210 feet of street frontage (100' on University Avenue and 110' on Kipling Street), so 315 sf of recessed area is required. The revised plans indicate 326 sf of recessed area is proposed (152 sf along University and 174 sf along Kipling); therefore the recessed area requirement is met for street frontages.

The revised plan would maintain three entries on University Avenue and two entries on Kipling Street, each recessed from the property lines and featuring a glass canopy. The proposed design incorporates frameless storefront glass clad with glass ceramic panels on the ground level. This design meets the retail/display window requirement, to provide visual interest for pedestrians. The current proposal maintains the previously proposed right-angle corner at the intersection of Kipling Street and University Avenue. The landscape planters proposed at the northwest corner facing Kipling Street would preclude blank walls and provide a transition to the adjacent low density neighborhood.

To minimize the residential appearance of the third floor balconies along University Avenue, the applicant proposes a frosted railing. The frosted railing would start from the project south elevation, continue along University Avenue frontage, and wrap around the northeast corner of the building. Other above ground railings (facing Kipling and Lane 30) will be clear glass.

Trees and Landscaping

The revised plan is consistent with the previous plan, in that London Plane trees would still be planted along the project site abutting University Avenue, and the four Kipling Street trees would still be replaced with four 36" box sized Golden Maidenhair trees. In the revised plan, the ground floor landscape planter at the corner of Lane 30 and Kipling Street would include a living wall along the planter parallel to Lane 30. The current proposal replaces the three bollards that were proposed in previous plan with three landscape containers to screen the bicycle parking area. Minimal landscaping is proposed on the second and third floors. Where six concrete planters were proposed in previous plan, the current plan reflects five concrete planters on the fourth floor paved terrace. The applicant has provided a description of the proposed landscape on Sheet L.1 of the most recent plan set.

Public Art

The revised plan includes a preferred location for the installation of on-site public art. In the previous plan, the applicant proposed to locate public art on an interior wall in the ground floor lobby fronting Kipling Street. The revised plan proposes the placement of public art on the exterior wall of the stair shaft fronting Kipling Street. The ARB may provide advice on the placement of public art in relation to the site design and especially provide comments on the extent of the visibility of the wall shown for the art from the public right of way. The public Art Commission will review the final location and design for the public art.

Parking and Circulation

The current proposal would not change the number of parking spaces proposed in the previous plan; 40 automobile parking spaces are proposed in the subterranean garage on site. The proposed project would require 82 automobile parking spaces for 20,407 sf of commercial use (at a ratio of one parking space for every 250 sf) and 10 residential spaces for four residential units (at a ratio of two spaces for each unit, with guest parking), for a total of 92 parking spaces. However, both buildings at 425 University and 429-447 University Avenue were previously assessed and had paid 'in lieu' fees for a total of 37 parking spaces not provided on these sites, via the Downtown Parking Assessment District. The proposed project utilizes a total of 9,207 sf of TDR area, of which 5,000 sf (equivalent to 20 parking spaces) was recorded under Section 18.18.070, prior to the effective date of Interim Ordinance No. 5214 (November 4, 2013) and thus qualifies for a parking exemption for 20 parking spaces. The remaining 4,207 sf of TDR floor area (equivalent to 17 parking spaces) were perfected after the interim parking ordinance and thus must be parked. Based on these adjustments, the project is required to provide a total of 35 parking spaces, of which 10 must be designated for residential parking.

The 40 automobile parking spaces would be located in the two-level underground garage. The number provided exceeds the parking requirement by five spaces, given the prior assessments and the exempt floor area. The revised plans reflect four bike lockers at grade in the recessed area at the rear, and four bike lockers within the subterranean garage level one. The proposal still includes six (6) short term bicycle parking spaces on the sidewalks of both frontages (via two, two-sided racks on University and one, two-sided rack on Kipling).

As noted, the current proposal still maintains at least a four (4) foot building setback from the edge of the alley, with the exception of landscape planters near the corner. In addition to mirrors and a warning light at the garage entrance/exit, adequate corner sight distance is required to limit the height of landscape material and planter to less than three feet in height, to ensure visibility for vehicles and pedestrians.

Environmental Review

The Initial Study and Mitigated Negative Declaration (MND) (Attachment G) were prepared for the project in accordance with CEQA. The initial public comment period began on November 17 and ended December 12, 2014. The draft Initial Study determined several items would trigger the thresholds of significance and mitigation measures were proposed; these are now proposed as conditions of approval (Attachment B), and addressed in the Mitigation Monitoring Program (Attachment H) to ensure the impact of these items would be less than significant. The plan revisions did not result in any additional impacts nor require any additional mitigation measures.

Public Feedback

Since the submittal of the current application, staff has received written comments from 42 people. These letters are included as Attachment I. For those who are in support of this project, the general comments were related to the mixed use opportunity, retail space and parking

improvement. For those who expressed concerns, the general comments were related to the height of the building, massing relative to the context, street character and safety, noise, parking and traffic. The applicant has submitted letters to respond to these concerns (Attachment J).

COURTESY COPIES
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Attachments:

- Attachment A: Findings (DOC)
- Attachment B: Draft Conditions (DOC)
- Attachment C: Location Map (PDF)
- Attachment D: Zoning Compliance Table (DOC)
- Attachment E: Comprehensive Plan Table (DOC)
- Attachment F: Revised Project Description dated January 26, 2015 (PDF)
- Attachment G: Inital Study and Mitigated Negative Declaration (PDF)
- Attachment H: Mitigation Monitoring Program (PDF)
- Attachment I: Public Comment Letters (PDF)
- Attachment J: Applicant's Response Letters (PDF)
- Attachment K: Project Plans (ARB Member Only) (DOCX)

ATTACHMENT A
DRAFT FINDINGS FOR APPROVAL
ARCHITECTURAL REVIEW BOARD STANDARDS FOR REVIEW AND CONTEXT-BASED DESIGN CRITERIA
429 University Avenue / File No. 14PLN-00222

Architectural Review Findings

The design and architecture of the proposed project, as conditioned, complies with the Findings for Architectural Review as required in PAMC Chapter 18.76.

(1) *The design is consistent and compatible with applicable elements of the Palo Alto Comprehensive Plan.* This finding can be made in the affirmative in that the project complies with the policies of the Comprehensive plan as outlined in Attachment E. This project is consistent with the Palo Alto Comprehensive Plan policies related to business and economics. The Comprehensive Plan encourages owners to upgrade or replace existing commercial properties so that these commercial areas are more competitive and better serve the community. The proposed project for a new mixed use building is consistent with the land use designation;

(2) *The design is compatible with the immediate environment of the site.* This finding can be made in the affirmative in that the project is designed to take advantage of the available site area while staying within the limitations of the zoning. While the Downtown Urban Design Guide has not specific the desirable number of stories for this site, the project is compatible in the Downtown urban context where the immediate environment along University Avenue is comprised of buildings varying in heights ranging from two to four stories. The proposed building, with contextual consideration of massing and setbacks, respects the scale of abutting low density neighborhood on Kipling Street, south of the project site;

(3) *The design is appropriate to the function of the project.* This finding can be made in the affirmative in that the new building would accommodate retail, office and residential uses. The proposed building would have ample storefront glass with canopies to create an inviting retail and pedestrian environment. The design is also consistent with the requirements and recommendations of the Context Based Design Criteria;

(4) *In areas considered by the board as having a unified design character or historical character, the design is compatible with such character.* This finding can be made in the affirmative in that the project is consistent with the applicable guidelines in the Downtown Urban Design Guide, particularly when the project reinforces University Avenue as the retail core of Downtown Palo Alto by maintaining ground floor retail uses, preserving the general pattern of storefronts, and continuing retail vitality onto Kipling Street;

(5) *The design promotes harmonious transitions in scale and character in areas between different designated land uses.* This finding is not applicable in that this project is not situated in a transition area between different designated land uses;

(6) *The design is compatible with approved improvements both on and off the site.* This finding can be made in the affirmative in that the project design is compatible with the surrounding office and retail uses of the Downtown commercial area;

(7) *The planning and siting of the various functions and buildings on the site create an internal sense of order and provide a desirable environment for occupants, visitors and the general community*. This finding can be made in the affirmative in that the new building is designed to have an active storefront along University Avenue, and a softer edge with landscaping to transition to the adjacent lower density neighborhood. Parking facilities are located underground with access from the alley. The façade is broken down to preserve the existing storefront rhythms. The upper floor massing is set back to respect the scale of nearby buildings. Ample outdoor balconies and terraces are proposed to meet the needs of the buildings users;

(8) *The amount and arrangement of open space are appropriate to the design and the function of the structures.* This finding can be made in the affirmative in that the proposal provides an adequate amount of recesses to the zoning requirements of the "P" overlay and the intent is to add interest at the ground floor for pedestrians. Additionally, the project provides sufficient open space for both residential and office tenants. The design of open space is appropriate to the function of the structure and the surrounding context;

(9) *Sufficient ancillary functions are provided to support the main functions of the project and the same are compatible with the project's design concept.* This finding can be made in the affirmative in that project has met both vehicular and bicycle parking requirements. The project would enhance the pedestrian experience by widening the sidewalks on both University Avenue and Kipling Street. The proposed open space and landscaping are compatible with the design concept;

(10) *Access to the property and circulation thereon are safe and convenient for pedestrians, cyclists and vehicles.* This finding can be made in the affirmative in that the project is easily approachable by all modes of transportation. The proposed vehicular circulation is safe and does not introduce significant changes to the adjacent street and sidewalk system;

(11) *Natural features are appropriately preserved and integrated with the project.* This finding can be made in the affirmative in that two existing street trees along University Avenue would be preserved. Four destructive trees along Kipling Street will be replaced by four new 36" box Golden Maidenhair trees that are complementary to existing natural environment;

(12) *The materials, textures, colors and details of construction and plant material are appropriate expression to the design and function.* This finding can be made in the affirmative in that proposal includes smooth stone, glazing, metal and earth-tone colors that are common to contemporary commercial development in the Downtown environment and would fit in with the eclectic nature of the district;

(13) *The landscape design concept for the site, as shown by the relationship of plant masses,*

open space, scale, plant forms and foliage textures and colors create a desirable and functional environment. This finding can be made in the affirmative in that the proposal includes landscape materials that are used to screen and soften the appearance of the building while also providing a pleasing color palette. Proposed plantings in the planter at the corner of Lane 30 and Kipling Street would be low in height to ensure visibility from the alley to the side street;

(14) *Plant material is suitable and adaptable to the site, capable of being properly maintained on the site, and is of a variety which would tend to be drought-resistant to reduce consumption of water in its installation and maintenance.* This finding can be made in the affirmative in that the proposed landscape materials are not extensive and would require relatively low maintenance within easy-to-maintain planters;

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

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

This finding can be made in the affirmative in that the project would comply with the City's green building ordinance, and the design includes overhangs, recesses, and other shading devices and techniques to reduce the solar heat gain and energy consumption related to the cooling of the building. The design is easy for pedestrian, bicycle and transit access. The project incorporates high efficiency LED light fixtures, low-flow plumbing fixtures and high efficiency HVAC equipment for efficiency energy and water use. Green building features will be incorporated to achieve CalGreen Tier 2 standards for the commercial portion and Green Point rated standards for the residential portion;

(16) *The design is consistent and compatible with the purpose of architectural review as set forth in subsection 18.76.020(a).* This finding can be made in the affirmative in that the project design promotes visual environments that are of high aesthetic quality and variety.

Context-Based Design Criteria Findings

The design and architecture of the proposed project has been reviewed with respect to the Context-Based Design Criteria set forth in PAMC 18.18.110. Section 18.18.110 (a) notes that the project shall be:

(A) Responsible to its context and compatible with adjacent development, and shall promote the establishment of pedestrian oriented design (where "responsible to context" is not a desire to replicate surroundings, but provide appropriate transitions to surroundings), and
(B) Compatible with adjacent development, when apparent scale and mass is consistent with the pattern of achieving a pedestrian oriented design and when new construction shares general characteristics and establishes design linkages with the overall pattern of buildings so the visual unit of the street is maintained.

Generally, while it will be taller and have greater scale and mass than other buildings in the immediate vicinity, the proposed building includes features that provide appropriate transition to the immediate surroundings. The proposed building (1) creates a rhythmic pattern and façade treatment that are consistent with the pedestrian environment on University Avenue; (2) provides contextual consideration of massing and building step backs to respect the scale of the adjacent lower scale neighborhood on Kipling Street; and (3) improves the environment of Lane 30 through the treatment of landscaping. The project's compliance with the above "context and compatibility" criteria is further addressed in findings 1-4 below.

Pursuant to PAMC 18.18.110(b), the following additional findings have been made in the affirmative:

(1) **Pedestrian and Bicycle Environment:** *The design of new projects shall promote pedestrian walkability, a bicycle friendly environment, and connectivity through design elements.* This finding can be made in the affirmative in that the project supports widened sidewalks with recessed entries on primary pedestrian routes, at-grade bicycle racks near the building entrances, and secured bicycle facility at ground level and within the underground parking garage. The project also includes a showering facility in the garage to support the bicycle environment;

(2) **Street Building Facades.** *Street facades shall be designed to provide a strong relationship with the sidewalk and the street(s), to create an environment that supports and encourages pedestrian activity through design elements.* This finding can be made in the affirmative in that the proposed street facades are designed to create an environment that supports and encourages pedestrian activity. The building façade facing University Avenue preserves the existing storefront pattern with distinguishing architectural elements to break up the building mass. Entries are clearly defined and have a scale that is in proportion to the building functions. Elements that signal habitation, such as entrances, stairs, and balconies, are visible to people on the street. The proposed placement and orientation of doorways, windows and landscape elements are appropriate to create strong and direct relationships with the streets. Upper floors are stepped back, the width of the overhang is reduced and the elevator shaft is oriented inward to reduce the building mass and fit in with the context of the neighborhood;

(3) **Massing and Setbacks.** *Buildings shall be designed to minimize massing and conform to proper setbacks.* This finding can be made in the affirmative in that the project incorporates design with a series of recessed terraces and interchange in materials to break down the scale of building and provide visual interest. Variation in massing and materials creates a façade with two distinctive frontages, which respect the existing storefront patterns and rhythms on University Avenue. The proposed design incorporates a columns framework and tall display windows to reinforce the street corner. With the intent to minimize massing and ensure greater setback, the current, revised design presents a reduced-in-height stairway tower and stepped back roofline for the upper floor terrace at the corner of Lane 30 and Kipling Street;

(4) **Low-Density Residential Transitions**. *Where new projects are built abutting existing lower scale residential development, care shall be taken to respect the scale and privacy of neighboring properties.* Although the parcels abutting the project site along Kipling Street have a commercial zoning designation, most of the built forms have a low density residential appearance. While the height is taller than most of the buildings in the neighborhood, the proposed building height of 50 feet is compliant with the height limit in the Downtown Commercial District. The proposed design includes at least a 10 foot setback with open terraces at the upper stories to reduce the impact of the building height on the adjacent lower density neighborhood. The potential privacy concern is at a less than significant level as the buildings behind the project site are mostly one-story with commercial/office uses and mature trees along Kipling Street would provide some degree of screening. The proposed design includes storefront glass on both frontages to introduce a daylight source on the ground level;

(5) **Project Open Space.** *Private and public open space shall be provided so that it is usable for residents, visitors, and/or employees of the site.* This finding can be made in the affirmative in that the project provides open space with wider sidewalks, balconies, and a roof-top terrace. The balconies would be accessible by residents on the site and would be located on four sides of the building to encourage 'eyes on the street'. The proposed roof-top terrace is for office tenants and would provide ample solar exposure;

(6) **Parking Design.** *Parking needs shall be accommodated but shall not be allowed to overwhelm the character of the project or detract from the pedestrian environment.* This finding can be made in the affirmative in that the project's parking facilities would be located within the below-grade garage and would not detract from pedestrian environment. The project includes a well-integrated garage entry, a four foot setback from property lines, and mirrors that would aid traffic and visibility on the alley (Lane 30). In addition, the project incorporates a landscaping element to soften the exit of Lane 30. The intent is to enhance the character of pedestrian environment, while maintaining traffic visibility with low profile plant materials;

(7) **Large (Multi-Acre) Sites**. *Large sites (over one acre) shall be designed so that street, block, and building patterns are consistent with those of the surrounding neighborhood.* This finding does not apply;

(8) **Sustainability and Green Building Design.** *Project design and materials to achieve sustainability and green building design should be incorporated into the project.* This finding can be made in the affirmative in that the project would comply with the City's green building ordinance, and the design includes overhangs, recesses, and other shading devices and techniques to reduce the solar heat gain and energy consumption related to the cooling of the building. The design is easy for pedestrian, bicycle and transit access. The project incorporates high efficiency LED light fixtures, low-flow plumbing fixtures and high efficiency HVAC equipment for efficiency energy and water use. Green building features will be incorporated to achieve CalGreen Tier 2 standards for the commercial portion and Green Point rated standards for the residential portion.

ATTACHMENT B
DRAFT CONDITIONS OF APPROVAL
429 University Avenue / File No. 14PLN-00222

PLANNING DIVISION

1. The plans submitted for Building Permit shall be in substantial conformance with plans received on January 26, 2015, except as modified to incorporate the following conditions of approval and any additional conditions placed on the project by the Planning Commission, Architectural Review Board, or City Council. The following conditions of approval shall be printed on the cover sheet of the plan set submitted with the Building Permit application.

2. The proposed project requires 9,207 square feet of Transfer of Development Rights (TDR). Prior to issuance of building permit for construction submittal, the applicant shall provide sufficient information so that the Director of Planning and Community Environment can issue written confirmation of the transfer, which identifies both the sender and receiver sites and the amount of TDRs which have been transferred. This confirmation shall be recorded in the office of the county recorder prior to the issuance of building permits and shall include the written consent or assignment by the owner(s) of the TDRs where such owner(s) are other than the applicant.

3. The current project requires to use the one-time 200 square foot FAR bonus, as permitted per PAMC 18.18.070(a)(1), and cannot utilize this bonus again for any future development. This note shall be added to the Building Permit plan set along with the standard project data required.

4. All noise producing equipment shall not exceed the allowance specified in Section 9.10 Noise of the Palo Alto Municipal Code.

5. New construction and alterations in the CD-C zoning district ground floor space shall be designed to accommodate retail use and shall comply with the provisions of the Pedestrian (P) combining district.

6. Certificate of occupancy is required for separate businesses occupying tenant spaces, and for residential buildings having 3 or more units. This project is subject to the use restrictions set forth in PAMC 18.30(C) with the provisions of the Ground Floor retail (GF) combining district.

7. Development Impact Fees, estimated at $254,993.10 shall be paid prior to the issuance of the project's building permit. These fees are adjusted annually in August. Fees shall be calculated at the rate in effect at the time of building permit issuance.

8. The applicant may propose a Transportation Demand Management plan to be approved by the Director of Planning and Community Environment prior to the issuance of building permits for the site. The plan shall include provisions such as passes or subsidies for all

employees of the commercial space for using public transit, in addition to car sharing, bike facilities, transportation information kiosks, and the designation of a transportation demand coordinator for the building.

9. The use of the outdoor terrace spaces, associated with both residential and non-residential uses within the building, shall be limited. There shall be no smoking and use shall comply with the restrictions outlined in the City of Palo Alto Noise Ordinance at all time.

10. The current proposed FAR of 31,407 sq. ft., is reaching the maximum of 32,200 sq. ft. (which included a one-time 200 sq. ft. floor area bonus) at which this site can be developed. Additional FAR can only be requested through the Transfer of Development Right. All transfer is subject to the restrictions and procedures set forth in PAMC 18.18.080 and shall be submitted for Architectural Review. Future addition of TDR must be fully parked.

11. Any exterior modifications to the building or property shall require Architectural Review, including all future signage and outdoor furniture.

12. The project shall be subject to the mandatory Green Building Ordinance.

13. The project shall be subject to the performance criteria outlined in PAMC 18.23.

14. A Parcel Map, to merge the two parcels into a single parcel, must be recorded with the County of Santa Clara prior to building permit issuance.

15. Mitigation Measure CUL-1: Prior to commencement of site clearing and project grading, the project applicant shall retain a qualified archaeologist to train construction personnel regarding how to recognize cultural resources (such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains) that could be encountered during construction activities. If artifacts or unusual amounts of shell or bone or other items indicative of buried archaeological resources or human remains are encountered during earth disturbance associated with the proposed project, the on-site contractor shall immediately notify the City of Palo Alto (City) and the Native American Heritage Commission as appropriate. All soil-disturbing work shall be halted within 100 feet of the discovery until a qualified archaeologist, as defined by the California Environmental Quality Act (CEQA) Guidelines (14 CCR 15000 et seq.) and the City, completes a significance evaluation of the finds pursuant to Section 106 of the National Historic Preservation Act. Any human remains unearthed shall be treated in accordance with California Health and Safety Code, Section 7050.5, and California Public Resources Code, Sections 5097.94, 5097.98, and 5097.99, which include requirements to notify the Santa Clara County Medical Examiner's office and consult with Native American representatives determined to be the Most Likely Descendants, as appointed by the Native American Heritage Commission. Identified cultural resources shall be recorded on State Department of Parks and Recreation Form 523 (archaeological sites). Mitigation measures prescribed by the Native American Heritage Commission, the Santa Clara County Medical Examiner's office, and any Native American representatives determined to be the Most Likely Descendants and required by the City shall be undertaken before construction activities are resumed. If disturbance of a project area cultural resource cannot be avoided, a mitigation program, including measures set forth in the City's Cultural Resources

Management Program and in compliance with Sections 15064.5 and 15126.4 of the CEQA Guidelines, shall be implemented.

16. Mitigation Measure HAZ-1: Prior to issuance of building demolition and during demolition, the project applicant shall demonstrate to the satisfaction of the City of Palo Alto that a survey of the existing buildings has been conducted by a qualified environmental specialist who meets the requirements of the current U.S. Environmental Protection Agency regulations for suspected lead-containing materials (LCMs), including lead-based paint/coatings; asbestos containing materials (ACMs); and the presence of polychlorinated biphenyls (PCBs). Any demolition activities likely to disturb LCMs or ACMs shall be carried out by a contractor trained and qualified to conduct lead- or asbestos-related construction work. If found, LCMs and ACMs shall be disposed of in accordance with state and federal regulations, including the EPA's Asbestos National Emissions Standards for Hazardous Air Pollutants, the Cal-OSHA Construction Lead Standard (CCR Title 8, Section 1432.1), and California Department of Toxic Substances Control and EPA requirements for disposal of hazardous waste. If PCBs are found, these materials shall be managed in accordance with the Metallic Discards Act of 1991 (California Public Resources Code, Sections 42160–42185) and other state and federal guidelines and regulations. Demolition plans and contract specifications shall incorporate any necessary abatement measures in compliance with the Metallic Discards Act, particularly Section 42175, Materials Requiring Special Handling, for the removal of mercury switches, PCB-containing ballasts, and refrigerants.

17. Mitigation Measure NOI-1: Prior to issuance of building permit, submittal materials shall include window and transmission ratings and interior noise levels verification from a qualified acoustical consultant. For residential portion: Window and exterior door assemblies with Sound Transmission Class (STC) rating shall be up to 45 and upgraded exterior walls shall be used to achieve the City's maximum instantaneous noise guideline for residential uses. For commercial portion: Window and exterior door assemblies shall have a minimum STC rating of 32 at the corner of University Avenue and Kipling Street, and a minimum STC of 28 at all other commercial locations within the building to comply with the State of California CalGreen noise standards (maximum interior noise level of 50 dB during the peak hour of traffic).

18. Mitigation Measure NOI-2: Prior to issuance of building permit, submittal material shall include details of the residential ventilation system to ensure a habitable interior environment when windows are closed.

19. Mitigation Measure NOI-3: Prior to issuance of building permit, noise levels from rooftop equipment shall be reduced to meet the City of Palo Alto Noise Ordinance requirements. An enclosure or other sound-attenuation measures at the exhaust fans shall be provided to reduce rooftop equipment noise is no greater than 8 dB above the existing ambient level at potential future neighboring buildings to meet the property plane noise limit. Use of quieter equipment than assumed in this analysis may support reduced mitigation, which shall be evaluated by a qualified acoustical consultant.

20. Mitigation Measure TRANS-1: Prior to issuance of building permit, building permit submittal materials shall include mirrors installation at the parking garage driveway to allow drivers to see when a pedestrian or vehicle is approaching in Lane 30.

21. Mitigation Measure-TRANS-2: Prior to issuance of building permit, building permit submittal materials shall include mirrors installation at each turn within the parking garage to provide adequate sight distance.

22. The project approval shall be valid for a period of one year from the original date of approval. In the event a building permit(s), if applicable, is not secured for the project within the time limit specified above, the ARB approval shall expire and be of no further force or effect. Application for extension of this entitlement may be made prior to the one year expiration.

23. Government Code Section 66020 provides that project applicant who desires to protest the fees, dedications, reservations, or other exactions imposed on a development project must initiate the protest at the time the development project is approved or conditionally approved or within ninety (90) days after the date that fees, dedications, reservations or exactions are imposed on the project. Additionally, procedural requirements for protesting these development fees, dedications, reservations and exactions are set forth in Government Code Section 66020. IF YOU FAIL TO INITIATE A PROTEST WITHIN THE 90-DAY PERIOD OR TO FOLLOW THE PROTEST PROCEDURES DESCRIBED IN GOVERNMENT CODE SECTION 66020, YOU WILL BE BARRED FROM CHALLENGING THE VALIDITY OR REASONABLENESS OF THE FEES, DEDICATIONS, RESERVATIONS, AND EXACTIONS.

24. This matter is subject to the Code of Civil Procedures (CCP) Section 1094.5, and the time by which judicial review must be sought is governed by CCP Section 1094.6.

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

PUBLIC WORKS ENGINEERING

PRIOR TO BUILDING PERMIT SUBMITTAL

26. CERTIFICATE OF COMPLIANCE: The applicant has revised the project description to indicate that she is no longer pursuing the development of condominiums. Since the project site is located within two parcels 120-15-029 and 120-15-028 a certificate of compliance for a lot merger is required. Applicant shall apply for a certificate of compliance and provide the necessary documents. Certificate of Compliance shall be recorded prior to issuance of a building or grading and excavation permit.

PRIOR TO ISSUANCE OF A DEMOLITION PERMIT

27. LOGISTICS PLAN: The applicant and contractor shall submit a construction logistics plan to the Public Works Department that addresses all impacts to the City's right-of-way, including, but not limited to: pedestrian control, traffic control, truck routes, material deliveries, contractor's parking, on-site staging and storage areas, concrete pours, crane lifts, work hours, noise control, dust control, storm water pollution prevention, contractor's contact. The plan shall be prepared and submitted along the Rough Grading and Excavation Permit. It shall include notes as indicated on the approved Truck Route Map for construction traffic to and from the site. Plan shall also indicate if the bus stop will need to be relocated.

28. Applicant shall schedule a meeting with Public Works Engineering and Transportation Division to discuss the existing building demolition, excavation and building construction logistics. Construction fence shall be located at the building property line, travel lane closures will not be permitted. Applicant shall propose a logistics plan that shows how pedestrian access is maintained and eliminating the least number of parking spaces during construction.

PRIOR TO ISSUANCE OF EXCAVATION AND GRADING PERMIT:

29. GRADING PERMIT: An Excavation and Grading Permit is required for grading activities on private property that fill, excavate, store or dispose of 100 cubic yards or more based on PAMC Section 16.28.060. Applicant shall prepare and submit an excavation and grading permit to Public Works separately from the building permit set. The permit application and instructions are available at the Development Center and on our website. http://www.cityofpaloalto.org/gov/depts/pwd/forms_and_permits.asp

30. ROUGH GRADING: provide a Rough Grading Plan for the work proposed as part of the Grading and Excavation Permit application. The Rough Grading Plans shall including the following: pad elevation, basement elevation, elevator pit elevation, ground monitoring wells, shoring for the proposed basement, limits of over excavation, stockpile area of material, overall earthwork volumes (cut and fill), temporary shoring for any existing facilities, ramps for the basement access, crane locations (if any), etc. Plans submitted for the Grading and Excavation Permit, shall be stand-alone, and therefore the plans shall include any conditions from other divisions that pertain to items encountered during rough grading for example if contaminated groundwater is encountered and dewatering is expected, provide notes on the plans based Water Quality's conditions of approval. Provide a note on the plans to direct the contractor to the approve City of Palo Alto Truck Route Map, which is available on the City's website.

31. BASEMENT SHORING: Provide shoring plans for the basement excavation, clearly including tiebacks (if any). Tieback shall not extend onto adjacent private property or into the City's right-of-way without having first obtained written permission from the private property owners and/or an encroachment permit from Public Works. During the ARB process and via email dated 9/25/14 the applicant indicated that the tiebacks will extend into the adjacent private property. As such provide a letter from the neighboring property owner to allow the encroachment of permanent tiebacks into their property. In addition the shoring plans shall clearly show the property line and the dimension between the outside edge of the soldier piles and the property line for City records. Also provide notes on the Shoring Plans for the "Contractor to cut-off the shoring 5-feet below the sidewalk

elevation." AND "Contractor shall submit and obtain an permanent encroachment permit from Public Works for the tiebacks and shoring located within public right-of-way.

32. DEWATERING: Basement excavation may require dewatering during construction. Public Works only allows groundwater drawdown well dewatering. Open pit groundwater dewatering is not allowed. Dewatering is only allowed from April through October due to inadequate capacity in our storm drain system. The geotechnical report for this site must list the highest anticipated groundwater level. We recommend that a piezometer be installed in the soil boring. The contractor shall determine the depth to groundwater immediately prior to excavation by using a piezometer or by drilling an exploratory hole if the deepest excavation will be within 3 feet of the highest anticipated groundwater level. If groundwater is found within 2 feet of the deepest excavation, a drawdown well dewatering system must be used, or alternatively, the contractor can excavate for the basement and hope not to hit groundwater, but if he does, he must immediately stop all work and install a drawdown well system before he continues to excavate. Based on the determined groundwater depth and season the contractor may be required to dewater the site or stop all grading and excavation work. In addition Public Works may require that all groundwater be tested for contaminants prior to initial discharge and at intervals during dewatering. If testing is required, the contractor must retain an independent testing firm to test the discharge water for contaminants Public Works specifies and submit the results to Public Works.

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

33. GEOTECHNICAL REPORT: Shall clearly identify the highest projected groundwater level to be encountered in the area of the proposed basement in the future will be _____ feet below existing grade. Provide a note on the Rough Grading Plan that includes the comment above as a note.

34. GAS METERS: In-ground gas meters are not typically allowed by Public Works Utilities. If in-ground gas meters are not allowed, the above ground gas meter shall be located complete within private property. Plot and label the proposed location. If in-ground gas meters are permitted, applicant shall submit an email from Utilities that indicates in-ground gas meters are acceptable for this project.

PRIOR TO ISSUANCE OF A BUILDING PERMIT

35. MAPPING: Applicant has revised the project description to indicate that she is no longer pursuing the development of condominiums. If at any point the applicant intends to sell portions of the building a Minor or Major Subdivision Application will be required. Public Works' Tentative Maps and Preliminary Parcel Maps checklist must accompany the completed application. All existing and proposed dedications and easements must be shown on the submitted map. The map would trigger further requirements from Public

Works, see Palo Alto Municipal Code section 21.12 for Preliminary Parcel Map requirements and section 21.16 for Parcel Map requirements.

36. OFFSITE IMPROVEMENT PLANS: Prior to a Minor or Major Subdivision Application, applicant shall meet with Public Works to discuss any potential off-site improvements. These may include new concrete or asphalt work and utility upgrades or relocations.

37. The following items were not addressed through the final ARB submittal and shall be shown on the plans.

    a. Explain how all of the site runoff will drain directly into the media filter. The media filter shall be located complete with the private property as shown on the approve ARB plans. The details provided indicate that the media filter is to be installed below ground and discharge would need to be pumped to the surface. However that is not reflected on the Utility Plan.

    b. Plot and label the total the number of disconnected downspouts. The civil has indicated that the downspouts runoff will drain into the media filter, but it's not clear on the plans how this will be accomplished.

    c. The site plan shall demonstrate how the runoff from the MFS flows by gravity into the gutter, provide pipe inverts and flowline grades. If a new separate structure is required to allow runoff to flow by gravity into the gutter or reduce the velocity, then the structure shall be located completely within the private property. The 4th and 5th resubmittal ARB plans show a junction box within the public right of way, this box shall be located completely within the private property.

    d. The 5th submittal shows a planter box adjacent to the alley and the MFS has been relocated to be within this planter boxes. The plans submitted lack information, show how the roof runoff is directed into the mechanical treatment facility. Plot and label the pump, drain lines, downspouts. Show how all of the site runoff is treated by the proposed MFS.

    e. It's not clear if the planter box is intended to provide C3 treatment. If LID treatment is proposed provide the surface drainage areas and calculations.

    f. Resize the new planter box to allow the junction box to be within the private property and behind the Kipling Street sidewalk. The planter box and planting material shall have height clearance with a maximum of three feet within the 4-ft by 6-ft clear site distance (triangle). In addition the planter box shall be located 1-foot minimum away from the adjacent alley.

38. GRADING AND DRAINAGE PLAN: The plan set must include a grading & drainage plan prepared by a licensed professional that includes existing and proposed spot elevations, earthwork volumes, finished floor elevations at every at grade door entrance, area drain and bubbler locations, drainage flow arrows to demonstrate proper drainage of the site. See Palo Alto Municipal Code Section 16.28 Adjacent grades must slope away from the building foundation at minimum of 2% or 5% for 10-feet per 2013 CBC Section 1804.3. Downspouts and splashblocks should be shown on this plan, as well as any site drainage features such as swales. Grading will not be allowed that increases drainage onto,

or blocks existing drainage from, neighboring properties. Public Works generally does not allow rainwater to be collected and discharged into the street gutter or connected directly to the City's infrastructure, but encourages the developer to keep rainwater onsite as much as feasible by directing runoff to landscape and other pervious areas of the site. Plan shall also include a drainage system as required for all uncovered exterior basement-level spaces such as lightwell, stairwells or driveway ramps.

39. BASEMENT DRAINAGE: Due to high groundwater throughout much of the City and Public Works prohibiting the pumping and discharging of groundwater, perforated pipe drainage systems at the exterior of the basement walls or under the slab are not allowed for this site. A drainage system is, however, required for all exterior basement-level spaces, such as lightwells, patios or stairwells. This system consists of a sump, a sump pump, a backflow preventer, and a closed pipe from the pump to a dissipation device onsite at least 10-feet from the property line, such as a bubbler box in a landscaped area, so that water can percolate into the soil and/or sheet flow across the site. The device must not allow stagnant water that could become mosquito habitat. Additionally, the plans must show that exterior basement-level spaces are at least 7-3/4" below any adjacent windowsills or doorsills to minimize the potential for flooding the basement. Public Works recommends a waterproofing consultant be retained to design and inspect the vapor barrier and waterproofing systems for the basement.

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

41. STORM WATER POLLUTION PREVENTION: The City's full-sized "Pollution Prevention - It's Part of the Plan" sheet must be included in the plan set. The sheet is available here: http://www.cityofpaloalto.org/civicax/filebank/documents/2732

42. STORM WATER TREATMENT: This project shall comply with the storm water regulations contained in provision C.3 of the NPDES municipal storm water discharge permit issued by the San Francisco Bay Regional Water Quality Control Board (and incorporated into Palo Alto Municipal Code Chapter 16.11). These regulations apply to land development projects that create or replace 10,000 square feet or more of impervious surface, and restaurants, retail gasoline outlets, auto service facilities, and uncovered parking lots that create and/or replace 5,000 square feet or more of impervious surface. In order to address the potential permanent impacts of the project on storm water quality, the applicant shall incorporate into the project a set of permanent site design measures, source controls, and treatment controls that serve to protect storm water quality, subject to the approval of the Public Works Department. The applicant shall identify, size, design and incorporate permanent storm water pollution prevention measures (preferably landscape-based treatment controls such as bioswales, filter strips, and permeable pavement rather than mechanical devices that require long-term maintenance) to treat the runoff from a "water quality storm" specified in PAMC Chapter 16.11 prior to discharge to the municipal storm drain system. Effective February 10, 2011, regulated projects, must contract with a qualified third-party reviewer during the building permit review process to certify that the proposed permanent storm water pollution prevention measures comply with the

requirements of Palo Alto Municipal Code Chapter 16.11. The certification form, 2 copies of approved storm water treatment plan, and a description of Maintenance Task and Schedule must be received by the City from the third-party reviewer prior to approval of the building permit by the Public Works department. Within 45 days of the installation of the required storm water treatment measures and prior to the issuance of an occupancy permit for the building, third-party reviewer shall also submit to the City a certification for approval

43. UTILITY PLAN: shall be provided with the Building Permit that demonstrates how the site's drainage flows by gravity into the City's system and is not pumped. Public Works generally does not allow downspout rainwater to be collected, piped and discharged directly into the street gutter or connect directly to the City's infrastructure. The utility plan shall indicate that downspouts are disconnected, daylight at grade, and are directed to landscaped and other pervious areas onsite. Downspouts shall daylight away from the foundation.

    If pumps are required, plot and label where the pumps will be located on-site, storm water runoff from pumped system shall daylight onto onsite landscaped areas and be allow to infiltrate and flow by gravity to the public storm drain line. Storm water runoff that is pumped shall not be directly piped into the public storm drain line.

44. TRANSFORMER AND UTILITIES: Applicant shall be aware that the project may trigger water line and meter upgrades or relocation, if upgrades or relocation are required, the building permit plan set shall plot and label utility changes. The backflow preventer, and above grade meters shall be located within private property and plotted on the plans. Similarly if a transformer upgrade or a grease interceptor is required it shall also be located within the private property.

45. WORK IN THE RIGHT-OF-WAY: The plans must clearly indicate any work that is proposed in the public right-of-way, such as sidewalk replacement, driveway approach, or utility laterals. The plans must include notes that the work must be done per City standards and that the contractor performing this work must first obtain a Street Work Permit from Public Works at the Development Center. This project may be required to replace the driveway approach the sidewalk associated with the existing driveway may be required to replace with a thickened (6" thick instead of the standard 4" thick) section.

46. SIDEWALK ENCROACHMENT: Add a note to the site plan that says, "The contractor using the city sidewalk to work on an adjacent private building must do so in a manner that is safe for pedestrians using the sidewalk. Pedestrian protection must be provided per the 2013 California Building Code Chapter 32 requirements. If the height of construction is 8 feet or less, the contractor must place construction railings sufficient to direct pedestrians around construction areas. If the height of construction is more than 8 feet, the contractor must obtain an encroachment permit from Public Works at the Development Center in order to provide a barrier and covered walkway. The contractor must apply to Public Works for an encroachment permit to close or occupy the sidewalk(s) or ally.

47. SIDEWALK, CURB & GUTTER: As part of this project, the applicant must replace all of the existing sidewalks, ramps, curbs, gutters or driveway approaches in the public right-of-way along the frontage(s) of the property. Applicant shall be responsible for replacing the

two ramps immediately across the street from the project site. Applicant shall meet with Public Works and Transportation to discuss the potential for adding a bulb-out along the University Avenue side to widen the sidewalk. If construction of the new ramps and/or sidewalk results in a conflict with utilities or traffic signal than applicant will be responsible for adjusting to grade or relocating conflict and to bring the improvements to current designs standards. The site plan and grading and drainage plan submitted with the building permit plan set must show the extent of the replacement work. Provide references to the specific City's Standard Drawings and Specification. The plan must note that any work in the right-of-way must be done per Public Works' standards by a licensed contractor who must first obtain a Street Work Permit from Public Works at the Development Center.

48. RESURFACING: The applicant is required to resurface (grind and overlay) the entire width of the street on University Avenue and Kipling Street frontages adjacent to the project. In addition this project is required to resurface the full width of the Lane along the project frontage. Note that the base material for these 3 streets varies. Thermoplastic striping of the street(s) will be required after resurfacing. Include an off-site plan that shows the existing signage and striping that is to be replaces as part of this project and for the contractor's use.

49. DEMOLITION PLAN: Place the following note adjacent to an affected tree on the Site Plan and Demolition Plan: "Excavation activities associated with the proposed scope of work shall occur no closer than 10-feet from the existing street tree, or as approved by the Urban Forestry Division contact 650-496-5953. Any changes shall be approved by the same".

50. STREET TREES: The applicant may be required to replace existing and/or add new street trees in the public right-of-way along the property's frontage(s). Call the Public Works' arborist at 650-496-5953 to arrange a site visit so he can determine what street tree work, if any, will be required for this project. The site plan submitted with the building permit plan set must show the street tree work that the arborist has determined, including the tree species, size, location, staking and irrigation requirements, or include a note that Public Works' arborist has determined no street tree work is required. The plan must note that in order to do street tree work, the applicant must first obtain a Permit for Street Tree Work in the Public Right-of-Way from Public Works' arborist (650-496-5953).

51. BIKE RACKS: Currently, there are 2 bike racks on University Avenue. It is not Public Works' responsibility to approve the relocation or installation of the bike racks near this location. If the applicant would like to requests the installation of new or more bike racks along University Avenue, the applicant must obtain approval from the Transportation Division at 650-329-2520 to determine an appropriate location, type/model and quantity that can be installed per City Standards. The plan must note that in order to install or relocate any bike racks, the applicant must first obtain a Street Work Permit from Public Works.

52. GARBAGE/TRASH RECEPTACLES: The plans provided for preliminary review do not include the existing garbage/trash receptacle along University Avenue. This shall be shown on the plans and remain in its location for as long as possible during construction. If construction activities require the temporary removal of the receptacle, the contractor may

remove during that construction activity but must place it back as soon as those activities have been completed. Prior to doing so, the contractor must notify the public works department to determine if Public Works Operations should pick it up for storage during that time.

53. ADJACENT NEIGHBORS: For any improvements that extend beyond the property lines such as tie-backs for the basement or construction access provide signed copies of the original agreements with the adjacent property owners. The agreements shall indicate that the adjacent property owners have reviewed and approved the proposed improvements (such as soldier beams, tiebacks) that extend into their respective properties

54. "NO DUMPING" LOGO: The applicant is required to paint the "No Dumping/Flows to San Franscisquito Creek" logo in blue color on a white background, adjacent to all onsite storm drain inlets. Stencils of the logo are available from the Public Works Environmental Compliance Division, which may be contacted at (650) 329-2598. A deposit may be required to secure the return of the stencil. Include the instruction to paint the logos on the construction grading and drainage plan. Similar medallions shall be installed near the catch basins that are proposed to be relocated. Provide notes on the plans to reference that medallions and stencils.

55. OIL/WATER SEPARATOR: Parking garage floor drains on interior levels shall be connected to an oil/water separator prior to discharging to the sanitary sewer system. The oil/water separator shall be located within private property.

56. GREASE INTERCEPTOR: If a commercial kitchen is proposed requiring the installation of a grease interceptor, the grease separator shall be installed and located within private property. In no case shall the City of Palo Alto allow the right-of-way (ROW) to be used to satisfy this requirement.

PRIOR TO BUILDING PERMIT FINAL

57. STORMWATER MAINTENANCE AGREEMENT: The applicant shall designate a party to maintain the control measures for the life of the improvements and must enter into a maintenance agreement with the City to guarantee the ongoing maintenance of the permanent C.3 storm water discharge compliance measures. The maintenance agreement shall be executed prior to the first building occupancy sign-off. The City will inspect the treatment measures yearly and charge an inspection fee. There is currently a $381 (FY 2015) C.3 plan check fee that will be collected upon submittal for a grading or building permit.

58. Contractor and/or Applicant shall prepare and submit an electronic (pdf) copy of the Off-Site Improvements As-Built set of plans to Public Works for the City's records. The as-built set shall include all the improvements within the public road right-of-way and include items such as: shoring piles, tiebacks, public storm drain improvements, traffic signs, street trees, location of any vaults or boxes, and any other item that was installed as part of this project.

59. Contractor shall submit and obtain an Encroachment permit for the permanent structures (shoring and tiebacks) that were installed within the public road right-of-way.

60. Additional comments and/or conditions may apply as the project is revised.

ZERO WASTE/ SOLID WASTE

PRIOR TO ISSUANCE OF A BUILDING PERMIT

61. Provide a garbage and recycling chute for the residential unit with either an additional chute or a bin space for compostables on the residential floor.

62. SERVICE LEVELS: Without a restaurant: the enclosure should be sized for 3-yard garbage bin, 4-yard recycling bin, 1-yard compostables bin; with a restaurant: With a restaurant: 3-yard garbage bin, 4-yard recycling bin, 2-yard compostables bin.

63. TRASH DISPOSAL AND RECYCLING (PAMC 18.23.020): (A) Assure that development provides adequate and accessible interior areas or exterior enclosures for the storage of trash and recyclable materials in appropriate containers, and that trash disposal and recycling areas are located as far from abutting residences as is reasonably possible. (B) Requirements: (i) Trash disposal and recyclable areas shall be accessible to all residents or users of the property. (ii) Recycling facilities shall be located, sized, and designed to encourage and facilitate convenient use. (iii) Trash disposal and recyclable areas shall be screened from public view by masonry or other opaque and durable material, and shall be enclosed and covered. Gates or other controlled access shall be provided where feasible. Chain link enclosures are strongly discouraged. (iv) Trash disposal and recycling structures shall be architecturally compatible with the design of the project. (v) The design, construction and accessibility of recycling areas and enclosures shall be subject to approval by the architectural review board, in accordance with design guidelines adopted by that board and approved by the city council pursuant to Section 18.76.020.

64. RECYCLING STORAGE DESIGN REQUIREMENTS (PAMC 5.20.120): The design of any new, substantially remodeled, or expanded building or other facility shall provide for proper storage, handling, and accessibility which will accommodate the solid waste and recyclable materials loading anticipated and which will allow for the efficient and safe collection. The design shall comply with the applicable provisions of Sections 18.22.100, 18.24.100, 18.26.100, 18.32.080, 18.37.080, 18.41.080, 18.43.080, 18.45.080, 18.49.140, 18.55.080, 18.60.080, and 18.68.170 of Title 18 of this code.

65. SERVICE REQUIREMENTS: (a) Collection vehicle access (vertical clearance, street width and turnaround space) and street parking are common issues pertaining to new developments. Adequate space must be provided for vehicle access. (b) Weight limit for all drivable areas to be accessed by the solid waste vehicles (roads, driveways, pads) must be rated to 60,000 lbs. This includes areas where permeable pavement is used. (c) Containers must be within 25 feet of service area or charges will apply. (d) Carts and bins must be able to roll without obstacles or curbs to reach service areas "no jumping curbs".

66. GARBAGE, RECYCLING, AND YARD WASTE/COMPOSTABLES CART/ BIN LOCATION AND SIZING**:**

a. Office Building: The proposed commercial development must follow the requirements for recycling container space[1]. Project plans must show the placement of recycling containers, for example, within the details of the solid waste enclosures. Collection space should be provided for built-in recycling containers/storage on each floor/office or alcoves for the placement of recycling containers.

   i. Enclosure and access should be designed for equal access to all three waste streams – garbage, recycling, and compostables.

   ii. Collection cannot be performed in underground. Underground bins locations require a minimum of 77" of vertical clearance. Pull out charges will apply. In instances where push services are not available (e.g., hauler driver cannot push containers up or down ramps), the property owner will be responsible for placing solid waste containers in an accessible location for collection.

   iii. All service areas must have a clearance height of 20' for bin service.

   iv. New enclosures should consider rubber bumpers to reduce ware and tear on walls.

For questions regarding garbage, recycling, and compostables collection issues, contact Green Waste of Palo Alto (650) 493-4894.

b. Restaurants and Food Service Establishments: Please contact Green Waste of Palo Alto (650) 493-4894 to maximize the collection of compostables in food preparation areas and customer areas.

For more information about compostable food service products, please contact City of Palo Alto Zero Waste at (650) 496-5910.

c. Multi-family Residential: The proposed multi-family development must follow the requirements for recycling container space[2]. All residential developments, where central garbage, recycling, and compostables containers will serve five or more dwelling units, must have space for the storage and collection of recyclables and compostables. This includes the provision of recycling chutes where garbage chutes are provided. Project plans must show the placement of recycling and compostables containers, for example, within the details of the solid waste enclosures.

   i. Enclosure and access should be designed for equal access to all three waste streams – garbage, recycling, and compostables.

   ii. Collection cannot be performed in underground. Underground bins locations require a minimum of 77" of vertical clearance. Pull out charges will apply. In instances where push services are not available (e.g., hauler

1 In accordance with the California Public Resources Code, Chapter 18, Articles 1 and 2
2 In accordance with the California Public Resources Code, Chapter 18, Articles 1 and 2

driver cannot push containers up or down ramps), the property owner will be responsible for placing solid waste containers in an accessible location for collection.

iii. All service areas must have a clearance height of 20' for bin service.

iv. New enclosures should consider rubber bumpers to reduce wear-and-tear on walls.

For questions regarding garbage, recycling, and compostables collection issues, contact Green Waste of Palo Alto (650) 493-4894.

67. DUMPSTERS FOR NEW AND REMODELED FACILITIES (PAMC 16.09.180(b)(10)): New buildings and residential developments providing centralized solid waste collection, except for single-family and duplex residences, shall provide a covered area for a bin/dumpster. The area shall be adequately sized for all waste streams (garbage, recycling, and yard waste/compostables) and designed with grading or a berm system to prevent water runon and runoff from the area.

68. COVERED DUMPSTERS, RECYCLING AND TALLOW BIN AREAS (PAMC 16.09.075(q)(2)):

a. Newly constructed and remodeled Food Service Establishments (FSEs) shall include a covered area for all dumpsters, bins, carts or container used for the collection of trash, recycling, food scraps and waste cooking fats, oils and grease (FOG) or tallow.

b. The area shall be designed and shown on plans to prevent water run-on to the area and runoff from the area.

c. Drains that are installed within the enclosure for recycle and waste bins, dumpsters and tallow bins serving FSEs are optional. Any such drain installed shall be connected to a Grease Control Device (GCD).

d. If tallow is to be stored outside then an adequately sized, segregated space for a tallow bin shall be included in the covered area.

e. These requirements shall apply to remodeled or converted facilities to the extent that the portion of the facility being remodeled is related to the subject of the requirement.

It is frequently to the FSE's advantage to install the next size larger GCD to allow for more efficient grease discharge prevention and may allow for longer times between cleaning. There are many manufacturers of GCDs which are available in different shapes, sizes and materials (plastic, reinforced fiberglass, reinforced concrete and metal).

The requirements will assist FSEs with FOG discharge prevention to the sanitary sewer and storm drain pollution prevention. The FSE at all times shall comply with the Sewer Use Ordinance of the Palo Alto Municipal Code. The ordinances include requirements for GCDs, GCD maintenance, drainage fixtures, record keeping and construction projects.

69. CONSTRUCTION AND DEMOLITION DEBRIS (CDD) (PAMC 5.24.030):

    a. Covered projects shall comply with construction and demolition debris diversion rates and other requirements established in Chapter 16.14 (California Green Building Code). In addition, all debris generated by a covered project must haul 100 percent of the debris not salvaged for reuse to an approved facility as set forth in this chapter.

    b. Contact the City of Palo Alto's Green Building Coordinator for assistance on how to recycle construction and demolition debris from the project, including information on where to conveniently recycle the material.

PUBLIC WORKS WATER QUALITY CONTROL

70. DISCHARGE OF GROUNDWATER (PAMC 16.09.170, 16.09.040): Prior approval shall be obtained from the city engineer or designee to discharge water pumped from construction sites to the storm drain. The city engineer or designee may require gravity settling and filtration upon a determination that either or both would improve the water quality of the discharge. Contaminated ground water or water that exceeds state or federal requirements for discharge to navigable waters may not be discharged to the storm drain. Such water may be discharged to the sewer, provided that the discharge limits contained in Palo Alto Municipal Code (16.09.040(m)) are not exceeded and the approval of the superintendent is obtained prior to discharge. The City shall be compensated for any costs it incurs in authorizing such discharge, at the rate set forth in the Municipal Fee Schedule.

71. UNPOLLUTED WATER (PAMC 16.09.055): Unpolluted water shall not be discharged through direct or indirect connection to the sanitary sewer system (e.g. uncovered ramp to garage area).

72. COVERED PARKING (PAMC 16.09.180(b)(9)): If installed, drain plumbing for parking garage floor drains must be connected to an oil/water separator with a minimum capacity of 100 gallons, and to the sanitary sewer system.

73. DUMPSTERS FOR NEW AND REMODELED FACILITATIES (PAMC 16.09.180(b)(10)): New buildings and residential developments providing centralized solid waste collection, except for single-family and duplex residences, shall provide a covered area for a dumpster. The area shall be adequately sized for all waste streams and designed with grading or a berm system to prevent water runon and runoff from the area.ARCHITECTURAL COPPER PAMC (16.09.180(b)(14)): On and after January 1, 2003, copper metal roofing, copper metal gutters, copper metal down spouts, and copper granule containing asphalt shingles shall not be permitted for use on any residential, commercial or industrial building for which a building permit is required. Copper flashing for use under tiles or slates and small copper ornaments are exempt from this prohibition. Replacement roofing, gutters and downspouts on historic structures are exempt, provided that the roofing material used shall be prepatinated at the factory. For the purposes of this exemption, the definition of "historic" shall be limited to structures designated as Category

1 or Category 2 buildings in the current edition of the Palo Alto Historical and Architectural Resources Report and Inventory.

74. LOADING DOCKS (PAMC 16.09.175(k) (2)): (i) Loading dock drains to the storm drain system may be allowed if equipped with a fail-safe valve or equivalent device that is kept closed during the non-rainy season and during periods of loading dock operation. (ii) Where chemicals, hazardous materials, grease, oil, or waste products are handled or used within the loading dock area, a drain to the storm drain system shall not be allowed. A drain to the sanitary sewer system may be allowed if equipped with a fail-safe valve or equivalent device that is kept closed during the non-rainy season and during periods of loading dock operation. The area in which the drain is located shall be covered or protected from rainwater run-on by berms and/or grading. Appropriate wastewater treatment approved by the Superintendent shall be provided for all rainwater contacting the loading dock site.

75. CONDENSATE FROM HVAC (PAMC 16.09.180(b)(5)): Condensate lines shall not be connected or allowed to drain to the storm drain system.

76. SILVER PROCESSING (e.g. photoprocessing retail) (PAMC 16.09.215): Facilities conducting silver processing (photographic or X-ray films) shall either submit a treatment application or waste hauler certification for all spent silver bearing solutions. 650-329-2421.

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

78. MERCURY SWITCHES (PAMC 16.09.180(12)): Mercury switches shall not be installed in sewer or storm drain sumps.

79. COOLING SYSTEMS, POOLS, SPAS, FOUNTAINS, BOILERS AND HEAT EXCHANGERS (PAMC 16.09.205(a)): It shall be unlawful to discharge water from cooling systems, pools, spas, fountains boilers and heat exchangers to the storm drain system.

80. STORM DRAIN LABELING (PAMC 16.09.165(h)): Storm drain inlets shall be clearly marked with the words "No dumping - Flows to Bay," or equivalent.

81. UNDESIGNATED RETAIL SPACE (PAMC 16.09): Newly constructed or improved buildings with all or a portion of the space with undesignated tenants or future use will need to meet all requirements that would have been applicable during design and construction. If such undesignated retail space becomes a food service facility the following requirements must be met:

    <u>Designated Food Service Establishment (FSE) Project:</u>

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

i. The plans shall specify the manufacturer details and installation details of all proposed GCDs. (CBC 1009.2)

ii. GCD(s) shall be sized in accordance with the 2007 California Plumbing Code.

iii. GCD(s) shall be installed with a minimum capacity of 500 gallons.

iv. GCD sizing calculations shall be included on the plans. See a sizing calculation example below.

v. The size of all GCDs installed shall be equal to or larger than what is specified on the plans.

vi. GCDs larger than 50 gallons (100 pounds) shall not be installed in food preparation and storage areas. Santa Clara County Department of Environmental Health prefers GCDs to be installed outside. GCDs shall be installed such that all access points or manholes are readily accessible for inspection, cleaning and removal of all contents. GCDs located outdoors shall be installed in such a manner so as to exclude the entrance of surface and stormwater. (CPC 1009.5)

vii. All large, in-ground interceptors shall have a minimum of three manholes to allow visibility of each inlet piping, baffle (divider) wall, baffle piping and outlet piping. The plans shall clearly indicate the number of proposed manholes on the GCD. The Environmental Compliance Division of Public Works Department may authorize variances which allow GCDs with less than three manholes due to manufacture available options or adequate visibility.

viii. Sample boxes shall be installed downstream of all GCDs.

ix. All GCDs shall be fitted with relief vent(s). (CPC 1002.2 & 1004)

x. GCD(s) installed in vehicle traffic areas shall be rated and indicated on plans.

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

i. To ensure all FSE drainage fixtures are connected to the correct drain lines, each drainage fixture shall be clearly labeled on the plans. A list of all fixtures and their discharge connection, i.e. sanitary sewer or grease waste line, shall be included on the plans.

ii. A list indicating all connections to each proposed GCD shall be included on the plans. This can be incorporated into the sizing calculation.

iii. All grease generating drainage fixtures shall connect to a GCD. These include but are not limited to:

1. Pre-rinse (scullery) sinks
2. Three compartment sinks (pot sinks)
3. Drainage fixtures in dishwashing room except for dishwashers shall connect to a GCD
4. Examples: trough drains (small drains prior to entering a dishwasher), small drains on busing counters adjacent to pre-rinse sinks or silverware soaking sinks
5. Floor drains in dishwashing area and kitchens
6. Prep sinks
7. Mop (janitor) sinks
8. Outside areas designated for equipment washing shall be covered and any drains contained therein shall connect to a GCD.
9. Drains in trash/recycling enclosures
10. Wok stoves, rotisserie ovens/broilers or other grease generating cooking equipment with drip lines
11. Kettles and tilt/braising pans and associated floor drains/sinks

iv. The connection of any high temperature discharge lines and non-grease generating drainage fixtures to a GCD is prohibited. The following shall not be connected to a GCD:

1. Dishwashers
2. Steamers
3. Pasta cookers
4. Hot lines from buffet counters and kitchens
5. Hand sinks
6. Ice machine drip lines
7. Soda machine drip lines
8. Drainage lines in bar areas

v. No garbage disposers (grinders) shall be installed in a FSE. (PAMC 16.09.075(d)).

vi. Plumbing lines shall not be installed above any cooking, food preparation and storage areas.

vii. Each drainage fixture discharging into a GCD shall be individually trapped and vented. (CPC 1014.5)

c. Covered Dumpsters, Recycling and Tallow Bin Areas PAMC, 16.09.075(q)(2)

i. Newly constructed and remodeled FSEs shall include a covered area for all dumpsters, bins, carts or container used for the collection of trash, recycling, food scraps and waste cooking fats, oils and grease (FOG) or tallow.

ii. The area shall be designed and shown on plans to prevent water run-on to the area and runoff from the area.

iii. Drains that are installed within the enclosure for recycle and waste bins, dumpsters and tallow bins serving FSEs are optional. Any such drain installed shall be connected to a GCD.

iv. If tallow is to be stored outside then an adequately sized, segregated space for a tallow bin shall be included in the covered area.

v. These requirements shall apply to remodeled or converted facilities to the extent that the portion of the facility being remodeled is related to the subject of the requirement.

d. Large Item Cleaning Sink, PAMC 16.09.075(m)(2)(B)

i. FSEs shall have a sink or other area drain which is connected to a GCD and large enough for cleaning the largest kitchen equipment such as floor mats, containers, carts, etc. Recommendation: Generally, sinks or cleaning areas larger than a typical mop/janitor sink are more useful.

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

Sizing Criteria:		**GCD Sizing:**	
Drain Fixtures	**DFUs**	**Total DFUs**	**GCDVolume (gallons)**
Pre-rinse sink	4	8	500
3 compartment sink	3	21	750
2 compartment sink	3	35	1,000
Prep sink	3	90	1,250
Mop/Janitorial sink	3	172	1,500
Floor drain	2	216	2,000
Floor sink	2		

Example GCD Sizing Calculation:

Quantity	Drainage Fixture & Item Number	DFUs	Total
1	Pre-rinse sink, Item 1	4	4
1	3 compartment sink, Item 2	3	3
2	Prep sinks, Item 3 & Floor sink, Item 4	3	6
1	Mop sink, Item 5	3	3
1	Floor trough, Item 6 & tilt skillet, Item 7	2	2
1	Floor trough, Item 6 & steam kettle, Item 8	2	2
1	Floor sink, Item 4 & wok stove, Item 9	2	2
4	Floor drains	2	8
	1,000 gallon GCD minimum sized	Total:	30

Note:

- All resubmitted plans to Building Department which include FSE projects shall be resubmitted to Water Quality.
- It is frequently to the FSE's advantage to install the next size larger GCD to allow for more efficient grease discharge prevention and may allow for longer times between cleaning. There are many manufacturers of GCDs which are available in different shapes, sizes and materials (plastic, reinforced fiberglass, reinforced concrete and metal)

- The requirements will assist FSEs with FOG discharge prevention to the sanitary sewer and storm drain pollution prevention. The FSE at all times shall comply with the Sewer Use Ordinance of the Palo Alto Municipal Code. The ordinances include requirements for GCDs, GCD maintenance, drainage fixtures, record keeping and construction projects.

FIRE DEPARTMENT

82. Fire sprinklers, fire standpipe and fire alarm systems required in accordance with NFPA 13, NFPA14, NFPA 24, NFPA 72 and State and local standards. Sprinkler, standpipe, fire alarm and underground fire supply installations require separate submittal to the Fire Prevention Bureau.

83. Sprinkler main drain must be coordinated with plumbing design so that the 200 gpm can be flowed for annual main drain testing for 90 seconds without overflowing the collection sump, and the Utilities Department approved ejector pumps will be the maximum flow rate to sanitary sewer.

84. Applicant shall work with Utilities Department to provide acceptable backflow prevention configuration.

85. All floor levels in multi-story buildings must be served by an elevator capable of accommodating a 24 x 84 inch gurney without lifting or manipulating the gurney.

86. All welding or other hot work during construction shall be under a permit obtained from the Palo Alto Fire Department with proper notification and documentation of procedures followed and work conducted.

87. Low-E glass and underground parking areas can interfere with portable radios used by emergency responders. Please provide an RF Engineering analysis to determine if additional devices or equipment will be needed to maintain operability of emergency responder portable radios throughout 97% of the building in accordance with the Fire Code Appendix J as adopted by the City of Palo Alto. A written report to the Fire Marshal shall be provided prior to final inspection.

UTILITIES – ELECTRICAL ENGINEERING

GENERAL

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

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

90. The applicant shall submit a request to disconnect all existing utility services and/or meters including a signed affidavit of vacancy, on the form provided by the Building Inspection Division. Utilities will be disconnected or removed within 10 working days after receipt of request. The demolition permit will be issued after all utility services and/or meters have been disconnected and removed.

FOR SUBMITTALS TO ELECTRIC SERVICE

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

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

93. Only one electric service lateral is permitted per parcel. Utilities Rule & Regulation #18.

94. Applicant has selected the option of going with a submersible transformer. This installation will fall under "Special Facilities". Special Facilities will have additional costs for substructure work, annual cost of ownership plus one time replacement cost of submersible transformer. Vault and submersible transformer along with the required infrastructure will be installed by the City in the alley/public right of way or at a feasible location at applicant's expense. Note that submersible transformers are more susceptible to extended outages and potential cause for failures due to accumulation of dirt, debris and water in the vaults. . During servicing/maintenance or outage there will be no power to the building. The applicant will be responsible for maintaining the electric service to the building or to any critical equipment through a generator, if required. The City will not reimburse or compensate for anything (e.g. damages/lost production hours/labor cost etc.) during maintenance/outage or shut down time. The City will replace the transformer in the event of failure at no cost to the applicant.

95. Based on the electric loads the applicant has projected for the new building, the Utilities will consider installing a 500KVA, 120/208Y Volts transformer. However, if the load drops significantly below the rated capacity of the transformer for any continuous period of twelve (12) months, the City will notify the applicant about the fees and charges attributable to the reduced capacity. If the loads are added in the future and existing submersible transformer is found to be overloaded or exceeded its operational limitations then the City will require the applicant to accept the electric service to the building at

277/480Y Volts. At that time, in order to get the electric service to the building at new voltage; all the required modifications will be done by the applicant.

96. The customer shall install all electrical substructures (conduits, boxes and pads) required from the service point to the customer's switchgear. The design and installation shall be according to the City standards and shown on plans. Utilities Rule & Regulations #16 & #18.

97. Location of the electric panel/switchboard shall be installed outside the building and shall be easily accessible to Utilities meter readers and maintenance crews. Electric switchboard shall be NEMA 3R. All the substructure work done/installed for providing electric service to the new building shall be at applicant's expense. Detailed comments and final cost estimate shall be provided to the applicant when plans are submitted to the Building Department for review and approval.

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

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

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

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

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

103. If the customer's total load exceeds 2500 kVA, service shall be provided at the primary voltage of 12,470 volts and the customer shall provide the high voltage switchgear and transformers.

104. For primary services, the standard service protection is a submersible fault interrupter owned and maintained by the City, installed at the customer's expense. The customer must provide and install the pad and associated substructure required for the fault interrupter.

105. Any additional facilities and services requested by the Applicant that are beyond what the utility deems standard facilities will be subject to Special Facilities charges. The Special

Facilities charges include the cost of installing the additional facilities as well as the cost of ownership. Utilities Rule & Regulation #20.

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

DURING CONSTRUCTION

107. Contractors and developers shall obtain permit from the Department of Public Works before digging in the street right-of-way. This includes sidewalks, driveways and planter strips.

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

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

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

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

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

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

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

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

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

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

AFTER CONSTRUCTION & PRIOR TO FINALIZATION

117. The customer shall provide as-built drawings showing the location of all switchboards, conduits (number and size), conductors (number and size), splice boxes, vaults and switch/transformer pads.

PRIOR TO ISSUANCE OF BUILDING OCCUPANCY PERMIT

118. The applicant shall secure a Public Utilities Easement for facilities installed on private property for City use.

    a. All required inspections have been completed and approved by both the Building Inspection Division and the Electrical Underground Inspector.

    b. All fees must be paid.

    c. All Special Facilities contracts or other agreements need to be signed by the City and applicant.

ADDITIONAL COMMENTS

The following conditions apply to three-phase service and any service over 400 amperes:

119. A padmount or submersible transformer is required.

120. The Utilities Director, or his/her designee, may authorize the installation of submersible or vault installed facilities if in their opinion, padmounted equipment would not be feasible or practical.

121. Submersible or vault installed facilities shall be considered Special Facilities as described in Rule and Regulation 20, and all costs associated with the installation, including continuing ownership and maintenance, will be borne by the applicant (see Rule and Regulation 3 for details).

122. The customer must provide adequate space for installation, or reimburse the Utility for additional costs to locate the transformer outside the property boundaries. All service

equipment must be located above grade level unless otherwise approved by Electric Engineering.

WATER - GAS - WASTEWATER ENGINEERING

PRIOR TO ISSUANCE OF DEMOLITION PERMIT

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

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

FOR BUILDING PERMIT

125. The applicant shall submit completed water-gas-wastewater service connection applications - load sheets for City of Palo Alto Utilities for each unit or place of business. The applicant must provide all the information requested for utility service demands (water in fixture units/g.p.m., gas in b.t.u.p.h, and sewer in fixture units/g.p.d.). The applicant shall provide the existing (prior) loads, the new loads, and the combined/total loads (the new loads plus any existing loads to remain).

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

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

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

129. The applicant's engineer shall submit flow calculations and system capacity study showing that the on-site and off-site water and sanitary sewer mains and services will provide the domestic, irrigation, fire flows, and wastewater capacity needed to service the development and adjacent properties during anticipated peak floor demands. Field testing may be required to determine current flows and water pressures on existing water main. Calculations must be signed and stamped by a registered civil engineer. The applicant is required to perform, at his/her expense, a flow monitoring study of the existing sewer main to determine the remaining capacity. The report must include existing peak flows or depth of flow based on a minimum monitoring period of seven continuous days or as determined by the senior wastewater engineer. The study shall meet the requirements and the approval

of the WGW engineering section. No downstream overloading of existing sewer main will be permitted.

130. For contractor installed water and wastewater mains or services, the applicant shall submit to the WGW engineering section of the Utilities Department **four** copies of the installation of public water, gas and wastewater utilities improvement plans (the portion to be owned and maintained by the City) in accordance with the utilities department design criteria. All utility work within the public right-of-way shall be clearly shown on the plans that are prepared, signed and stamped by a registered civil engineer. The contractor shall also submit a complete schedule of work, method of construction and the manufacture's literature on the materials to be used for approval by the utilities engineering section. The applicant's contractor will not be allowed to begin work until the improvement plan and other submittals have been approved by the water, gas and wastewater engineering section. After the work is complete but prior to sign off, the applicant shall provide record drawings (as-builts) of the contractor installed water and wastewater mains and services per City of Palo Alto Utilities' record drawing procedures. For contractor installed services the contractor shall install 3M marker balls at each water or wastewater service tap to the main and at the City clean out for wastewater laterals.

131. An approved reduced pressure principle assembly (RPPA backflow preventer device) is required for all existing and new water connections from Palo Alto Utilities to comply with requirements of California administrative code, title 17, sections 7583 through 7605 inclusive. The RPPA shall be installed on the owner's property and directly behind the water meter within 5 feet of the property line. RPPA's for domestic service shall be lead free. **Show the location of the RPPA on the plans**.

132. An approved reduced pressure detector assembly is required for the existing or new water connection for the fire system to comply with requirements of California administrative code, title 17, sections 7583 through 7605 inclusive (a double detector assembly may be allowed for existing fire sprinkler systems upon the CPAU's approval). Reduced pressure detector assemblies shall be installed on the owner's property adjacent to the property line, within 5' of the property line. **Show the location of the reduced pressure detector assembly on the plans**.

133. All backflow preventer devices shall be approved by the WGW engineering division. Inspection by the utilities cross connection inspector is required for the supply pipe between the meter and the assembly.

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

135. Existing wastewater main is 5.4" PE on Kipling Street. (sewer lateral to be 4")

136. Existing water services (including fire services) that are not a currently standard material shall be replaced at the applicant's expense.

137. The applicant shall pay the capacity fees and connection fees associated with new utility service/s or added demand on existing services. The approved relocation of services, meters, hydrants, or other facilities will be performed at the cost of the person/entity requesting the relocation.

138. Each unit or place of business shall have its own water and gas meter shown on the plans. Each parcel shall have its own water service, gas service and sewer lateral connection shown on the plans.

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

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

141. A new water service line installation for irrigation usage may require. Show the location of the new water service and meter on the plans.

142. A new water service line installation for fire system usage is required. Show the location of the new water service on the plans. The applicant shall provide to the Engineering Department a copy of the plans for fire system including all Fire Department's requirements. Please see a fire/domestic combination service connection for your provide-see City of Palo Alto standard WD-11.

143. A new gas service line installation is required. Show the new gas meter location on the plans. The gas meter location must conform with utilities standard details. Gas meter to be installed above ground.

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

145. All existing water and wastewater services that will not be reused shall be abandoned at the main per WGW utilities procedures.

146. Utility vaults, transformers, utility cabinets, concrete bases, or other structures cannot be placed over existing water, gas or wastewater mains/services. Maintain 1' horizontal clear separation from the vault/cabinet/concrete base to existing utilities as found in the field. If there is a conflict with existing utilities, Cabinets/vaults/bases shall be relocated from the plan location as needed to meet field conditions. Trees may not be planted within 10 feet of existing water, gas or wastewater mains/services or meters. New water, gas or wastewater services/meters may not be installed within 10' or existing trees. Maintain 10' between new trees and new water, gas and wastewater services/mains/meters.

147. To install new gas service by directional boring, the applicant is required to have a sewer cleanout at the front of the building. This cleanout is required so the sewer lateral can be videoed for verification of no damage after the gas service is installed by directional boring.

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

149. All WGW utilities work on University Avenue is 1.5 times the stated fee due to traffic; existing conditions require the work to be done outside of regular work hours.

BUILDING INSPECTION

FOR BUILDING PERMIT SUBMITTAL

150. The permit application shall be accompanied by all plans and related documents necessary to construct the complete project.

151. A demolition permit shall be required for the removal of the existing building on site.

152. The entire project is to be included under a single building permit and shall not be phased under multiple permits.

153. Separate submittals and permits are required for the following systems: E.V., P.V. and Solar Hot Water.

154. Design of building components that are not included in the plans submitted for building permit and are to be "deferred" shall be limited to as few items as possible. The list of deferred items shall be reviewed and approved prior to permit application.

155. The plans submitted for the building permit shall include an allowable floor area calculation that relates the mixed occupancies to type of construction.

156. The plans submitted for the building permit shall include allowable floor area calculations that relate the proposed occupancies to type of construction. This includes possible future installation of assembly occupancies such as large conference rooms or cafeterias, for example.

157. An acoustical analysis shall be submitted and the plans shall incorporate the report's recommendations needed to comply with the sound transmissions requirements in CBC Section 1207.

URBAN FORESTRY

158. Mitigation Measure BIO-1: Prior to issuance of demolition, grading and building permit, as well as during demolition, exaction and construction, the following measures shall be implemented to reduce impacts to protected trees:

    a. City of Palo Alto (City)-approved Modified Type III fencing shall be installed for the two street trees to be retained along University Avenue. City-approved tree protection signs shall be posted on all fencing.

    b. Soil conditions for the four new trees to be planted along Kipling Street shall be improved by preparing a planting area at least 6 feet square for each tree and installing Silva Cells to reduce compaction. The Silva Cells shall be filled with proper soil amendments and growing medium as determined by the City Arborist.

    c. Unless otherwise approved, each new tree shall be provided with 1,200 cubic feet of rootable soil area, utilizing Standard Drawing #604/513. Rootable soil is defined as compaction less than 90% over the area, not including sidewalk base areas.

    d. Two bubbler drip irrigation units shall be installed for each new tree to adequately water the new planting area.

    e. New sidewalk shall be installed such that the final planting space opening is at least 5 feet by 5 feet for each new tree.

    f. Kiva tree grates shall be used around each new tree.

    g. Replacement tree size shall be a 36-inch box, properly structured nursery stock.

    h. Based on growth habit and proven performance, Ginkgo biloba "Autumn Gold" is highly recommended for the replacement trees. Other tree species may be approved by the City Arborist.

    i. All work within the Tree Protection Zone, including canopy pruning of protected trees, shall be supervised by a Certified Arborist approved by the City.

159. Any existing city street trees approved to remain shall be maintained and protected during construction per City of Palo Alto standard requirements.

160. All landscape material shall be well maintained for the life of the project and replaced if it fails.

161. Two regulated public trees (London Plane) on University Ave frontage are to be retained and protected. Protection shall consist of Modified Type III (see attached graphic) for the entire trunk and will include primary branches on the building side. For any branch clearance pruning for building or scaffolding, contractor shall coordinate with Urban Forestry for direct supervision by staff of private tree contractor (submit written Tree Care Application to Dorothy.dale@cityofpaloalto.org)

162. Kipling frontage-Trees. four trees in the RoW are approved for removal including stumps (two flowering pears, two carobs). Four replacement trees shall be installed, Ginkgo

biloba 'Autumn Gold', Maidenhair, 36-inch box size, in 5'x5' Kiva tree grates, two irrigation bubblers per tree (PW Standard Detail # 603a and 513). A certified arborist for the applicant shall evaluate/select matching trees for quality. Contractor shall coordinate an Urban Forestry inspection of the new trees, before they are planted in the ground.

163. Sidewalk base medium (Kipling side only). As a root growing medium between the curb and building face, Silva Cell technology or approved equal, shall be designed as a suspended sidewalk element and provide low compaction area for long term root growth. A certified arborist for the applicant shall calculate how many cubic feet of soil and Silva cell material will be needed for each tree. The remaining soil between the engineered root growing areas.

GREEN BUILDING

164. Green Building Ordinance:

    a. Commercial Portion - CALGreen Tier 2: The project must meet the California Green Building Code Tier 2 requirements. Due to the size of the project, the team must engage a commissioning agent and fulfil on the commissioning requirements. Additional information may be found at the following link http://www.cityofpaloalto.org/gov/depts/ds/green_building/default.asp. The new Energy California Energy Code contains significant changes and Palo Alto is currently enforcing code minimum for the energy code . The details can be found at the following link. http://www.energy.ca.gov/title24/2013standards/

    b. Residential Portion- Green Point Rated: The project is required to achieve Green Point Rated Certification through Build It Green. The project team must engage a Green Point Rater. The required minimum points value is 70. The required prerequisite and points associated with exceeding the code shall be excused. Additional information may be found at the following linkhttp://www.cityofpaloalto.org/gov/depts/ds/green_building/default.asp

165. BASE Energy Services: The project may elect to engage the City of Palo Alto consultant, BASE Energy Inc, free of charge. BASE will assist the project in meeting and exceeding Title 24 Energy Code. Rebates may be available via working with Base. For more information, visit cityofpaloalto.org/commercial program or call 650.329.2241. The applicant may also contact Ricardo Sfeir at BASE Energy at rsfeir@baseco.com to schedule a project kick-off.

166. EV Parking Ordinance: The project is subject to meet the new Electric Vehicle Parking Ordinance. The press release provides an outline of the ordinance. The future ordinance language can be found within the staff report. There are multi-family and commercial provisions that apply. See the ordinance for all details.

    a. Multi-family: One EVSE Ready or EVSE Installed per unit. For guest parking, either conduit only, EVSE Ready or EVSE Installed shall be provided for 25% of the parking. A minimum of 1 EVSE Installed for multi-family guest parking shall be provided.

b. Commercial: For commercial parking, either conduit only, EVSE Ready or EVSE Installed shall be provided for 25% of the parking. A minimum of 1 EVSE Installed for commercial parking shall be provided.

167. Other Incentives & rebates: The Utilities department has several rebates and incentives that would apply to the project. These rebates are most successfully obtained when planned into the project early in design. For the incentives available for the project, please see the information provided on the Utilities website http://www.cityofpaloalto.org/gov/depts/utl/business/rebates/default.asp

PUBLIC ART

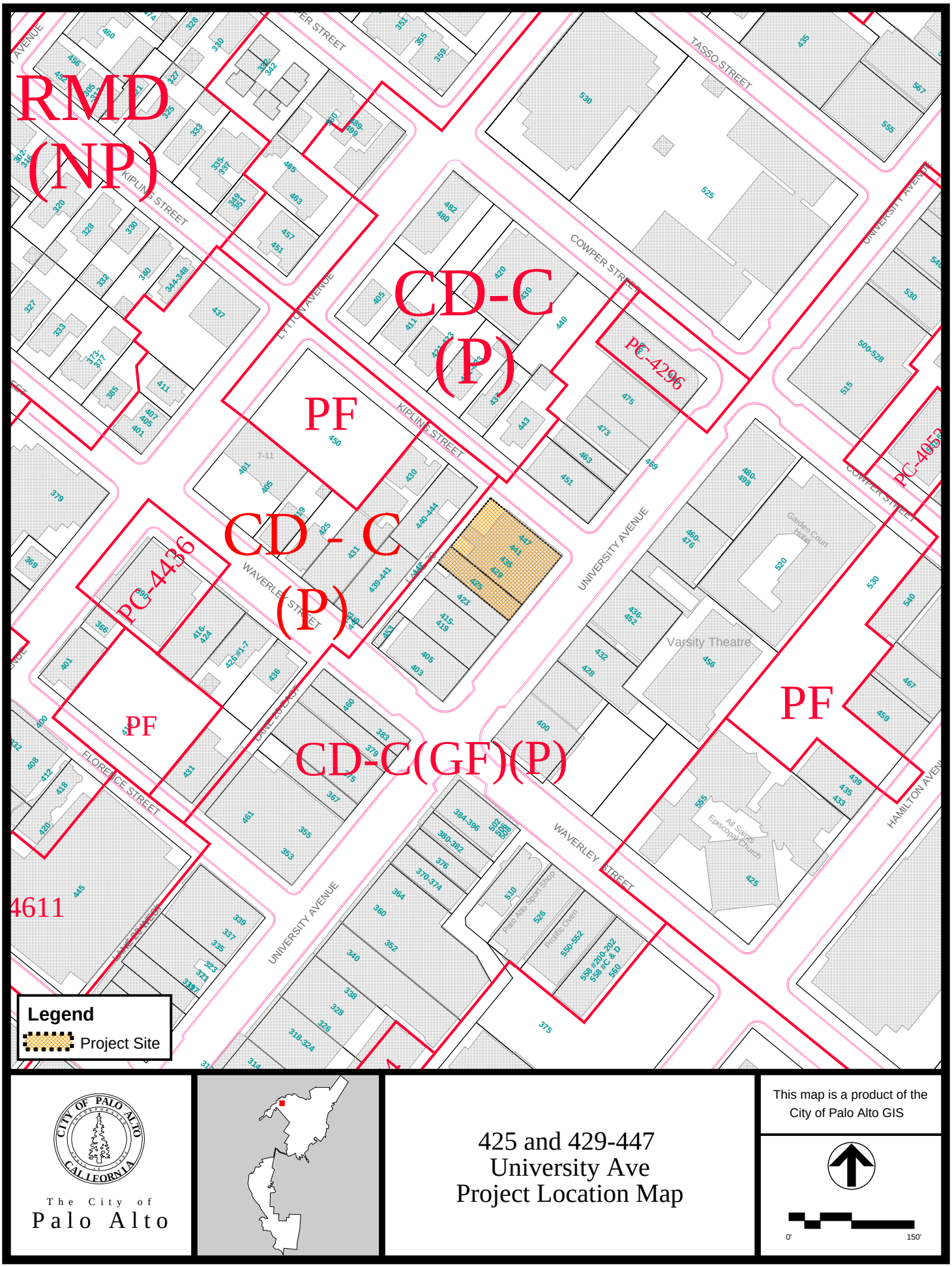
PRIOR TO ISSUANCE OF A BUILDING PERMIT

168. This project must comply with the provisions outlined in PAMC 16.61. The project proposes to install on-site public art and must follow the processes and requirements under this section. Removal or relocation of proposed public art shall be reviewed by the Architectural Review Board and approved by the Palo Alto Public Art Commission. No building permit may be issued until the Public Art Commission issues the approval of the final artwork and placement required for the on-site public art.

169. For building permit submittal, the design and installation of public art must comply with all the building code requirements.

170. The Architectural Review Board shall review the final placement of public art to ensure the artwork or associated lighting would not create adverse impacts of lighting and glare to adjacent neighbors.

171. In lieu of installation of on-site public art, the applicant may make a monetary contribution to the Palo Alto Public Arts Fund. The applicant must notify the Public Art Office of the intent to fulfill the public art requirement by payment of the in-lieu fee instead of commissioning art on site. The applicant is required to submit the amount equal to 1% of the estimated construction valuation into the Public Art Fund account and provide a copy of the receipt to the Public Art office prior to the issuance of building permit.



The City of Palo Alto

425 and 429-447 University Ave Project Location Map

This map is a product of the City of Palo Alto GIS

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ATTACHMENT D

ZONING COMPLIANCE TABLE
429 University Avenue / File No. 14PLN-00222
CD-C ZONE (Mixed Use Development Standards)

DEVELOPMENT STANDARDS	STANDARD	PROPOSED PROJECT	CONFORMS
Minimum Building Setback			
Front Yard	None Required	0	Yes
Rear Yard	10' for residential portion; no requirement for commercial portion	10' for residential portion with permitted setback encroachment up to 6' for balconies	Yes
Interior Side Yard	None Required	0	Yes
Maximum Site Coverage (building footprint)	None Required	9,594 sf	Yes
Maximum Height	50'	50'	Yes
Daylight Plane	Same as abutting residential zones	Not Applicable	Yes
Floor Area Ratio (FAR)	22,000 sf - 2.0:1 32,000 sf - With Transferable development rights 33,000 sf- Maximum 3.0:1	2.86:1 31,407 sf	Yes
Parking Requirement (within the Downtown Parking Assessment District)	92 spaces 1 space/250 sf commercial area 2 spaces/living unit Includes 37 previously assessed spaces (not provided on site) for properties	40 on-site spaces where 35 on-site spaces are required; 57 spaces not required [per PAMC 18.18.080(g) & 18.18.090(b)(4)]	Yes*
Bicycle Parking	Long Term: 7 Short Term: 6	Long Term: 8 Short Term: 6	Yes

* At the time of the Downtown Parking Assessment, the two sites were determined to have building floor area totaling 11,631 square feet, requiring payment in lieu (assessment) for 47 parking spaces not provided on site, while ten spaces were identified as provided on-site. The project shall comply with the parking requirements of the City's Zoning Code. Specifically, the applicant shall address the 57 spaces otherwise proposed to be exempted under Section 18.18.080(g) and 18.18.090(b)(4). Measures to comply may include: a) payment of in-lieu parking fees, b) certification of FAR bonuses pursuant to Section 18.18.070(a)(1), c) certification of Transfer of Development Rights prior to November 4, 2013 pursuant to Section 18.18.080(g), d) approval of underground parking pursuant to 18.52.070(d), or e) some combination thereof. The method of compliance shall be presented to the satisfaction of the Director of Planning prior to submittal for building permits.

ATTACHMENT E
COMPREHENSIVE PLAN TABLE
429 University Avenue / File No. 14PLN-00222

Program L-19: Support implementation of the Downtown Urban Design Guide. The Downtown Urban Design Guide is not mandatory but provides useful ideas and direction for private development and public improvement in the Downtown area.	The project incorporates many of the goals of the Downtown Urban Design Guide including: (1) Reinforce University Avenue as the retail core of Downtown Palo Alto by maintaining ground floor retail. (2) Create ground floor architectural interest with windows and displays (3) Continue retail vitality onto the side streets.
Policy L-20 Encourage street frontages that contribute to retail vitality in all Centers. Reinforce street corners with buildings that come up to the sidewalk or that form corner plaza.	The project incorporates design to reinforce street corners and integrate with nearby sidewalks with great building frontage.
Policy L-23: Maintain and enhance the University Avenue/Downtown area as the central business district of the City, with a mix of commercial, civic, cultural, recreational and residential uses. Promote quality design that recognizes the regional and historical importance of the area and reinforces its pedestrian character.	The project incorporates several design considerations contained in the Downtown Urban Design Guide in that the project design would: (1) provides pedestrian friendly amenities such as recessed entries, canopies, and new street trees, (2) includes attractive display windows at frequent intervals that invite shoppers, (3) promotes a mixed of uses including housing and commercial.
Policy L-24: Ensure that University Avenue/ Downtown is pedestrian-friendly and supports bicycle use. Use public art and other amenities to create an environment that is inviting to pedestrian.	The project incorporates pedestrian-friendly design and support bicycle use to complement the nearby Caltrain transit hub. Public art is proposed to be located on site to create an environment that is inviting to pedestrian and building tenants.
Policy L-48: Promote high quality, creative design and site planning that is compatible with surrounding development and public spaces.	The project is designed to promote a strong relationship with the streets and create an environment that supports and encourages pedestrian activities. Site planning is appropriate with its context and is compatible with the retail pedestrian environment of the downtown commercial district.

Policy L-49: Design buildings to revitalize streets and public spaces and to enhance a sense of community and personal safety. Provide an ordered variety of entries, porches, windows, bays and balconies along public ways where it is consistent with neighborhood character; avoid blank or solid walls at street level; and include human-scale details and massing.	The project is consistent with this policy in that the proposed building would incorporate clear glass windows to avoid blank or solid walls at street frontage. A variety of recessed entryways, glass canopies and balconies on both the University Avenue and Kipling Street frontages would promote 'eye-on-the-street'.
Policy H-4: Encourage mixed use projects as a means of increasing the housing supply while promoting diversity and neighborhood vitality.	The proposed mixed use project provides four housing units.
Program T-2: Promote mixed use development to provide housing and commercial services near employment centers, thereby reducing the necessity of driving.	The project is a mixed use development in the Downtown employment center that provides housing and commercial services. The project is designed to create an inviting pedestrian and bicycle environment that supports walking, bicycling and reduced dependence on cars.
Policy T-45: Provide sufficient parking in the University Avenue/Downtown and California Avenue business districts to address long-range needs.	The project site was previously assessed for parking not provided on site. The Municipal Code allows for transfer of development rights (TDR) floor area that is not "parked", if the TDR area was documented prior to the Council's 2013 action on "parking exempt' floor area. The applicant is not requesting a parking reduction, and will provide five additional parking spaces beyond the on-site parking requirement.
Policy T-47: Protect residential areas from the parking impacts of nearby business districts.	The project is surrounded by buildings with commercial use; however, it appears there is one residence on the Kipling block between University and Lytton Avenues. The project proposes to locate parking onsite.
Program T-53: Discourage parking facilities that would intrude into adjacent residential neighborhoods.	The proposed below grade parking facility would not intrude into an adjacent residential neighborhood (the Kipling block is commercially zoned and used primarily for commercial use).

DRAFT ADOPTED ON: _____

City of Palo Alto
Department of Planning and Community Environment
California Environmental Quality Act
DRAFT MITIGATED NEGATIVE DECLARATION

I. DESCRIPTION OF PROJECT

Date: November 17, 2014

Project Name: 429 University Avenue

Project Location: The 0.25-acre project site is located in the northern section of the City of Palo Alto, in the northern part of Santa Clara County, east of State Route 82 (El Camino Real) and west of U.S. Highway 101. The project site is located on the northwestern corner of University Avenue and Kipling Street.

Project Proponent: Elizabeth Wong for Kipling Post LP

City Contact: Christy Fong
Planner, Department of Planning and Community Environment
City of Palo Alto
250 Hamilton Avenue
Palo Alto, CA 94301

Project Description:

The proposed project involves demolition of two one-story retail buildings located at 425 University Avenue (APN 120-15-029) and 429 University Avenue (APN 120-15-028) totaling 11,633 square feet (4,425 square feet and 7,208 square feet, respectively) on separate parcels, and construction of a new four-story mixed-use building with two levels of underground parking (Figure 4, Site Plan). The two parcels would be combined to create a single 11,000-square-foot parcel. The new building is proposed to be 31,407 square feet in gross floor area and would cover 9,478 square feet of the site in approximately the same location as the existing buildings. The total increase in gross floor area would be 19,774 square feet. The proposed building would provide 20,407 square feet of commercial space (an increase of 8,774 square feet) and 11,000 square feet of residential land uses. A total of four residential apartment units would be provided, for a residential density of 16 units per acre.

The maximum proposed building height is 50 feet and the FAR would be 2.86. The base FAR in the CD-C district is 1.0; however, the FAR may be increased with transfers of development rights (TDRs) and/or bonuses for seismic and historic rehabilitation upgrades, not to exceed a total site FAR of 3.0. The proposed project FAR is achieved through the transfer of 4,207 square feet that requires parking, 5,000 square feet that is exempt from parking, TDR from separate properties, and a one-time 200-square-foot parked bonus for the project.

Building design would include stone and crystalized glass panels around the University Avenue/Kipling Street corner. The stone framework would be divided into segments that reflect the pattern of facades along the street. The third and fourth floors would be stepped back from the façade to create depth and visual interest, while also providing terraces for residents and guests of the building. The project proposes retail entrances along University Avenue and Kipling Street. The entry lobby for the residential and office

uses would be located on Kipling Street. The building would be set back approximately 4 to 6 feet from Lane 30 to allow for pedestrian accessibility in the rear of the building and a raised planter would be located at the corner of the alley to provide a transition to the landscaped frontages along Kipling Street.

The proposed project would require 82 parking spaces for 20,407 square feet of commercial use and 10 parking spaces for 4 residential units, for a total of 92 parking spaces. However, the property was previously assessed and paid in lieu fees for 37 parking spaces in the University Avenue Parking Assessment District and is eligible to receive 5,000 square feet of TDRs exempted from parking (equivalent to 20 parking spaces). Based on these adjustments, the project is required to provide a total of 35 vehicle parking spaces. The project proposes to include a total of 40 parking spaces, exceeding the parking requirement by five spaces. The 40 parking spaces would be provided in the two-level underground parking garage. Seven long-term bicycle parking spaces would also be provided within the underground parking garage, and six short-term bicycle parking spaces would be located near the building entrances on University Avenue and Kipling Street, for a total of 13 bicycle parking spaces.

The proposed project is designed in accordance with the City's Green Building Ordinance, which requires compliance with California Green Building Code Tier 1 and Green Point rater (for the residential portion) with Local Amendments. The project would use both conventional and sustainable building materials, including a concrete frame, high-efficiency glazing systems, cut stone, glass tile, plaster finishes, abundant day-lighting and sun-shading systems, and an energy-efficient cool roof. The project would also include facilities for carpool/clean air vehicles and electric vehicle charging stations.

The proposed project would involve the removal of four existing street trees on Kipling Street, and the replacement of these trees with four new street trees on Kipling Street. Both of the two existing street trees on University Avenue would be retained.

II. DETERMINATION

In accordance with the City of Palo Alto's procedures for compliance with the California Environmental Quality Act (CEQA), the City has conducted an Initial Study to determine whether the proposed project could have a significant effect on the environment. On the basis of that study, the City makes the following determination:

_____ **The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION is hereby adopted.**

__X__ **Although the project, as proposed, could have a significant effect on the environment, there will not be a significant effect on the environment in this case because mitigation measures have been added to the project and, therefore, a MITIGATED NEGATIVE DECLARATION is hereby adopted.**

The attached initial study prepared for this project incorporates all relevant information regarding the potential environmental effects of the project and confirms the determination that an EIR is not required for the project.

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

Mitigation Measure BIO-1: The following measures shall be implemented to reduce impacts to protected trees:

- City of Palo Alto (City)-approved Modified Type III fencing shall be installed for the two street trees to be retained along University Avenue. City-approved tree protection signs shall be posted on all fencing.
- Soil conditions for the four new trees to be planted along Kipling Street shall be improved by preparing a planting area at least 6 feet square for each tree and installing Silva Cells to reduce compaction. The Silva Cells shall be filled with proper soil amendments and growing medium as determined by the City Arborist.
- Unless otherwise approved, each new tree shall be provided with 1,200 cubic feet of rootable soil area, utilizing Standard Drawing #604/513. Rootable soil is defined as compaction less than 90% over the area, not including sidewalk base areas.
- Two bubbler drip irrigation units shall be installed for each new tree to adequately water the new planting area.
- New sidewalk shall be installed such that the final planting space opening is at least 5 feet by 5 feet for each new tree.
- Kiva tree grates shall be used around each new tree.
- Replacement tree size shall be a 36-inch box, properly structured nursery stock.
- Based on growth habit and proven performance, *Ginkgo biloba* "Autumn Gold" is highly recommended for the replacement trees. Other tree species may be approved by the City Arborist.
- All work within the Tree Protection Zone, including canopy pruning of protected trees, shall be supervised by a Certified Arborist approved by the City.

Mitigation Measure CUL-1: Prior to commencement of site clearing and project grading, the project applicant shall retain a qualified archaeologist to train construction personnel regarding how to recognize cultural resources (such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains) that could be encountered during construction activities. If artifacts or unusual amounts of shell or bone or other items indicative of buried archaeological resources or human remains are encountered during earth disturbance associated with the proposed project, the on-site contractor shall immediately notify the City of Palo Alto (City) and the Native American Heritage Commission as appropriate. All soil-disturbing work shall be halted within 100 feet of the discovery until a qualified archaeologist, as defined by the California Environmental Quality Act (CEQA) Guidelines (14 CCR 15000 et seq.) and the City, completes a significance evaluation of the finds pursuant to Section 106 of the National Historic Preservation Act. Any human remains unearthed shall be treated in accordance with California Health and Safety Code, Section 7050.5, and California Public Resources Code, Sections 5097.94, 5097.98, and 5097.99, which include requirements to notify the Santa Clara County Medical Examiner's office and consult with Native American representatives determined to be the Most Likely Descendants, as appointed by the Native American Heritage Commission. Identified cultural resources shall be recorded on State Department of Parks and Recreation Form 523 (archaeological sites). Mitigation measures prescribed by the Native American Heritage Commission, the Santa Clara County Medical Examiner's office, and any Native American representatives determined to be the Most Likely Descendants and required by the City shall be undertaken before construction activities are resumed. If disturbance of a project area cultural resource cannot be avoided, a mitigation program, including measures set forth in the City's Cultural Resources Management Program and in compliance with Sections 15064.5 and 15126.4 of the CEQA Guidelines, shall be implemented.

Mitigation Measure HAZ-1: Prior to building demolition, the project applicant shall demonstrate to the satisfaction of the City of Palo Alto that a survey of the existing buildings has been conducted by a qualified environmental specialist who meets the requirements of the current U.S. Environmental Protection Agency regulations for suspected lead-containing materials (LCMs), including lead-based paint/coatings; asbestos containing materials (ACMs); and the presence of polychlorinated biphenyls

(PCBs). Any demolition activities likely to disturb LCMs or ACMs shall be carried out by a contractor trained and qualified to conduct lead- or asbestos-related construction work. If found, LCMs and ACMs shall be disposed of in accordance with state and federal regulations, including the EPA's Asbestos National Emissions Standards for Hazardous Air Pollutants, the Cal-OSHA Construction Lead Standard (CCR Title 8, Section 1432.1), and California Department of Toxic Substances Control and EPA requirements for disposal of hazardous waste. If PCBs are found, these materials shall be managed in accordance with the Metallic Discards Act of 1991 (California Public Resources Code, Sections 42160–42185) and other state and federal guidelines and regulations. Demolition plans and contract specifications shall incorporate any necessary abatement measures in compliance with the Metallic Discards Act, particularly Section 42175, Materials Requiring Special Handling, for the removal of mercury switches, PCB-containing ballasts, and refrigerants.

Mitigation Measure NOI-1: *Residential Uses:* Window and exterior door assemblies with Sound Transmission Class (STC) rating up to 45 and upgraded exterior walls shall be used in the residential portion of the proposed building to achieve the City's maximum instantaneous noise guideline for residential uses. The City of Palo Alto shall ensure that these standards are met through review of building plans as a condition of project approval.

Commercial Uses: Window and exterior door assemblies for the commercial portions of the building shall have a minimum STC rating of 32 at the corner of University Avenue and Kipling Street, and a minimum STC of 28 at all other commercial locations within the proposed building to comply with the State of California CalGreen noise standards (maximum interior noise level of 50 dB during the peak hour of traffic). The City of Palo Alto shall ensure that these standards are met through review of building plans as a condition of project approval.

Mitigation Measure NOI-2: The residential portion of the proposed building shall have a ventilation or air-conditioning system to provide a habitable interior environment when windows are closed.

Mitigation Measure NOI-3: Noise levels from rooftop equipment shall be reduced to meet the City of Palo Alto Noise Ordinance requirements. An enclosure or other sound-attenuation measures at the exhaust fans shall be provided to reduce rooftop equipment noise is no greater than 8 dB above the existing ambient level at potential future neighboring buildings to meet the property plane noise limit. Use of quieter equipment than assumed in this analysis may support reduced mitigation, which shall be evaluated by a qualified acoustical consultant.

Mitigation Measure-TRANS-1: Mirrors shall be installed at the parking garage driveway to allow drivers to see when a pedestrian or vehicle is approaching in Lane 30.

Mitigation Measure-TRANS-2: Mirrors shall be installed at each turn within the parking garage to provide adequate sight distance**.**

Prepared by Project Planner **Date**

Adopted by **Date**
Director of Planning and Community Environment
Signed after the Mitigated Negative Declaration has been approved

WE, THE UNDERSIGNED, HEREBY ATTEST THAT WE HAVE REVIEWED THE INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION FOR THE PROJECT DESCRIBED ABOVE AND AGREE TO IMPLEMENT ALL MITIGATION MEASURES CONTAINED THEREIN.

Project Applicant's Signature **Date**

429 UNIVERSITY AVENUE PROJECT

Initial Study

CITY OF PALO ALTO

DRAFT RELEASED NOVEMBER 2014
UPDATED JANUARY 2015

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FIGURES

I. PROJECT SUMMARY

1. PROJECT TITLE

429 University Avenue

2. LEAD AGENCY NAME AND ADDRESS

City of Palo Alto
Department of Planning and Community Environment
250 Hamilton Avenue
Palo Alto, California 94303

3. CONTACT PERSON AND PHONE NUMBER

Christy Fong, Planner
City of Palo Alto
650.838.2996

4. PROJECT SPONSOR'S NAME AND ADDRESS

Kipling Post LP
Contact: Elizabeth Wong
PO Box 204
Palo Alto, California 94302
650.323.5295

5. APPLICATION NUMBER

14PLN-00222

6. PROJECT LOCATION

429 University Avenue
Palo Alto, California
Assessor's Parcel Numbers (APNs): 120-15-029 and 120-15-028

The 0.25-acre project site is located in the northern section of the City of Palo Alto (City), in the northern part of Santa Clara County, east of State Route 82 (El Camino Real) and west of U.S. Highway 101 (Figure 1, Regional Map). The project site is located on the northwestern corner of University Avenue and Kipling Street, as shown on Figure 2, Vicinity Map, and Figure 3, Aerial Map. All figures are provided at the end of this document.

7. GENERAL PLAN DESIGNATION

The General Plan designation of the project site is Regional/Community Commercial, per the Palo Alto 1998–2010 Comprehensive Plan (Comprehensive Plan; City of Palo Alto 2007). This land use designation includes larger shopping centers and districts that have a wider variety of goods and services than the neighborhood shopping areas. They rely on larger trade areas and include such uses as department stores, bookstores, furniture stores, toy stores, apparel shops, restaurants, theaters, and non-retail services such as offices and banks. Non-residential floor area ratios (FAR) range from 0.35 to 2.0. The project site is part of a Regional/Community Commercial district that extends from Alma Avenue on the south to Webster Street on the north and between Lytton Avenue on the west and Hamilton and Forest Avenues on the east.

8. ZONING

The Zoning designation of the project site is Downtown Commercial (CD-C(P)(GF)). This zone's regulations are set forth in the Palo Alto Municipal Code (PAMC) Chapter 18.18. The CD district provides for a wide range of commercial uses serving city-wide and regional business and service needs, as well as residential uses and neighborhood service needs. The CD-C (community) subdistrict is intended to modify the site development regulations to allow specific variations to the uses and development requirements of the CD district. The project site is also within the pedestrian shopping (P) and ground floor (GF) combining districts. The pedestrian shopping combining district is intended to modify the regulations of the CD in locations where it is deemed essential to foster the continuity of retail stores and display windows and to avoid a monotonous pedestrian environment in order to establish and maintain an economically healthy retail district. The ground floor combining district is intended to modify the uses allowed in the CD district to allow only retail, eating and drinking, and other service-oriented commercial development uses on the ground floor.

9. PROJECT DESCRIPTION

This Initial Study has been modified subsequent to public review of the Initial Study and Proposed Mitigated Negative Declaration to reflect revisions made to the project plans. These revisions provide clarifying information regarding the proposed project but none of the revisions to the Initial Study or project plans result in any new or increased environmental effects. The revisions to this Initial Study do not constitute "significant new information" that would require recirculation of the Initial Study and Proposed Mitigated Negative Declaration.

The proposed project involves demolition of two one-story retail buildings located at 425 University Avenue (APN 120-15-029) and 429 University Avenue (APN 120-15-028) totaling 11,633 square feet (4,425 square feet and 7,208 square feet, respectively) on separate parcels, and construction of a new four-story mixed-use building with two levels of underground parking (Figure 4, Site Plan). The two parcels would be combined to create a single 11,000-square-foot parcel. The new building is proposed to be 31,407 square feet in gross floor area and would cover 9,478 square feet of the site in approximately the same location as the existing buildings. The total increase in gross floor area would be 19,774 square feet. The proposed building would provide 20,407 square feet of commercial space (an increase of 8,774 square feet) and 11,000 square feet of residential land uses. A total of four residential apartment units would be provided, for a residential density of 16 units per acre. The proposed building plans are provided in Appendix A.

The maximum proposed building height is 50 feet and the FAR would be 2.86 (Figure 5, Elevations). The base FAR in the CD-C district is 1.0; however, the FAR may be increased with transfers of development rights (TDRs) and/or bonuses for seismic and historic rehabilitation upgrades, not to exceed a total site FAR of 3.0. The proposed project FAR will be achieved through the transfer of 9,207 square feet of

development rights from separate properties, of which 4,207 square feet require parking and 5,000 square feet are exempt from parking requirements. The project is also eligible for a one-time 200-square-foot bonus, which is subject to the City's parking requirements. Together, these TDRs and bonuses would allow the project to achieve the proposed 2.86 FAR.

Building design would include stone and crystalized glass panels around the University Avenue/Kipling Street corner. The stone framework would be divided into segments that reflect the pattern of facades along the street. The third and fourth floors would be stepped back from the façade to create depth and visual interest, while also providing terraces for residents and guests of the building. The project proposes retail entrances along University Avenue and Kipling Street. The entry lobby for the residential and office uses would be located on Kipling Street. The building would be set back approximately 4 to 6 feet from Lane 30 to allow for pedestrian accessibility in the rear of the building and a raised planter would be located at the corner of the alley to provide a transition to the landscaped frontages along Kipling Street.

The proposed project would require 82 parking spaces for 20,407 square feet of commercial use and 10 parking spaces for 4 residential units, for a total of 92 parking spaces. However, the property was previously assessed and paid in lieu fees for 37 parking spaces in the University Avenue Parking Assessment District and is eligible to receive 5,000 square feet of TDRs exempted from parking (equivalent to 20 parking spaces). Based on these adjustments, the project is required to provide a total of 35 vehicle parking spaces. The project proposes to include a total of 40 parking spaces, exceeding the parking requirement by five spaces. The 40 parking spaces would be provided in the two-level underground parking garage. Seven long-term bicycle parking spaces would also be provided within the underground parking garage, and six short-term bicycle parking spaces would be located near the building entrances on University Avenue and Kipling Street, for a total of 13 bicycle parking spaces.

The proposed project is designed in accordance with the City's Green Building Ordinance, which requires compliance with California Green Building Code Tier 1 and Green Point rater (for the residential portion) with Local Amendments. The project would use both conventional and sustainable building materials, including a concrete frame, high-efficiency glazing systems, cut stone, glass tile, plaster finishes, abundant day-lighting and sun-shading systems, and an energy-efficient cool roof. The project would also include facilities for carpool/clean air vehicles and electric vehicle charging stations.

The proposed project would involve the removal of four existing street trees on Kipling Street, and the replacement of these trees with four new street trees on Kipling Street. Both of the two existing street trees on University Avenue would be retained.

10. SURROUNDING LAND USES AND SETTING

As shown on Figures 2 and 3, the project site is located on University Avenue in Downtown Palo Alto. The project site is surrounded by primarily two-story buildings with ground floor retail and restaurant spaces on University Avenue and a mix of small-scale commercial/office as well as residential uses on Kipling Street. Located directly across University Avenue from the site is a modern four-story mixed-use office and retail building, with ground floor retail and upper story offices. Larger mixed-use and office buildings are located farther east along University Avenue, including a six-story building and a three-story building on the corner of University Avenue and Cowper Street. The surrounding uses on Kipling Street serve as a transition between the primarily commercial University Avenue and the primarily residential neighborhoods to the north. Lower-intensity commercial/office uses and single-family residential line both sides of Kipling Street. A yoga studio is located behind the project site, accessed from an alley off Kipling Street (the alley is referred to as Lane 30 E). A public surface parking lot is located on Kipling Street, less than a block north of University Avenue, which provides parking for

nearby uses. Another public surface parking lot is located on Cowper Street, between University and Hamilton Avenues.

II. 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 second column in the checklist lists the source(s) for the answer to each question. The sources cited are identified at the end of the checklist. Discussions of the basis for each answer and a discussion of mitigation measures that are proposed to reduce potential significant impacts are included.

A. AESTHETICS

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially degrade the existing visual character or quality of the site and its surroundings?	1, 2, 3			**X**	
b) Have a substantial adverse effect on a public view or view corridor?	1, 3 (Map L4)			**X**	
c) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	1, 3 (Map L4)				**X**
d) Violate existing Comprehensive Plan policies regarding visual resources?	1, 2, 3			**X**	
e) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	1, 2			**X**	
f) Substantially shadow public open space (other than public streets and adjacent sidewalks) between 9:00 a.m. and 3:00 p.m. from September 21 to March 21?	1, 2				**X**

DISCUSSION

The proposed project includes replacing two existing one-story retail buildings with a new four-story mixed-use building. While the proposed project would result in a change in the existing visual character of the site, the project design will be reviewed by the City's Architectural Review Board to ensure that compatibility concerns are addressed and it does not degrade the existing visual character or quality of the site and its surroundings.

The project site is surrounded by primarily mixed-use and commercial buildings along University Avenue, ranging in height from one to six stories. As shown on Figure 5, Elevations, and Figure 6, Perspective Renderings, the proposed building would be larger in scale and mass than some of the adjacent buildings; however, the project would be similar in scale and mass to other buildings in the vicinity along University Avenue in the Downtown area. In addition, the project would not exceed the allowable height (50 feet) for the site.

The design of the building's Kipling Street façade would reflect the smaller scale of the existing development along Kipling Street. The façade would be divided into 25-foot sections consisting of the solid stair element, the glass entry element with recessed residential terrace, and the secondary grid inside the main building form. The third and fourth floors of the building would set back from the alley property line and the Kipling Street property line resulting in a street façade that would appear as a two- to three-story building. The proposed stair element would be located east of the alley and would be buffered from the alley by a landscaped area near the ground-floor entrance adjacent to the alley.

The University Avenue façade is designed to respond not only to the buildings immediately adjacent and west of the subject property but to the taller, higher density development of the University Avenue Commercial District, including the four-story Lululemon Athletica/Accel Partners building located directly across University Avenue. The University Avenue façade would appear to be three stories tall. The fourth floor would be set back 30 feet from the front of the building creating a terrace for use by building occupants and guests. The fourth-floor terrace would extend along the length of the building as would the main three-story building block, giving definition to the street edge and presence to

the building when seen in the context of the street. The main rectangular mass of the building would be elevated so the bottom aligns with the first floor openings of the adjacent buildings along University Avenue. Frameless glass would create display windows and entries that would activate the sidewalk through visual and physical connections. Retention of existing trees along the project site's University Avenue frontage and the planting of new trees along the Kipling Street frontage would soften the views of the new building from public roadways and adjacent uses.

The building would be built within the buildable area of the property and no public views or view corridors would be affected by the proposed building.

The project site is located in a developed area of the City, is not within a state scenic highway; therefore, it would not damage any scenic resources within a state scenic highway.

The Land Use and Community Design Element of the City's Comprehensive Plan includes several policies related to visual resources, including the following:

- Policy L-5: Maintain the scale and character of the City. Avoid land uses that are overwhelming and unacceptable due to their size and scale.
- Policy L-6: Where possible, avoid abrupt changes in scale and density between residential and non-residential areas and between residential areas of different densities. To promote compatibility and gradual transitions between land uses, place zoning district boundaries at mid-block locations rather than along streets wherever possible.
- Policy L-20: Encourage street frontages that contribute to retail vitality in all Centers. Reinforce street corners with buildings that come up to the sidewalk or that form corner plazas.
- Policy L-23: Maintain and enhance the University Avenue/Downtown area as the central business district of the City, with a mix of commercial, civic, cultural, recreational and residential uses. Promote quality design that recognizes the regional and historical importance of the area and reinforces its pedestrian character.
- Policy L-48: Promote high quality, creative design and site planning that is compatible with surrounding development and public spaces.
- Policy L-49: Design buildings to revitalize streets and public spaces and to enhance a sense of community and personal safety. Provide an ordered variety of entries, porches, windows, bays and balconies along public ways where it is consistent with neighborhood character; avoid blank or solid walls at street level; and include human-scale details and massing.

As described above, the proposed project would comply with the height and setback requirements for the project site. In addition, the project has been designed to blend into the existing development on both Kipling Street and University Avenue. The proposed building design recognizes that the uses along Kipling Street are smaller in scale and lower in intensity than those on University Avenue, and the project design responds to the adjacent uses by minimizing the appearance of an abrupt change in scale between the two areas. The University Avenue frontage would create an inviting retail environment and provide a pleasant pedestrian experience, thereby enhancing the University Avenue/Downtown area as the City's central business district. In addition, as described above, the proposed building design would activate the sidewalk through the use of human-scale architectural details and frameless glass windows on the ground floor.

The project site is currently developed with retail uses, which include sources of light and glare. Uses associated with the proposed structure would not create a substantial amount of additional lighting and glare. Glare is defined as a light source in the field of vision that is brighter than the eye can comfortably accept. Squinting or turning away from a light source is an indication of glare. Glare can result from sunlight or from artificial light

reflecting off building exteriors, such as glass windows or other highly reflective surface materials. Glare is particularly associated with high light intensity. It can be reduced by design features that block direct line of sight to the light source and that direct light downward, with little or no light emitted at high (near horizontal) angles, since this light would travel long distances. Cutoff-type light fixtures minimize glare because they emit relatively low-intensity light at these angles. Glare resulting from sunlight reflecting off building exteriors can be reduced with design features that use low-reflective glass and exterior materials and colors that absorb rather than reflect light.

The proposed building would increase the number and surface area of windows compared to the existing building. The Kipling Street frontage faces northeast and has limited direct sunlight exposure, while the University Avenue frontage faces southeast and receives more sunlight exposure. At the street level along these frontages, the project proposes a series of storefront system windows with canopies over the entrances. On the second floor, windows would also be provided on these frontages and would be shaded by canopies to reduce glare. The third floor would be set back from the building façade on the University Avenue frontage and Lane 30 E, creating a large overhang that would shade windows along this side. The fourth floor would be set back even farther along University Avenue, such that glare from windows would not be visible from the street. The Kipling Street frontage would receive less sunlight exposure and the windows on this side of the building are not anticipated to create substantial glare.

The primary use of exterior building lighting would be to ensure safety at building entrances. Exterior building lighting is proposed at the rear entrance of the building on Lane 30, as well as within the ramp to the underground parking level. This lighting would be controlled to minimize spillover beyond the project site property lines. The project is also required to meet the City's lighting standards, including PAMC Section 18.23.030, which establishes that "Exterior lighting in parking areas, pathways and common open space shall be designed to achieve the following: (1) provide for safe and secure access on the site, (2) achieve maximum energy efficiency, and (3) reduce impacts or visual intrusions on abutting or nearby properties from spillover and architectural lighting that projects upward." PAMC Section 18.23.030 also requires that "lighting of the building exterior, parking areas and pedestrian ways should be of the lowest intensity and energy use adequate for its purpose, and be designed to focus illumination downward to avoid excessive illumination above the light fixture."

Although the project would result in increased building height compared to the existing buildings, which could increase shading, there are no adjacent public spaces other than streets and sidewalks that would be affected by additional shadows. Specifically, the proposed building would increase shading on Kipling Street and Lane 30 E, which are public streets.

The project is subject to design review and approval by the City through the Architectural Review process, which ensures compliance with City standards to promote visual environments that are of high aesthetic quality and variety and which, at the same time, are considerate of each other. Therefore, for the reasons described above, aesthetic impacts would be less than significant.

Mitigation Measures
None required.

B. AGRICULTURAL RESOURCES

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

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	1, 3				**X**
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	1, 3 (Map L9), 4				**X**
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)[1]) or timberland (as defined in Public Resources Code section 4526[2])?	1, 4				**X**
d) Result in the loss of forest land or conversion of forest land to non-forest use?	1				**X**
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	1				**X** **X**

DISCUSSION

As reflected in the Comprehensive Plan, the project site is located in a developed urban area in Downtown Palo Alto and does not contain and land designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the Santa Clara County Important Farmland map prepared for the Farmland Mapping and Monitoring Program of the California Department of Conservation (2011). The site is not zoned for agricultural use, and is not subject to any Williamson Act contracts. The project site is within a fully developed urban area and does not support forest or timberland. No impacts to agricultural and forestry resources would occur.

Mitigation Measures

None required.

[1] California Public Resources Code 12220(g): "Forest land" is land that can support 10% native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources**,** including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.

[2] California Public Resources Code 4526: "Timberland" means land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees. Commercial species shall be determined by the board on a district basis after consultation with the district committees and others.

C. AIR QUALITY

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct with implementation of the applicable air quality plan?	1, 2, 6				**X**
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation indicated by the following:					
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})?	1, 2, 6			**X**	
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)?	1, 2, 6, 17			**X**	
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)?	1, 2, 6			**X**	
d) Expose sensitive receptors to substantial levels of toxic air contaminants?	1, 2				**X**
i. Probability of contracting cancer for the Maximally Exposed Individual (MEI) exceeds 10 in one million?	1, 2				**X**
ii. Ground-level concentrations of non-carcinogenic TACs would result in a hazard index greater than one (1) for the MEI?	1, 2				**X**

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Create objectionable odors affecting a substantial number of people?	1, 2				**X**
f) Not implement all applicable construction emission control measures recommended in the *Bay Area Air Quality Management District CEQA Guidelines*?	1, 2			**X**	

DISCUSSION

The project site is located in the Santa Clara Valley, which is part of the San Francisco Bay Area Air Basin. The Bay Area Air Quality Management District (BAAQMD) has the primary responsibility for ensuring that the San Francisco Bay Area Air Basin attains and maintains compliance with federal and state ambient air quality standards. The BAAQMD regulates air quality through its permit authority over most types of stationary emissions sources and through its planning and review process. The California ambient air quality standards are generally more stringent than federal standards.

The federal and state Clean Air Acts define allowable concentrations of six air pollutants, which are referred to as "criteria air pollutants." When monitoring indicates that a region regularly experiences air pollutant concentrations that exceed those limits, the region is designated as nonattainment and is required to develop an air quality plan that describes air pollution control strategies to be implemented to reduce air pollutant emissions and concentrations.

The San Francisco Bay Area Air Basin is designated nonattainment for the federal 8-hour ozone (O_3) standard. The area is in attainment or unclassified for all other federal standards. The area is designated nonattainment for state standards for 1-hour and 8-hour O_3, 24-hour coarse particulate matter (PM_{10}), annual PM_{10}, and annual fine particulate matter ($PM_{2.5}$). To address the region's nonattainment status, the BAAQMD adopted the *Bay Area 2005 Ozone Strategy* (BAAQMD 2006) and the *Bay Area 2010 Clean Air Plan* (BAAQMD 2010a), which is an update to the 2005 document and provides "an integrated, multi-pollutant strategy to improve air quality, protect public health, and protect the climate." The 2010 plan addresses O_3, $PM_{2.5}$ and PM_{10}, air toxics, and greenhouse gases (GHGs). The 2010 plan identifies a number of control measures to be adopted or implemented to reduce emissions of these pollutants. As the proposed project is consistent with the land use and zoning designations for the project site, it is consistent with the *Bay Area 2010 Clean Air Plan*.

The BAAQMD has adopted California Environmental Quality Act (CEQA) air quality guidelines (2010 BAAQMD Guidelines; BAAQMD 2010b) that establish air pollutant emission thresholds that identify whether a project would violate any applicable air quality standards or contribute substantially to an existing or projected air quality violation. Compared with the previous set of guidelines adopted in 1999, the 2010 BAAQMD Guidelines lower the level of pollutant emissions and health risk impacts that are considered a significant environmental impact. The BAAQMD's adoption of the thresholds has been challenged in court. However, the litigation is procedural in nature and does not assert that the BAAQMD failed to provide substantial evidence to support its adoption of these thresholds. Because the 2010 thresholds are more conservative than the BAAQMD's prior thresholds, this impact analysis is based on the 2010 BAAQMD Guidelines.

The 2010 BAAQMD Guidelines also establish screening criteria based on the size of a project to determine whether detailed modeling to estimate air pollutant emissions is necessary. Table 1 lists several examples of screening levels set by the 2010 BAAQMD Guidelines.

Table 1
BAAQMD Screening Criteria

Land Use Type	Construction Related Screening Size	Operational Criteria Air Pollutant Emissions Screening Size*
General office building	277,000 sf (ROG)	346,000 sf (NO_x)
Office park	277,000 sf (ROG)	323,000 sf (NO_x)
Regional shopping center or strip mall	277,000 sf (ROG)	99,000 sf (NO_x)
Quality restaurant	277,000 sf (ROG)	47,000 sf (NO_x)
Single-family residential	114 du (ROG)	325 du (ROG)
Apartment, low-rise, or condo/townhouse, general	240 du (ROG)	451 du (ROG)
City park	67 acres (PM_{10})	2,613 acres (ROG)
Daycare center	277,000 sf (ROG)	53,000 sf (NO_x)

Source: BAAQMD 2010b, Table 3-1.
Notes: sf = square feet; ROG = reactive organic gas; NO_x = oxides of nitrogen; PM_{10} = coarse particulate matter; du = dwelling units.
* If the project size is less than the screening size, the project would have less than significant impacts. If the project size is greater than the screening size, detailed project-specific modeling is required.

Construction Emissions

The project would result in a net increase of 8,774 square feet of commercial and office space and four new dwelling units; this is substantially below the screening thresholds of 277,000 square feet (office or regional shopping center/strip mall space) and 240 dwelling units (apartment, low-rise or condo/townhouse, general) for construction emissions. While the project size is less than the screening criteria size for construction, the project would require demolition of existing buildings. The BAAQMD 2010 Guidelines recommend that the screening criteria should not be applied to projects that include demolition. Therefore, project-specific modeling of construction emissions has been completed using the California Emissions Estimator Model (CalEEMod) Version 2013.2.2. Table 2 presents the estimated air pollutant emissions for each construction phase; the CalEEMod output results are included as Appendix B.

As shown in Table 2, emissions during each construction phase would remain below the BAAQMD threshold, which is 54 pounds per day. Further, the project would implement all of the construction emission control measures as identified in Table 8-2 of the BAAQMD 2010 Guidelines recommended for all proposed projects, as required by the City of Palo Alto standard conditions of approval. Therefore, impacts would be less than significant.

Table 2
Proposed Project Construction Emissions by Phase

Phase	ROG	NO_x	CO	PM_{10}	$PM_{2.5}$
	(maximum pounds per day)				
Demolition	1.62	14.21	10.98	2.56	1.94
Excavation	2.95	35.30	23.50	3.15	1.86
Building construction	1.62	15.25	10.26	1.22	0.99
Parking structure paving	1.29	11.64	8.50	0.90	0.72
Architectural coatings	28.48	2.59	2.11	0.25	0.22

Source: Air Quality Modeling Results (see Appendix B).
Notes: ROG = reactive organic gas; NO_x = oxides of nitrogen; CO = carbon monoxide; PM_{10} = coarse particulate matter; $PM_{2.5}$ = fine particulate matter.

Operational Emissions
The project would result in a total of 20,407 square feet of retail and office space, which is a net increase of 8,774 square feet compared to the existing conditions. In addition, four new dwelling units would be constructed. This total increase in development is substantially below the screening thresholds of 346,000 square feet (office space), 99,000 square feet (regional shopping center or strip mall), and 451 dwelling units (apartment, low rise or condo/townhouse, general) for operational emissions (see Table 1). As the project is substantially smaller than the screening criteria size, emissions of criteria air pollutants associated with operation of the proposed project would remain below the BAAQMD thresholds. Project operation would not result in emissions that violate any applicable air quality standards, contribute substantially to an existing or projected air quality violation, or conflict with the air quality plan; impacts would remain less than significant.

Cumulative Impacts
As discussed above, the San Francisco Bay Area Air Basin is currently designated as a nonattainment area for state and national O_3 standards and state PM_{10} and $PM_{2.5}$ ambient air quality standards. The San Francisco Bay Area Air Basin's nonattainment status is attributed to the region's development history. Past, present, and future development projects contribute to the region's adverse air quality impacts on a cumulative basis. As described in the BAAQMD 2010 Guidelines, "by its very nature, air pollution is largely a cumulative impact. No single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. If a project's contribution to the cumulative impact is considerable, then the project's impact on air quality would be considered significant" (BAAQMD 2010b). Because operation of the proposed project would not result in emissions that violate any applicable air quality standards or contribute substantially to an existing or projected air quality violation, the project would result in a less than significant cumulative impact.

Mitigation Measures
None required.

D. BIOLOGICAL RESOURCES

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	1, 2, 3 (Map N1), 11				**X**
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?	1, 2, 3 (Map N1)				**X**
c) Interfere substantially with the movement of any native resident or migratory fish or	1, 2				**X**

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?					
d) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or as defined by the City of Palo Alto's Tree Preservation Ordinance (Municipal Code Section 8.10)?	1, 2, 3, 5		**X**		
e) Conflict with any applicable Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	1				**X**

DISCUSSION

The proposed project is located on a parcel that is almost entirely developed with existing buildings and paved parking, which would be removed to accommodate the project. Due to its developed nature, the site does not support sensitive habitats and has a very low potential to support candidate, sensitive, and special-status species. The site is not subject to any habitat conservation plans.

The project site supports trees protected by Palo Alto's Tree Preservation and Management Regulations. The PAMC 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. Three categories within the status of regulated trees include protected trees, street trees, and designated trees. As documented in the Tree Survey Report prepared for the site by Davey Resource Group (provided in Appendix A), the site includes six street trees, two in bulb-outs into the parking area along University Avenue and four in the sidewalk along Kipling Street. These trees were determined to be in poor to fair condition. The proposed project includes the retention of the two existing street trees on University Avenue (London plane trees (*Platanus x acerifolia*)), removal of four existing street trees on Kipling Street (two ornamental pears (*Pyrus calleryana*) and two carob trees (*Ceratonia siliqua*)), and the replacement of these trees with four new street trees. Construction of the project could impact the two trees to be retained on University Avenue if the trees are not properly protected. In addition, removal of the four street trees on Kipling Street would result in a significant impact if not completed in accordance with requirements for tree removal and replacement; therefore, mitigation is provided to ensure that these potential impacts remain below a level of significance.

Mitigation Measures

Mitigation Measure BIO-1: The following measures shall be implemented to reduce impacts to protected trees:

- City of Palo Alto (City)-approved Modified Type III fencing shall be installed for the two street trees to be retained along University Avenue. City-approved tree protection signs shall be posted on all fencing.
- Soil conditions for the four new trees to be planted along Kipling Street shall be improved by preparing a planting area at least 6 feet square for each tree and installing Silva Cells to reduce compaction. The Silva Cells shall be filled with proper soil amendments and growing medium as determined by the City Arborist.
- Unless otherwise approved, each new tree shall be provided with 1,200 cubic feet of rootable soil area, utilizing Standard Drawing #604/513. Rootable soil is defined as compaction less than 90% over the area, not including sidewalk base areas.

- Two bubbler drip irrigation units shall be installed for each new tree to adequately water the new planting area.
- New sidewalk shall be installed such that the final planting space opening is at least 5 feet by 5 feet for each new tree.
- Kiva tree grates shall be used around each new tree.
- Replacement tree size shall be a 36-inch box, properly structured nursery stock.
- Based on growth habit and proven performance, *Ginkgo biloba* "Autumn Gold" is highly recommended for the replacement trees. Other tree species may be approved by the City Arborist.
- All work within the Tree Protection Zone, including canopy pruning of protected trees, shall be supervised by a Certified Arborist approved by the City.

Significance after Mitigation
Less than significant.

E CULTURAL RESOURCES

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Directly or indirectly destroy a local cultural resource that is recognized by City Council resolution?	1, 7			**X**	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?	1, 3 (Map L8), 7		**X**		
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	1, 3 (Map L8)				**X**
d) Disturb any human remains, including those interred outside of formal cemeteries?	1, 3 (Map L8), 7		**X**		
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?	1, 3 (Map L7), 8				**X**
f) Eliminate important examples of major periods of California history or prehistory?	1, 7, 8				**X**

DISCUSSION

The proposed project involves excavation and construction activities within a fully developed and previously disturbed site. The Palo Alto Comprehensive Plan map of archaeologically sensitive areas (Figure L-8, Archaeological Resource Areas) indicates that the project site falls within an area of "Moderate Sensitivity" based on topographic setting, including proximity to major drainages, and potential to encounter undocumented subsurface archaeological deposits. A Northwest Information Center (NWIC) records search records search was conducted by Dudek on September 25, 2014 and found that no cultural resources have been recorded in the project site (see Appendix C). The only archaeological site identified within the 0.5-mile radius of the project site as a result of the records search is CA-SCL-598. This site was first identified in 1922 and was described as a

"mine" of bones encountered 10 feet below the surface, including the skeleton of one adult human. Because no associated artifacts were reported and no additional details about the find were reported, the context of the find is not clear. An extended history of past disturbance suggests that there is a very low potential for encountering intact subsurface cultural deposits. Based on these findings, potential for the inadvertent discovery of subsurface archaeological or historical resources at the project site is very low. However, there is the potential to discover unknown cultural resources during site excavation. In the event any archaeological or human remains are discovered on the site, impacts would be potentially significant. Implementation of Mitigation Measure CUL-1 would ensure that impacts remain less than significant by ensuring appropriate evaluation, recordation, and protection procedures are undertaken.

Historical architectural evaluations were prepared by Preservation Architecture for the existing buildings located on the project site to determine the potential for listing on the California Register of Historical Resources (CRHR) (see Appendix D). The existing building at 429 University Avenue, which was built in 1927, has not been identified as a potential historical resource by the City or the state, nor is the building included in a historic district. Moreover, no architect, engineer, designer or builder of the original building has been identified. The exterior of the building has been extensively altered over time, such that the original façade and storefronts are entirely lost, and the architectural building form has lost its characteristic design and material integrity. The historical evaluation determined that the building does not have historical architectural or historical resource potential and is therefore not eligible for listing on the CRHR.

The existing building at 425 University Avenue was constructed circa 1937 and has since been used for office and commercial uses. The original architects of the building at 425 University Avenue, Birge M. Clark and David B. Clark of Palo Alto, are recognized as local masters. However, the exterior of the building has been extensively altered over time, including the complete loss of the original façade and storefront. The building was evaluated for historical resource eligibility and although the building has the potential for significance under the CRHR, the loss of integrity of the structure renders it ineligible for listing on the CRHR.

Since the project site does not include any eligible historical resources or examples of major periods of California history or prehistory, no impacts to historical resources would occur.

Mitigation Measures

Mitigation Measure CUL-1: Prior to commencement of site clearing and project grading, the project applicant shall retain a qualified archaeologist to train construction personnel regarding how to recognize cultural resources (such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains) that could be encountered during construction activities. If artifacts or unusual amounts of shell or bone or other items indicative of buried archaeological resources or human remains are encountered during earth disturbance associated with the proposed project, the on-site contractor shall immediately notify the City of Palo Alto (City) and the Native American Heritage Commission as appropriate. All soil-disturbing work shall be halted within 100 feet of the discovery until a qualified archaeologist, as defined by the California Environmental Quality Act (CEQA) Guidelines (14 CCR 15000 et seq.) and the City, completes a significance evaluation of the finds pursuant to Section 106 of the National Historic Preservation Act. Any human remains unearthed shall be treated in accordance with California Health and Safety Code, Section 7050.5, and California Public Resources Code, Sections 5097.94, 5097.98, and 5097.99, which include requirements to notify the Santa Clara County Medical Examiner's office and consult with Native American representatives determined to be the Most Likely Descendants, as appointed by the Native American Heritage Commission. Identified cultural resources shall be recorded on State Department of Parks and Recreation Form 523 (archaeological sites). Mitigation measures prescribed by the Native American Heritage Commission, the Santa Clara County Medical Examiner's office, and any Native American representatives determined to be the Most Likely Descendants and required by the City shall be undertaken before construction activities are resumed. If disturbance of a project area cultural resource cannot be avoided, a mitigation program, including measures set forth in the City's Cultural Resources Management Program and in compliance with Sections 15064.5 and 15126.4 of the CEQA Guidelines, shall be implemented.

Significance after Mitigation
Less than significant.

F. GEOLOGY, SOILS, AND SEISMICITY

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
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?	9				**X**
ii) Strong seismic ground shaking?	3 (Map N-10), 9			**X**	
iii) Seismic-related ground failure, including liquefaction?	3 (Map N5), 12				**X**
iv) Landslides?	3 (Map N5)				**X**
b) Result in substantial soil erosion or the loss of topsoil?	1, 9			**X**	
c) Result in substantial siltation?	1				**X**
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?	3 (Map N5), 9				**X**
e) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	3 (Map N5), 9				**X**
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				**X**
g) Expose people or property to major geologic hazards that cannot be mitigated through the use of standard engineering design and seismic safety techniques?	2, 9				**X**

DISCUSSION

Murray Engineers Inc. (Murray Engineers) prepared a geotechnical investigation report for the project site in September 2013 (see Appendix E). The geotechnical report identifies potential geologic hazards that may affect the project site and presents recommendations for design and construction of the project. Given the project site's location in a seismically active area, there is potential for severe ground shaking during an earthquake. High levels of ground shaking during potential future earthquakes and soil conditions that may be unsuitable to support construction-related excavations and site improvements are typical issues of concern related to development in seismically active areas. These issues are routinely encountered in California, and there is no evidence that unique or unusual geologic hazards are present on site (e.g., mapped landslide, collapsible soils, lateral spread) that would require additional mitigation beyond what is already required as part of the City's standard development approval processes.

Seismic ground shaking and the presence of adverse soil conditions would be addressed through required compliance with the California Building Code (and local amendments) as well as incorporation of geotechnical recommendations into the project's construction and design plans. The geotechnical report indicates the project site is located in an area where there have been historical occurrences of earthquake-induced liquefaction and there is the potential for "permanent earthquake-induced ground displacement." The Association of Bay Area Governments indicates the site is in an area with a moderate chance of liquefaction. However, there are no active or potentially active faults that cross the project site, and the project site is not located within an Alquist-Priolo Fault Zone (USGS 2013). The closest active fault is the San Andreas Fault, which is located approximately 5.7 miles southwest of the site. It is the opinion of Murray Engineers that the potential for fault rupture at the site is very low. The project site is flat and is not located in an area susceptible to landslides. The geotechnical report did not indicate that there are expansive soils, corrosive soils, and/or soils subject to settlement present.

Soils found on the project site consist of layers of fine- and coarse-grained alluvium to a depth of 45 feet. The upper approximately 5 to 8 feet consist of very stiff to hard surficial silty clay, underlain by 4 to 6 feet of medium dense to very dense gravelly to silty sand, and then underlain by 20 to 25 feet of very stiff silty clay. The clay is underlain by medium dense to very dense clayey to silty sand to a depth of 45 feet. Murray Engineers conducted additional soil testing to determine the likelihood of liquefaction occurring. Based on their analysis, the silty sand was determined to be very dense and therefore likely too dense to be considered liquefiable. In addition, the report concluded the "site should have a sufficiently thick and relatively dense, non-liquefiable layer above the groundwater table capping the potentially liquefiable layers at greater depths to mitigate the potential for sand boils or surface venting during an earthquake."

All new construction is subject to the earthquake design parameters contained in Chapter 16, Section 1613, of the 2013 California Building Code, directed at minimizing seismic risk and preventing loss of life and property in the event of an earthquake. In addition, the City's standard conditions of approval will ensure that potential impacts on erosion and soil remain less than significant. These conditions require the applicant to submit a final grading and drainage plan subject to review by the Department of Public Works prior to issuance of any grading and building permits. Requirements and standards of adequacy for the grading and drainage plans are contained in the PAMC.

The project site would be connected to the City's sewer system and would not involve use of septic tanks. Impacts to geologic resources and soils and impacts associated with geologic hazards would be less than significant.

Mitigation Measures

None required.

G. GREENHOUSE GAS EMISSIONS

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Impacts	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	2, 6			X	
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	2, 6			X	

DISCUSSION

In 2006, the State of California enacted Assembly Bill (AB) 32, the Global Warming Solutions Act. AB 32 requires reducing statewide GHG emissions to 1990 levels by 2020. The state's plan for meeting the reduction target is outlined in the California Air Resources Board (CARB) *Climate Change Scoping Plan* (2008 Scoping Plan; CARB 2008).

CARB's 2008 Scoping Plan fact sheet states, "This plan calls for an ambitious but achievable reduction in California's carbon footprint—toward a clean energy future. Reducing greenhouse gas emissions to 1990 levels means cutting approximately 30% from business-as-usual emissions levels projected for 2020, or about 15% from today's levels. On a per-capita basis, that means reducing annual emissions of 14 tons of carbon dioxide for every man, woman and child in California down to about 10 tons per person by 2020." CARB's GHG emissions inventory report found the total statewide GHG emissions in 2011 were equivalent to 448.1 million tons of CO_2 (CARB 2013). Compared with the emissions in 2001, this is a 6% decrease.

As described in Section C, Air Quality, the BAAQMD adopted the BAAQMD 2010 Guidelines, which establish screening criteria based on the size of a project to determine whether detailed modeling to estimate GHG emissions is necessary (BAAQMD 2010b). Projects that are smaller than the GHG screening criteria size are considered to have less than significant GHG emissions and would not conflict with existing California legislation adopted to reduce statewide GHG emissions. Table 3 presents GHG screening level examples taken from the BAAQMD 2010 Guidelines.

Table 3
BAAQMD Operational GHG Screening Criteria

Land Use Type	Operational GHG Screening Size*
Single-family residential	56 du
Apartment, low-rise or condo/townhouse, general	78 du
Apartment, mid-rise	87 du
Condo/townhouse, general	78 du
Regional shopping center	19 ksf
Strip mall	19 ksf
Hardware/paint store	16 ksf
Daycare center	11,000 sf
General office building	53,000 sf
Medical office building	22,000 sf
Office park	50,000 sf
Quality restaurant	9,000 sf

Source: BAAQMD 2010b, Table 3-1, Operational-Related Criteria Air Pollutant and Precursor Screening Level Sizes.
Notes: GHG = greenhouse gas; du = dwelling unit; sf = square feet.
* If the project size is less than the screening size, the project would have less than significant impacts. If the project is greater than the screening size, detailed project-specific modeling is required.

The project would result in a net increase of 8,774 square feet of commercial and office space along with four new dwelling units; this is substantially below the BAAQMD screening thresholds of 53,000 square feet (office space), 19,000 square feet (commercial space) and 78 dwelling units (condo/townhouse) for operational GHG emissions. As the project is substantially smaller than the screening criteria size, GHG emissions associated with operation of the proposed project would remain below the BAAQMD thresholds. In addition, the project would comply with the green building requirements identified in Chapter 16.14 of the PAMC, including attainment of a minimum Build It Green score of 70 for the residential portion of the project. Project operation would not result in GHG emissions that would significantly affect the environment or conflict with applicable plans, policies, or regulations adopted for the purpose of reducing GHG emissions. The project would have less than significant impacts related to GHG emissions.

Mitigation Measures
None required.

H. HAZARDS AND HAZARDOUS MATERIALS

*Note: Some of the thresholds can also be dealt with under a topic heading of **Public Health and Safety** if the primary issues are related to a subject other than hazardous material use*.

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routing transport, use, or disposal of hazardous materials?	1, 2, 10, 11, 12		**X**		
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?	1, 2, 10, 11, 12		**X**		
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	1, 2				**X**
d) Construct a school on a property that is subject to hazards from hazardous materials contamination, emissions or accidental release?	1				**X**
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?	1, 2, 10, 11, 12				**X**
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?	1				**X**

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
g) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working the project area?	1				**X**
h) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	1, 3 (Map N7)				**X**
i) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	3 (Map N7)				**X**
j) Create a significant hazard to the public or the environment from existing hazardous materials contamination by exposing future occupants or users of the site to contamination in excess of soil and ground water cleanup goals developed for the site?	1, 2, 10, 11, 12				**X**

DISCUSSION

Phase I environmental site assessments (ESAs) were prepared for the project site and include a general assessment of the nature and extent of past activities, if any, on the site that could have used hazardous materials, and whether the site appears to have evidence of soils or groundwater contamination. A Phase I ESA was prepared for the commercial buildings located at 429, 435, 441, and 447 University Avenue by Professional Service Industries Inc. in August 1999. In June 2010 an environmental transaction screen (ETS) for buildings located at 429–447 University Avenue was prepared by AEI to identify any potential environmental issues associated with past and present activities in the handling, storage, or disposal of hazardous materials. In addition, a follow-up Phase I ESA was prepared for 425 University Avenue and 450 Kipling Street[3] by Transaction Management Corporation (TMC) in April 2014. The Phase I ESAs and ETS are included in Appendix F. Both of the Phase I ESAs and the ETS report indicate that due to the age of the buildings there is the potential for asbestos-containing materials (ACMs) and lead-based paint to be present. TMC recommends preparation of an operations and maintenance plan for ACMs given the potential for occurrence in the 425 University Avenue building. The 2014 Phase I ESA indicates that the property at 425 University Avenue is not on any state or federal list of potentially hazardous sites. In addition, the 2010 ETS and the 1999 Phase I ESA indicate that the project site does not contain a recognized environmental condition, as defined by the American Society for Testing and Materials (ASTM). Both reports conclude there also is no evidence of a recognized environmental condition off site that could impact the project site. In addition, the project site is not listed on the Spills, Leaks, Investigations, and Cleanups database and there was no evidence of soil or groundwater contamination.

The project involves the demolition of two buildings and construction of a new building. Demolition activities could release hazardous building materials into the air. Construction equipment accessing the site would use hazardous and/or flammable materials including diesel fuel, gasoline, and other oils and lubricants. During project construction, there is the potential for the short-term use of hazardous materials/fuels; however, the use, storage, transport, and disposal of these materials would be required to comply with all existing local, state, and federal regulations. Operation of the proposed project would not include any uses that would require the transport, handling, or disposal of hazardous materials, other than typical household and landscaping materials. The types

[3] 450 Kipling Street is not part of the project.

and quantities of these common household chemicals would not be substantial and would not pose a health risk to residents of the project or any adjacent uses.

Groundwater was identified in the geotechnical investigation at depth of approximately 33.5 to 35 feet below existing grade level. It is not anticipated that construction of the subsurface garage would require dewatering due to the depth of groundwater; however, if required, the project applicant would comply with standard conditions of the City's architectural review process, which require special procedures for dewatering. Specifically, the City's Public Works Department, Water Quality Control Plan section, would require that prior to discharge of any water from construction dewatering, the water be tested for volatile organic compounds (VOCs; including ROGs) using U.S. Environmental Protection Agency Method 601/602. The analytical results of the VOC testing shall be transmitted to the San Francisco Bay Regional Water Quality Control Board (RWQCB). If the concentration of any VOC exceeds 5 micrograms per liter (5 parts per billion), the water may not be discharged to the storm drain system and an Exceptional Discharge Permit for discharge to the sanitary sewer must be obtained from the RWQCB prior to discharge. Additionally, any water discharged to the storm drain system is required to be free of sediment.

Based on the construction date of the existing buildings (1927), it appears that the buildings may contain ACMs and may contain lead-based paints. Lead-based paints could also be present and the light ballasts may be a source of polychlorinated biphenyls (PCBs). Therefore, demolition of the existing buildings could result in hazards related to the release or disposal of these hazardous materials. Mitigation Measure HAZ-1 would require surveys and proper disposal methods to ensure that impacts remain less than significant.

There are no existing or proposed schools within one-quarter mile of the project site. The nearest school, Addison Elementary School, is located approximately 0.7 mile southwest of the project site. Therefore, no impacts to schools associated with hazardous materials at the project site would occur.

There are no airports within 2 miles of the project site. The nearest airport is the Palo Alto Airport, which is located approximately 3.3 miles northeast of the site. Therefore, no impact related to safety hazards associated with aircraft would occur.

The proposed project would not impair or interfere with the City's Emergency Operations Plan. The nearest evacuation route to the project site is University Avenue. The project would not result in any changes to this evacuation route, would not substantially increase traffic or roadway congestion such that use of the evacuation route would be hindered, and would not otherwise impair implementation of the City's Emergency Operations Plan. Therefore, no impact related to emergency response or evacuation would occur.

The project site is located in a developed urban area that is not identified as a high or medium fire hazard area in the City's Comprehensive Plan. Therefore, no impact related to fire risks would occur.

Mitigation Measures

Mitigation Measure HAZ-1: Prior to building demolition, the project applicant shall demonstrate to the satisfaction of the City of Palo Alto that a survey of the existing buildings has been conducted by a qualified environmental specialist who meets the requirements of the current U.S. Environmental Protection Agency regulations for suspected lead-containing materials (LCMs), including lead-based paint/coatings; asbestos containing materials (ACMs); and the presence of polychlorinated biphenyls (PCBs). Any demolition activities likely to disturb LCMs or ACMs shall be carried out by a contractor trained and qualified to conduct lead- or asbestos-related construction work. If found, LCMs and ACMs shall be disposed of in accordance with state and federal regulations, including the EPA's Asbestos National Emissions Standards for Hazardous Air Pollutants, the Cal-OSHA Construction Lead Standard (CCR Title 8, Section 1432.1), and California Department of Toxic Substances Control and EPA requirements for disposal of hazardous waste. If PCBs are found, these materials shall be managed in accordance with the Metallic Discards Act of 1991 (California Public Resources Code, Sections 42160–42185) and other state and federal guidelines and regulations. Demolition plans and contract specifications shall incorporate any necessary abatement measures in compliance with the Metallic Discards Act,

particularly Section 42175, Materials Requiring Special Handling, for the removal of mercury switches, PCB-containing ballasts, and refrigerants.

Level of Significance after Mitigation
Less than significant.

I. HYDROLOGY AND WATER QUALITY

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	1, 2, 3, 13, 14			**X**	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	1, 2, 3 (Map N2), 13, 14			**X**	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	1, 2, 13, 14			**X**	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	1, 2, 13, 14			**X**	
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	1, 2, 13, 14			**X**	
f) Otherwise substantially degrade water quality?	1, 2, 13, 14			**X**	
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	1, 3 (Map N6)				**X**
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	1, 3 (Map N6)				**X**
i) Expose people or structures to a significant risk of loss, injury or death involve flooding, including flooding as a result of the failure of a levee or dam or being located within a 100-year flood hazard area?	1, 3 (Map N8)				**X**
j) Inundation by seiche, tsunami, or mudflow?	1, 3 (Map N6)				**X**

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
k) Result in stream bank instability?	1, 2				**X**

DISCUSSION

The project site is fully developed, and the proposed project would not substantially change the amount of impervious surface area on the project site, nor would the project rely on groundwater for its water supply. With the exception of some street trees on University Avenue and Kipling Street, the existing site is composed of buildings and paved surface parking lots and thus is largely impervious. According to the Impervious Area Worksheet for Land Developments (included as Appendix G to this document) prepared for the project, the project site currently contains 11,000 square feet of impervious surface with the existing buildings and parking lot area. The project is proposing to maintain the same development footprint (0.252 acre). The project would not alter existing grades in the area and would not change drainage patterns or lead to increased erosion or sedimentation of nearby waterways. Groundwater was identified at a depth of approximately 33.5 to 35 feet below existing grade level.

In addition, stormwater runoff water quality is regulated by the National Pollutant Discharge Elimination System (NPDES) Program to control and reduce pollutants to water bodies from surface water discharge. Locally, the NPDES project is administered by the Bay Area Regional Water Quality Control Board (RWQCB). The RWQCB worked with cities and counties throughout the region to prepare and adopt a Regional Municipal Stormwater Permit. This Regional Permit identifies minimum standards and provisions that the City of Palo Alto, as a permitee, must require of new development and redevelopment projects within the city limits. Compliance with the NPDES Permit is mandated by state and federal statutes. The proposed project would be required to comply with all city, state, and federal standards pertaining to stormwater run-off and water quality.

Under the Regional Municipal Stormwater Permit, the San Francisco Bay RWQCB generally requires new development projects to implement Low Impact Design (LID) techniques to treat stormwater runoff. However, the regional permit also allows LID treatment reduction credits for three categories of "smart growth" projects – urban infill, high-density, and transit oriented development projects. These are called "Special Projects" in the regional permit, and are approved for reductions in the requirements for LID treatment in recognition of the fact that smart growth development projects can either reduce existing impervious surfaces or create less "accessory" impervious areas and automobile-related pollutant impacts. The RWCQB recognizes that these types of projects have inherent water quality and other environmental benefits. The project applicant has applied for and obtained a *C.3 Special Project Category A* determination based on the following: the project would preserve or enhance a pedestrian-oriented type of urban design, would be located in a Commercial downtown zone, would replace less than 0.5 acre of impervious surface area, would have minimal surface parking, and more than 85% of the site would be covered by the proposed building. Due to the small project site and its location in a developed urban commercial corridor, it would not be feasible to construct grassy swales or other LID features to treat stormwater. There is not sufficient space to accommodate biotreatment facilities or to route runoff to an appropriate discharge point.

Since the project meets the criteria listed above, the project would receive 100% LID treatment reduction credit and be allowed to treat 100% of the amount of storm water runoff with non-LID treatment measures. Stormwater runoff from the site would be collected and piped to a mechanical device (manufactured by Contech Stormwater Solutions) which is an accepted storm filter treatment facility. The mechanical device would be located onsite and stormwater runoff would be treated prior to flowing by gravity into the street and ultimately into the City's storm drain system. The applicant would also be required to enter into a maintenance agreement with the City to guarantee that the project provide the required maintenance and/or replacement of the device for the life of the project. By providing approved and appropriate stormwater runoff collection and conveyance, and ensuring long-

term maintenance of the collection and conveyance infrastructure, the project would have less than significant impacts related to violating water quality standards or contributing substantial additional sources of polluted runoff.

The proposed project includes a subsurface garage with a maximum depth of 27 feet below grade. Reducing the number of exposed parking spaces also reduces the potential for stormwater to carry pollutants such as litter and/or leaking motor fluids. Due to the depth of groundwater, dewatering is not anticipated; however, due to fluctuations in groundwater it is possible that construction activities could encounter groundwater. Since the garage would be designed to be watertight and no permanent dewatering system would be required, it is expected that the impact to groundwater flow would be less than significant.

The nearest surface water in the vicinity of the project site is San Francisquito Creek, located approximately 0.5 mile west of the site. Stormwater runoff is directed toward storm drain grates located in one covered parking space and in the adjacent alleyway that parallels the northwest boundary of the project site.

The project site is located within Zone X on the Flood Insurance Rate Map Panel No. 06085C0010H (FEMA 2009). This indicates that the project site is not in a zone expected to be subject to inundation in a 100-year flood event. Additionally, the project site is not located within an area identified as a dam failure inundation area as shown on maps available from the Association of Bay Area Governments (ABAG 2003). The project site is not subject to flooding or inundation and construction of the project would result in no impacts associated with exposure of people to flood-related hazards.

The project site is located in Downtown Palo Alto on relatively flat ground and is not near an open body of water or near a hillside; therefore, there is no risk for seiche, tsunami, or mudflow hazards. No impacts related to these hazards would result from implementation of the proposed project. Additionally, there are no streams within or adjacent to the site, and the project would have no impacts related to streambank stability.

Mitigation Measures
None required.

J. LAND USE AND PLANNING

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	1, 2				**X**
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?	1, 2, 3, 4				**X**
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	1, 2				**X**
d) Substantially adversely change the type or intensity of existing or planned land use in the area?	1, 2, 3, 4				**X**
e) Be incompatible with adjacent land uses or with the general character of the surrounding	1, 2			**X**	

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
area, including density and building height?					
f) Conflict with established residential, recreational, educational, religious, or scientific uses of an area?	1, 2				**X**
g) Convert prime farmland, unique farmland, or farmland of statewide importance (farmland) to non-agricultural use?	1, 3				**X**

DISCUSSION

The proposed project, a 31,407-square-foot, four-story commercial, office, and residential building, is an allowed use as regulated by the City's Zoning Ordinance and Comprehensive Plan (PAMC; City of Palo Alto 2007). The project would replace two single-story buildings currently used for retail with the proposed mixed-use building. The increase from one story to four stories on the site would change the existing scale; however, buildings in the surrounding area include a modern four-story mixed-use office and retail building across the street, with ground floor retail and upper story offices. Larger mixed-use and office buildings are located farther east along University Avenue, including a six-story building and a three-story building on the corner of University Avenue and Cowper Street.

The project would increase the existing retail, office, and residential land uses in the immediate vicinity and would not introduce any incompatible land uses. The Comprehensive Plan land use designation of the project site is Regional/Community Commercial, per the Comprehensive Plan. The Comprehensive Plan encourages mixed-use development in the project area through the following policies:

- Policy L-4: Maintain Palo Alto's varied residential neighborhoods while sustaining the vitality of its commercial areas and public facilities. Use the Zoning Ordinance as a tool to enhance Palo Alto's desirable qualities.
- Policy L-9: Enhance desirable characteristics in mixed use areas. Use the planning and zoning process to create opportunities for new mixed use development.
- Policy L-19: Encourage a mix of land uses in all Centers, including housing and an appropriate mix of small-scale local businesses.
- Policy L-23: Maintain and enhance the University Avenue/Downtown area as the central business district of the City, with a mix of commercial, civic, cultural, recreational and residential uses. Promote quality design that recognizes the regional and historical importance of the area and reinforces its pedestrian character.

Since the project proposes a mixed-use development in an area where mixed-uses are encouraged and the project design reflects a pedestrian scale, the project would be consistent with the policies listed above.

The zoning designation is Downtown Commercial with Pedestrian and Ground Floor Combining Districts (CD-C(P)(GF)). This zone's regulations are set forth in PAMC Chapters 18.18 and 18.30. The CD district provides for a wide range of commercial uses serving City-wide and regional business and service needs, as well as residential uses and neighborhood service needs. The project would also include construction of two levels of underground parking and installation of new landscaping. The project is in compliance with the applicable CD-C (community) subdistrict zoning and parking regulations. The maximum proposed building height is 50 feet and the FAR would be 2.86. The maximum building height in this district is 50 feet. The base FAR in the CD-C district is 1.0; however, the FAR may be increased with TDRs and/or bonuses for seismic and historical rehabilitation upgrades, not to exceed a total site FAR of 3.0. The proposed project includes TDRs and bonuses to achieve the maximum

allowable FAR of 2.86. The project would not conflict with existing zoning. In addition, the Pedestrian Shopping (P) and Ground Floor (GF) combining district regulations that apply to this site are intended to enhance the pedestrian environment through the continuity of retail stores and design windows in retail districts and allow only service-oriented commercial uses on the ground floor. The proposed project is designed to comply with the combining district regulations with ground-floor retail and façade details to enhance the pedestrian experience. In addition, the project would be consistent with the Context-Based Design Criteria for development in a commercial district, which promotes pedestrian oriented design that is compatible with adjacent development.

The project site is surrounded by primarily mixed-use and commercial buildings along University Avenue, ranging in height from one to six stories. As described in Section A., Aesthetics, the proposed building would be larger in scale and mass than some of the adjacent buildings along Kipling Street; however, the project would be similar in scale and mass to other buildings in the vicinity along University Avenue in the Downtown area. In addition, the design of the building's Kipling Street façade would reflect the smaller scale of the existing development along Kipling Street. The fourth floor of the building would be set back 10 feet from the alley property line and 7 feet from the Kipling Street property line resulting in a street façade that would appear as a three-story building. The University Avenue façade is designed to respond not only to the buildings immediately adjacent and west of the subject property but to the taller, higher density development of the University Avenue Commercial District. The design of the proposed building is intended to minimize the potential for incompatibility with surrounding uses. In addition, as described in Section A., Aesthetics, the project design will be reviewed by the City's Architectural Review Board to ensure that compatibility concerns are addressed and it does not degrade the existing visual character or quality of the site and its surroundings.

The project would comply with all plans for conservation of biological resources, and would not impact farmland. See Sections B and D for further discussion of these topics.

Mitigation Measures
None required.

K. MINERAL RESOURCES

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	1, 3				**X**
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?	1, 3				**X**

DISCUSSION

The City has been classified by the California Department of Conservation, Division of Mines and Geology, as a Mineral Resource Zone 1 (MRZ-1). This designation signifies that there are no aggregate resources in the area. The Division of Mines and Geology has not classified the City for other resources. There is no indication in the Comprehensive Plan that there are locally or regionally valuable mineral resources within the City. Therefore, construction and operation of the proposed mixed-use building on the currently developed project site would result in no impacts related to mineral resources.

Mitigation Measures
None required.

L. NOISE

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	1, 2, 3, 15		**X**		
b) Exposure of persons to or generation of excessive ground-borne vibrations or ground-borne noise levels?	1, 2, 15			**X**	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	1, 2, 15			**X**	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	1, 15			**X**	
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?	1, 2				**X**
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?	1, 2				**X**
g) Cause the average 24-hour noise level (L_{dn}) to increase by 5.0 decibels (dB) or more in an existing residential area, even if the L_{dn} would remain below 60 dB?	1, 2, 15				**X**
h) Cause the L_{dn} to increase by 3.0 dB or more in an existing residential area, thereby causing the L_{dn} in the area to exceed 60 dB?	1, 2, 15				**X**
i) Cause an increase of 3.0 dB or more in an existing residential area where the L_{dn} currently exceeds 60 dB?	1, 2, 15			**X**	
j) Result in indoor noise levels for residential development to exceed an L_{dn} of 45 dB?	1, 2, 15		**X**		
k) Result in instantaneous noise levels of greater than 50 dB in bedrooms or 55 dB in other rooms in areas with an exterior L_{dn} of 60 dB or greater?	1, 2, 15		**X**		
l) Generate construction noise exceeding the daytime background L_{eq} at sensitive receptors by 10 dBA or more?	1, 2			**X**	

DISCUSSION

Noise would be generated during the proposed demolition of the existing building and construction of the proposed mixed-use project. The magnitude of the construction noise would depend on the type of construction activity, the noise level generated by various pieces of construction equipment, site geometry (i.e., shielding from intervening structures), and the distance between the noise source and receiver. Construction noise levels are

based on a U.S. Environmental Protection Agency study (EPA 1971), which measured average noise levels during construction stages for a variety of typical projects.

Sound is measured in decibels (dB), with 0 dB corresponding roughly to the threshold of hearing and 60 dB corresponding roughly to the noise level of a typical conversation. Typically, a weighting system is applied to sound levels to more closely correlate sound levels with human perception, recognizing that humans are less sensitive to sounds in frequency ranges below 1,000 hertz (Hz) and above 5,000 Hz. This system is called the A-weighted sound level, and is abbreviated as dBA.

As shown in Table 4, average noise levels generated on a construction site could be as high as 89 dBA L_{eq} at a distance of 50 feet during the loudest phases of construction. Typically, construction noise is cyclical in nature and noise levels vary throughout the day.

All development in the City, including the proposed construction activities, must 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 temporary construction that complies with the Noise Ordinance would result in less-than-significant impacts to nearby land uses and sensitive receptors. The project is located in a busy commercial district with an active train station in the vicinity. Although there are residential uses in the project vicinity, the existing noise conditions are not quiet and the temporary construction activities will not create any new significant noise impacts.

Table 4
Typical Noise Levels from Construction Activities

Construction Activity	Average Sound Level at 50 feet (dBA L_{eq}) [1]	Standard Deviation (dB)
Ground Clearing	84	7
Excavation	89	6
Foundations	78	3
Erection	87	6
Finishing	89	7

Source: EPA 1971
[1] Sound level with all pertinent equipment operating.

The proposed project would be located on a site that is currently developed with two one-story retail buildings and is surrounded by primarily two-story buildings with ground floor retail and restaurant spaces on University Avenue and a mix of small-scale commercial/office as well as residential uses on Kipling Street. Residential land uses are located approximately 60 feet to the north and northwest. The proposed office building is not anticipated to result in significant levels of on-site noise or traffic noise because of the nature of the proposed land use and the relatively small size (which would generate a less than significant increase in traffic as discussed in Section P., below).

The *Environmental Noise Study* for the project was prepared by Charles M. Salter Associates Inc. (Appendix H). This assessment found that existing noise levels in the project area range from 64 dB to 70 dB during the peak traffic hours and between 63 dB and 73 dB when measured as a day-night-level (DNL), which assigns a penalty to noises generated during nighttime hours to reflect heightened sensitivity to noise in those hours.

Policy N-39 of the Palo Alto Comprehensive Plan requires that the average interior noise level in multi-family dwellings be limited to DNL 45 dB. However, the City also states that residences exposed to a DNL of 60 dB or greater should limit maximum instantaneous noise levels to 50 dB in bedrooms and 55 dB in other rooms. Since

the existing noise levels in the project area exceed 60 dB, architectural upgrades (as detailed in Mitigation Measures NOI-1 and NOI-2) would be required to meet interior noise standards. Additionally, rooftop mechanical equipment noise from exhaust fans was analyzed, as shown in Table 5, to assess whether the equipment noise would comply with Section 9.19.040 of the City's Noise Ordinance, which states:

> *"No person shall produce, suffer, or allow to be produced by any machine or device, or any combination of same, on commercial or industrial property, a noise level more than eight decibels above the local ambient at any point outside of the property plane."*

Table 5
Predicted Mechanical Equipment Noise Levels

Property Line	Predicted Noise Level (dB)		Criteria (dB)
	At Nearest Receiver	At Property Plane	
North	49	65	57
East	47	58	56
South	48	69	54
West	49	68	54

Currently there are no adjacent receivers at or near the property plane that are 50 feet in height; therefore, adjacent receivers would not be exposed to noise levels in excess of the City's standard due to rooftop mechanical equipment noise, as shown in Table 5. However, as shown in Table 5, noise levels at the property plane would be above the criteria; therefore, Mitigation Measure NOI-3 is required to reduce this potential impact to below a level of significance.

Potential project-related noise effects from traffic were analyzed by comparing existing, future (existing plus cumulative growth), and estimated project-related traffic volumes, as provided by the traffic impact analysis prepared for the project by Hexagon Transportation Consultants (Appendix I). It was determined that the "future with project" traffic noise levels would increase by approximately 1 dBA along University Avenue and 2 dBA along Kipling Street. Based on the Federal Transit Administration noise impact criteria, a 2 dB increase in noise levels due to a project would result in a significant noise impact where the ambient noise levels without the project are in excess of 76 dB. Where noise levels are less than 76 dB, a project-generated noise level increase of more than 2 dB is required for a finding of significant noise impact. Since the ambient noise levels in the project area are less than 76 dB without the project, the maximum noise increase of 2 dBA would result in a less-than-significant impact to noise levels as a result of project generated traffic.

The project site is not located within an airport land use plan or in the vicinity of a private airstrip. The closest airport is the Palo Alto Airport, which is located approximately 3.3 miles northeast of the site. There would be no impact associated with noise from planes.

Mitigation Measures

Mitigation Measure NOI-1: *Residential Uses:* Window and exterior door assemblies with Sound Transmission Class (STC) rating up to 45 and upgraded exterior walls shall be used in the residential portion of the proposed building to achieve the City's maximum instantaneous noise guideline for residential uses. The City of Palo Alto shall ensure that these standards are met through review of building plans as a condition of project approval.

Commercial Uses: Window and exterior door assemblies for the commercial portions of the building shall have a minimum STC rating of 32 at the corner of University Avenue and Kipling Street, and a minimum STC of 28 at all other commercial locations within the proposed building to comply with the State of California CalGreen noise

standards (maximum interior noise level of 50 dB during the peak hour of traffic). The City of Palo Alto shall ensure that these standards are met through review of building plans as a condition of project approval.

Mitigation Measure NOI-2: The residential portion of the proposed building shall have a ventilation or air-conditioning system to provide a habitable interior environment when windows are closed.

Mitigation Measure NOI-3: Noise levels from rooftop equipment shall be reduced to meet the City of Palo Alto Noise Ordinance requirements. An enclosure or other sound-attenuation measures at the exhaust fans shall be provided to reduce rooftop equipment noise is no greater than 8 dB above the existing ambient level at potential future neighboring buildings to meet the property plane noise limit. Use of quieter equipment than assumed in this analysis may support reduced mitigation, which shall be evaluated by a qualified acoustical consultant.

Significance after Mitigation
Less than significant.

M. POPULATION AND HOUSING

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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)?	1, 2, 3			**X**	
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	1, 2				**X**
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	1, 2				**X**
d) Create a substantial imbalance between employed residents and jobs?	1, 2				**X**
e) Cumulatively exceed regional or local population projections?	1, 2				**X**

DISCUSSION

The project would replace two existing one-story retail buildings with a four-story mixed-use building that would include a net increase of 8,774 square feet of commercial and office space and four residential dwelling units. The increase of four residential units would not add substantial population, nor is the increased commercial or office space expected to induce substantial population growth. The addition of four dwelling units in the University Avenue/Downtown area would provide a small amount of housing in the Downtown area, thereby improving the jobs-housing balance in this employment center.

The project would not displace any housing or people. Standard conditions of approval require fees to cover any increased need for housing. The City addresses the community's cumulative affordable housing needs through the Affordable Housing Fund, which is a local housing trust fund that provides financial assistance for the development of housing affordable to very low, low, and moderate-income households within the City. The Affordable Housing Fund is made up primarily of two sub-funds composed of local sources of housing monies: the Commercial Housing Fund and the Residential Housing Fund. The Commercial Housing Fund is funded

through fees paid under the requirements of Chapter 16.47 of the PAMC. Under this requirement, the project applicant would be required to pay into the City's Affordable Housing Fund at the time that building permits are issued. This fee is currently set at $18.44 per square foot for nonresidential development and would be applied only to the new gross square footage of commercial space proposed to be constructed at the site.

The Residential Housing Fund is funded through the City's Below-Market-Rate (BMR) Program, as expressed in Policy H-36 of the Housing Element and Chapter 18.14 of the PAMC. The BMR Program is intended to meet the City's goal of retaining an economically balanced community. Specifically, residential projects with four or fewer dwelling units are exempt from the City's BMR Program ordinance based on the City's determination that construction of four or fewer units would not have a significant effect on affordable housing in the City, even in a cumulative context. As the project proposes construction of four residential units, it is exempt from the BMR program.

With compliance with the PAMC and standard conditions of approval regarding payment of the Affordable Housing Fee, impacts would be less than significant and no mitigation is required.

Mitigation Measures
None required.

N. PUBLIC SERVICES

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
Fire protection?	1, 2				**X**
Police protection?	1, 2				**X**
Schools?	1, 2				**X**
Parks?	1, 2				**X**
Other public facilities?	1, 2				**X**

DISCUSSION

The proposed project is located in an urban area that is currently served by the City Police and Fire Departments and the four proposed residential units would not cause a substantial increase in population that would demand additional services. In addition, the conditions of approval for the project contain requirements to address all fire prevention measures. Standard conditions of approval require fees to address any increased need for community

facilities, schools, and housing. With payment of development impact fees for community facilities, schools, libraries, and parks, the project's impact would be less than significant and no mitigation is required.

Mitigation Measures
None required.

O. RECREATION

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	1, 2				**X**
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?	1, 2				**X**

DISCUSSION
The proposed project would construct a new mixed-use building with commercial and office space and four residential units replacing two existing retail buildings. The 8,774-square-foot increase in commercial and office space and the addition of four residential units are not expected to have a significant effect on existing recreational facilities. Development impact fees for parks and community facilities for the increase in floor area and residential units are required per City ordinance. Therefore, no impact would occur and no mitigation is required.

Mitigation Measures
None required.

P. TRANSPORTATION AND TRAFFIC

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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)?	1, 2, 17			**X**	
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	1, 2, 17				**X**
c) Result in change in air traffic patterns, including either an increase in traffic levels	1, 2				**X**

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
or a change in location that results in substantial safety risks?					
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	1, 2		**X**		
e) Result in inadequate emergency access?	1, 2				**X**
f) Result in inadequate parking capacity?	1, 2				**X**
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian, transit & bicycle facilities)?	1, 2, 3				**X**
h) Cause a local (City of Palo Alto) intersection to deteriorate below Level of Service (LOS) D and cause an increase in the average stopped delay for the critical movements by four seconds or more and the critical volume/capacity ratio (V/C) value to increase by 0.01 or more?	1, 2, 17			**X**	
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?	1, 2, 17				**X**
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?	1, 2, 17				**X**
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?	1, 2, 17				**X**
l) Cause any change in traffic that would increase the Traffic Infusion on Residential Environment (TIRE) index by 0.1 or more?	1, 2, 17				**X**
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.	1, 2, 17			**X**	
n) Impede the development or function of	1, 2, 3				**X**

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
planned pedestrian or bicycle facilities?					
o) Impede the operation of a transit system as a result of congestion?	1, 2, 17				**X**
p) Create an operational safety hazard?	1, 2				**X**

DISCUSSION

Hexagon Transportation Consultants, Inc. prepared the *Transportation Impact Analysis for 429 University Avenue Mixed-Use* (Transportation Impact Analysis; Hexagon 2014, included in Appendix I). The analysis was completed in a manner consistent with other transportation impact studies in the City of Palo Alto and the Santa Clara Valley Transportation Authority (VTA) Traffic Impact Analysis guidelines. This includes use of the level of service (LOS) methodology described in Chapter 16 of the *2000 Highway Capacity Manual* (2000 HCM; TRB 2000) for signalized intersections, use of the LOS methodology described in Chapter 17 of the 2000 HCM for unsignalized intersections, and use of the methodologies and standards described in the VTA *2013 Congestion Management Plan* (CMP) for intersections included in the CMP (VTA 2013).

The magnitude of traffic generated by the proposed project was estimated by Hexagon by applying applicable trip generation rates to the existing and proposed building. These calculations (see Table 6) are based on the trip generation rates published in the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, ninth edition (ITE 2012). The project would replace existing retail/restaurant space of the same size; therefore, trip generation from the first floor retail/restaurant space is excluded from the analysis. In addition, the rooftop office/lunchroom is intended for use by office employees and it therefore included in the office space calculation for trip generation purposes only. The trip generation estimates do not reflect potential reductions from the robust transit, bicycle, and pedestrian access at the project location. In this respect, the project trip generation estimates are conservative.

Table 6
Project Trip Generation

Land Use Type	Size	Daily Rate	Daily Trips	AM Peak Hour				PM Peak Hour			
				***Rate*[1]**	***In***	***Out***	***Total***	***Rate*[1]**	***In***	***Out***	***Total***
General Office	12.603 ksf	6.65	139	1.56	17	2	20	1.49	3	16	19
Apartment	4 du	11.03	27	0.51	0	2	2	0.62	1	1	2
Net Project Trips			**166**		**17**	**4**	**22**		**4**	**17**	**21**

Source: Hexagon 2014.
[1] Trip rates based on ITE 2012, Office (710), Apartment (230).
ksf = 1,000 square feet; du = dwelling units

The proposed project is calculated to cause 22 new AM peak hour trips and 21 new PM peak hour trips. Hexagon applied the project's trip generation and trip distribution estimates to each of the study intersections to determine whether the project would result in a significant change in LOS at any location. The Transportation Impact Analysis evaluated the following five intersections:

1. University Avenue and Kipling Street
2. Lytton Avenue and Kipling Street
3. University Avenue and Middlefield Road
4. Lytton Avenue and Middlefield Road

5. Lytton Avenue and Alma Street

The project would create a significant adverse impact on traffic conditions at a signalized intersection in the City of Palo Alto if for either peak hour:

1. The level of service at the intersection degrades from an acceptable LOS D or better under no project conditions to an unacceptable LOS E or F under project conditions, or

2. The level of service at the intersection is an unacceptable LOS E or F under no project conditions and the addition of project trips causes both the critical-movement delay at the intersection to increase by 4 seconds or more and the critical-movement volume-to-capacity ratio (V/C) to increase by .01 or more.

An exception to this rule applies when the addition of project traffic reduces the amount of average delay for critical movements (i.e. the change in average delay for critical movements is negative). In this case, the threshold of significance is an increase in the critical V/C value by .01 or more. The results of the LOS analysis are shown in Table 7.

Table 7
Project Effects on LOS and Delay

Intersection (control)	Peak Hour	Average Delay (in seconds) and LOS							
		Existing	***Existing Plus Project***	Δ ***Critical Delay***	Δ ***Critical V/C***	***Cumulative No Project***	***Cumulative Plus Project***	Δ ***Critical Delay***	Δ ***Critical V/C***
1. University Avenue and Kipling Street (Signal)	AM	9.5 A	9.7 A	0.1	0.003	10.6 B	10.7 B	0.2	0.004
	PM	9.9 A	10.6 B	0.1	0.006	10.7 B	11.4 B	0.2	0.008
2. Lytton Avenue and Kipling Street (TWSC)	AM	17.6 C	17.7 C	--	--	22.9 C	23.0 C	--	--
	PM	15.0 B	15.1 C	--	--	18.6 C	19.1 C	--	--
3. University Avenue and Middlefield Road (Signal)	AM	28.2 C	28.2 C	0.0	0.001	28.6 C	28.6 C	0.0	0.001
	PM	31.3 C	31.3 C	0.0	0.000	**260.5 F**	**260.3 F**	0.0	0.000
4. Lytton Avenue and Middlefield Road (Signal)	AM	30.6 C	30.6 C	0.0	0.001	36.1 D	36.1 D	0.1	0.001
	PM	37.0 D	37.0 D	0.0	0.001	**158.5 F**	**158.8 F**	0.1	0.001
5. Lytton Avenue and Alma Street (Signal)	AM	18.0 B	18.1 B	0.2	0.002	18.6 B	18.7 B	0.2	0.003
	PM	20.9 C	21.0 C	0.2	0.002	23.6 C	23.8 C	0.2	0.002

TWSC = two-way stop control
Bold indicates a substandard level of service.

The results in Table 7 show that all of the intersections would continue to operate at acceptable levels of service (LOS D or better) during both the AM and PM peak hours of traffic under existing plus project conditions.

The results in Table 7 also show that two of the signalized study intersections (University Avenue & Kipling Street and Lytton Avenue & Alma Street) would continue to operate adequately (LOS D or better) under cumulative plus project conditions. Two other signalized intersections (University Avenue & Middlefield Road and Lytton Avenue & Middlefield Road) are expected to operate at unacceptable levels of service (LOS F) under cumulative conditions both with and without the project. The project traffic would not cause a significant impact on the operation of these intersections, based on the significance criteria described above. As shown in Table 7, project traffic would only increase the critical delay by 0.1 second and the critical V/C value by 0.001, which are less than the significance thresholds of 4 seconds and 0.01, respectively.

Pedestrian, Bicycle, and Transit Facilities

The Transportation Impact Analysis conducted by Hexagon also considered impacts to pedestrian, bicycle, and transit facilities. The project location is approximately 0.5 miles from the Caltrain station and transit center and in a pedestrian and bicycle friendly downtown area, and the underground parking garage is proposed to include bike lockers and a shower room for employees. It is reasonable to assume that some employees would utilize transit or bicycles. Due to the project size, it is unlikely to produce significant bicycle trips or pedestrian trips or impact the nearby trains and buses. It is expected that these additional trips could easily be accommodated by the existing bicycle, pedestrian, and transit facilities.

Site Access and Onsite Circulation

Access to the alley adjacent to the site (Lane 30) would be assisted by breaks in traffic on Waverly Street created by the nearby traffic signals at Lytton Avenue and University Avenue. In the event that a vehicle making a right turn out of the alley onto Kipling Street encountered a significant queue, the driver might choose to make a left turn onto Kipling Street and then onto Lytton Avenue to circle around the block. Such maneuvers are common in downtown settings during commute periods. Based on the estimated traffic generated during the peak periods, it is anticipated that the project's garage access to and from Lane 30 at Waverly and Kipling Streets, respectively, would operate acceptably and would be typical of a development in an urban setting with underground parking. To ensure safety for vehicles using the parking garage, Mitigation Measure TRANS-1 requires that mirrors and/or a warning light be installed at garage entrance/exit.

Truck access and loading would be provided adjacent to the project site via the alley (Lane 30). The alley is 20 feet in width and truck loading requires a width of 10 feet, which leaves the remaining 10 feet available for vehicles to pass in this one-way alley. The alley currently provides adequate truck access for other adjacent businesses, and it is expected that it would provide adequate access for the proposed project as well since the width of the alley would remain the same.

Adequate corner sight distance is required at the exit of the alley to ensure that drivers can see approaching vehicles on Kipling Street. Sight distance is typically measured approximately 10 feet back from the traveled way. The proposed project would provide a 4-foot setback from the edge of the alley. The project would also replace the large street tree nearest this corner which would improve the visibility of the roadway. The combination of the setback and the tree removal is expected to provide adequate visibility of other vehicles and pedestrians.

The onsite circulation was reviewed in accordance with generally accepted traffic engineering standards. Generally, the proposed plan would provide one main drive aisle that would lead to an underground parking structure. Parking is shown at 90 degrees to the main drive aisle. This drive aisle makes several 90 degree turns to spiral down to the farthest parking spaces. The City parking facility design standards specify a minimum width of 16 feet for two-way underground ramps; 25 feet for two-way drive aisles lined with 8.5 foot wide, 90 degree spaces; and maximum slope of 2% adjacent to accessible parking spaces. Additionally, bike lockers require a five foot aisle in front of the door openings. The proposed parking plan meets these minimum specifications, as well as providing the minimum dimensions for standard, accessible, and van-accessible spaces. However, due to the

limited footprint of the underground parking, vehicles are required to navigate tight 90 degree turns near the ends of both ramps and the middle of the lower ramp, where sight lines may be restricted. To ensure safety for vehicles using the parking garage, Mitigation Measure TRANS-2 requires that mirrors be installed in the parking garage to provide adequate site distance.

Parking

The project was also found to meet the applicable parking requirements of the PAMC. Specifically, the PAMC requires that the project provide one parking space for every 250 square feet of new commercial space and two spaces for each of the residential units plus guest spaces (one space plus 10%). The proposed project would require 82 parking spaces for 20,407 square feet of commercial use and 10 parking spaces for four residential units, for a total of 92 parking spaces. However, the property was previously assessed and paid in-lieu fees for 37 parking spaces in the University Avenue Parking Assessment District and is eligible to receive 5,000 square feet of TDRs exempted from parking (equivalent to 20 parking spaces). Based on these adjustments, the project is required to provide a total of 35 vehicle parking spaces. The project proposes to include a total of 40 parking spaces, exceeding the parking requirement by five spaces. The 40 parking spaces would be provided in the two-level underground parking garage.

The project would also meet the applicable bicycle parking requirements. PAMC Section 18.52.040 requires 1 bicycle space per 2,500 square feet of gross floor area, with a mix of 80% for long-term parking and 20% for short-term parking. In addition, 4 long-term bicycle spaces (1 per unit) are required for the residential units. The project is required to provide 13 total bicycle parking spaces. As reflected in the site plans, the project proposes to provide 7 long-term bicycle parking spaces within the underground parking garage and 6 short-term bicycle parking spaces near the entrances of the building on University Avenue and Kipling Street. The bicycle parking spaces provided on the project site meet the requirements of Ordinance 18.52.040 and follow layout requirements of PAMC Section 18.54.060.

While this project does not include an explicit transportation demand management (TDM) plan, several elements common to TDM are present. Most importantly, the project is located in a transit-rich and pedestrian friendly location. Second, the project proposes to include both bicycle lockers and a restroom with a shower. Both of these features should result in some reduction in automobile trips generated by the project and reduce the amount of parking needed by employees. In addition, the project is in a good location for transit-related TDM strategies that may be implemented by future tenants, such as Caltrain and VTA Go Passes or reimbursement of transit fares. However, due to the small project trip generation, a TDM plan is not necessary to reduce peak hour trips.

Mitigation Measures
Mitigation Measure-TRANS-1: Mirrors shall be installed at the parking garage driveway to allow drivers to see when a pedestrian or vehicle is approaching in Lane 30.

Mitigation Measure-TRANS-2: Mirrors shall be installed at each turn within the parking garage to provide adequate sight distance.

Significance after Mitigation
Less than significant.

Q. UTILITIES AND SERVICE SYSTEMS

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	1, 2				**X**
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?	1, 2				**X**
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?	1, 2			**X**	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	1, 2				**X**
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?	1, 2				**X**
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	1, 2				**X**
g) Comply with federal, state, and local statutes and regulations related to solid waste?	1, 2				**X**
h) Result in a substantial physical deterioration of a public facility due to increased use as a result of the project?	1, 2				**X**

DISCUSSION

The proposed project would not significantly increase the demand on existing utilities and service systems, or use resources in a wasteful or inefficient manner. Standard conditions of approval require the applicant to submit calculations by a registered civil engineer to show that the on-site and off-site water, sewer, and fire systems are capable of serving the needs of the development and adjacent properties during peak flow demands. The project would tie into the City's existing water, wastewater, and storm drain infrastructure and would not require the construction of new water or wastewater treatment facilities. In addition, the project would comply with the green building requirements set forth in the California Green Building Code and the City's Build It Green program. This would ensure that water conservation and solid waste reduction measures are included in the project to reduce demands for utility services. The project's impacts on utility services would be less than significant and no mitigation is required.

Mitigation Measures

None required.

R. MANDATORY FINDINGS OF SIGNIFICANCE

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	1, 2			**X**	
b) Does the project have impacts that are individually limited, but cumulatively considerable ("cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	1, 2			**X**	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	1, 2		**X**		

DISCUSSION

The proposed project would not have an impact on fish or wildlife habitat, nor would it impact cultural or historic resources with mitigation as described in Sections D and E. As described in Section A, Aesthetics, the proposed use is appropriate for the site and although the project would alter the visual character of the site, the building has been designed to ensure that it does not result in an adverse visual impact. The project's impacts would all be reduced to below a level of significance through implementation of the mitigation measures described in the previous sections. The project would therefore not result in any cumulatively considerable impacts. There is nothing in the nature of the proposed development and property improvements that would have a substantial adverse effect on human beings, or other life or environmental impacts once mitigation is implemented to reduce potential impacts from hazardous materials and noise as described in Sections H and L.

III SOURCE REFERENCES

SOURCES (CHECKLIST KEY)

1. Project Planner's knowledge of the site and the proposed project.
2. Project Plans (Appendix A)
3. Palo Alto Comprehensive Plan 1998–2010 (City of Palo Alto 2007)
4. Palo Alto Municipal Code, Title 18, Zoning Ordinance
5. Palo Alto Municipal Code, Section 8.10.030, Tree Technical Manual
6. Air Quality Modeling Results, 2014 (Appendix B)
7. Cultural Resources Memorandum (Appendix C)
8. Historic Architectural Evaluations, 2014 (Appendix D)
9. Geotechnical Investigation, 2013 (Appendix E)
10. Phase I ESA 425 University Avenue and 450 Kipling Street, 2014 (Appendix F)
11. Phase I ESA for the Commercial Buildings, 1999 (Appendix F)
12. Environmental Transaction Screen, 429–447 University Avenue, 2010 (Appendix F)
13. Impervious Area Worksheet for Land Developments, 2014 (Appendix G)
14. Special Projects Worksheet, 2014 (Appendix G)
15. Environmental Noise Study, 2014 (Appendix H)
16. Palo Alto Municipal Code, Section 9.10, Noise Ordinance
17. Traffic Impact Analysis, 2014 (Appendix I)

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14 CCR 15000–15387 and Appendices A–L. Guidelines for Implementation of the California Environmental Quality Act, as amended.

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California Public Resources Code, Article 3, Definitions, Section 12220(g), "Forest land."

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FEMA (Federal Emergency Management Agency). 2009. Flood Insurance Rate Map, Santa Clara County, California. Map Number 06085C0010H. May 18, 2009.

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USGS (U.S. Geological Survey). 2013. USGS Geologic Hazards Science Center – U.S. Seismic Design Maps webpage with seismic design value application. Accessed September 25, 2013. http://geohazards.usgs.gov/designmaps/us/application.php.

REPORT PREPARERS

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IV DETERMINATION

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	
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.	**X**
I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.	
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.	
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.	

_____ _____

Project Planner **Date**

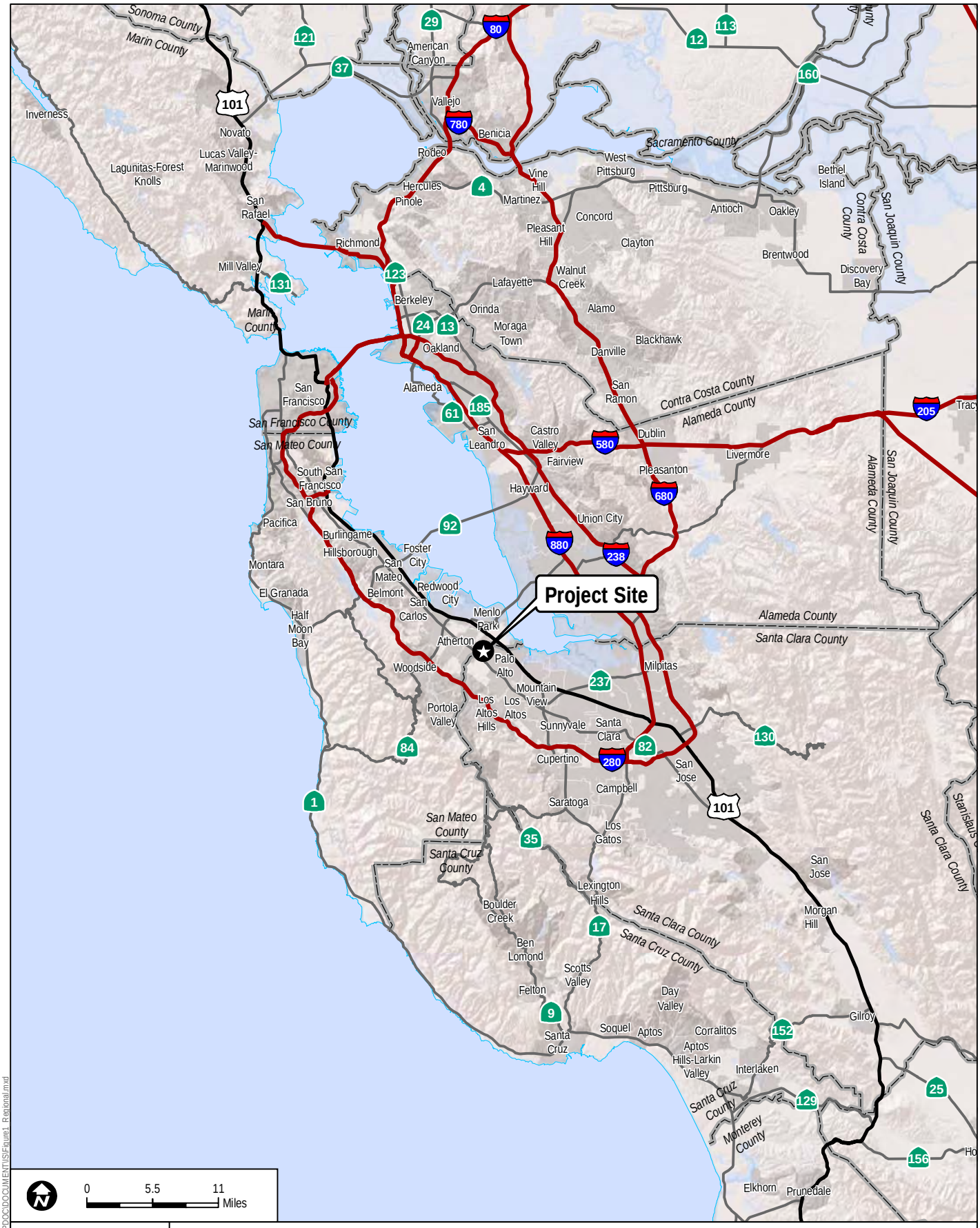

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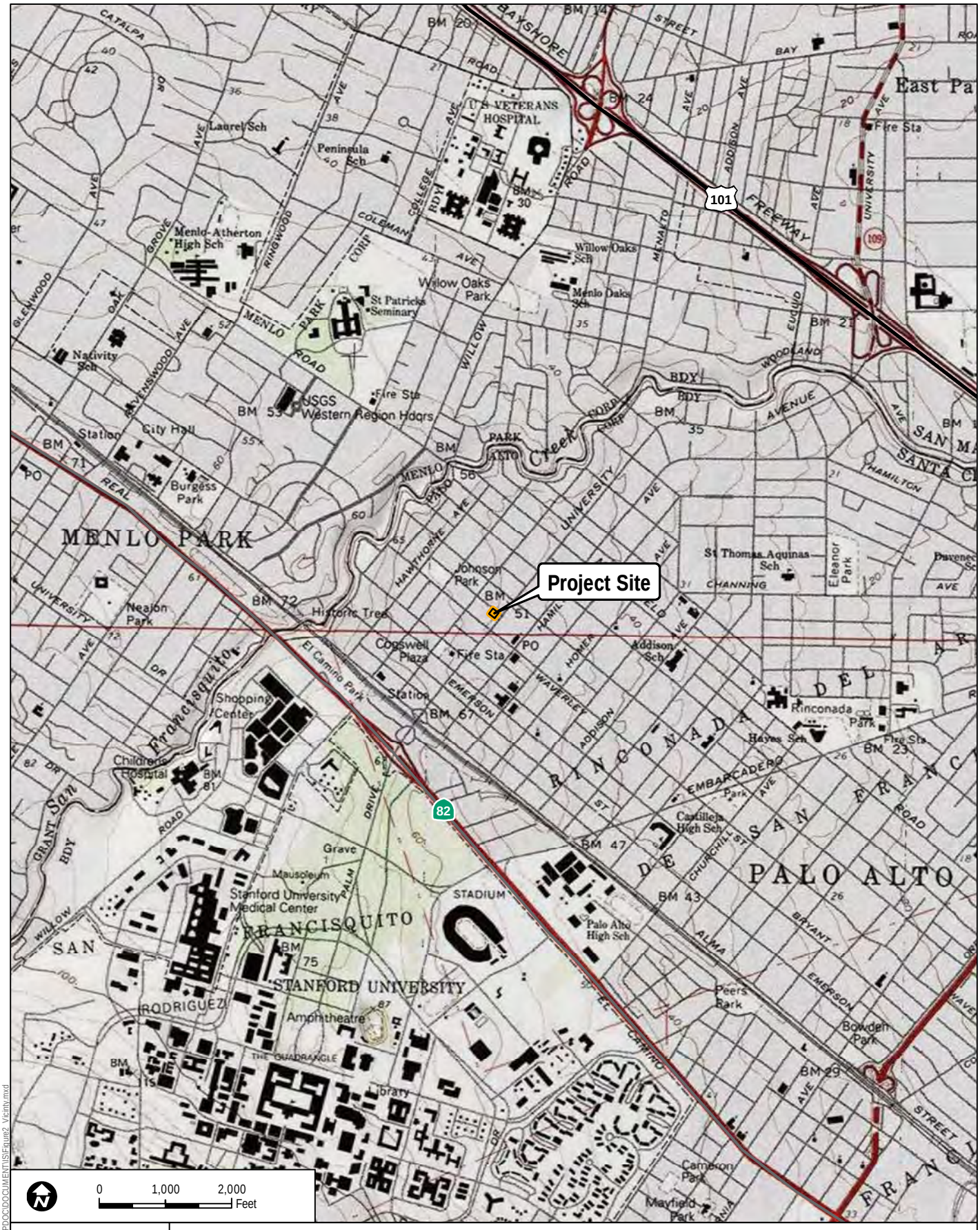
FIGURE 1

Regional Map

429 UNIVERSITY AVENUE INITIAL STUDY

Path: Z:\Projects\8576011\MAP\DOC\DOCUMENTS\Figure1_Regional.mxd



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SOURCE: USGS 7.5-Minute Series Palo Alto Quadrangle.

FIGURE 2
Vicinity Map

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429 UNIVERSITY AVENUE INITIAL STUDY

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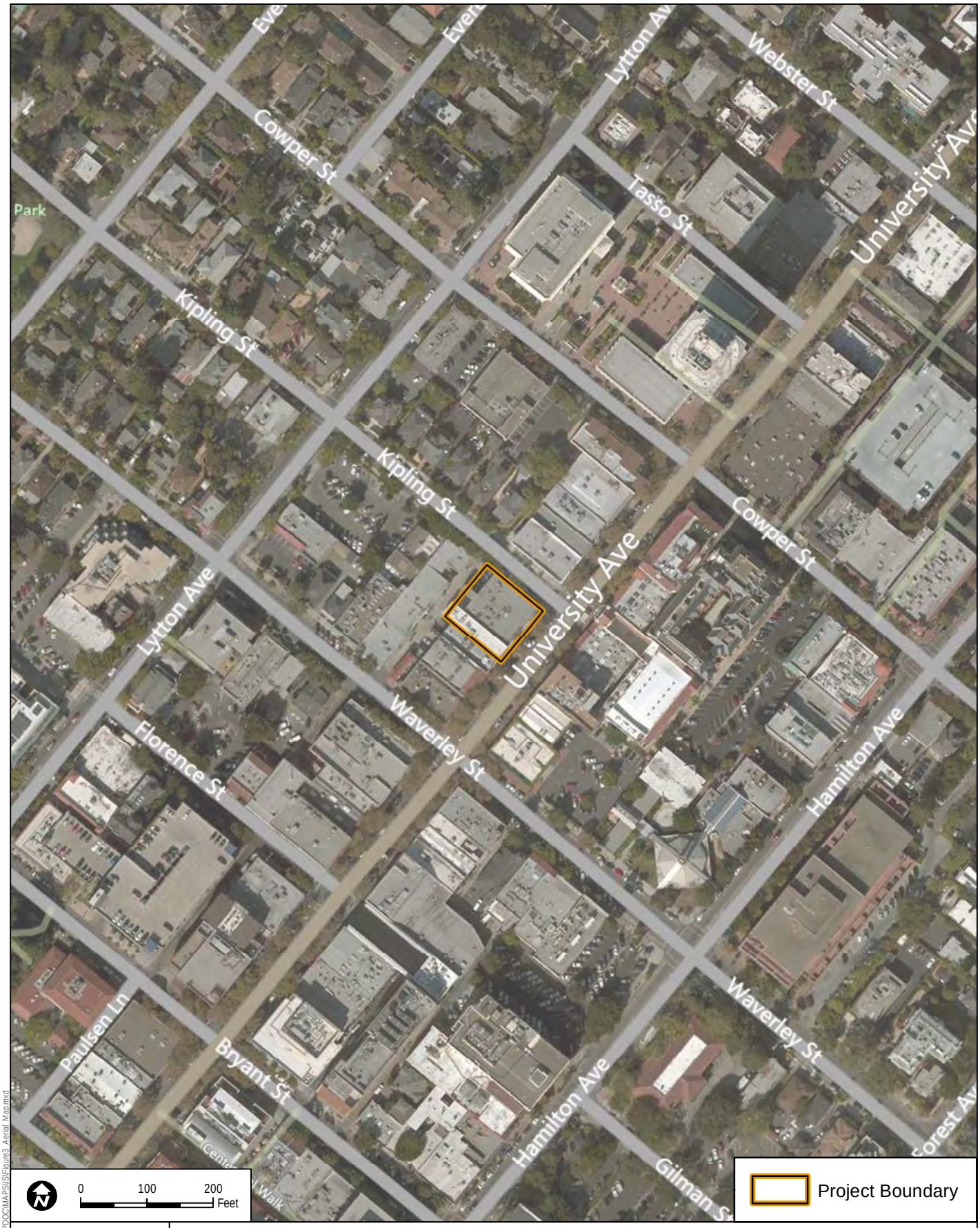

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SOURCE: BING 2014

FIGURE 3
Aerial Map

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429 UNIVERSITY AVENUE INITIAL STUDY

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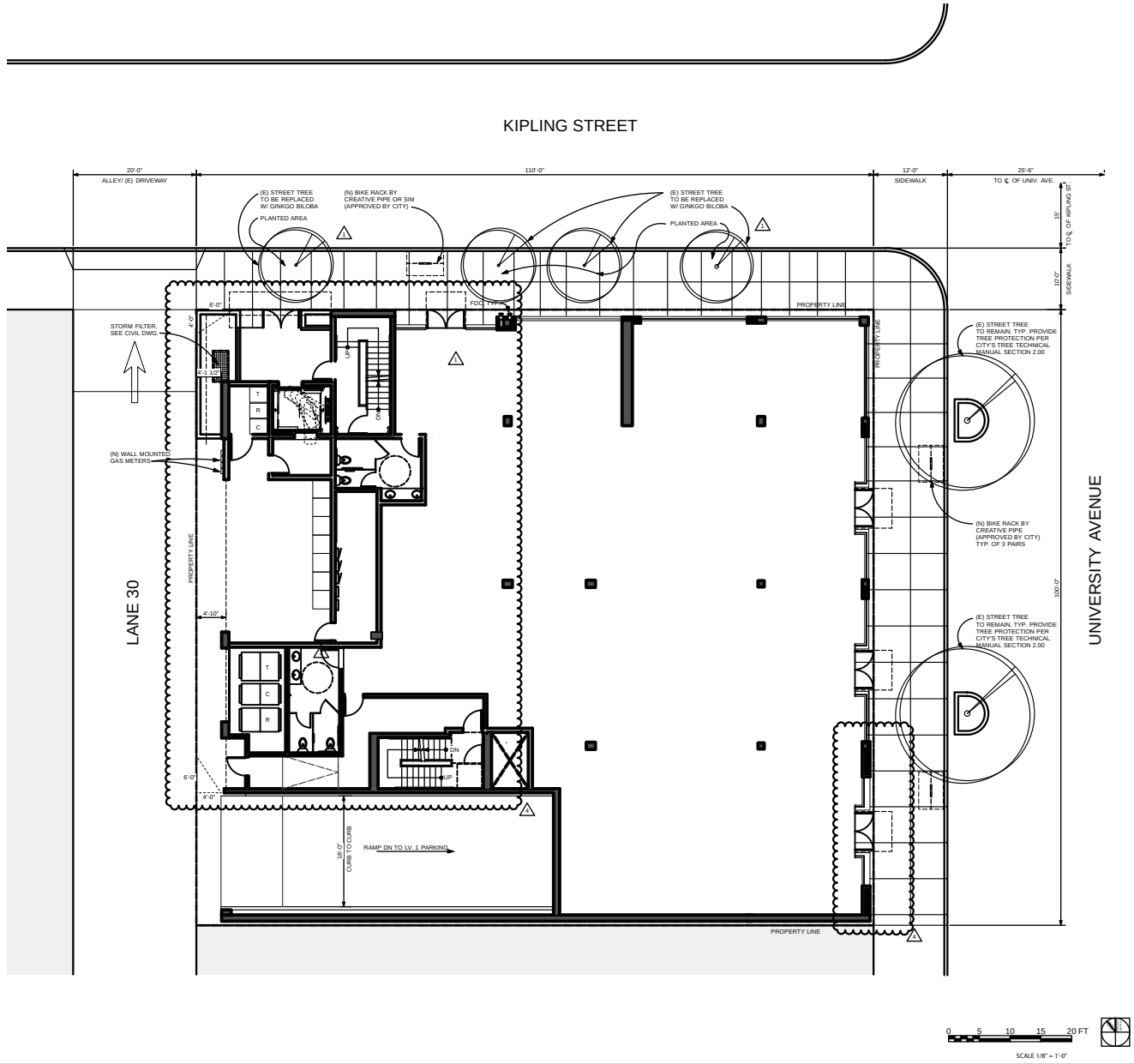

SOURCE: Hayes Group Architects, Inc. 2014

FIGURE 4
Site Plan

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429 University Avenue Initial Study

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KIPLING ST. STREETSCAPE 2
SCALE 1/16" = 1'-0"

UNIVERSITY AVE. STREETSCAPE ELEVATION 1
SCALE 1/16" = 1'-0"

SOURCE: Hayes Group Architects, Inc. 2014

FIGURE 5
Elevations

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429 University Avenue Initial Study

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VIEW FROM ACROSS UNIVERSITY AVE. 4
N.T.S.

VIEW FROM ACROSS KIPLING STREET 2
N.T.S.

AERIAL VIEW FROM UNIVERSITY AVE. AND KIPLING STREET 3
N.T.S.

VIEW FROM UNIVERSITY AVE. AND KIPLING ST. 1
N.T.S.

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SOURCE: Hayes Group Architects, Inc. 2014

FIGURE 6
Perspective Renderings

429 University Avenue Initial Study

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429 University Avenue Project
Mitigation Monitoring Program

Attachment H

INTRODUCTION

Section 15097 of the Guidelines for the California Environmental Quality Act (CEQA) requires that, whenever a public agency approves a project based on a Mitigated Negative Declaration (MND) or an Environmental Impact Report (EIR), the public agency shall establish a mitigation monitoring or reporting program to ensure that all adopted mitigation measures are implemented.

This Mitigation Monitoring Program (MMP) is intended to satisfy this requirement of the CEQA Guidelines as it relates to the 429 University Avenue project. This MMP would be used by City staff and mitigation monitoring personnel to ensure compliance with mitigation measures during project implementation. Mitigation measures identified in this MMP were developed in the Initial Study prepared for the proposed project.

As noted above, the intent of the MMP is to ensure the effective implementation and enforcement of all adopted mitigation measures. The MMP will provide for monitoring of construction activities, as necessary, and in the field identification and resolution of environmental concerns.

MITIGATION MONITORING PROGRAM DESCRIPTION

The City of Palo Alto will coordinate monitoring activities and ensure appropriate documentation of mitigation measure implementation. The table below identifies each mitigation measure for the 429 University Avenue Project and the associated implementation, monitoring, timing and performance requirements.

The MMP table presented on the following pages identifies:

1. the full text of each applicable mitigation measure;
2. the party or parties responsible for implementation and monitoring of each measure;
3. the timing of implementation of each mitigation measure including any ongoing monitoring requirements; and
4. performance criteria by which to ensure mitigation requirements have been met.

Following completion of the monitoring and documentation process, the final monitoring results will recorded and incorporated into the project file maintained by the City's Department of Planning and Community Environment.

It is noted that the mitigation measure numbering reflects the numbering used in the Initial Study prepared for the 429 University Avenue Project (Dudek 2014).

429 University Avenue Project
Mitigation Monitoring Program

No mitigation measures are required for the following resources:		
▪ Aesthetics ▪ Agricultural Resources ▪ Air Quality ▪ Geology, Soils, and Seismicity	▪ Greenhouse Gas Emissions ▪ Hydrology and Water Quality ▪ Land Use and Planning ▪ Mineral Resources	▪ Population and Housing ▪ Public Services ▪ Recreation ▪ Utilities and Service Systems

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing	Performance Evaluation Criteria
BIOLOGICAL RESOURCES				
Mitigation Measure BIO-1: The following measures shall be implemented to reduce impacts to protected trees: • City of Palo Alto (City)-approved Modified Type III fencing shall be installed for the two street trees to be retained along University Avenue. City-approved tree protection signs shall be posted on all fencing. • Soil conditions for the four new trees to be planted along Kipling Street shall be improved by preparing a planting area at least 6 feet square for each tree and installing Silva Cells to reduce compaction. The Silva Cells shall be filled with proper soil amendments and growing medium as determined by the City Arborist. • Unless otherwise approved, each new tree shall be provided with 1,200 cubic feet of rootable soil area, utilizing Standard Drawing #604/513. Rootable soil is defined as compaction less than 90% over the area, not including sidewalk base areas. • Two bubbler drip irrigation units shall be installed for each new tree to adequately water the new planting area. • New sidewalk shall be installed such that the final planting space opening is at least 5 feet by 5 feet for each new tree.	Applicant	City of Palo Alto Urban Forestry Group/Planning Division Arborist	• Prior to issuance of demolition, grading, and building permits • During demolition, excavation, and construction	• Approved site plans reflect applicable conditions • Field inspections conducted to verify adherence to conditions

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing	Performance Evaluation Criteria
• Kiva tree grates shall be used around each new tree. • Replacement tree size shall be a 36-inch box, properly structured nursery stock. • Based on growth habit and proven performance, *Ginkgo biloba* "Autumn Gold" is highly recommended for the replacement trees. Other tree species may be approved by the City Arborist. • All work within the Tree Protection Zone, including canopy pruning of protected trees, shall be supervised by a Certified Arborist approved by the City.				
CULTURAL RESOURCES				
Mitigation Measure CUL-1: Prior to commencement of site clearing and project grading, the project applicant shall retain a qualified archaeologist to train construction personnel regarding how to recognize cultural resources (such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains) that could be encountered during construction activities. If artifacts or unusual amounts of shell or bone or other items indicative of buried archaeological resources or human remains are encountered during earth disturbance associated with the proposed project, the on-site contractor shall immediately notify the City of Palo Alto (City) and the Native American Heritage Commission as appropriate. All soil-disturbing work shall be halted within 100 feet of the discovery until a qualified archaeologist, as defined by the California Environmental Quality Act (CEQA) Guidelines (14 CCR 15000 et seq.) and the City, completes a significance evaluation of the finds pursuant to Section 106 of the National Historic Preservation Act. Any human remains unearthed shall be treated in accordance with California Health and Safety Code, Section 7050.5, and California Public Resources Code, Sections 5097.94, 5097.98, and 5097.99, which include requirements to	Applicant	City of Palo Alto	Prior to and during earth disturbance	• Training materials provided to construction contractors • Field inspections conducted to verify compliance

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing	Performance Evaluation Criteria
notify the Santa Clara County Medical Examiner's office and consult with Native American representatives determined to be the Most Likely Descendants, as appointed by the Native American Heritage Commission. Identified cultural resources shall be recorded on State Department of Parks and Recreation Form 523 (archaeological sites). Mitigation measures prescribed by the Native American Heritage Commission, the Santa Clara County Medical Examiner's office, and any Native American representatives determined to be the Most Likely Descendants and required by the City shall be undertaken before construction activities are resumed. If disturbance of a project area cultural resource cannot be avoided, a mitigation program, including measures set forth in the City's Cultural Resources Management Program and in compliance with Sections 15064.5 and 15126.4 of the CEQA Guidelines, shall be implemented.				
HAZARDS AND HAZARDOUS MATERIALS				
Mitigation Measure HAZ-1: Prior to building demolition, the project applicant shall demonstrate to the satisfaction of the City of Palo Alto that a survey of the existing buildings has been conducted by a qualified environmental specialist who meets the requirements of the current U.S. Environmental Protection Agency regulations for suspected lead-containing materials (LCMs), including lead-based paint/coatings; asbestos containing materials (ACMs); and the presence of polychlorinated biphenyls (PCBs). Any demolition activities likely to disturb LCMs or ACMs shall be carried out by a contractor trained and qualified to conduct lead- or asbestos-related construction work. If found, LCMs and ACMs shall be disposed of in accordance with state and federal regulations, including the EPA's Asbestos National Emissions Standards for Hazardous Air Pollutants, the Cal-OSHA Construction Lead Standard (CCR Title 8, Section 1432.1), and California Department of Toxic Substances Control and EPA	Applicant	City of Palo Alto Department of Planning and Community Environment	Prior to issuance of demolition permit and during demolition	Building survey report submitted LCMs and ACMs handled by qualified contractor and disposed of in accordance with the U.S. Environmental Protection Agency's (EPA) Asbestos National Emissions Standards for Hazardous Air Pollutants, the California Occupational Health and Safety's

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing	Performance Evaluation Criteria
requirements for disposal of hazardous waste. If PCBs are found, these materials shall be managed in accordance with the Metallic Discards Act of 1991 (California Public Resources Code, Sections 42160–42185) and other state and federal guidelines and regulations. Demolition plans and contract specifications shall incorporate any necessary abatement measures in compliance with the Metallic Discards Act, particularly Section 42175, Materials Requiring Special Handling, for the removal of mercury switches, PCB-containing ballasts, and refrigerants.				Construction Lead Standard (CCR Title 8, Section 1432.1), and California Department of Toxic Substances Control and EPA requirements for disposal of hazardous waste. PCBs, mercury and other hazardous building materials handled by qualified contractor and disposed of in accordance with applicable regulations as identified.
NOISE				
Mitigation Measure NOI-1: Residential Uses: Window and exterior door assemblies with Sound Transmission Class (STC) rating up to 45 and upgraded exterior walls shall be used in the residential portion of the proposed building to achieve the City's maximum instantaneous noise guideline for residential uses. The City of Palo Alto shall ensure that these standards are met through review of building plans as a condition of project approval. Commercial Uses: Window and exterior door assemblies for the commercial portions of the building shall have a minimum STC rating of 32 at the corner of University Avenue and Kipling Street, and a minimum STC of 28 at all other commercial	Applicant	City of Palo Alto Department of Planning and Community Environment	Prior to issuance of building permit	Approved building plans shall include window sound transmission ratings and interior noise levels verification from a qualified acoustical consultant.

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing	Performance Evaluation Criteria
locations within the proposed building to comply with the State of California CalGreen noise standards (maximum interior noise level of 50 dB during the peak hour of traffic). The City of Palo Alto shall ensure that these standards are met through review of building plans as a condition of project approval.				
Mitigation Measure NOI-2: The residential portion of the proposed building shall have a ventilation or air-conditioning system to provide a habitable interior environment when windows are closed.	Applicant	City of Palo Alto Department of Planning and Community Environment	Prior to issuance of building permit	Approved building plans shall include details of the residential ventilation system.
Mitigation Measure NOI-3: Noise levels from rooftop equipment shall be reduced to meet the City of Palo Alto Noise Ordinance requirements. An enclosure or other sound-attenuation measures at the exhaust fans shall be provided to reduce rooftop equipment noise is no greater than 8 dB above the existing ambient level at potential future neighboring buildings to meet the property plane noise limit. Use of quieter equipment than assumed in this analysis may support reduced mitigation, which shall be evaluated by a qualified acoustical consultant.	Applicant	City of Palo Alto Department of Planning and Community Environment	Prior to issuance of building permit	Approved building plans shall include garage exhaust fan manufacturer's information regarding equipment noise levels and noise attenuation details
TRANSPORTATION AND TRAFFIC				
Mitigation Measure TRANS-1: Mirrors shall be installed at the parking garage driveway to allow drivers to see when a pedestrian or vehicle is approaching in Lane 30.	Applicant	City of Palo Alto Department of Planning and Community Environment	Prior to issuance of building permit	Approved building plans shall include parking garage mirrors
Mitigation Measure-TRANS-2: Mirrors shall be installed at each turn within the parking garage to provide adequate sight distance.	Applicant	City of Palo Alto Department of Planning and Community Environment	Prior to issuance of building permit	Approved building plans shall include parking garage mirrors

429 University Avenue Project
Mitigation Monitoring Program

TO: Christy Fong
Palo Alto Planning Dept

DATE: June 25, 2014

RE: 429 University Ave.

I write in regards to the proposed project at 429 University Ave as I own a business adjacent to this project: Be Yoga at 440 Kipling St.

I am thrilled at the idea of a new building and I love being a part of the continued growth and progress on in the downtown area. There have been many changes on University Ave and in the surrounding area recently, and I am in support of all of these improvement. I have two concerns about traffic flow given the proposal for 429 University Ave.

First, the alleyway off of Kipling St. is currently overly congested with delivery trucks stacked double wide delivering to the Footwear Etc., Design Within Reach, Shady Lane, Marine Layer, The Giants Dugout, and the four cafes, and eye glass store on the alley. There area also cars driving on the alley from these businesses that already push the limits of its given width with parking spaces as extra space for delivery vans to drive around each other. The alley is currently stopped up at least 3-5 times per day. I have witnessed this first hand as my building has four doors with access to this volume of traffic. Any abatement of the width at the juncture of the mouth of the alley should be at least a small a consideration given the volume of traffic that goes through the alley.

Second, Kipling St. itself is a narrow street. To my knowledge it is unique in its narrowness, as only one car can fit down in one direction at a time. I have witnessed on several occasions cars causing mirror damage to other cars trying to navigate this narrow street in both directions at the same time. The larger concern is where Kipling St. meets University Ave. At present, if a car wants to turn right from University Ave. onto Kipling St. and one or more cars are waiting to turn from Kipling St. onto University Ave., there is simply not enough space for the cars turning off of University Ave. onto Kipling St. and the cars from Kipling St onto University Ave. It seems this is a systemic problem with the street itself as you continue down Kipling St. toward Lytton there is really no extended space where two cars can drive in opposite directions at the same time. I would imagine that the existing project would increase the number of vehicles on this street to something that the city should be aware of and it may be worthwhile to investigate to make sure the flow of traffic is viable for the overall well being of the downtown district.

In closing, I am excited about this development, and I am grateful to be a part of this community. I hope it will not increase traffic to the scope it proposes on the alleyway nor Kipling St., as both of these junctures are unique in the downtown area in their ratio of square footage of space vs traffic they are designed to handle.

Thank you very much for your consideration.

Lisa Haley
Owner
Be Yoga
440 Kipling St.
650-644-8749
lisamariehaley@gmail.com

Fong, Christy

From: lisa marie <lisamariehaley@gmail.com>
Sent: Monday, August 25, 2014 12:27 PM
To: Fong, Christy
Subject: 429 University
Attachments: 429 University.pdf

Good Afternoon Christy,

I write in regards to the proposed project at 429 University Ave as I own a business adjacent to this project: Be Yoga at 440 Kipling St.

I am thrilled at the idea of a new building and I love being a part of the continued growth and progress on in the downtown area. There have been many changes on University Ave and in the surrounding area recently, and I am in support of all of these improvement. I have two concerns about traffic flow given the proposal for 429 University Ave.

First, the alleyway off of Kipling St. is currently overly congested with delivery trucks stacked double wide delivering to the Footwear Etc., Design Within Reach, Shady Lane, Marine Layer, The Giants Dugout, and the four cafes, and eye glass store on the alley. There area also cars driving on the alley from these businesses that already push the limits of its given width with parking spaces as extra space for delivery vans to drive around each other. The alley is currently stopped up at least 3-5 times per day. I have witnessed this first hand as my building has four doors with access to this volume of traffic. Any abatement of the width at the juncture of the mouth of the alley should be at least a small a consideration given the volume of traffic that goes through the alley.

Second, Kipling St. itself is a narrow street. To my knowledge it is unique in its narrowness, as only one car can fit down in one direction at a time. I have witnessed on several occasions cars causing mirror damage to other cars trying to navigate this narrow street in both directions at the same time. The larger concern is where Kipling St. meets University Ave. At present, if a car wants to turn right from University Ave. onto Kipling St. and one or more cars are waiting to turn from Kipling St. onto University Ave., there is simply not enough space for the cars turning off of University Ave. onto Kipling St. and the cars from Kipling St onto University Ave. It seems this is a systemic problem with the street itself as you continue down Kipling St. toward Lytton there is really no extended space where two cars can drive in opposite directions at the same time. I would imagine that the existing project would increase the number of vehicles on this street to something that the city should be aware of and it may be worthwhile to investigate to make sure the flow of traffic is viable for the overall well being of the downtown district.

In closing, I am excited about this development, and I am grateful to be a part of this community. I hope it will not increase traffic to the scope it proposes on the alleyway nor Kipling St., as both of these junctures are unique in the downtown area in their ratio of square footage of space vs traffic they are designed to handle.

Thank you very much for your consideration. I have attached a pdf version of this letter for your records.

Lisa Haley
Owner
Be Yoga
440 Kipling St.

650-644-8749
lisamariehaley@gmail.com

It is not your role to make others happy; it is your role to keep yourself in balance. When you pay attention to how you feel and practice self-empowering thoughts that align with who-you-really-are, you will offer an example of thriving that will be of tremendous value to those who have the benefit of observing you. --Abraham

Fong, Christy

From: Linda Fenney <lfenney@yahoo.com>
Sent: Saturday, August 30, 2014 5:28 PM
To: Fong, Christy
Subject: Proposed development of 425 and 429 University Ave

Dear Ms Fong,
As a resident of Palo Alto and a tax payer I am writing to give my opinion of the proposed development of the buildings at 425 and 429 University Ave. I do not approve of the proposed development feeling the planned structure it is too high, will change the character of the street, reduce sunlight, increase traffic and in my opinion reduce the aesthetic appeal of University Ave. As I know from my recent remodel, the City of Palo Alto is stringent in following its building codes to retain the character of the City. If the planned development is allowed to go ahead why would building codes for the commercial properties not be similarly followed? Why would light planes be ignored to the detriment of tree growing? Even if current building codes would allow the development, the issue of retaining the character of the City remains. I make an appeal to deny approval of the proposed development.
Linda Fenney
545 Ruthven Ave, Palo Alto, 94301

Fong, Christy

From: Elizabeth L <laskyea@gmail.com>
Sent: Saturday, August 30, 2014 9:19 PM
To: Fong, Christy
Subject: 425 and 429 University Ave

I approve of this project and hope to see more like it, maybe even larger. Palo Alto desperately needs more residential units!

(and that skyscraper in the middle of downtown looks kinda silly by itself; it would look better with equally tall companions)

Fong, Christy

From: caryl carr <carylc@gmail.com>
Sent: Monday, September 01, 2014 8:16 AM
To: Fong, Christy
Subject: 425 & 429 University Ave.

The proposal to replace the existing one-story commercial structures on these parcels with a four-story building has several problems. Esthetically, a four-story building is out of place and too high. Secondly (and perhap more importantly), downtown Palo Alto is stressed for parking and traffic is a nightmare - too many cars trying to be in much too small an area. New office spacel development needs to be done where there is parking and big enough roads - either along El Camino, Alma, or close to 101, not downtown. University Avenue has developed into a very pleasant place to walk, shop, and eat. Putting in a new four-story will block light and add to car congestion - not what University Avenue needs. People want to live in the area because it's fun to walk and shop and eat along University Avenue. Let's maintain that wonderful experience!

--caryl carr
730 Webster Street

Fong, Christy

From: Larry and Zongqi Alton <lalton@pacbell.net>
Sent: Tuesday, September 02, 2014 12:28 PM
To: Fong, Christy
Subject: 425 429 university avenue

Hi Christy,
This project must be stopped.
Kipling Street is very narrow and dangerous already. When large trucks are moving thru it or unloading it is a one way street if passable at all. Often you have to wait for traffic to clear to pass thru.
This project is basically a high rise residential property on University Avenue; a bad idea and dangerous precedent. Parking is already very bad in downtown neighborhoods.
Please keep downtown Palo Alto sunny and prevent University Avenue from becoming a congested canyon.
I would like to be informed of any events related to this development.
Thanks,
Larry Alton

Fong, Christy

From: Fong, Christy
Sent: Tuesday, September 02, 2014 1:59 PM
To: Sallyann Rudd
Subject: RE: 429 University Ave

Hi Sally,

The applicant has resubmitted their proposal on August 26, 2014, which you can find at this link. (http://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?BlobID=37684)

In drawing number A0.1, you can find the parking calculation in a summary table.

The proposed building comprises of 22,000 SF commercial space and 4 residential units.
For a 22,000 SF commercial space, it would require 88 stalls under the 1 stall / 250 SF ratio. Two spaces are required for each residential unit and one plus 10% of total number of units is required for guest parking (residential units required a total of 10 stalls). If there were no assessments or transferred area associated with parking exceptions for the site, a total of 98 spaces would be required. The zoning code exempts parking requirement for up to 5,000 SF (equivalent to 20 stalls) provided via Transferrable Development Rights and the project is located within the University Ave. Area Off-street Parking Assessment District with 21 assessed parking spaces (429 University Ave) plus 16 assessed parking spaces (425 University Ave) not to provide on the site. With these exemptions, the site would have to provide a total of 41 parking stalls.

The applicant is requested to prepare a focused traffic impact analysis. Along with the environmental review document, this analysis will be made available once it is completed.

Should you have further questions, please do not hesitate to contact me directly.

Regards,

Christy Fong | Planner| P&CE Department

250 Hamilton Avenue | Palo Alto, CA 94301

T: 650.838.2996 |E: Christy.fong@cityofpaloalto.org

Please think of the environment before printing this email – Thank you!

-----Original Message-----
From: Lee, Elena
Sent: Tuesday, September 02, 2014 8:56 AM
To: Sallyann Rudd
Cc: Fong, Christy
Subject: RE: 429 University Ave

Hi Sally,

Thank you for your email. Christy Fong is now the assigned planner for this project. She has been copied on this message and will respond to your request. (Thanks Christy.)

Elena

-----Original Message-----
From: Sallyann Rudd [mailto:sallyann_r@yahoo.com]
Sent: Sunday, August 31, 2014 7:17 AM
To: Lee, Elena
Subject: 429 University Ave

Hi Elena

I just found out about this new project through our neighborhood Nextdoor list.

Can you please tell me how many parking spaces this building requires, how many are mitigated by other factors such as downtown parking distrcit and proximity to transit, and how much square footage will be devoted to commercial, retail and residential?

Also, if there is a traffic plan, I'd like a copy, since there appear to be more pages in the plans devoted to tree protection than neighborhood traffic and parking mitigation.

Thank you

Sally-Ann Rudd
354 Pole St
Palo Alto

Fong, Christy

From: Julie Siegert <overdew@pacbell.net>
Sent: Tuesday, September 02, 2014 3:15 PM
To: Fong, Christy
Subject: 429 University

I wanted to express my concern and disapproval of the project plan for 429 University. Another project too big for our city. Too much traffic on Kipling, too much parking spillover into Downtown North, and too tall. We are creating a tunnel on University avenue of these tall structures ultimately good for developers not good for residents.

Please stop this madness before what is left of our beautiful city is completely destroyed.

Sincerely,

Julie Siegert

Fong, Christy

From: Stan Dirks <sjdirks@gmail.com>
Sent: Thursday, September 04, 2014 8:18 PM
To: Fong, Christy
Subject: Proposed project at 425 and 429 University Avenue

Follow Up Flag: Follow up
Flag Status: Flagged

I strongly oppose the approval of this project and any other additional four story or taller buildings along University Avenue between El Camino and Middlefield Avenue, and I strongly oppose the approval of any building that does not provide its own parking for its maximum use.

We must retain the character of a friendly and welcoming downtown, with street level sunlight, open spaces, trees and restaurants (including outdoor seating), rather than creating a tunnel-like environment with tall buildings on both sides of the street, blocking the sun and destroying the ambience. There are already too many four story and taller buildings downtown. The fact that there is one across the street from this site does not mean that more must be allowed—it means the opposite.

Stan Dirks
545 Ruthven Avenue
Palo Alto, CA 94301

Fong, Christy

From: mwg1378@gmail.com on behalf of Mike Greenfield <mike@mikegreenfield.com>
Sent: Thursday, September 04, 2014 11:23 AM
To: Fong, Christy
Subject: 425/429 University Avenue

Hi Christy-

I wanted to send a quick note to let you know that I am a resident who lives on Kipling Street (at 321 Kipling) and am strongly supportive of new development at University and Kipling. Palo Alto is in dire need of both new office space and new housing, and I would love to see construction on that and other nearby projects start soon.

This is a blog post I wrote on a related topic: http://numeratechoir.com/how-to-bring-innovative-not-insanely-wealthy-people-back-to-palo-alto/

Thank you for your work in helping Palo Alto to grow and evolve.

-Mike

Fong, Christy

From: Lisa Rutherford <lrutherford@gmail.com>
Sent: Friday, September 05, 2014 10:53 AM
To: Fong, Christy
Subject: Re: Neighbor concerns about 429 University

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Christy,

I saw that the plans for 429 University were resubmitted with no real changes, and I wanted to once again document our concern over its impact on Kipling Street:
- increased traffic and parking on an already overloaded and narrow street (we frequently have people parking in front of our driveway
- increased noise level, both during construction and afterwards, due to the possibility of nighttime usage of the nonresidential portions of the building
- safety of the garage entrance
- safety and livability of Kipling Street - already an overly narrow street for its current traffic flow, let alone the increased traffic and hazards from the parking garage
- general safety and vagrancy around the parking garage. I would be devastated to have the increased crime and dirtiness that have plagued other downtown parking facilities just a few blocks away.

Lisa

On Aug 20, 2014, at 3:06 PM, Fong, Christy <Christy.Fong@CityofPaloAlto.org> wrote:

Hi Lisa,

Thank you for your comments. It will be documented in file and is subject for consideration during the review process. The applicant is currently revising the plan. Once we receive the revised plans, they will be posted at this link below:

http://www.cityofpaloalto.org/news/displaynews.asp?NewsID=2449&TargetID=319

Should you have further questions, please do not hesitate to contact me directly.

Regards,

<image001.jpg>

Christy Fong | Planner | P&CE Department
250 Hamilton Avenue | Palo Alto, CA 94301
T: 650.838.2996 | E:Christy.fong@cityofpaloalto.org

Please think of the environment before printing this email – Thank you!

From: Lisa Rutherford [mailto:lrutherford@gmail.com]
Sent: Tuesday, August 19, 2014 9:37 PM
To: Fong, Christy
Subject: Neighbor concerns about 429 University

Hi Christy,

I'm writing regarding the development project being proposed at 429 University Ave. My family (husband and 3.5 year old) has lived at 443 Kipling Street, the beautiful Victorian closest to the proposed garage entrance, for the past eight years. We LOVE our home and have considered ourselves lucky to have found a place that is both convenient to downtown, yet on a quiet, peaceful, and safe street.

When I saw the plans for the proposed development, my stomach dropped. I know that single family homes in downtown Palo Alto are becoming rare, so it would be easy to assume our home was also a converted business, but it's not -- It's our home. And the current plans look like they will detrimentally effect our lives. I am concerned about:

- increased noise level, both during construction and afterwards, due to the possibility of nighttime usage of the nonresidential portions of the building
- safety of the garage entrance -- My little guy loves to scooter around, so the traffic in and out of the garage is worrisome
- safety and livability of Kipling Street - already an overly narrow street for its current traffic flow, let alone the increased traffic and hazards from the parking garage
- general safety and vagrancy around the parking garage. I would be devastated to have the increased crime and dirtiness that have plagued other downtown parking facilities just a few blocks away.

Right now, we live on the most perfect street in the most perfect town. I hope the existing plans can be amended to help maintain our beautiful home.

Lisa

---

lisa rutherford
lrutherford@gmail.com
650.380.2812

Fong, Christy

From: Jeff Svoboda <doctorjeffs@aol.com>
Sent: Friday, September 05, 2014 7:58 PM
To: Fong, Christy
Subject: City need to grow, develop

Ms Fong, Palo Alto needs to see the need for new devlopment, area of more business and taller buildings and areas for neighborhoods. We arena thriving community based on attracting
New ideas, new business. Room for smart ideas to percolate. This includes new devlopment on University avenue. Do no agree with the short sided "no" devlopment mindset. Parking can be addressed.

Let broaden the discussion. Jeff Svoboda Palo Alto resident Sent from my IPad

Fong, Christy

From: Brett Caviness <brett@levettproperties.com>
Sent: Monday, September 08, 2014 4:03 PM
To: Fong, Christy
Subject: 429 University Ave Development Project

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Christy,

As Director of LeVett Properties, property management company I wanted to reach out to you with our position with regard to the proposed project at 429 University Ave in Palo Alto. LeVett Properties strongly opposes the current plans for the proposed project at 429 University Ave. LeVett Properties works to look out for the best interests of both our properties and our residents. With this in mind, we feel that the project as proposes poses serious adverse affects to current and future residents of one of our properties specifically located at 405 Kipling St. Traffic is a primary concern to our resident's parking needs as well as safety. Being in a small downtown area like Palo Alto, perspective residents frequently make decisions on the basis of parking options for both them and their guests. The proposed project would greatly impact our ability to draw the highest income potential from our units as residents look to properties were the density may be less and therefore more accommodating for their needs. The increased traffic demanded of Kipling will also mean our residents and perspective residents will be considering increases in road noise, pedestrian traffic and a heightened potential for accidents and other nuisances. We do not feel the current plans meet the true needs of the neighboring properties surrounding the project.

Thank you for taking the time to understand our concerns.

Sincerely,

Brett Caviness
Director

LEVETT PROPERTIES

502 Waverley St Suite 304 | Palo Alto, CA 94301
Phone. (650)321 0440 | Fax. (650)328 4859
www.LeVettProperties.com
Follow us on Facebook and Twitter!

What our Residents say:
"I can't say enough good things about either Brett or Galina, truly outstanding Service." -Emud, Palo Alto

Fong, Christy

From: Linda Anderson/Bert Page <b-l-page@pacbell.net>
Sent: Thursday, September 18, 2014 10:38 AM
To: Fong, Christy
Subject: University and Kipling Project

Christy,

As a resident of Downtown North, I strongly oppose this development as proposed. It is one more assault on the DTN quality of life that already has been seriously eroded by development "exceptions" causing what may or may not be "unintended consequences."

The issues are many. Among them are building height, parking, square foot calculation used for parking needs, etc. I look forward to the day Palo Alto enters the real world and changes is 250 sq. ft./person to something resembling current actual.

I hope my comments are not too late. I have been out of town.

Thank you,

Linda Anderson
267 Bryant Street

Fong, Christy

From: Becky Baer <becky_baer@yahoo.com>
Sent: Monday, September 29, 2014 1:10 PM
To: Fong, Christy
Subject: New building at 425 & 429 Univ Ave

Dear Ms. Font,

I am writing as a youngish (69) senior citizen and homeowner on Lytton Ave. My husband and I and three children moved into our house in 1972. Our fourth child was born here in 1975. Our children grew up within walking, bicycling and skateboarding distance of downtown. Currently, both my husband and I walk downtown several times a week. Always on Saturdays to attend the Farmers' Market. Other times to stop at the post office, or pick up prescriptions. Over the years we have witnessed an alarming transformation of our beloved downtown area. The first offense was the hideous Cheescake Factory building, which in no way reflects the style of the area. The current proposal to tear down and replace the building at 425 & 429 University is another nail in the coffin. Already, there is inadequate parking for the buildings in existence. Please reconsider this proposal.

As for choices in shopping for my demographic, Los Altos and Menlo Park are much more appealing. It seems short sited of our city to focus only on attracting the young techies, while ignoring what may be attractive to an older generation.

Thank you for your time and for the opportunity to air my grievances about what is happening to the city I fell in love with 42 years ago.

Becky Baer
851 Lytton Ave.

Http://www.beckybaer.com

sent from my iPad

Fong, Christy

From: ssmofa@cwnet.com
Sent: Wednesday, October 08, 2014 10:01 AM
To: Fong, Christy
Subject: demolition of 425 University and 429 University

Dear Ms. Fong:

We are very concerned about the demolition of these two parcels and replacing them with a 4 story 33,000 s.f. mixed use building.
We feel this is not a good fit for that block on University for several important reasons.

First of all, parking. I understand that the developer wants to put in two layers of a parking structure under the current space behind the current building. I don't see that there will be enough room for cars to go in and out in that place. Street trees will have to be removed. Traffic is already dense in that area and will be blocked for the comings and goings related to the parking.

Second point is water use. Bringing more workers into downtown Palo Alto without increasing water use is something requiring much thought. The area is already in severe drought and increasing office space with cubicles will bring in more workers who must park and who will be using increasing amounts of water & sewers

Thirdly, this street has a lovely feel to it as it is. There are street trees and the street gets sun all year round. With 4 story buildings going in, there is likely to be a wind tunnel created and the trees will have to be removed. They will no longer receive enough sunlight to keep them alive. Birds sing all year in this area. That will end as well.

We shop on this street and we dine on this street. Without businesses like the small, local retailers we frequent, there is nothing to bring us down to Palo Alto & University Avenue. We love the character of downtown Palo Alto. We come down a few times each month to shop and dine although we live in the east bay. We bring out of town visitors, too.

We were shocked to hear about this and we hope that you will consider beyond the profit making involved in this short sighted project. Palo Alto draws visitors and students and their families, researchers and is a world class destination. A bunch of offices and chain businesses will not be the draw that a lovely, tree lined street with interesting chains and independent retail stores is and has always been for Palo Alto. Please vote against this unsightly and impractical project.

Thank you for your kind attention

Mr. & Mrs. N. K. Farrell
Oakland CA

Fong, Christy

From: Carol Lamont <carol@lamont.com>
Sent: Wednesday, October 29, 2014 12:11 AM
To: Fong, Christy
Subject: Proposed Development Plans Submitted for 425 and 429 University Avenue

Christy,
I would like more information on the plan submitted for the proposed new development at 425 and 429 University Avenue.

1) Is the plan as submitted consistent with current zoning for these properties? If not, is the developer seeking PC zoning or specific amendments?
2) Do the existing buildings have any historical significance or protection? The buildings at the following addresses are identified as works of Birge Clark built in 1927: 423, 425, 427, 429, 433, and 437 University Avenue per the website at http://www.pastheritage.org/Birge.html
3) What is the current status of the proposed project and what additional steps are set for the review and decision whether to approve the plan? What opportunity is there for public input?
4) What concerns and objections to the plan have been submitted by staff or the public to date? How can I access reports and minutes of meetings at which the proposed plan was considered.

Thank you for any information you can provide about this project that would seriously degrade the character of downtown Palo Alto.

Sincerely,

Carol
Carol Lamont
618 Kingsley Avenue
Palo Alto, CA 94301

Fong, Christy

From: John Hanna <jhanna@hanvan.com>
Sent: Friday, November 07, 2014 6:41 PM
To: Fong, Christy
Subject: 429 University avenue

The new project proposed for the corner of University avenue and Kipling is exactly what we need more of in Downtown Palo Alto. We need more residential downtown to make it possible for people to live and work in town (as opposed to commuting), and we need more parking downtown. This project fulfills both of those needs, and addition adds to the tax base and improves the aesthetics of that corner considerably. The project meets zoning and parking requirements and need no special favors or exceptions.
What's not to like?

John Paul Hanna, Esq.
Hanna & Van Atta
525 University Avenue, Suite 600
Palo Alto, CA 94301
Telephone: (650) 321-5700
Facsimile: (650) 321-5639
E-mail: jhanna@hanvan.com

Fong, Christy

From: K. Fong <ksfongdna@yahoo.com>
Sent: Friday, November 07, 2014 7:16 PM
To: Fong, Christy
Cc: Kenneth Fong
Subject: 429 university new building project

Dear Ms Fong,

I am writing to support Elizabeth Wong's building at 429 University Ave, Palo Alto because it is a mixed use facility that we need in this great city of ours.

I have been a biotech entrepreneur/investor in Palo Alto-Mt View since 1984 and am also owner of several downtown commercial buildings for some time. I love this city and I believe this new building and its design would bring vitality and greater tax base to our city for a long time to come. We should not let this window of opportunity to build such a vibrant facility pass without the city carefully examining its merits.

Thank you for your attention.

Respectfully,

Kenneth Fong

Kenneth Fong
Chairman, KENSON Ventures, LLC

400 Hamilton Avenue, #410, Palo Alto, CA 94301
Phone : 650 330-0322 Fax : 650 330-0577

Fong, Christy

From: Elizabeth L <laskyea@gmail.com>
Sent: Sunday, November 09, 2014 4:34 PM
To: Fong, Christy
Cc: elizabethwong2009@gmail.com
Subject: 429 University

Ms. Fong,

I support the Wongs' project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Elizabeth Lasky

Fong, Christy

From: Beverly Fields <beverly.fields@prprop.com>
Sent: Monday, November 10, 2014 9:51 AM
To: Fong, Christy
Subject: 429 University Avenue, Palo Alto

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Fong:

I have been working in Downtown Palo Alto since 1984 as a commercial property manager and have personally witnessed the Downtown's growth and development. I believe that the Wong's proposed project would be an asset to University Avenue, in addition to providing badly needed residential units and two levels of underground parking. I am very much in support of this project.

Sincerely,

Beverly Fields

Beverly Fields
Director of Property Management

25 years
Taking Pride in Palo Alto
PREMIER
PROPERTIES MANAGEMENT

Direct: 650.618.3004
Fax: 650.618.3009
beverly.fields@prprop.com

Premier Property Management
539 Alma Street
Palo Alto, CA 94301

www.prprop.com

Fong, Christy

From: James Lin <james@betterchinese.com>
Sent: Monday, November 10, 2014 10:06 AM
To: Fong, Christy
Cc: Elizabeth Wong
Subject: Support of Wong's Project at 429 University Avenue
Attachments: 11_SupportForEWongProject.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Please support Wong's Project. See attached letter.

Regards,

-James

--

James Lin
Founder & CEO
Better Chinese
2479 E Bayshore Rd, Suite 110
Palo Alto, CA 94303

T. +1-650-384-0902
F. +1-888-384-0901
E. james@betterchinese.com
W. www.BetterChinese.com

https://www.youtube.com/watch?v=3uGR9vHdog4

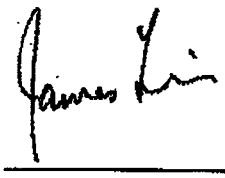
To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,



Name

Home: 675 Greer Road, Palo Alto, CA 94303
Business: 2479 E. Bayshore Road, 110, CA 94303

Home or business address in Palo Alto

Fong, Christy

From: kumikoyoshinari@gmail.com on behalf of Kumiko Yoshinari <yoshinari@princetonenergy.net>
Sent: Monday, November 10, 2014 12:38 PM
To: Fong, Christy
Subject: In support of the project at 429 University Avenue

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Fong

Mixed use buildings such as the one proposed for 429 University Avenue is precisely what we need in Palo Alto, to address housing, office and retail space shortage. Many more mixed use buildings will enable younger people to come work, live and raise a family in Palo Alto, ensuring that the City remains the center of innovation and a vibrant city.

Kumiko Yoshinari
Homeowner and Resident of Downtown North

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Serena Garcia

SERENA GARCIA
Name

534 Ramona Palo Alto
Home or business address in Palo Alto

Name

Home or business address in Palo Alto

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Vernon Altman
Name

928 Laurel Glen Dr
Palo Alto
Home or business address in Palo Alto

Name

Home or business address in Palo Alto

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Zachery Jadrich
Name

429 University ave Palo Alto 94301
Home or business address in Palo Alto

Name

Home or business address in Palo Alto

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Connett & Ahart

Connett & Ahart
Name

955 Laurel Glen Dr 94304
Home or business address in Palo Alto
Palo Alto, CA 94304

Name

Home or business address in Palo Alto

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Clint Severson
Name

955 Laurel Glen Dr. 94304
Home or business address in Palo Alto
Palo Alto, CA

Name

Home or business address in Palo Alto

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Name	Home or business address in Palo Alto
Jon Goldman	539 ALMA ST, PALO ALTO, CA
Name	Home or business address in Palo Alto

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Name	Home or business address in Palo Alto
Avo Izmirlian	539 Alma St, Palo Alto, CA
Name	Home or business address in Palo Alto

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Brad Ehikian
Name

539 Alma St, Palo Alto
Home or business address in Palo Alto

Name

Home or business address in Palo Alto

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

PJ Gold
Name
Patrick J. Gold

425 University, Palo Alto, CA
Home or business address in Palo Alto

Name

Home or business address in Palo Alto

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Name	Home or business address in Palo Alto
Gordon Friedman	425 University Ave
Name	Home or business address in Palo Alto

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Name	Home or business address in Palo Alto
Andrew Gold	425 University, Palo Alto, Ca
Name	Home or business address in Palo Alto

Fong, Christy

From: David Kleiman <dkleiman@d2realty.com>
Sent: Tuesday, November 11, 2014 11:19 AM
To: Fong, Christy
Subject: 429 University Ave, Palo Alto

Dear Ms. Fong:

I support the approval of the proposed project at 429 University Avenue.

Not only does is provide parking that meets the City's requirements, but it will provide much-needed residential units.

Sincerely,

David Kleiman
333 High Street
Palo Alto, CA

Fong, Christy

From: Stephen D. Pahl <Stephen@pahl-mccay.com>
Sent: Tuesday, November 11, 2014 1:21 PM
To: Fong, Christy
Cc: Elizabeth Wong (elizabethwong2009@gmail.com)
Subject: 429 University Avenue

Ms. Fong: Please permit this correspondence to serve as a strong letter of support to the project currently before the ARB at 429 University. Not only have the property owner expended serious time and money to design a project within the standards of Palo Alto's downtown standards, if completed, it will constitute a serious upgrade in the quality of the neighborhood. Our office has represented both developers and tenants on the Avenue, and I personally have engaged in projects for my own account within Palo Alto. This project clearly seeks to reach a middle ground between density and use and strikes a balance between retail, office and residential. I recently received a letter from a North Palo Alto resident complaining one of our represented projects would only serve to require the retail/office employees to further park in "their" neighborhood. This project substantially "self-parks" and with the residential portion of the project, perhaps can serve as a live/work unit.

Should you have any questions or comments, please do not hesitate to contact the undersigned.

PAHL&McCAY
A Professional Law Corporation

Stephen D. Pahl
Pahl & McCay, a Professional Law Corporation
225 West Santa Clara, Suite 1500, San Jose, California 95113
Telephone: (408) 286-5100 Direct: (408) 918-2826
Cell: (408) 210-0500 Facsimile: (408) 286-5722
Email: spahl@pahl-mccay.com

Fong, Christy

From: Sam Arsan <sam@arsanrealty.com>
Sent: Wednesday, November 12, 2014 10:58 PM
To: Fong, Christy
Subject: 429 University Avenue

Dear Ms. Fong

I have been leasing and managing properties in the downtown Palo Alto market for over twenty years. As one of the most active brokers in the downtown area I believe in supporting any and all efforts to preserve and continue to improve the vibrant nature of downtown.

I support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Sam

Sam Arsan
Arsan Realty
801 Woodside Road, Suite 11
Redwood City, CA 94061
650-322-3143
650-322-6028 Fax

LEVETT
PROPERTIES

November 18, 2014

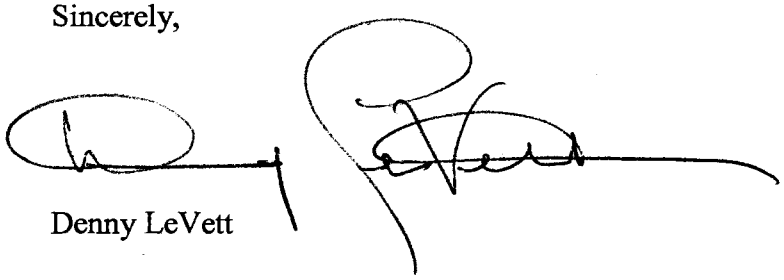
To Whom It May Concern,

I, Denny LeVett hereby express my complete and total support of Mrs. Elizabeth Wong's building project located at 429 University Ave in Palo Alto.

I have reviewed the plans and believe that the building is absolutely stunning and enhances the charm of the Palo Alto landscape.

I believe the building would be a great asset to Palo Alto and the Downtown community.

Sincerely,



Denny LeVett

502 Waverley St Suite 304 | Palo Alto, CA 94301 | ph (650)321-0440 | fax (650)328-4859 | www.levettproperties.com

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Thank you !

[signature]	#401 400 Hamilton Ave, Palo Alto, CA 94301
Name: Kenneth Fong	Home or business address in Palo Alto
Name	Home or business address in Palo Alto

Gmail

Follow-up to Proposed Project at 429 University Ave Palo Alto

Brett Caviness <brett@levettproperties.com> Wed, Nov 19, 2014 at 4:06 PM
To: Christy.fong@cityofpaloalto.org
Cc: elizabethwong2009@gmail.com

Dear Christy,

As Director of LeVett Properties, property management company I wanted to reach out to you as our position on the proposed development at 429 University Ave in Palo Alto has evolved. Through our meeting with the Developer and Owner of the project, we have come to understand the positive impacts the project can have on Downtown Palo Alto and thus the desirability of our real estate assets and rental abilities. We have moved our position to be in favor of the proposed project. Thank you for your attention in this matter. We are comfortable with both the design and function of the property including parking and traffic potential impacts. Please consider our office in support of the project.

Sincerely,

Brett Caviness

Director

LEVETT

502 Waverley St Suite 304 | Palo Alto, CA 94301

Phone. (650)321 0440 | Fax. (650)328 4859

www.LeVettProperties.com

Follow us on Facebook and Twitter!

What our Residents say:

Fong, Christy

From: Steve Dow <sdow@srfunds.com>
Sent: Wednesday, January 14, 2015 4:10 PM
To: Fong, Christy
Subject: comments vis a vis proposed building at corner of University and Kipling

Dear Ms Fong:

My name is Steve Dow.
I'm a tenant at 421 Kipling St (have been for the last 8 years) and have had an office on or near University Avenue since 1992.
I've lived in or near Palo Alto since 1972. I believe I have a good feel for Palo Alto and have been generally supportive of many of the projects that have been built in the last 40 years.

The most important thing when considering the appropriateness of a new project is its fit to the specific site: meaning the same project on a different site might make sense. In this case, it DOES NOT fit.
Kipling is a very narrow street — much narrower than most streets that intersect with University Avenue. As it is, it is generally impossible for two cars, traveling in opposite directions on Kipling, to pass without one or the other pulling over into a driveway or parking space. When this happens near the intersection at University or Lytton, it can have an impact on the traffic flow on University or Lytton. A large building, with a two story underground parking garage whose ingress and egress is on Kipling would create a traffic disaster. Put this same proposed building on Waverly, or Bryant, or most other streets, and it would not cause a huge problem.
But it is on Kipling.

I URGE YOU TO NOT ALLOW THIS PROJECT, as currently construed, to proceed. It does not fit.
If it were built without the underground garage, then its impact would be "only" aesthetic (ie impacting the surrounding buildings, casting shadow on the houses across the street on Kipling). Aesthetics are a very subjective measure, and while I might prefer a lower building, I appreciate that is a debate one can have.
However, traffic is not subjective. The addition of inflow and outflow from the proposed parking onto Kipling is not consistent with Palo Alto's desire to improve traffic in the downtown area. It would make it worse.

Regards,
Steve

Steve Dow
Sevin Rosen Funds
421 Kipling Street
Palo Alto, CA 94301
cell: 650-619-6365

#2a

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

FABIO SANGIORGI
Name

2/5/15

165 CAMBRIDGE AVE # 612 44
Home or business address in Palo Alto
PALO ALTO CA 94306

FABIO SANGIORGI

Name

Home or business address in Palo Alto

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Carlos Ruiz — 350 Grant Ave, Palo Alto

Name: CARLOS Ruiz — Home or business address in Palo Alto

Name — Home or business address in Palo Alto

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

JOHN KURZ
Name

935 ADDISON PALO ALTO
Home or business address in Palo Alto

JOHN KURZ

Name

Home or business address in Palo Alto

FEB 12 2015

Department of Planning
& Community Environment

February 12, 2015

To The Members of the Architectural Review Board
City of Palo Alto

Re: Wong Project – 425 University, Palo Alto

Dear ARB Members:

I began working in Downtown Palo Alto in 1984 as a commercial property manager for a local developer who also owned a commercial property management company. I have personally witnessed the transformation of the Downtown from an unattractive corridor with old, badly maintained, buildings – mainly housing financial institutions, a few restaurants and very little office and retail.

The Downtown was virtually dead, mostly catering to the Stanford students. It did not attract residents from neighboring communites, or any potential tenants. From what I remember there were a lot of vacant buildings.

It was the vision of local developers at that time to transform the Downtown to another "Santa Barbara," and were designing and building "Spanish Style" buildings in order to revitalize the Downtown. Then some young architects emerged on the scene, one of them being Ken Hayes, who became involved in designing and building some different projects. Ken Hayes' buildings were modern, sleek, simple and beautiful, and really brought diversity to the Downtown corridor.

Because of this architectural diversity, Palo Alto began to attract unique and upscale restaurants, retailers and office users. The Downtown began showing its own unique identity.

I do not feel that Palo Alto would have the economic stability it has today without the diversity that the Downtown offers to its users, which has made Palo Alto a destination for the entire Bay Area.

I believe that the Wongs' proposed building is unique, beautiful and timeless, and will contribute to the uniqueness of this important corridor.

It is my hope that the Board will approve this project. Thank you.

Sincerely,

Beverly Fields
539 Alma Street
Palo Alto, CA 94301

Kipling Post LP
P. O. Box 204
Palo Alto, CA 94302

November 11, 2014

429 University Avenue
Response to Opposing Comments

Dear Ms. Gitelman:

E-mails and letters have been sent to your Department by residents and others expressing concerns and objections to the development proposal for the property at 429 University. They variously address fears due to building height, traffic, parking and aesthetic concerns, among others. Please allow me to present a different point of view.

TRAFFIC

You have in your possession a comprehensive Transportation Impact Analysis report ("Traffic Report") prepared for us following directives from the City of Palo Alto's Transportation Division by Hexagon Transportation Consultants, Inc. It estimates that, on the high side, the project would generate 166 net new trips daily with 21 of these occurring at AM peak hours and 21 at PM peak hours, and it concludes that all the intersections studied would continue to operate at levels acceptable to the City.

The report studied traffic impact at both ends of the 400 block of Kipling Street, at the intersections of Lytton Avenue with Alma Street and with Middlefield Road, and at the intersection of University Avenue and Middlefield Road. These were the locations where the City deemed impact would be greatest. The report studied six traffic condition scenarios: existing traffic conditions, existing plus project added, background, background plus project added, cumulative, and cumulative plus project added. For each of these scenarios, the conclusion is the same, these intersections would continue to operate at City-acceptable levels (pages 24, 28, 31 and 34). These conclusions are based on methodology and standards under the Transportation Research Board, 2000 Highway Capacity Manual; the 2010 California Manual on Uniform Traffic Control Devices and the City of Palo Alto's Level of Service Standards.

The Traffic Report further indicates that there will be no undue delays on Kipling Street (vehicle queuing) due to the traffic from the project, although there are pre-existing conditions that cause delays in turning from University westbound onto Kipling Street but that these delays are unrelated to the proposed project (page 38-39).

PARKING

The proposed project will include two levels of underground parking, providing 41 auto parking spaces. This is in addition to the 37 auto spaces for which the City has been receiving payment from us for years via the Downtown Parking Assessment District. Several of these spaces are accessible, van- accessible, clean-air/van pool, EVSE, and EVSE-ready as required by the newest regulations. Additionally, short-term and long-term bicycle parking is provided by the project in compliance with City requirements. Under current parking requirements, we have an excess of 6 parking spaces; no exceptions are requested.

BUILDING HEIGHT AND FACADE

In response the City's and neighbors' concerns expressed at the preliminary ARB earlier this year, we moved the rear perimeter of the building 4 feet in, giving a wider aspect to the alley, and we reduced the impact of apparent height and shadows by moving the fourth floor construction away from the perimeter of the property. From some vantage points, at or near street level, the fourth floor is all but invisible. We feel that it is important to establish an elegant presence at this visible corner as we enter the downtown core from University Avenue east. This building will do just that, and make a proud statement for Palo Alto.

We have nearly 20 years of retail leasing experience in Palo Alto and we know that, what retailers want and demand is a strong presence at the street level, with attractive windows, open and inviting. The Apple store farther along University Avenue is a prime example of a new construction with presence and sidewalk appeal. The smooth and continuous storefront was an important requirement from them. Incidentally, the Apple store generates around ten times the annual sales of other retailers; not even Apple could have achieved this level of sales with a tired and less visible storefront. We estimate that our project's visibility will significantly contribute to sales and therefore be a significant tax revenue source for Palo Alto.

The existing buildings are near the end of their physical life. They are energy-inefficient, and the water and sewer services which are embedded in the concrete walls and foundation slab are not accessible to maintain and repair.

AESTHETICS

Take a walk down University Avenue, or Lytton or Hamilton. What is striking about the downtown commercial core is the diversity of architectural styles. I'm sure Birge Clark, in his day, had detractors too. The beauty of downtown is that many different styles make for a welcoming panorama where there is something for everyone – different building shapes, heights, colors, ages. It's not Disneyland, with uniform and plastic facades. The different retail and restaurant storefronts, old and new, add to this multi-faceted welcoming tableau. That is why Palo Alto thrives while its neighbor cities have to try harder.

While we are taking a walk, check out the houses on the 400 block of Kipling, from where many of your letters originate. The block has one- and two-story houses, mostly used as dense commercial and multi-residential rentals, all vying for on-street parking since almost no off-street parking is provided in the respective properties. This is an existing parking and traffic problem in a congested area, and the occupants' frustration is misdirected toward our 429 University project.

FEAR

A few letters you have received cite fears about safety and crime, presumably brought about by the erection of a new building with underground parking. What I can't figure out is how this is different from what we have now? A well-managed building will keep its premises and its surroundings safe and crime-free; we have owned this property for decades and have been diligent in its management. Now, after investing millions in the new project, does anyone honestly believe we would abandon good practices and let this investment deteriorate?

A NEW PERSPECTIVE

Our family came to Palo Alto about twenty years ago. We decided to make this city our home. We bought a house, expensive as it was even then. We liked the downtown and invested in it. In these nearly two decades, we have seen, and possibly helped, Palo Alto become a destination for shopping, living and education; a crucible for new ideas and novel ways to live and work; a hotbed of retail and fine dining options. This would never have happened if we let our fears dominate how we see the future of our City.

We, too, have a dream. That one day, the great City of Palo Alto and its citizens will not oppose projects out of fear and naiveté; that we can all embrace progress and intelligent growth and use that to help the City and each of us become better than could otherwise be. This is our legacy to our family and to our City.

Thank you.

Jaime and Elizabeth Wong

Kipling Post LP
P. O. Box 204
Palo Alto, CA 94302

January 21, 2015

429 University Avenue
Response to Opposing Comments from Steve Dow

Dear Christy:

In the opposition letter from Steve Dow, one of the tenants in Mr. Michael Harbour's building on Kipling Street, Mr. Dow states: "If it were built without the underground garage, then its impact would be 'only' aesthetic ... Aesthetics are a very subjective measure".

Mr. Dow insists on doing away with the underground parking. As you know, the City has denied our request to have a smaller garage for as few as 8 cars on-site, and pay in lieu of parking for 27 spaces. In compliance with the City's Planning and Transportation requirements, 40 spaces are planned, 5 more than required by City ordinances. In addition, at the City's request, a transportation and parking study was commissioned and the professionals at Hexagon Transportation Consultants, Inc. indicated that any increased use of Kipling Street and the surrounding intersections due to our project do not unduly worsen traffic flow there or elsewhere.

Other than traffic, Mr. Dow concedes, his opposition is "only aesthetics", which indeed is a "subjective measure". What Mr. Dow fails to accept is that Palo Alto does not regulate aesthetics, cannot spot zone, and may not illegally discriminate against any individual project.

Our project complies with all City requirements regarding square footage and FAR, zoning, public works, transportation and parking. All these approvals have been legally obtained with complete transparency and without any exceptions requested.

This project will bring to the City updated retail and much-needed housing, in a structure that meets the latest demands of energy efficiency, earthquake safety and environmental needs.

Please issue a prompt approval.

Elizabeth and Jaime Wong

Attachment K: Project Plans – delivered to ARB Board Members only

Also available online at:
http://www.cityofpaloalto.org/news/displaynews.asp?NewsID=2449&TargetID=319

ARCHITECTURAL REVIEW BOARD
February 19, 2015
VERBATIM MINUTES

DRAFT EXCERPT

==========MEETINGS ARE CABLECAST LIVE ON GOVERNMENT ACCESS CHANNEL 26==========

Item No. 1:

429 University Avenue [14PLN-00222]: Request by Ken Hayes Architects, Inc. on behalf of Kipling Post LP for Architectural Review of a proposal to demolish two existing one-story commercial/retail buildings with a total of 11,633 sf and construct a 31,407 sf, four-story mixed use building with two levels of underground parking providing 40 on-site spaces on an 11,000 sf site in the Downtown Commercial (CD-C (GF)(P)) zoning district. Environmental Assessment: Initial Study and draft Mitigated Negative Declaration public review period was November 17,2014 through December 12, 2014. **The hearing of this item was continued from the January 15, 2015 ARB meeting to this date.**

Chair Popp: This is a request by Ken Hayes Architects on behalf of Kipling Post LP for architectural review of a proposal to demolish two one-story commercial/retail buildings with a total of 11,633 square feet and construct a 31,407 square foot, four-story mixed-use building with a below grade 40-space parking facility on two levels on an 11,000 square foot site in the Downtown Commercial (CD-C(GF)(P)) zoning district. Environmental assessment: initial study and draft Mitigated Negative Declaration public review period was November 17, 2014 through December 12, 2014. The hearing of this item was continued from the January 15, 2015 ARB meeting to this date. I'm sure we have a staff report.

Christy Fong, Planner: Thank you for the introduction and good morning, Board Members. This is the third formal hearing for 429 University Avenue. The project remains as described and there are no changes to the proposed for area and land-use program. The first ARB formal hearing took place on November 20, 2014. The comments received from the meeting were related to the project's compatibility to its context and the overall massing and scale. The project has been revised and gone through the second hearing on January 15, 2015. The ARB comments were summarized in page 2 of the staff report. Since the last hearing the project has been modified. The applicant has prepared a presentation to go through the changes. After the packet distribution last week, staff has received additional public comment. The correspondence along with the applicant's response letters are provided at-places for your consideration. That concludes staff report.

Amy French, Chief Planning Official: I want to add into that. There are additional comments that we received from a Board Member who is not present, and those are being copied right now. Finally, as Christy mentioned, it's the third public hearing, so the Board by Code is asked to make a recommendation today. If there was a desire to continue it and the applicant was amenable to this and allowed this, then that is something to work out and can be done.

Chair Popp: Thank you very much. I do want to just disclose that I did receive an email from Board Member Ballantyne in regard to her not being present today. She had provided those comments as an attachment to that; I forwarded that on to staff for printing for today. I think, with that, we'd like to ask Mr. Hayes to present the changes for the project.

Mr. Hayes: Let me get situated here before you start the clock. Good morning, Members of the Board, Chair Popp. My name's Ken Hayes with Hayes Group Architects. I'll be presenting the project on behalf of my client, Kipling Post LLP. Before I start, I'd like to extend my thanks to the planner, Christy Fong, and also Chief Planner Amy French for assisting us with bringing the application back to you in a complete form. I think we're all familiar with the site on the corner of Kipling and University Avenue. It's a neighborhood that has buildings varying in height from one story to six stories tall. Most of that mass concentrated on University Avenue. The project, as Christy pointed out, hasn't changed, so we have ground-floor retail. Second floor is office. The third floor are three residential apartments, about 2,500 square feet each, and the fourth floor has a big roof terrace because we've set the fourth floor back quite a ways. It has a small office space as well as another apartment at that level, also about 2,500 square feet. This is the shady lane. This is the corner of Kipling and University Avenue, so the project site is this one here, and then another shot from the University side at the former Apple building over here. When we were here in January, we generally had your support, I think, with the modifications that had been made relative to mass, scale, setback and, I think more importantly, rhythm to the façade and, I think, the material palette had been one that was endorsed at the prior meeting. But you had some details you wanted us to come back on, and those specifically were provide ground-level planters on the alley side of the project. The residential railings, some concern about seeing personal property on the balconies, and so how could those railings be addressed. I want to make sure, Board Member Lew, that clear glazing is used at the ground floor to address your concerns, so the drawings say that. Also on the Kipling side, there was some discussion about reducing the impact of the canopy that provided shelter at the elevator and the stair enclosure, and also maybe reduce the cantilever of the balcony at the second floor lobby, if you will. We had the public art in the lobby prior, and the Art Commission expressed some concern about that as well, so we have a new location we are proposing for the public art. Then there was some discussion about maybe a different treatment at the University Avenue and Kipling corner on the ground floor. The first slide shows the changes on the alley here. We've introduced three handmade clay pots, about 31, 32 inches tall, 18 inches rectangular which would have horse tail planted in them. They're beautiful pots, and they would match the pots that we have on the fourth floor balcony. The horse tail also matches the planting that is in the built-in planter located here on the corner. On the University Avenue façade, and both these images, or all four of the next slides, the top image was the last one you saw. The changes here are a frosted glass, laminated railing at the third floor apartments to hide the personal property; clear glass on the ground floor; and we've done some reconfiguration of the unit on the fourth floor, bringing the living area to the front. That resulted in some changes here. We added some windows there that you didn't see here before. On the corner, we really felt strongly about keeping a corner window, and I think we had the support of some of the Members on that concept. It is consistent with one of the prescribed ways to address a corner. Our owner's program from the very beginning was a corner window, so we feel pretty strongly about keeping that. On the Kipling side, again the corner window is as was before. We have the translucent glass on both of these residential balconies, clear glass described on the ground floor. The biggest change has to do with this corner here. We've pulled it in 1 1/2 feet, I think, about 1 1/2 feet. Pushed it in towards the building, so it doesn't hang out to the alley. The property line is right here, so we're about 4 foot back from the edge of the property line, I believe. The canopy that is here for the elevator, you see here, you can't tell in this drawing, we've pushed it back 5 feet. Instead of 10 feet, it's 5 feet deep from the elevator door approximately. Then you see the planter here, that was there prior. The art work, we're thinking let's try to engage the artist to do something on the stairwell. I think there was some suggestion about that as well. We don't know what yet, but that's what we're going to target. I think that'll do a number of things; provide interest there on a blank wall and also help with some of the scale and texture of that piece. On the alley, you see the change here where this canopy was pushed back 5 feet. You don't really notice the change here; although, we did change the texture of the reveal pattern, just getting a little bit more refined. So it sort of reduces, makes a little bit smaller scale on the reveal pattern. You see the planters here, and then we have a Ficus vine that's actually going to grow on the concrete wall located there. Again on the fourth floor, there's some of those changes I talked about, where we've just done some reconfiguring of the unit which has shifted some of the windows around, like these windows are different here. Other than that, no change. The only change on the side is the translucent glass. This is prior, so now this piece of glass here is translucent, so that wraps that corner of that third floor unit. Then the integration with the streetscape. You see the one story buildings coming along. It steps up to this piece, and then it steps up again to this piece. As you all know, this is set back about 15 feet,

so it will read like a nice transition, I think, to the rest of the block. Then on the Kipling side, you can see where we've pushed this back as well, there, and then the art work will be on that corner to help this transition. This is the prior. We thought it would be good just to see them kind of next to each other. You see the glass here and there, and then how this has been pushed back. That's where the art work would go. Then on University Avenue, oh, you can see the planters down the alley as well. University Avenue, before and after. Now, I think it'll read more translucent than this. I don't want it to look like the neo (unintelligible), sorry, which will increase the mass. We want it to be translucent enough to be differentiated; yet, solid enough to hide what's behind it, and I think it will. That's it. Thank you very much. I look forward to a recommendation for approval to the Director. Thank you.

Chair Popp: So let's go to the Board for any questions that we might have. Mr. Kim, do you want to get any clarifications or questions from staff at this point.

Board Member Kim: No questions on clarification.

Chair Popp: Mr. Gooyer and Board Member Lew.

Board Member Lew: I have a question for staff. Apologies, I should have sent this to you guys earlier. I do have a question on the Transfer Development Rights section of the Code. Do you have the zoning here? I just want a clarification on this. It's Section 18.80.80. It says page, I think, what is it? Page 17 of the TDR Ordinance. So there's one section that says in reviewing a project proposed for a receiver site pursuant to this Section, the Architectural Review Board shall review the project in accordance with Section 16.48.120 of the Code. And then you go to that section, and it's been deleted. I was just trying to understand maybe what was the intent of it. Is there something that we should be doing in lieu of this deletion?

Ms. French: Yeah, thanks for the question. It's an error in our Municipal Code. 16.48 was the chapter that was formerly entitled Architectural Review Board.

Board Member Lew: I see.

Ms. French: So that, back in 2003 I want to say, or '04, was transmuted to Chapters 18.76 and 18.77. The contents were put into those chapters about the ARB findings and purview and then the process in those two chapters.

Board Member Lew: Okay. And then a follow up is in that same paragraph, it says the project may not be required to be modified for the sole purpose of reducing square footage unless necessary in order to satisfy the criteria of that said chapter. So is that still the case, that we are not allowed to reduce this square footage of this because it's a TDR project? (crosstalk)

Ms. French: Unless necessary in order to satisfy the criteria for approval. So that's the judgment call.

Board Member Lew: If a ...

Ms. French: You know, you have discretionary review. We have the ARB findings and ...

Board Member Lew: So we're saying that the ARB findings still trump this?

Ms. French: Correct.

Board Member Lew: We have to find that it is compatible and, if we don't find it's compatible, then somehow then the TDRs have to resolve themselves. Is that ...

Ms. French: Correct.

Board Member Lew: Okay. Thank you.

Chair Popp: All right, I have no questions, and so at this point we'll go ahead and open up the public hearing. Each person will have 3 minutes to speak. I have five cards in front of me. If anyone else from the audience is interested in speaking to this item, please go ahead and fill out a card and bring it forward. We will begin with Mr. Jeff Levinsky, followed by Neilson Buchanan. Please do announce your name as you come to the mike.

Jeff Levinsky: My name is Jeff Levinsky. Good morning, Board Members and staff. Thank you very much for holding this hearing. I'd like to raise two issues about the project. First of all, some of you may have attended last night's State of the City address, and Mayor Holman focused particularly on the loss of thousands of square feet of retail space in Palo Alto as a major concern for our city. It's happening across town, but particularly downtown. Now the staff report for this project doesn't address the issue of how this project will impact retail, but I estimate in looking at it that the new building will have several thousand square feet fewer for retail than the existing buildings. It's a bit hard to be more precise. The staff report incorrectly says that the existing buildings are one story. In fact, both of them are two story. There's an architect in the second story of one of them. But based on my estimate that not all of the existing 12,000 or so square feet is retail, the new building will have approximately some 7,000 square feet. So there's going to be a loss of at least 2 or more thousand square feet of retail. So it will contribute to the citywide problem. You're being asked to make a finding, number 4 on page 8, saying the project reinforces University Avenue as the retail core of downtown Palo Alto by maintaining ground-floor retail uses. I think it's important that you reject the finding as the building is not maintaining retail space, but rather reducing retail space and, thus, undercutting University Avenue's retail environment. My second point comes from visiting the property yesterday for about half an hour and looking at all the neighboring properties on University and Kipling. With one exception across the street, they're all basically one or two-story buildings reflecting traditional Palo Alto architectural styles. One adjacent building has a very ornate façade. The buildings across the street, you know, the new varsity buildings and such look very different than this. The Burge Clarke designed store across Kipling plans to remain as a mostly one-story structure with a small two-story extension. I can't see how the proposed design fits into this location either in style or in size. It will completely change the character of that part of the street. I carefully read the owner's recent letter urging, one, take a walk down University Avenue, Lytton or Hamilton to appreciate the diversity of styles downtown. True, but the building is going to be at one particular spot, so please focus on the neighboring buildings at that specific corner of Kipling and University. Thank you very much.

Chair Popp: Thank you, Mr. Levinsky. And next is Neilson Buchanan, to be followed by Stephen Levy.

Neilson Buchanan: My name is Neilson Buchanan. I live in Downtown North neighborhood adjacent to the University commercial core. My neighborhood is the largest commercial parking lot in the City of Palo Alto. We may be tied for University South or Professorville. We'll soon know the actual breakdown in the next five or six months. That's one of the reasons I'm here but, of all the reasons I am concerned about this project, parking is the least important. Let me try to recite problems, and I'd like to bring some solutions with each one of those. The issue is cumulative negative impact on the quality of neighborhoods. The way the planning process works in most cities is the cumulative impact is not a factor. Each little project says there's no significant change in this project, but cumulatively there is. I don't have time to explain all that, but I appeal to your common sense. The first problem is the housing-job imbalance, and I don't have time to explain any of these things. That tears at the social fabric of Palo Alto in my opinion. We've become a city of commuters; that's not good. If I had an aerial camera, I'd like to show you the parking lot known as Highway 101 and 280, trying to get off the ramps at this very minute. You go out any day during the week; you'll see almost dangerous situations of the right-hand lane being blocked because they can't get off the exits. Parking. I've generated tons of information about the impact of parking. I would like to talk about retail, but I do not have time. So quickly to the solutions. One of the millennial friends, in fact some people on the Planning Commission point out that this is probably the wrong inventory to be adding downtown. We could be offering smaller units instead of two units. There's an appetite among the millennials for much smaller units downtown, and this is a chance to do it. Traffic. On the way out of this traffic thing is the parking assessment district, excuse me, the traffic management district that's being formulated. It's time to make that an accelerated

priority of the Council. I know for a fact a donation has been made very recently to the City of Palo Alto to expedite that project, and more on that later. What I'd like to do is try to find a better way to dialog with you in the appeals process for this project coming forward, because we have crossed over the line for cumulative negative impact that is affecting the neighborhoods. I look forward to having a longer discussion with you. These are not easy issues. The retail issue alone is so complicated. But the fact of what Jeff just described is that we're having a material drop in the inventory of retail. Whether it's right or not, each one of these buildings is actually knocking out ground floor square footage. In general, all of this is deficit information in the staff reports, and I think that's the issue that the City Council will be interested in. Thank you very much.

Chair Popp: Thank you, Mr. Buchanan. Stephen Levy, to be followed by Michael Harbor.

Stephen Levy: My name is Stephen Levy. I live downtown. I've worked on University or Hamilton since 1969. I walk those streets virtually every day and night since I came here in 1963. I come in support of the project, but more important in support of your process. I want to thank Christy and Amy and you. I do believe that public agencies appropriately negotiate and give feedback to project proponents. What I've seen both in what Ken Hayes did today and what the applicant has done earlier is two or three rounds of actually responding to your Architectural Review Board requests. I'm no architect. I know that tastes differ. I don't think I have a right to impose my taste on a project proponent any more than I do on a homeowner, so I have to trust you on that. I do think that the process and the proposal is legal. That's what I get from reading the document. That the parking, the Transfer of Development Rights and the in-lieu payments is legal for this property, that the renovation is appropriate. I know that some residents would like to see University Avenue back as it was in the '60s. It was pretty rocking in the '60s, but in the '70s and the '80s and the '90s it wasn't. We're now in 2015. One needs to expect change. Town and Country is changing. Stanford Shopping Center is changing. Downtown needs to change as well to keep pace with competitive pressures, to keep pace with who the customers are. I appreciate that the proponent added housing and that that the housing is apartments and not condos. I appreciate that new buildings allow the city to impose green building standards. If we keep everything the same as it was, we're going to have a more difficult time meeting our green standards. Finally, to Neilson's point of cumulative impacts, that has to be taken into account with cumulative mitigation programs, like the TMA and like TDM and like the proposals at Palantir and Survey Monkey. To reduce employee use, you just cannot take one part of the equation on cumulative impacts and assume we're going to do nothing over time to mitigate them. It's a very difficult issue. Thank you, but I do support the project.

Chair Popp: Thank you, Mr. Levy. Next we'll have Michael Harbor, to be followed by Sam Arsan.

Michael Harbor: Good morning. I'm Michael Harbor, and I own the building at 421 Kipling Street. You know, I have to say that I am impressed with the design of the building and what has evolved over time. I think it is a beautiful building, but you can't look at it in a vacuum, that it has to be looked at in the context of the neighborhood and that specific narrow street, Kipling Street, which this building is anchoring. That's my whole reason for being here. You know, I'm not a developer. I'm not a speculator. I'm a physician. I've missed three days of work because I think it's important to be able to come and speak my mind about our community, and I really like this community. And yes, you can say I have a vested interest because I own a building down the street, but that's a very unique street for Palo Alto. You know, this week's Daily Post front page was, you know, second chance for reviewing this massive building. I think many people in the community consider this a massive building. I have nothing against it in and of itself, but Kipling is not the same as the other streets that are going down there. I've owned my building here since 2001, and I've been hit on that street a couple of times because, when cars are parked on both sides of Kipling Street, that street effectively acts as a one-way street. One person goes, and then another person goes. You can't have two cars going simultaneously. They clip off each other's side view mirrors, and that's what's happened to me twice. I actually went and read very thoroughly the Hexagon transportation consultant's report that was presented as part of this application. On page 39, it's clearly stated here. It should be noted that a queue of more than a single vehicle in the southbound direction, so that's people exiting Kipling Street and going towards University, could prevent other vehicles from turning right from westbound University onto Kipling Street due to the extremely narrow roadway and presence of parked vehicles. I don't know if any of you have really gone through

and read this. It's tedious, but it's stated right there. And then the other thing on page 47. Right there. In the event that a vehicle making a right turn out of the alleyway, so Alleyway 30 where all the cars are going to be directed from Waverley Street, going down into the garage and then coming up and either going to be turning left or right onto Kipling Street. It says in the event that a vehicle making a right turn out of the alley onto Kipling encountered a significant queue, the driver might choose to make a left turn onto Kipling Street and then onto Lytton to circle around the block to get to where he or she is going. That particular narrow streets don't lend themselves for an underground parking lot that's going to have a net 166 new cars. That's what the report says. There's going to be 166 net new cars. The building is beautiful. I don't have any problem with it. I'd like to be able to mitigate this aspect from Kipling Street. That's my biggest thing. I wish you could please consider that.

Chair Popp: Thank you very much. Thank you. And then the last card I have today is Sam Arsan.

Sam Arsan: Good morning. My name's Sam Arsan.

Chair Popp: If you don't mind, could you speak right into the mike for us? We're trying to make sure everyone can hear you.

Mr. Arsan: Sure. Good morning.

Chair Popp: Thank you, Sam.

Mr. Arsan: My name is Sam Arsan. I manage and lease several buildings in downtown Palo Alto. I've been in the downtown area for over 20 years. I pretty much have several of the merchants and tenants that are currently in downtown as my clients. I support this building quite a bit. I think we need to keep the city vibrant. We have a lot of competition from other cities and other retail areas. This is an older building with failing systems. Some of the tenants that are in there have been my clients. We need to make sure that the new building, which is well designed, it's gone through several revisions already. They've addressed several of your concerns. I just want to make sure that we're able to support the current merchants that are in town, that we're moving with the times. I think one of the things is we just can't remain unchanged. We have to move with the times. I have several people that have looked at that building, but they are interested in and they would be a draw to consumers all over, from the Palo Alto area and outside areas. I just feel that, you know, the owners have done everything they can to accommodate your concerns. I believe it should be approved. Thank you.

Chair Popp: All right, thank you. I don't have any other cards from the public. If there's anyone else that wishes to speak, please come forward now. Seeing no one doing that, we will close the public hearing and move back to the Board for comments and discussion. Board Member Kim, if you'd begin for us.

Board Member Kim: Thank you, Mr. Hayes, for re-presenting your project. I just appreciate that, I think the slides when you went back and forth between the previous scheme and the current one helped quite a bit to show us the final revision that you've made here. I mean I agree with a lot of the comments that were made. I think the process has really made the building a lot better and, you know, if we are going to make the recommendation today, I don't think I would have a problem with making that. I just appreciate your willingness to really understand our point of view and our comments and to take those into consideration. I think it's a great building. Thank you.

Mr. Hayes: Great, thank you. I always think it results in a better project, so thank you for your comments.

Chair Popp: Board Member Gooyer, Vice Chair Gooyer.

Vice Chair Gooyer: I agree there's some nice changes. I think, what we talked about, I agree is that we were talking about the rails will be translucent, not opaque basically, but I knew that was what you had intended. It just had looked a bit ...

Mr. Hayes: Solid.

Vice Chair Gooyer: ... white on the rendering. Yeah, I mean realistically I've heard various things about the massing and everything else. If the ordinances allow a four-story building to be built in this particular location, I think, you know, the applicant has done a heck of a job working with all the requirements that we've put on them and the suggestions we've given. And I think the final solution is a good solution based on the criteria. I don't have a problem with the corner being the way it is. I don't particularly need to have the 45 or the open corner; it's not that big of a deal to me. The only other thing I was thinking is that if you, to make the building look smaller or less massive, whatever you want to call it, is removing the upper eyebrow. I just don't think that would help the design of the building itself. I mean I know we keep talking about you can't judge a building like this in a vacuum, but the reality of it also is that sometimes if you would try adapting too much to the environment around it, it ruins the actual design of the building itself. I can support the building like this, or the project the way it stands.

Mr. Hayes: Great, thank you.

Chair Popp: Board Member Lew.

Board Member Lew: So thank you, Ken. Since this project seems to be so polarizing to the community, I spent a lot of time trying to think outside of the box. I don't really have any issues with the particular building given the rules that we have. I actually went and looked at other cities to see what other rules, say like San Francisco or Santa Monica are doing to try to address the concerns that the residents have on this particular project. I'm going to spend a lot of time talking about, and please rein me in if I'm taking up too much time. I just want to give some throw-out examples, and these are not things that are the purview of the ARB. This is really Planning Commission level kind of comments. I think to Mr. Buchanan's concerns about the overflow parking, that's cities in my mind. Like Berkeley and Boulder have like 40 percent single-occupant vehicle trip generation, where Palo Alto, we're in like the 67-74 percent, somewhere there. So other cities have far fewer single-occupant, I say other comparable cities, far fewer single-occupant trips than Palo Alto. We, I think, are morally responsible to reduce that number. So for example, in Boulder the downtown businesses, the employees, full-time employees who work in the downtown assessment district get free transit passes. That's paid for by parking garage and parking meter revenue. Those employees drive half as much as employees who are sort of outside the downtown district who don't get the free passes. To me, that's huge. That really takes a lot of pressure off of both parking and also traffic. They also have a .006 percent sales tax that helps subsidize the EcoPass for residents, and they do that by neighborhood. Also, Denver has like a .4 percent sales tax for building rail. I've been out to Denver, and they're building light rail all over the place. Their queues are like our Caltrain, and they're being much more progressive about it. They're really trying to get the single-occupant trips down to 25 percent by 2025. I think that we're, I think Mr. Buchanan's saying that our policies are sort of just behind the times, and I do agree with him about that. Then even with the pass, if you get a pass, then there are maybe like 50 or so merchants that give discounts for the employees that have the passes. In downtown Santa Monica, another example is they have a Park Me website. It gives the number of spaces that are available in any garage at any time of the day, and there's an app too. So you get on the phone, it will tell you the percentage fullness of the garage, all right. It will also tell you the cost. Sometimes it's free; sometimes there are charges for it. Then you can also reserve a spot. If you know you need to be in downtown, if you have an interview or something and you need a spot and you have to drive, there will be one there for you if you reserve it. Century City in Los Angeles, the shopping mall, like every single space in the garage has a red or a green light. So if you're going into the garage, you know these huge, fast garages, you don't need to head down into that section that's all red. It's all up here in the ceiling lights. Yeah, and so we just need to get with the times. Other places are much more progressive about it than we are, and we just need to get moving with that. With regards to massing, I agree with Board Member Gooyer that if our zoning allows 50-foot buildings, then that's the rule. If the community feels that it should be something else, then we should change the rules. In San Francisco, on certain streets, on pedestrian-oriented streets like Hayes Street, which is a main street like University Avenue, they really want to protect the existing retail and the narrow pattern, rhythm of the storefronts. They actually in their Zoning Code, it's Section 121.6, there's

a restriction of lot mergers in pedestrian-oriented streets, and then it gives a dimension, like a maximum dimension. For example, Hayes Street is 50 feet, parts of Market Street it may be like 150 feet or whatnot. It varies depending on the location. But for the people we've received comments from that want to keep downtown one story, two stories, they want the sun and all of that, something like that needs to be in the Comp Plan and the zoning. Like the ARB is not in that position to take off that much square footage on a project. It's the zoning entitlement. We're not there. I'm saying if the community feels that way, change the rules. Also in San Francisco, this issue about the skinny streets, they have additional height limits on narrow streets. In San Francisco, they consider it less than 40 feet, so that would not necessarily apply to Kipling which is a 50-foot right-of-way. But for example, it has a daylight plane, and they measure it differently. It's a 50 degree daylight plane. They measure it differently than we do in Palo Alto, but I sort of sketched it on the drawings, and Ken's project would comply with San Francisco's narrow street daylight plane. That's not to say we wouldn't have something else, but I think to the point, the idea though is that if there's a skinny street that has different sun and visibility issues or whatnot, then our zoning could or should, I don't know, have special regulations regarding that. But we don't at the moment. I should also mention too that that particular ordinance in San Francisco does not apply at the corners. Like downtown Palo Alto, like it's okay to have a larger building at the corner, and then midblock they should sort of step down. The last thing, which I think has been debated, I think, last fall when the Planning Commission was, you know, chain stores and retail stuff, and so San Francisco does have a fairly crazy Conditional Use Permit process for what they call formula retail, where they try to manage the type and mix of stores, so you don't have two big chain stores selling the exact same thing in one neighborhood and put out all of the local businesses. That's under discussion elsewhere in the city, but I just would throw that out there today. I think we also had some residents of Kipling talk about, you know, trying to create a Victorian street or something like that. I actually like that idea. In downtown Oakland, there's a really great little place called Preservation Park which is 16 Victorians. Five of them were originally on that block, and then the other eleven were moved. They were, like, threatened with demolition from, like, freeway widenings and whatnot, street widenings, and so the developers moved it all together into one space. It's office, event space, and a little bit of retail space. That was not easy to do. It was two different developers, then the city had to step in, and it took them ten years. Like that's not an easy thing to do and that requires, like, way more, you know, planning and leg work than we can do here. If you guys feel strongly about that, that's a really great idea. To me, like Kipling could be better than it is.

Mr. Hayes: It is a big city-owned parcel (crosstalk).

Board Member Lew: The city-owned lot, I'm thinking, is ripe for something really great there. That parking lot's always been sort of, yeah, just not ideal. And then the other issue with Kipling and, I think, Lane 30 was that they were narrow. I used to work on like new urbanist developments, and we purposely designed skinny streets. They were always very difficult to get through cities, especially like from the fire department and public works. Normally what ended up happening was that there was, certain parts of the block were striped red to allow the passing of cars. It seems logical to me that something like that would happen on Kipling.

Mr. Hayes: One way.

Board Member Lew: Yeah, or one way. So in my neighborhood we have lots of little, skinny streets. If there's some sort of big event, whatever, the city restricts parking to just one side of the street. They don't do it every day, but it's on certain days they do it. They've been testing out different scenarios, you know, just based on when they anticipate bigger, more demand. Otherwise, on lower demand days they do want to allow people to like park in front of their house or whatnot. I'm sort of curious that there was nothing in the staff report. I mean the residents have mentioned it, but it wasn't really addressed specifically in the Hexagon environmental studies. I didn't really see anything specific to like passing cars or whatnot. Okay. And then thank you for the glazing. I just did want to follow up on that with the solar ban and the low E glazing. To me this is a really important issue. I think that whether it's clear or star fire doesn't make a difference to me. As I checked it, the clear glazing with low E has a 70 percent light transmittance value, and star fire is like 75 percent like transmittance value. But if you use tinted glass, it goes down to as low as 35 percent. I think we have to be, I don't know a way to say it. I think

we should have some sort of guidelines or just pay attention to it on every single retail project, because 35 percent is not acceptable ...

Mr. Hayes: You looked at solar ban 70?

Board Member Lew: Solar ban 60 with the various, you know, I mean there are a dozen different tints.

Mr. Hayes: Yeah. But there's a clear one.

Board Member Lew: Right. The clear ones are up in the 70 to 75 percent, but the tints ...

Mr. Hayes: (crosstalk)

Board Member Lew: ... go way down really fast.

Mr. Hayes: Yeah, with the color.

Board Member Lew: 40 percent, 50 percent, way, way, way down. I see it on lots of new buildings, I'm not picking on you, on other buildings and, to me, it's a problem. I don't even see how retailers stay in business if nobody can see through the storefront. I mean I just don't get it. So that's where I am on the project.

Mr. Hayes: Okay, thank you (crosstalk).

Board Member Lew: I support the project. In an ideal world, I really support more of our 2.0 Floor Area Ratio. The 2.86 seems big to me, particularly at the back. I'd like the stepping. I think there should be like a larger discussion on the TDRs. Like basically we're preserving some older buildings, right, with seismic and historic renovations, and we're trading it off for a bigger building here. But I don't know what the other end, it's like a see-saw. Since those don't come here I never see the end of the see-saw, and so I'm trying to weigh the balance not knowing. It seems to me it's ripe for a community discussion about that, you know, a larger picture of how that ordinance has been working. Okay, and that's it.

Mr. Hayes: Thank you.

Chair Popp: That's it. All right. So I'm trying to summarize this a little bit and weave my own thoughts into this. I agree with Alex's comments about the 2.86. I mean it's a lot for this site. It's a lot. On top of the 2.86, there's a 200 square foot bonus that was taken, and all of these things in aggregate have created what is a significant building. That said, I think you've done a masterful job of managing that square footage. The changes that you've made to the building since we first saw it are dramatic. I really appreciate the presentation that you brought today, where you showed the subtle changes in the balcony. What I really wish you had shown today was the first proposal.

Mr. Hayes: You only have 10 minutes.

Chair Popp: I'd give you another 30 seconds for that one. I think it's important for people to understand how this process has worked, in particular on this building which does seem to be really polarizing. I think that there are projects where we don't have a lot of challenge, and it's a fairly easy approval process. Others go through three full hearings, and sometimes a preliminary as well. It takes us a little longer to get to a place where we're supportive. Alex has said there are laws in place that permit this type of development, and Ms. Wong and her team conformed to those laws. The parking here is beyond what you're required to provide. You've paid into the in-lieu. You've used the TDRs, and still opted to provide five more than are needed. The parking problem is not this building. The parking problem is the buildings that have been built before this, ten years ago, that are being used as office space far in excess of what their parking provides or their use anticipated. The infrastructure in our city has not kept pace, and I'm going to put it on the Council to take steps to take care of this. It's not this individual building that's the problem. I'm going to be very surprised if this building gets appealed on that basis, because it

has no standing as I see it. Kipling is commercially zoned. The transitions that you have made relate to that well. Yeah, it's a narrow street. Yeah, it's got a different character. But the zoning contemplates all of this, and it's in place, and you've followed it. You've complied. I am going to condition my approval on an evaluation of the street and some parking changes. Perhaps removal of a couple of parking spaces to mitigate the concerns about stacking. You know, if we're really seeing accidents happen there because the street is so narrow, we should think about a one-way street. I don't want to see one more accident. I don't want to see one more person hurt because of the narrowness of a street. But this building is not changing the dimension of the street. This building is not changing the parking and the way it occurs on that street. I'm having a little trouble understanding where the frosted glass is versus the not-frosted glass, and I want to just make sure that it's on all of the residential balconies. It looked to me like it wasn't on Kipling. Is that ...

Mr. Hayes: It's on all residential balconies that face the two public street frontages, and this side here, Chair Popp, right here.

Chair Popp: Okay. So ...

Mr. Hayes: On the alley ...

Chair Popp: On University and Kipling, it's some type of a translucent but not transparent glass?

Mr. Hayes: Right. And then what you would see on this angle here (crosstalk).

Chair Popp: It's not quite clear from your drawings, and the translucency sort of stops mid-panel even on one of the drawings. I just want to make sure that that's well coordinated and clarified. I'm going to ask you to provide a sample of that glass to subcommittee for us. I appreciate the finer grain that you've developed for the building and the character that you have changed and how you've re-looked at that. You know, I'm jumping around here a little bit. The unit design itself, you know as Mr. Levy and others have described, it's great to have housing downtown. I'd love to have seen smaller units. You certainly have the parking to accommodate that. It would have been great to get that, because I think that's the most desirable for the millennial generation which are likely to be using this. On A-3.2, I have just one concern with the rear elevation. You show CP-2. You've got this sort of sawhorse that's projecting forward that's all of the CP-2 finish.

Mr. Hayes: You're on 3.2?

Chair Popp: I'm on 3.2, yeah, drawing number 1. Right next to the little planter bollards and the trash area, just to the left of that, you've got a panel that is CP-2 and the other legs are quite slender and then you've got this one leg that's the same finish. I was going to suggest that maybe that should be CP-1 instead. Very minor little nudge.

Mr. Hayes: On the left-hand side there where it comes down?

Chair Popp: Yeah, on the left-hand side. I don't know how you feel about that, but it's not going to make or break my approval of this project.

Mr. Hayes: I would need to look to adjust how the planes comes together.

Chair Popp: In looking at it, it just looks like it's not speaking the same language as all the other pieces.

Mr. Hayes: I wouldn't want to change the color in a coplanar transition.

Chair Popp: All right.

Mr. Hayes: I want to look at the ...

Chair Popp: It is coplanar. I was trying to figure it out from the plans, and it looked to me like it was setback just a little bit.

Mr. Hayes: I think it might be coplanar.

Chair Popp: Okay. If it is, fine. If it's not, please consider that. I'd also like you to make the height of your mechanical enclosure match the height of the units, whatever that might be. So as you start to understand what your mechanical units are, currently the drawings show the mechanical units lower than the edge of the parapet that surrounds it, the wall that surrounds it, and I'd like them to match. On 13A.1, you show metal plates above and below the windows, and I haven't been able to find the finish of that material.

Mr. Hayes: I'm sorry, I'm writing these down.

Chair Popp: That's fine. 13A.1, you have a window system, and at the bottom edge and at the top edge, the head, there's a metal plate showing that doesn't indicate the finish.

Mr. Hayes: That will match the window system.

Chair Popp: It matches the window system. Okay, that's what I was hoping. All right, terrific. So only two other things that I'm challenged with. First, I don't feel the landscape is very satisfactory on this project. We've got some narrative about the landscape, the types of planters that are being used, the types of plantings that are in it, and the conclusion says, and I quote, "[a]ll plant material shown is subject to change in the design process. Plant material in the containers may also be substituted or replaced at various times during the growing season." So we don't have any clarity as to what you're planning to do or how you're planning to do it, because there's no plan, there's no commitment.

Mr. Hayes: Yeah, so they've proposed horse tail in both the potted plants on the ground floor, and the built-in planter is also horse tail, and then there's Ficus that is on the wall immediately behind that on the ground floor.

Chair Popp: Right, growing up the wall.

Mr. Hayes: I think the way that's written they're giving you the flexibility to say what you want. That's what the landscape and the architectural firm wants, but they're keeping it open for your input.

Chair Popp: All right, so here's what I ...

Mr. Hayes: And then on the fourth floor terrace it's a boxwood hedge.

Chair Popp: So I'm not in the position of saying which particular plants I want or what the design should be. I'm in the position of saying what I want to compel you to do. The boxwood, I think, are too small and too few. The design is too sparse, and I think we need to see something more capable than what's proposed. I'm in support of this project at this point.

MOTION
Chair Popp: I'd like to make a motion that we approve this project as presented and in accordance with the staff report and attachments that it includes. The approval is conditioned with the following items: the signage, the art placement and light of the art, the glass for the balconies, the landscape plan should all return to subcommittee for review.

SECOND
Vice Chair Gooyer: I'll second.

Chair Popp: I'm sorry, not quite done. You may not like these next things. We'll see. In addition to that, because they're not legible in this package, I'd like staff to review the photometrics and confirm that

they are appropriate. I'll note then on A-2.8 images listed A, B, and C for the types of light fixtures don't match the legend which is labeled B, D, and C. One last item for staff, which is to follow up on the parking conditions on Kipling and if that should be made a part of the project requirements in attempt to mitigate concerns. I think that seems appropriate.

Vice Chair Gooyer: Okay, I can live with those modifications. I guess the only one is the last one. Can we really tie that to this building? I would have a problem with that.

Board Member Lew: That was my question for staff. Do we have purview over that?

Chair Popp: Let me just describe why I'm doing that. So we have a traffic analysis that says that there is a concern about queuing on the street as a result of placement of the garage and the number of cars that are part of this. It seems appropriate to me that, because there is this potential for impact in that area, that it would be appropriate to tie that obligation to the project. Ms. French, maybe you can describe your opinion.

Ms. French: Yes, I'd like to weigh in on that. So when you said the word mitigation, my ears perked up. You know, the environmental document did not find that mitigation was required, so we wouldn't want to add mitigation for queuing. I do have an email from our Transportation Division staff that talks about the, you know, queuing or taking turns, and he says that any proposed changes to Kipling such as converting to one way, removal of parking would require direction from City Council to investigate. I don't think it's in your purview to direct us to do that, you know, as a part of your recommendation. Certainly to encourage staff to explore, you know, ways to make the existing condition safer, perhaps there's some existing conditions that, you know, could be explored, but I wouldn't say related to this project because then it sounds like a mitigation and we're not ...

Chair Popp: All right, that's fine. I'll modify my Motion to retract that line.

Ms. French: Okay.

Chair Popp: You'll accept that?

Vice Chair Gooyer: I'll accept that.

Chair Popp: Okay. Any further discussion?

Board Member Lew: Can we add a comment like in our Motion that this is a concern that we have and we can't recommend anything. Just so that is documented and it doesn't fall through the cracks?

Ms. French: Yeah, I think you're on the record as stating such a concern, along with the community is on record. Certainly that's something that, you know, staff can be looking at. We do have a Transportation Division and folks looking at the parking and other situations including a permit parking program.

Board Member Lew: One feedback that I've gotten from the Council is that since they don't get verbatim minutes, they don't know exactly how we feel about things unless it's in a Motion. Even on appeals, when they do get like a full transcript, they don't always read every, if we have like three hearings or something on a project, they're not going to read every single word in a transcript. I was trying to think of a way of doing it sort of in an executive summary or something.

Chair Popp: So I'm ready for a vote. So at this point, all in favor. All those opposed. So this passes 5-0 ...

Board Member Kim: Four.

Chair Popp: I'm sorry, excuse me. 4-0-1-0.

MOTION PASSED 4-0-1-0 Ballantyne absent

Chair Popp: In closing, happy to give the applicant 5 minutes for any closing comments that you like.

Mr. Hayes: I've taken enough of your time today, but thank you for, you know, helping us through the process. Like I said, I think it results in a better building. I'm much happier with where we are today. So thank you.

Chair Popp: Great. Thank you very much. Great. So shifting around a little bit. The discussion that we're having here is because Board Member Ballantyne is out today, we are just discussing the subcommittee process for the day. Board Member Ballantyne and I are responsible for that, and so in Board Member Ballantyne's place, Vice Chair Gooyer will take the responsibility for that with me today. So thank you for doing that.

City of Palo Alto (ID # 5453)

Architectural Review Board ARB Staff Report

Report Type: New Business **Meeting Date: 1/15/2015**

Summary Title: 14PLN-00222 429 University Avenue

Title: 429 University Avenue [14PLN-00222]: Request by Ken Hayes Architects, Inc. on behalf of Kipling Post LP for Architectural Review of a proposal to demolish two existing one-story commercial/retail buildings with a total of 11,633 sf and a construction of a 31,407 sf, four-story mixed use building with two levels of underground parking providing 40 on-site spaces on an 11,000 sf site in the Downtown Commercial (CD-C (GF)(P)) zoning district. Environmental Assessment: Initial Study and draft Mitigated Negative Declaration public review period was November 17, 2014 through December 12, 2014. The hearing of this item was continued from the December 18, 2014 ARB meeting to this date.

From: Amy French

Lead Department: Architectural Review Board

RECOMMENDATION

Staff recommends the Architectural Review Board (ARB) recommend the Director of Planning and Community Environment approve the proposed project, based upon the Architectural Review findings (Attachment A) and subject to the conditions of approval (Attachment B).

BACKGROUND

The November 20, 2014 ARB staff report included the following:

- A project description with site conditions, context, and background regarding a previously proposed project;
- Discussion regarding Comprehensive Plan conformance, zoning compliance, parking and circulation, tree and landscaping, Context-based design consideration and findings; and
- Draft Initial Study/Mitigated Negative Declaration (MND).

On November 20, 2014, the ARB conducted a hearing and continued the review of this item to December 18, 2014. The ARB members expressed the following comments on the project:

- The mix of uses and site planning are appropriate in the Downtown urban setting;
- The materials are an appropriate expression to the design and function of the project;

- The overall massing appears out of scale and contextually incompatible with the immediate environment of the site;
- The design concept of a secondary grid and some architectural details, such as the dimension of the roof overhang (eyebrow elements), are insufficient to support the intent of reducing the building volume and weight;
- Break down the façade's scale along University Avenue to better respect the existing character and store front rhythms within the block;
- The elevator shaft/stair tower at the corner of Kipling Street and Lane 30 does not support the harmonious scale and built form transition to nearby low density buildings;
- Although a corner design at the junction of University Avenue and Kipling Street is one of the design options listed in the Downtown Design Guide, explore other alternatives to provide a better transition from University Avenue to (the narrowness of) Kipling Street;
- The rear elevation needs attention as it is as important, with the view from Kipling Street toward University Avenue, as the other elevations.

Following the November 7, 2014 ARB hearing, the applicant made various modifications and submitted revised project plans on December 15, 2014 and January 7, 2015. The project review was continued from the December 18, 2014 ARB hearing to the January 15, 2015 ARB hearing, to allow staff to process the revised project. The CEQA documents (draft Initial Study, Mitigated Negative Declaration, and source documents) were available online for public review and comment on November 17, 2014 through December 12, 2014. Since the last ARB hearing, the revised project plans received on December 15, 2014 and January 7, 2015 were uploaded to the City's website as a courtesy for the public to view the changes.

CURRENT PROPOSAL

To respond to the November 20, 2014 ARB comments (captured in the excerpt minutes, Attachment L), the applicant submitted revised plans on December 15, 2014 and January 7, 2015. These two plans are similar with the exception of Sheet 0.4- Site Plan. The latter plan includes an enlarged site plan detail for the covered space abutting Lane 30. Other modifications are made in the recent plan to address the aesthetic concerns regarding the building's scale, the store front rhythm along University Avenue, and the building form's transition to the Kipling neighborhood east of the site. The applicant provided a description of the modifications in Attachment F, excerpted here:

<u>University Avenue Modifications</u>

1. The height of the primary, cut-stone framework has been lowered at the roof terrace and the resulting stone face dimension has been matched at the lower stone framework. The glass railing has been raised at the roof. The resulting effect reduces the scale of the framework and lowers the visual height of the terrace wall. This modification extends down Kipling as the framework wraps the corner on Kipling.
2. The length of the stone framework defining the block face has been reduced, drawing back towards the corner by approximately 30 feet, and the secondary surface of the building, defining the two-story height of the façade, has been accentuated by breaking

free of the stone framework, defining a two story facade on the western end of the building. This modification creates a stronger relationship of the building to the context of facades next door and extending down University Avenue. Additionally, at this new, two-story façade, the upper floors are successively stepped back, creating terraces for the residents on the third and fourth floors. Providing additional rhythm along this façade, the stone framework has been divided into segments that more closely reflect the pattern of facades along the street.

Kipling Modifications

1. Concern over the relationship of the building to the smaller scale buildings along Kipling has resulted in significant changes to this frontage, including the relocation of the upper floor entrance to the corner of the alley, the repositioning of the stair and elevator in-board of the alley wall, and reduction of the stairwell height. Additionally, the corner of the building has been eroded, pushed into the building to form balconies so the effective height of the building at the alley corner is two stories. A raised planter has been added at the alley to ground the building corner, provide an amenity for the entrance and a transition to the landscape frontages of the Kipling buildings. These changes remove the impact of the previous four-story elevator and stair enclosure and create a very strong relationship to the Kipling neighborhood.
2. Adjacent to the new stair location, the fourth floor terrace has been pushed into the building six feet to reduce the perceived height of the building and to introduce more light onto the third floor terrace of the residential unit.

Alley Modifications

1. Changes in the alley include the elimination of the handicap parking space, since adequate parking is provided below grade, including the required ADA accessible spaces.
2. Modifications have been made with the column and wall locations to address the overall composition of the façade. Additionally, at the second floor, an exterior balcony with glass railings has been added to create opportunities for fresh air to the occupants, but to also create a stronger relationship to the upper floors and a deep shadow line to give the building more relief.

The fourth floor has been modified as result of the changes above to compensate for floor area that has had to be relocated; however, the total floor area of the building has not changed.

DISCUSSION

Comprehensive Plan and Zoning compliance

The revised plan (dated January 7, 2015 in Attachment M) would not change the mixed-use program, total gross floor area, building setbacks, lot coverage, building height and material palette from the plans presented in the November 20, 2014 ARB hearing. The proposed land uses remain in conformance with the applicable policies found in the Comprehensive Plan. The project's overall relationship with the Comprehensive Plan is discussed within Attachment E.

Zoning compliance

With the exception of a ten foot rear setback for the residential component, the development standards of CD-C(GF)(P) zone district do not include a maximum limitation on lot coverage nor minimum setbacks from property lines. The revised plan dated January 7, 2015 is consistent with the previous plan and has a 10 foot rear setback for the residential portion. The open terrace/balcony for residential use above the ground level extends six (6) feet into the property, meeting the minimum setback requirements. The new building would meet the 50 foot height limit, while the proposed utility and mechanical features are below the maximum height limit of 15 feet above the roof.

The project site remains the same size, at 11,000 square feet (sf). The allowable floor area for the new building is 22,000 sf (a 2.0:1 Floor Area Ratio or FAR), with a maximum of 1.0:1 FAR (11,000 sf) for residential use and 1.0:1 FAR (11,000 sf) for commercial uses. The applicant would continue to utilize the Transferable Development Right (TDR) of 9,207 sf gathered from other eligible sender sites, and requests a one-time 200 sf floor area bonus (available for non-seismic and non-historic buildings). The revised plan includes the same total gross floor area of 31,407 sf (which is an FAR of 2.86:1). The distribution of commercial space (20,407 sf, or an FAR of 1.86:1) and residential space (11,000 sf, a 1.0:1 FAR) remains the same. The zoning compliance table (Attachment D) details the project's compliance with zoning regulations.

Pedestrian Shopping Combining District

The revised plan would maintain three entries on University Avenue and two entries on Kipling Street, each recessed from the property lines and featuring a glass canopy. The proposed design incorporates frameless storefront glass clad with glass ceramic panels on the ground level, meeting the retail/display window requirement to provide visual interest for pedestrians. The landscape planter proposed at the northwest corner facing Kipling Street is intended to preclude blank walls and provide a transition to the adjacent low density neighborhood.

Trees and Landscaping

The revised plan is consistent with the previous plan, in that London Plane trees would still be provided along the project site abutting University Avenue, and the four Kipling Street trees would still be replaced with four new 36" box sized Golden Maidenhair trees. As noted, the revised proposal includes a ground floor landscape planter at the corner of Lane 30 and Kipling Street. Minimal landscaping is proposed on the second and third floors. Six concrete planters would be placed on the paved terrace at the fourth floor level.

Public Art

The revised plan includes a preferred location for the installation of on-site public art, which would be located on the wall in the ground floor lobby fronting Kipling Street, accessing the building's upper floors. The ARB may provide advice on the placement of public art in relation to the site design and especially provide comments on the extent of the visibility of the wall

shown for the art from the public right of way. The public Art Commission will review the final location for the public art.

Parking and Circulation

The proposed project would require 82 automobile parking spaces for 20,407 sf of commercial use (at a ratio of one parking space for every 250 sf) and 10 residential spaces for four residential units (at a ratio of two spaces for each unit, with guest parking), for a total of 92 parking spaces. However, both buildings at 425 University and 429-447 University Avenue were previously assessed and had paid 'in lieu' fees for a total of 37 parking spaces not provided on these sites, via the Downtown Parking Assessment District. The proposed project utilizes a total of 9,207 sf of TDR area, of which 5,000 sf (equivalent to 20 parking spaces) was recorded under Section 18.18.070, prior to the effective date of Interim Ordinance No. 5214 (November 4, 2013) and thus qualifies for a parking exemption. The remaining 4,207 sf of TDRs were perfected after the interim parking ordinance and thus must be parked. Based on these adjustments, the project is required to provide a total of 35 parking spaces, of which 10 must be designated for residential parking.

The revised plan reflects a total of 40 parking spaces provided on site. The spaces would be located in the two-level underground garage. The number provided exceeds the parking requirement by five spaces, given the prior assessments and the exempt area. The at-grade ADA parking space in the previous plan is deleted in the revised plan/current proposal. Seven (7) long term bicycle parking spaces and six (6) short term bicycle parking spaces would be provided, for a total of 13 bicycle parking spaces.

The current proposal would maintain the four (4) foot building setback from the edge of the alley, with the exception of landscape planter. In addition to mirrors and a warning light at the garage entrance/exit, adequate corner sight distance is required to limit the height of landscape and planter under three feet in height, to ensure visibility for vehicles and pedestrians.

Access to Utility Area at Lane 30

The revised proposal has a ground floor area of approximately 30'x 17' for utility access from Lane 30. After the submittal of revised plan on December 15, 2014, staff and applicant have discussed various options to ensure this space has an active use and aesthetic appearance that would promote a harmonious transition with the adjacent environment, such as installing landscape planters and providing at-grade bicycle parking. The current project plan dated January 7, 2015 is to locate small 8" square bollards to better define the boundary of this space. In addition, four long term bicycle parking lockers would be relocated from the underground parking garage to this area at the ground level. This alternative would allow the distribution of bicycle parking in convenient locations that are accessible for residents, as well as promote a desirable environment at the rear alley.

Environmental Review

The Initial Study and Mitigated Negative Declaration (MND) (Attachment G) were prepared for the project in accordance with CEQA. The initial public comment period began on November 17 and ended December 12, 2014. The Initial Study determined several items would trigger the thresholds of significance and mitigation measures were proposed; these are now proposed as conditions of approval (Attachment B), and addressed in the Mitigation Monitoring Program (Attachment H) to ensure the impact of these items would be less than significant. The plan revisions did not result in any additional impacts nor require any additional mitigation measures. A memorandum was prepared to respond to the public testimony received on the November 20, 2014 hearing (Attachment K).

Public Feedback

Since the submittal of the current application, staff has received written comments from 36 people. These letters are included as Attachment I. For those who are in support of this project, the general comments were related to the mixed use opportunity, retail space and parking improvement. For those who expressed concerns, the general comments were related to the height of the building, massing relative to the context, street character and safety, noise, parking and traffic. The applicant has submitted a letter to respond to these concerns (Attachment J). Staff has not received additional written comments since the last public hearing on November 20, 2014.

COURTESY COPIES

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Attachments:

- Attachment A: Findings (DOC)
- Attachment B: Draft Conditions (DOC)
- Attachment C: Location Map (PDF)
- Attachment D: Zoning Compliance Table (DOC)
- Attachment E: Comprehensive Plan Compliance Table (DOC)
- Attachment F: Applicant Revised Project Description dated December 15, 2014 (PDF)
- Attachment G: Inital Study and Mitigated Negative Declaration (PDF)
- Attachment H: Mitigation Monitoring Program (PDF)
- Attachment I: Public Comment Letters (PDF)
- Attachment J: Applicant's Response Letter (PDF)
- Attachment K: Response Memo for Comments to Proposed MND (PDF)
- Attachment L: November 20, 2014 ARB Excerpt Minutes (PDF)

ATTACHMENT A
DRAFT FINDINGS FOR APPROVAL
ARCHITECTURAL REVIEW BOARD STANDARDS FOR REVIEW AND CONTEXT-BASED DESIGN CRITERIA
429 University Avenue / File No. 14PLN-00222

Architectural Review Findings

The design and architecture of the proposed project, as conditioned, complies with the Findings for Architectural Review as required in PAMC Chapter 18.76.

(1) *The design is consistent and compatible with applicable elements of the Palo Alto Comprehensive Plan.* This finding can be made in the affirmative in that the project complies with the policies of the Comprehensive plan as outlined in Attachment E. This project is consistent with the Palo Alto Comprehensive Plan policies related to business and economics. The Comprehensive Plan encourages owners to upgrade or replace existing commercial properties so that these commercial areas are more competitive and better serve the community. The proposed project for a new mixed use building is consistent with the land use designation;

(2) *The design is compatible with the immediate environment of the site.* This finding can be made in the affirmative in that the project is designed to take advantage of the available site area while staying within the limitations of the zoning. The project is compatible in the Downtown urban context when the immediate environment along University Avenue is comprised of buildings varying in heights ranging from two to four stories. The proposed building, with careful consideration on massing and setbacks, respects the scale of abutting low density neighborhood south of the project site;

(3) *The design is appropriate to the function of the project.* This finding can be made in the affirmative in that the new building would accommodate retail, office and residential uses. The proposed building would have ample storefront glass with canopies to create an inviting retail and pedestrian environment. The design is also consistent with the requirements and recommendations of both the Context Based Design Criteria;

(4) *In areas considered by the board as having a unified design character or historical character, the design is compatible with such character.* This finding can be made in the affirmative in that the project is generally consistent with the Downtown Urban Design Guide, particularly when the project reinforces University Avenue as the retail core of Downtown Palo Alto by maintaining a strong concentration of ground floor retail uses, preserving the general pattern of storefronts, and continuing retail vitality onto Kipling Street. The proposed building design has stepped back upper stories and a landscaping element to allow a better transition to adjacent low density structures;

(5) *The design promotes harmonious transitions in scale and character in areas between different designated land uses.* This finding is not applicable in that this project is not situated in a transition area between different designated land uses;

(6) *The design is compatible with approved improvements both on and off the site.* This finding can be made in the affirmative in that the project design is compatible with the surrounding office and retail uses of the Downtown commercial area;

(7) *The planning and siting of the various functions and buildings on the site create an internal sense of order and provide a desirable environment for occupants, visitors and the general community*. This finding can be made in the affirmative in that the new building is designed to have an active storefront along University Avenue, and a softer edge with landscaping to transition to the adjacent lower density neighborhood. Parking facilities are located underground with access from the alley. The façade is broken down to preserve the existing storefront rhythms. The upper floor massing is set back to respect the scale of nearby buildings. Ample outdoor balconies and terraces are proposed to meet the needs of the buildings users;

(8) *The amount and arrangement of open space are appropriate to the design and the function of the structures.* This finding can be made in the affirmative in that the proposal provides an adequate amount of recesses to the zoning requirements of the "P" overlay and the intent is to add interest at the ground floor for pedestrians. Additionally, the project provides sufficient open space for both residential and office tenants;

(9) *Sufficient ancillary functions are provided to support the main functions of the project and the same are compatible with the project's design concept.* This finding can be made in the affirmative in that project has met both vehicular and bicycle parking requirements. The project would enhance the pedestrian experience by widening the sidewalks on both University Avenue and Kipling Street. The proposed open space is compatible with the design concept;

(10) *Access to the property and circulation thereon are safe and convenient for pedestrians, cyclists and vehicles.* This finding can be made in the affirmative in that the project is easily approachable by all modes of transportation. The proposed vehicular circulation is safe and does not introduce any significant changes to the adjacent street and sidewalk system;

(11) *Natural features are appropriately preserved and integrated with the project.* This finding can be made in the affirmative in that two existing street trees along University Avenue would be preserved. Four destructive trees along Kipling Street will be replaced by four new 36" box Golden Maidenhair trees that are complementary to existing natural environment;

(12) *The materials, textures, colors and details of construction and plant material are appropriate expression to the design and function.* This finding can be made in the affirmative in that proposal includes smooth stone, glazing, metal and earth-tone colors that are common to modern commercial development in the Downtown environment and would fit in with the eclectic nature of the district;

(13) *The landscape design concept for the site, as shown by the relationship of plant masses, open space, scale, plant forms and foliage textures and colors create a desirable and functional environment.* This finding can be made in the affirmative in that the proposal includes landscape materials that are used to screen and soften the appearance of the

building while also providing a pleasing color palette. Proposed plantings in the planter at the corner of Lane 30 and Kipling Street would be low in height to ensure visibility from the alley to the side street;

(14) *Plant material is suitable and adaptable to the site, capable of being properly maintained on the site, and is of a variety which would tend to be drought-resistant to reduce consumption of water in its installation and maintenance.* This finding can be made in the affirmative in that the proposed landscape materials are not extensive and would require relatively low maintenance within easy-to-maintain planters;

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

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

This finding can be made in the affirmative in that the project would comply with the City's green building ordinance, and the design includes overhangs, recesses, and other shading devices and techniques to reduce the solar heat gain and energy consumption related to the cooling of the building. The design is easy for pedestrian, bicycle and transit access. The project incorporates high efficiency LED light fixtures, low-flow plumbing fixtures and high efficiency HVAC equipment for efficiency energy and water use. Green building features will be incorporated to achieve CalGreen Tier 2 standards for the commercial portion and Green Point rated standards for the residential portion;

(16) *The design is consistent and compatible with the purpose of architectural review as set forth in subsection 18.76.020(a).* This finding can be made in the affirmative in that the project design promotes visual environments that are of high aesthetic quality and variety.

Context-Based Design Criteria Findings

The design and architecture of the proposed project has been reviewed with respect to the Context-Based Design Criteria set forth in PAM 18.18.110. Section 18.18.110 (a) notes that the project shall be:

(A) Responsible to its context and compatible with adjacent development, and shall promote the establishment of pedestrian oriented design (where "responsible to context" is not a desire to replicate surroundings, but provide appropriate transitions to surroundings), and

(B) Compatible with adjacent development, when apparent scale and mass is consistent with the pattern of achieving a pedestrian oriented design and when new construction shares

general characteristics and establishes design linkages with the overall pattern of buildings so the visual unit of the street is maintained.

Pursuant to PAMC 18.18.110(b), the following additional findings have been made in the affirmative:

(1) **Pedestrian and Bicycle Environment:** *The design of new projects shall promote pedestrian walkability, a bicycle friendly environment, and connectivity through design elements*. This finding can be made in the affirmative in that the project supports widened sidewalks with recessed entries on primary pedestrian routes, at-grade bicycle racks near the building entrances, secured bicycle facility at ground level and within the underground parking garage. The project also includes showering facility in the garage to support the bicycle environment;

(2) **Street Building Facades.** *Street facades shall be designed to provide a strong relationship with the sidewalk and the street(s), to create an environment that supports and encourages pedestrian activity through design elements.* This finding can be made in the affirmative in that the proposed street facades are designed to create an environment that supports and encourages pedestrian activity. The building façade facing University Avenue preserves the existing storefront pattern with distinguishing architectural elements to break up the building mass. Entries are clearly defined and have a scale that is in proportion to the building functions. Elements that signal habitation such as entrances, stairs, and balconies are visible to people on the street. The proposed placement and orientation of doorways, windows and landscape elements are appropriate to create strong and direct relationships with the streets. Upper floors are stepped back, the width of the overhang is reduced and the elevator shaft is oriented inward to reduce the building mass and fit in with the context of the neighborhood;

(3) **Massing and Setbacks.** *Buildings shall be designed to minimize massing and conform to proper setbacks.* This finding can be made in the affirmative in that the project incorporates design with a series of recessed terraces and interchange in materials to break down the scale of building and provide visual interest. Variation in massing and materials creates a façade with two distinctive frontages, which respect the existing storefront patterns and rhythms on University Avenue. The proposed design incorporates a columns framework and tall display windows to reinforce the street corner. With the intent to minimize massing and ensure greater setback, the current, revised design presents a reduced-in-height stairway tower and stepped back roofline for the upper floor terrace at the corner of Lane 30 and Kipling Street;

(4) **Low-Density Residential Transitions**. *Where new projects are built abutting existing lower scale residential development, care shall be taken to respect the scale and privacy of neighboring properties.* Although the parcels abutting the project site along Kipling Street have a commercial zoning designation, most of the built forms have a low density residential appearance. While the height is taller than most of the buildings in the neighborhood, the proposed building height of 50 feet is compliant with the height limit in the Downtown Commercial District. The proposed design includes at least a 10 foot setback with open terraces at the upper stories to reduce the impact of the building height on the adjacent lower density neighborhood. The potential privacy concern is at a less than significant level as the buildings behind the project site are mostly one-story with commercial/office uses and mature trees along Kipling Street would provide some degree of screening. The proposed design includes storefront glass on both frontages to introduce a daylight source on the ground level;

(5) **Project Open Space.** *Private and public open space shall be provided so that it is usable for residents, visitors, and/or employees of the site.* This finding can be made in the affirmative in that the project provides open space with wider sidewalks, balconies, and a roof-top terrace. The balconies would be accessible by residents on the site and would be located on four sides of the building to encourage 'eyes on the street'. The proposed roof-top terrace is for office tenants and would provide ample solar exposure;

(6) **Parking Design.** *Parking needs shall be accommodated but shall not be allowed to overwhelm the character of the project or detract from the pedestrian environment.* This finding can be made in the affirmative in that the project's parking facilities would be located within the below-grade garage and would not detract from pedestrian environment. The project includes a well-integrated garage entry, a four foot setback from property lines, and mirrors that would aid traffic and visibility on the alley (Lane 30). In addition, the project incorporates a landscaping element to soften the exit of Lane 30. The intent is to enhance the character of pedestrian environment, while maintaining traffic visibility with low profile plant materials;

(7) **Large (Multi-Acre) Sites**. *Large sites (over one acre) shall be designed so that street, block, and building patterns are consistent with those of the surrounding neighborhood.* This finding does not apply;

(8) **Sustainability and Green Building Design.** *Project design and materials to achieve sustainability and green building design should be incorporated into the project.* This finding can be made in the affirmative in that the project would comply with the City's green building ordinance, and the design includes overhangs, recesses, and other shading devices and techniques to reduce the solar heat gain and energy consumption related to the cooling of the building. The design is easy for pedestrian, bicycle and transit access. The project incorporates high efficiency LED light fixtures, low-flow plumbing fixtures and high efficiency HVAC equipment for efficiency energy and water use. Green building features will be incorporated to achieve CalGreen Tier 2 standards for the commercial portion and Green Point rated standards for the residential portion.

ATTACHMENT B
DRAFT CONDITIONS OF APPROVAL
429 University Avenue / File No. 14PLN-00222

PLANNING DIVISION

1. The Conditions of Approval document shall be printed on all plans submitted for building permits related to this project.

2. The proposed project requires 9,207 square feet of Transfer of Development Rights (TDR). Prior to issuance of building permit for construction submittal, the applicant shall provide sufficient information so that the Director of Planning and Community Environment can issue written confirmation of the transfer, which identifies both the sender and receiver sites and the amount of TDRs which have been transferred. This confirmation shall be recorded in the office of the county recorder prior to the issuance of building permits and shall include the written consent or assignment by the owner(s) of the TDRs where such owner(s) are other than the applicant.

3. The current project requires to use the one-time 200 square foot FAR bonus, as permitted per PAMC 18.18.070(a)(1), and cannot utilize this bonus again for any future development. This note shall be added to the Building Permit plan set along with the standard project data required.

4. All noise producing equipment shall not exceed the allowance specified in Section 9.10 Noise of the Palo Alto Municipal Code.

5. New construction and alterations in the CD-C zoning district ground floor space shall be designed to accommodate retail use and shall comply with the provisions of the Pedestrian (P) combining district.

6. Certificate of occupancy is required for separate businesses occupying tenant spaces, and for residential buildings having 3 or more units. This project is subject to the use restrictions set forth in PAMC 18.30(C) with the provisions of the Ground Floor retail (GF) combining district.

7. Development Impact Fees, estimated at $303,132.41 shall be paid prior to the issuance of the project's building permit. These fees are adjusted annually in August. Fees shall be calculated at the rate in effect at the time of building permit issuance.

8. The applicant shall be required to submit a Transportation Demand Management plan to be approved by the Director of Planning and Community Environment prior to the issuance of building permits for the site. The plan shall include provisions such as passes or subsidies for all employees of the commercial space for using public transit, in addition to car sharing, bike facilities, transportation information kiosks, and the designation of a transportation demand coordinator for the building.

9. The use of the outdoor terrace spaces, associated with both residential and non-residential uses within the building, shall be limited. There shall be no smoking and use shall comply with the restrictions outlined in the City of Palo Alto Noise Ordinance at all time.

10. The current proposed FAR of 31,407 sq. ft., is reaching the maximum of 32,200 sq. ft. (which included a one-time 200 sq. ft. floor area bonus) at which this site can be developed. Additional FAR can only be requested through the Transfer of Development Right. All transfer is subject to the restrictions and procedures set forth in PAMC 18.18.080 and shall be submitted for Architectural Review. Future addition of TDR must be fully parked.

11. All future signage and outdoor furniture for this site shall be submitted for Architectural Review.

12. The project shall be subject to the mandatory Green Building Ordinance.

13. Mitigation Measure CUL-1: Prior to commencement of site clearing and project grading, the project applicant shall retain a qualified archaeologist to train construction personnel regarding how to recognize cultural resources (such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains) that could be encountered during construction activities. If artifacts or unusual amounts of shell or bone or other items indicative of buried archaeological resources or human remains are encountered during earth disturbance associated with the proposed project, the on-site contractor shall immediately notify the City of Palo Alto (City) and the Native American Heritage Commission as appropriate. All soil-disturbing work shall be halted within 100 feet of the discovery until a qualified archaeologist, as defined by the California Environmental Quality Act (CEQA) Guidelines (14 CCR 15000 et seq.) and the City, completes a significance evaluation of the finds pursuant to Section 106 of the National Historic Preservation Act. Any human remains unearthed shall be treated in accordance with California Health and Safety Code, Section 7050.5, and California Public Resources Code, Sections 5097.94, 5097.98, and 5097.99, which include requirements to notify the Santa Clara County Medical Examiner's office and consult with Native American representatives determined to be the Most Likely Descendants, as appointed by the Native American Heritage Commission. Identified cultural resources shall be recorded on State Department of Parks and Recreation Form 523 (archaeological sites). Mitigation measures prescribed by the Native American Heritage Commission, the Santa Clara County Medical Examiner's office, and any Native American representatives determined to be the Most Likely Descendants and required by the City shall be undertaken before construction activities are resumed. If disturbance of a project area cultural resource cannot be avoided, a mitigation program, including measures set forth in the City's Cultural Resources Management Program and in compliance with Sections 15064.5 and 15126.4 of the CEQA Guidelines, shall be implemented.

14. Mitigation Measure HAZ-1: Prior to issuance of building demolition and during demolition, the project applicant shall demonstrate to the satisfaction of the City of Palo Alto that a survey of the existing buildings has been conducted by a qualified environmental specialist who meets the requirements of the current U.S. Environmental Protection Agency regulations for suspected lead-containing materials (LCMs), including

lead-based paint/coatings; asbestos containing materials (ACMs); and the presence of polychlorinated biphenyls (PCBs). Any demolition activities likely to disturb LCMs or ACMs shall be carried out by a contractor trained and qualified to conduct lead- or asbestos-related construction work. If found, LCMs and ACMs shall be disposed of in accordance with state and federal regulations, including the EPA's Asbestos National Emissions Standards for Hazardous Air Pollutants, the Cal-OSHA Construction Lead Standard (CCR Title 8, Section 1432.1), and California Department of Toxic Substances Control and EPA requirements for disposal of hazardous waste. If PCBs are found, these materials shall be managed in accordance with the Metallic Discards Act of 1991 (California Public Resources Code, Sections 42160–42185) and other state and federal guidelines and regulations. Demolition plans and contract specifications shall incorporate any necessary abatement measures in compliance with the Metallic Discards Act, particularly Section 42175, Materials Requiring Special Handling, for the removal of mercury switches, PCB-containing ballasts, and refrigerants.

15. Mitigation Measure NOI-1: Prior to issuance of building permit, submittal materials shall include window and transmission ratings and interior noise levels verification from a qualified acoustical consultant. For residential portion: Window and exterior door assemblies with Sound Transmission Class (STC) rating shall be up to 45 and upgraded exterior walls shall be used to achieve the City's maximum instantaneous noise guideline for residential uses. For commercial portion: Window and exterior door assemblies shall have a minimum STC rating of 32 at the corner of University Avenue and Kipling Street, and a minimum STC of 28 at all other commercial locations within the building to comply with the State of California CalGreen noise standards (maximum interior noise level of 50 dB during the peak hour of traffic).

16. Mitigation Measure NOI-2: Prior to issuance of building permit, submittal material shall include details of the residential ventilation system to ensure a habitable interior environment when windows are closed.

17. Mitigation Measure NOI-3: Prior to issuance of building permit, noise levels from rooftop equipment shall be reduced to meet the City of Palo Alto Noise Ordinance requirements. An enclosure or other sound-attenuation measures at the exhaust fans shall be provided to reduce rooftop equipment noise is no greater than 8 dB above the existing ambient level at potential future neighboring buildings to meet the property plane noise limit. Use of quieter equipment than assumed in this analysis may support reduced mitigation, which shall be evaluated by a qualified acoustical consultant.

18. Mitigation Measure TRANS-1: Prior to issuance of building permit, building permit submittal materials shall include mirrors installation at the parking garage driveway to allow drivers to see when a pedestrian or vehicle is approaching in Lane 30.

19. Mitigation Measure-TRANS-2: Prior to issuance of building permit, building permit submittal materials shall include mirrors installation at each turn within the parking garage to provide adequate sight distance.

20. The project approval shall be valid for a period of one year from the original date of approval. In the event a building permit(s), if applicable, is not secured for the project

within the time limit specified above, the ARB approval shall expire and be of no further force or effect. Application for extension of this entitlement may be made prior to the one year expiration.

21. Government Code Section 66020 provides that project applicant who desires to protest the fees, dedications, reservations, or other exactions imposed on a development project must initiate the protest at the time the development project is approved or conditionally approved or within ninety (90) days after the date that fees, dedications, reservations or exactions are imposed on the project. Additionally, procedural requirements for protesting these development fees, dedications, reservations and exactions are set forth in Government Code Section 66020. IF YOU FAIL TO INITIATE A PROTEST WITHIN THE 90-DAY PERIOD OR TO FOLLOW THE PROTEST PROCEDURES DESCRIBED IN GOVERNMENT CODE SECTION 66020, YOU WILL BE BARRED FROM CHALLENGING THE VALIDITY OR REASONABLENESS OF THE FEES, DEDICATIONS, RESERVATIONS, AND EXACTIONS.

22. This matter is subject to the Code of Civil Procedures (CCP) Section 1094.5, and the time by which judicial review must be sought is governed by CCP Section 1094.6.

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

PUBLIC WORKS ENGINEERING

PRIOR TO BUILDING PERMIT SUBMITTAL

24. CERTIFICATE OF COMPLIANCE: The applicant has revised the project description to indicate that she is no longer pursuing the development of condominiums. Since the project site is located within two parcels 120-15-029 and 120-15-028 a certificate of compliance for a lot merger is required. Applicant shall apply for a certificate of compliance and provide the necessary documents. Certificate of Compliance shall be recorded prior to issuance of a building or grading and excavation permit.

PRIOR TO ISSUANCE OF A DEMOLITION PERMIT

25. LOGISTICS PLAN: The applicant and contractor shall submit a construction logistics plan to the Public Works Department that addresses all impacts to the City's right-of-way, including, but not limited to: pedestrian control, traffic control, truck routes, material deliveries, contractor's parking, on-site staging and storage areas, concrete pours, crane lifts, work hours, noise control, dust control, storm water pollution prevention, contractor's contact. The plan shall be prepared and submitted along the Rough Grading and Excavation Permit. It shall include notes as indicated on the approved Truck Route Map for construction traffic to and from the site. Plan shall also indicate if the bus stop will need to be relocated.

26. Applicant shall schedule a meeting with Public Works Engineering and Transportation Division to discuss the existing building demolition, excavation and building construction logistics. Construction fence shall be located at the building property line, travel lane closures will not be permitted. Applicant shall propose a logistics plan that shows how pedestrian access is maintained and eliminating the least number of parking spaces during construction.

PRIOR TO ISSUANCE OF EXCAVATION AND GRADING PERMIT:

27. GRADING PERMIT: An Excavation and Grading Permit is required for grading activities on private property that fill, excavate, store or dispose of 100 cubic yards or more based on PAMC Section 16.28.060. Applicant shall prepare and submit an excavation and grading permit to Public Works separately from the building permit set. The permit application and instructions are available at the Development Center and on our website. http://www.cityofpaloalto.org/gov/depts/pwd/forms_and_permits.asp

28. ROUGH GRADING: provide a Rough Grading Plan for the work proposed as part of the Grading and Excavation Permit application. The Rough Grading Plans shall including the following: pad elevation, basement elevation, elevator pit elevation, ground monitoring wells, shoring for the proposed basement, limits of over excavation, stockpile area of material, overall earthwork volumes (cut and fill), temporary shoring for any existing facilities, ramps for the basement access, crane locations (if any), etc. Plans submitted for the Grading and Excavation Permit, shall be stand-alone, and therefore the plans shall include any conditions from other divisions that pertain to items encountered during rough grading for example if contaminated groundwater is encountered and dewatering is expected, provide notes on the plans based Water Quality's conditions of approval. Provide a note on the plans to direct the contractor to the approve City of Palo Alto Truck Route Map, which is available on the City's website.

29. BASEMENT SHORING: Provide shoring plans for the basement excavation, clearly including tiebacks (if any). Tieback shall not extend onto adjacent private property or into the City's right-of-way without having first obtained written permission from the private property owners and/or an encroachment permit from Public Works. During the ARB process and via email dated 9/25/14 the applicant indicated that the tiebacks will extend into the adjacent private property. As such provide a letter from the neighboring property owner to allow the encroachment of permanent tiebacks into their property. In addition the shoring plans shall clearly show the property line and the dimension between the outside edge of the soldier piles and the property line for City records. Also provide notes on the Shoring Plans for the "Contractor to cut-off the shoring 5-feet below the sidewalk elevation." AND "Contractor shall submit and obtain an permanent encroachment permit from Public Works for the tiebacks and shoring located within public right-of-way.

30. DEWATERING: Basement excavation may require dewatering during construction. Public Works only allows groundwater drawdown well dewatering. Open pit groundwater dewatering is not allowed. Dewatering is only allowed from April through October due to inadequate capacity in our storm drain system. The geotechnical report for this site must list the highest anticipated groundwater level. We recommend that a piezometer be installed in the soil boring. The contractor shall determine the depth to groundwater immediately prior to excavation by using a piezometer or by drilling an exploratory hole if the deepest excavation will be within 3 feet of the highest anticipated groundwater level. If

groundwater is found within 2 feet of the deepest excavation, a drawdown well dewatering system must be used, or alternatively, the contractor can excavate for the basement and hope not to hit groundwater, but if he does, he must immediately stop all work and install a drawdown well system before he continues to excavate. Based on the determined groundwater depth and season the contractor may be required to dewater the site or stop all grading and excavation work. In addition Public Works may require that all groundwater be tested for contaminants prior to initial discharge and at intervals during dewatering. If testing is required, the contractor must retain an independent testing firm to test the discharge water for contaminants Public Works specifies and submit the results to Public Works.

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

31. GEOTECHNICAL REPORT: Shall clearly identify the highest projected groundwater level to be encountered in the area of the proposed basement in the future will be _____ feet below existing grade. Provide a note on the Rough Grading Plan that includes the comment above as a note.

32. GAS METERS: In-ground gas meters are not typically allowed by Public Works Utilities. If in-ground gas meters are not allowed, the above ground gas meter shall be located complete within private property. Plot and label the proposed location. If in-ground gas meters are permitted, applicant shall submit an email from Utilities that indicates in-ground gas meters are acceptable for this project.

PRIOR TO ISSUANCE OF A BUILDING PERMIT

33. MAPPING: Applicant has revised the project description to indicate that she is no longer pursuing the development of condominiums. If at any point the applicant intends to sell portions of the building a Minor or Major Subdivision Application will be required. Public Works' Tentative Maps and Preliminary Parcel Maps checklist must accompany the completed application. All existing and proposed dedications and easements must be shown on the submitted map. The map would trigger further requirements from Public Works, see Palo Alto Municipal Code section 21.12 for Preliminary Parcel Map requirements and section 21.16 for Parcel Map requirements.

34. OFFSITE IMPROVEMENT PLANS: Prior to a Minor or Major Subdivision Application, applicant shall meet with Public Works to discuss any potential off-site improvements. These may include new concrete or asphalt work and utility upgrades or relocations.

35. The following items were not addressed through the final ARB submittal and shall be shown on the plans.

    a. Explain how all of the site runoff will drain directly into the media filter. The media filter shall be located complete with the private property as shown on the approve

ARB plans. The details provided indicate that the media filter is to be installed below ground and discharge would need to be pumped to the surface. However that is not reflected on the Utility Plan.

b. Plot and label the total the number of disconnected downspouts. The civil has indicated that the downspouts runoff will drain into the media filter, but it's not clear on the plans how this will be accomplished.

c. The site plan shall demonstrate how the runoff from the MFS flows by gravity into the gutter, provide pipe inverts and flowline grades. If a new separate structure is required to allow runoff to flow by gravity into the gutter or reduce the velocity, then the structure shall be located completely within the private property. The 4th and 5th resubmittal ARB plans show a junction box within the public right of way, this box shall be located completely within the private property.

d. The 5th submittal shows a planter box adjacent to the alley and the MFS has been relocated to be within this planter boxes. The plans submitted lack information, show how the roof runoff is directed into the mechanical treatment facility. Plot and label the pump, drain lines, downspouts. Show how all of the site runoff is treated by the proposed MFS.

e. It's not clear if the planter box is intended to provide C3 treatment. If LID treatment is proposed provide the surface drainage areas and calculations.

f. Resize the new planter box to allow the junction box to be within the private property and behind the Kipling Street sidewalk. The planter box and planting material shall have height clearance with a maximum of three feet within the 4-ft by 6-ft clear site distance (triangle). In addition the planter box shall be located 1-foot minimum away from the adjacent alley.

36. GRADING AND DRAINAGE PLAN: The plan set must include a grading & drainage plan prepared by a licensed professional that includes existing and proposed spot elevations, earthwork volumes, finished floor elevations at every at grade door entrance, area drain and bubbler locations, drainage flow arrows to demonstrate proper drainage of the site. See Palo Alto Municipal Code Section 16.28 Adjacent grades must slope away from the building foundation at minimum of 2% or 5% for 10-feet per 2013 CBC Section 1804.3. Downspouts and splashblocks should be shown on this plan, as well as any site drainage features such as swales. Grading will not be allowed that increases drainage onto, or blocks existing drainage from, neighboring properties. Public Works generally does not allow rainwater to be collected and discharged into the street gutter or connected directly to the City's infrastructure, but encourages the developer to keep rainwater onsite as much as feasible by directing runoff to landscape and other pervious areas of the site. Plan shall also include a drainage system as required for all uncovered exterior basement-level spaces such as lightwell, stairwells or driveway ramps.

37. BASEMENT DRAINAGE: Due to high groundwater throughout much of the City and Public Works prohibiting the pumping and discharging of groundwater, perforated pipe drainage systems at the exterior of the basement walls or under the slab are not allowed for this site. A drainage system is, however, required for all exterior basement-level spaces,

such as lightwells, patios or stairwells. This system consists of a sump, a sump pump, a backflow preventer, and a closed pipe from the pump to a dissipation device onsite at least 10-feet from the property line, such as a bubbler box in a landscaped area, so that water can percolate into the soil and/or sheet flow across the site. The device must not allow stagnant water that could become mosquito habitat. Additionally, the plans must show that exterior basement-level spaces are at least 7-3/4" below any adjacent windowsills or doorsills to minimize the potential for flooding the basement. Public Works recommends a waterproofing consultant be retained to design and inspect the vapor barrier and waterproofing systems for the basement.

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

39. STORM WATER POLLUTION PREVENTION: The City's full-sized "Pollution Prevention - It's Part of the Plan" sheet must be included in the plan set. The sheet is available here: http://www.cityofpaloalto.org/civicax/filebank/documents/2732

40. STORM WATER TREATMENT: This project shall comply with the storm water regulations contained in provision C.3 of the NPDES municipal storm water discharge permit issued by the San Francisco Bay Regional Water Quality Control Board (and incorporated into Palo Alto Municipal Code Chapter 16.11). These regulations apply to land development projects that create or replace 10,000 square feet or more of impervious surface, and restaurants, retail gasoline outlets, auto service facilities, and uncovered parking lots that create and/or replace 5,000 square feet or more of impervious surface. In order to address the potential permanent impacts of the project on storm water quality, the applicant shall incorporate into the project a set of permanent site design measures, source controls, and treatment controls that serve to protect storm water quality, subject to the approval of the Public Works Department. The applicant shall identify, size, design and incorporate permanent storm water pollution prevention measures (preferably landscape-based treatment controls such as bioswales, filter strips, and permeable pavement rather than mechanical devices that require long-term maintenance) to treat the runoff from a "water quality storm" specified in PAMC Chapter 16.11 prior to discharge to the municipal storm drain system. Effective February 10, 2011, regulated projects, must contract with a qualified third-party reviewer during the building permit review process to certify that the proposed permanent storm water pollution prevention measures comply with the requirements of Palo Alto Municipal Code Chapter 16.11. The certification form, 2 copies of approved storm water treatment plan, and a description of Maintenance Task and Schedule must be received by the City from the third-party reviewer prior to approval of the building permit by the Public Works department. Within 45 days of the installation of the required storm water treatment measures and prior to the issuance of an occupancy permit for the building, third-party reviewer shall also submit to the City a certification for approval

41. UTILITY PLAN: shall be provided with the Building Permit that demonstrates how the site's drainage flows by gravity into the City's system and is not pumped. Public Works generally does not allow downspout rainwater to be collected, piped and discharged

directly into the street gutter or connect directly to the City's infrastructure. The utility plan shall indicate that downspouts are disconnected, daylight at grade, and are directed to landscaped and other pervious areas onsite. Downspouts shall daylight away from the foundation.

If pumps are required, plot and label where the pumps will be located on-site, storm water runoff from pumped system shall daylight onto onsite landscaped areas and be allow to infiltrate and flow by gravity to the public storm drain line. Storm water runoff that is pumped shall not be directly piped into the public storm drain line.

42. TRANSFORMER AND UTILITIES: Applicant shall be aware that the project may trigger water line and meter upgrades or relocation, if upgrades or relocation are required, the building permit plan set shall plot and label utility changes. The backflow preventer, and above grade meters shall be located within private property and plotted on the plans. Similarly if a transformer upgrade or a grease interceptor is required it shall also be located within the private property.

43. WORK IN THE RIGHT-OF-WAY: The plans must clearly indicate any work that is proposed in the public right-of-way, such as sidewalk replacement, driveway approach, or utility laterals. The plans must include notes that the work must be done per City standards and that the contractor performing this work must first obtain a Street Work Permit from Public Works at the Development Center. This project may be required to replace the driveway approach the sidewalk associated with the existing driveway may be required to replace with a thickened (6" thick instead of the standard 4" thick) section.

44. SIDEWALK ENCROACHMENT: Add a note to the site plan that says, "The contractor using the city sidewalk to work on an adjacent private building must do so in a manner that is safe for pedestrians using the sidewalk. Pedestrian protection must be provided per the 2013 California Building Code Chapter 32 requirements. If the height of construction is 8 feet or less, the contractor must place construction railings sufficient to direct pedestrians around construction areas. If the height of construction is more than 8 feet, the contractor must obtain an encroachment permit from Public Works at the Development Center in order to provide a barrier and covered walkway. The contractor must apply to Public Works for an encroachment permit to close or occupy the sidewalk(s) or ally.

45. SIDEWALK, CURB & GUTTER: As part of this project, the applicant must replace all of the existing sidewalks, ramps, curbs, gutters or driveway approaches in the public right-of-way along the frontage(s) of the property. Applicant shall be responsible for replacing the two ramps immediately across the street from the project site. Applicant shall meet with Public Works and Transportation to discuss the potential for adding a bulb-out along the University Avenue side to widen the sidewalk. If construction of the new ramps and/or sidewalk results in a conflict with utilities or traffic signal than applicant will be responsible for adjusting to grade or relocating conflict and to bring the improvements to current designs standards. The site plan and grading and drainage plan submitted with the building permit plan set must show the extent of the replacement work. Provide references to the specific City's Standard Drawings and Specification. The plan must note that any work in the right-of-way must be done per Public Works' standards by a licensed contractor who must first obtain a Street Work Permit from Public Works at the Development Center.

46. RESURFACING: The applicant is required to resurface (grind and overlay) the entire width of the street on University Avenue and Kipling Street frontages adjacent to the project. In addition this project is required to resurface the full width of the Lane along the project frontage. Note that the base material for these 3 streets varies. Thermoplastic striping of the street(s) will be required after resurfacing. Include an off-site plan that shows the existing signage and striping that is to be replaces as part of this project and for the contractor's use.

47. DEMOLITION PLAN: Place the following note adjacent to an affected tree on the Site Plan and Demolition Plan: "Excavation activities associated with the proposed scope of work shall occur no closer than 10-feet from the existing street tree, or as approved by the Urban Forestry Division contact 650-496-5953. Any changes shall be approved by the same".

48. STREET TREES: The applicant may be required to replace existing and/or add new street trees in the public right-of-way along the property's frontage(s). Call the Public Works' arborist at 650-496-5953 to arrange a site visit so he can determine what street tree work, if any, will be required for this project. The site plan submitted with the building permit plan set must show the street tree work that the arborist has determined, including the tree species, size, location, staking and irrigation requirements, or include a note that Public Works' arborist has determined no street tree work is required. The plan must note that in order to do street tree work, the applicant must first obtain a Permit for Street Tree Work in the Public Right-of-Way from Public Works' arborist (650-496-5953).

49. BIKE RACKS: Currently, there are 2 bike racks on University Avenue. It is not Public Works' responsibility to approve the relocation or installation of the bike racks near this location. If the applicant would like to requests the installation of new or more bike racks along University Avenue, the applicant must obtain approval from the Transportation Division at 650-329-2520 to determine an appropriate location, type/model and quantity that can be installed per City Standards. The plan must note that in order to install or relocate any bike racks, the applicant must first obtain a Street Work Permit from Public Works.

50. GARBAGE/TRASH RECEPTACLES: The plans provided for preliminary review do not include the existing garbage/trash receptacle along University Avenue. This shall be shown on the plans and remain in its location for as long as possible during construction. If construction activities require the temporary removal of the receptacle, the contractor may remove during that construction activity but must place it back as soon as those activities have been completed. Prior to doing so, the contractor must notify the public works department to determine if Public Works Operations should pick it up for storage during that time.

51. ADJACENT NEIGHBORS: For any improvements that extend beyond the property lines such as tie-backs for the basement or construction access provide signed copies of the original agreements with the adjacent property owners. The agreements shall indicate that the adjacent property owners have reviewed and approved the proposed improvements (such as soldier beams, tiebacks) that extend into their respective properties

52. "NO DUMPING" LOGO: The applicant is required to paint the "No Dumping/Flows to San Franscisquito Creek" logo in blue color on a white background, adjacent to all onsite storm drain inlets. Stencils of the logo are available from the Public Works Environmental Compliance Division, which may be contacted at (650) 329-2598. A deposit may be required to secure the return of the stencil. Include the instruction to paint the logos on the construction grading and drainage plan. Similar medallions shall be installed near the catch basins that are proposed to be relocated. Provide notes on the plans to reference that medallions and stencils.

53. OIL/WATER SEPARATOR: Parking garage floor drains on interior levels shall be connected to an oil/water separator prior to discharging to the sanitary sewer system. The oil/water separator shall be located within private property.

54. GREASE INTERCEPTOR: If a commercial kitchen is proposed requiring the installation of a grease interceptor, the grease separator shall be installed and located within private property. In no case shall the City of Palo Alto allow the right-of-way (ROW) to be used to satisfy this requirement.

PRIOR TO BUILDING PERMIT FINAL

55. STORMWATER MAINTENANCE AGREEMENT: The applicant shall designate a party to maintain the control measures for the life of the improvements and must enter into a maintenance agreement with the City to guarantee the ongoing maintenance of the permanent C.3 storm water discharge compliance measures. The maintenance agreement shall be executed prior to the first building occupancy sign-off. The City will inspect the treatment measures yearly and charge an inspection fee. There is currently a $381 (FY 2015) C.3 plan check fee that will be collected upon submittal for a grading or building permit.

56. Contractor and/or Applicant shall prepare and submit an electronic (pdf) copy of the Off-Site Improvements As-Built set of plans to Public Works for the City's records. The as-built set shall include all the improvements within the public road right-of-way and include items such as: shoring piles, tiebacks, public storm drain improvements, traffic signs, street trees, location of any vaults or boxes, and any other item that was installed as part of this project.

57. Contractor shall submit and obtain an Encroachment permit for the permanent structures (shoring and tiebacks) that were installed within the public road right-of-way.

58. Additional comments and/or conditions may apply as the project is revised.

ZERO WASTE/ SOLID WASTE

PRIOR TO ISSUANCE OF A BUILDING PERMIT

59. Provide a garbage and recycling chute for the residential unit with either an additional chute or a bin space for compostables on the residential floor.

60. SERVICE LEVELS: Without a restaurant: the enclosure should be sized for 3-yard garbage bin, 4-yard recycling bin, 1-yard compostables bin; with a restaurant: With a restaurant: 3-yard garbage bin, 4-yard recycling bin, 2-yard compostables bin.

61. TRASH DISPOSAL AND RECYCLING (PAMC 18.23.020): (A) Assure that development provides adequate and accessible interior areas or exterior enclosures for the storage of trash and recyclable materials in appropriate containers, and that trash disposal and recycling areas are located as far from abutting residences as is reasonably possible. (B) Requirements: (i) Trash disposal and recyclable areas shall be accessible to all residents or users of the property. (ii) Recycling facilities shall be located, sized, and designed to encourage and facilitate convenient use. (iii) Trash disposal and recyclable areas shall be screened from public view by masonry or other opaque and durable material, and shall be enclosed and covered. Gates or other controlled access shall be provided where feasible. Chain link enclosures are strongly discouraged. (iv) Trash disposal and recycling structures shall be architecturally compatible with the design of the project. (v) The design, construction and accessibility of recycling areas and enclosures shall be subject to approval by the architectural review board, in accordance with design guidelines adopted by that board and approved by the city council pursuant to Section 18.76.020.

62. RECYCLING STORAGE DESIGN REQUIREMENTS (PAMC 5.20.120): The design of any new, substantially remodeled, or expanded building or other facility shall provide for proper storage, handling, and accessibility which will accommodate the solid waste and recyclable materials loading anticipated and which will allow for the efficient and safe collection. The design shall comply with the applicable provisions of Sections 18.22.100, 18.24.100, 18.26.100, 18.32.080, 18.37.080, 18.41.080, 18.43.080, 18.45.080, 18.49.140, 18.55.080, 18.60.080, and 18.68.170 of Title 18 of this code.

63. SERVICE REQUIREMENTS: (a) Collection vehicle access (vertical clearance, street width and turnaround space) and street parking are common issues pertaining to new developments. Adequate space must be provided for vehicle access. (b) Weight limit for all drivable areas to be accessed by the solid waste vehicles (roads, driveways, pads) must be rated to 60,000 lbs. This includes areas where permeable pavement is used. (c) Containers must be within 25 feet of service area or charges will apply. (d) Carts and bins must be able to roll without obstacles or curbs to reach service areas "no jumping curbs".

64. GARBAGE, RECYCLING, AND YARD WASTE/COMPOSTABLES CART/ BIN LOCATION AND SIZING**:**

    a. Office Building: The proposed commercial development must follow the requirements for recycling container space[1]. Project plans must show the placement of recycling containers, for example, within the details of the solid waste enclosures. Collection space should be provided for built-in recycling containers/storage on each floor/office or alcoves for the placement of recycling containers.

        i. Enclosure and access should be designed for equal access to all three waste streams – garbage, recycling, and compostables.

1 In accordance with the California Public Resources Code, Chapter 18, Articles 1 and 2

ii. Collection cannot be performed in underground. Underground bins locations require a minimum of 77" of vertical clearance. Pull out charges will apply. In instances where push services are not available (e.g., hauler driver cannot push containers up or down ramps), the property owner will be responsible for placing solid waste containers in an accessible location for collection.

iii. All service areas must have a clearance height of 20' for bin service.

iv. New enclosures should consider rubber bumpers to reduce ware and tear on walls.

For questions regarding garbage, recycling, and compostables collection issues, contact Green Waste of Palo Alto (650) 493-4894.

b. Restaurants and Food Service Establishments: Please contact Green Waste of Palo Alto (650) 493-4894 to maximize the collection of compostables in food preparation areas and customer areas.

For more information about compostable food service products, please contact City of Palo Alto Zero Waste at (650) 496-5910.

c. Multi-family Residential: The proposed multi-family development must follow the requirements for recycling container space[2]. All residential developments, where central garbage, recycling, and compostables containers will serve five or more dwelling units, must have space for the storage and collection of recyclables and compostables. This includes the provision of recycling chutes where garbage chutes are provided. Project plans must show the placement of recycling and compostables containers, for example, within the details of the solid waste enclosures.

i. Enclosure and access should be designed for equal access to all three waste streams – garbage, recycling, and compostables.

ii. Collection cannot be performed in underground. Underground bins locations require a minimum of 77" of vertical clearance. Pull out charges will apply. In instances where push services are not available (e.g., hauler driver cannot push containers up or down ramps), the property owner will be responsible for placing solid waste containers in an accessible location for collection.

iii. All service areas must have a clearance height of 20' for bin service.

iv. New enclosures should consider rubber bumpers to reduce wear-and-tear on walls.

For questions regarding garbage, recycling, and compostables collection issues, contact Green Waste of Palo Alto (650) 493-4894.

2 In accordance with the California Public Resources Code, Chapter 18, Articles 1 and 2

65. DUMPSTERS FOR NEW AND REMODELED FACILITIES (PAMC 16.09.180(b)(10)): New buildings and residential developments providing centralized solid waste collection, except for single-family and duplex residences, shall provide a covered area for a bin/dumpster. The area shall be adequately sized for all waste streams (garbage, recycling, and yard waste/compostables) and designed with grading or a berm system to prevent water runon and runoff from the area.

66. COVERED DUMPSTERS, RECYCLING AND TALLOW BIN AREAS (PAMC 16.09.075(q)(2)):

    a. Newly constructed and remodeled Food Service Establishments (FSEs) shall include a covered area for all dumpsters, bins, carts or container used for the collection of trash, recycling, food scraps and waste cooking fats, oils and grease (FOG) or tallow.

    b. The area shall be designed and shown on plans to prevent water run-on to the area and runoff from the area.

    c. Drains that are installed within the enclosure for recycle and waste bins, dumpsters and tallow bins serving FSEs are optional. Any such drain installed shall be connected to a Grease Control Device (GCD).

    d. If tallow is to be stored outside then an adequately sized, segregated space for a tallow bin shall be included in the covered area.

    e. These requirements shall apply to remodeled or converted facilities to the extent that the portion of the facility being remodeled is related to the subject of the requirement.

    It is frequently to the FSE's advantage to install the next size larger GCD to allow for more efficient grease discharge prevention and may allow for longer times between cleaning. There are many manufacturers of GCDs which are available in different shapes, sizes and materials (plastic, reinforced fiberglass, reinforced concrete and metal).

    The requirements will assist FSEs with FOG discharge prevention to the sanitary sewer and storm drain pollution prevention. The FSE at all times shall comply with the Sewer Use Ordinance of the Palo Alto Municipal Code. The ordinances include requirements for GCDs, GCD maintenance, drainage fixtures, record keeping and construction projects.

67. CONSTRUCTION AND DEMOLITION DEBRIS (CDD) (PAMC 5.24.030):

    a. Covered projects shall comply with construction and demolition debris diversion rates and other requirements established in Chapter 16.14 (California Green Building Code). In addition, all debris generated by a covered project must haul 100 percent of the debris not salvaged for reuse to an approved facility as set forth in this chapter.

b. Contact the City of Palo Alto's Green Building Coordinator for assistance on how to recycle construction and demolition debris from the project, including information on where to conveniently recycle the material.

PUBLIC WORKS WATER QUALITY CONTROL

68. DISCHARGE OF GROUNDWATER (PAMC 16.09.170, 16.09.040): Prior approval shall be obtained from the city engineer or designee to discharge water pumped from construction sites to the storm drain. The city engineer or designee may require gravity settling and filtration upon a determination that either or both would improve the water quality of the discharge. Contaminated ground water or water that exceeds state or federal requirements for discharge to navigable waters may not be discharged to the storm drain. Such water may be discharged to the sewer, provided that the discharge limits contained in Palo Alto Municipal Code (16.09.040(m)) are not exceeded and the approval of the superintendent is obtained prior to discharge. The City shall be compensated for any costs it incurs in authorizing such discharge, at the rate set forth in the Municipal Fee Schedule.

69. UNPOLLUTED WATER (PAMC 16.09.055): Unpolluted water shall not be discharged through direct or indirect connection to the sanitary sewer system (e.g. uncovered ramp to garage area).

70. COVERED PARKING (PAMC 16.09.180(b)(9)): If installed, drain plumbing for parking garage floor drains must be connected to an oil/water separator with a minimum capacity of 100 gallons, and to the sanitary sewer system.

71. DUMPSTERS FOR NEW AND REMODELED FACILITATIES (PAMC 16.09.180(b)(10)): New buildings and residential developments providing centralized solid waste collection, except for single-family and duplex residences, shall provide a covered area for a dumpster. The area shall be adequately sized for all waste streams and designed with grading or a berm system to prevent water runon and runoff from the area.ARCHITECTURAL COPPER PAMC (16.09.180(b)(14)): On and after January 1, 2003, copper metal roofing, copper metal gutters, copper metal down spouts, and copper granule containing asphalt shingles shall not be permitted for use on any residential, commercial or industrial building for which a building permit is required. Copper flashing for use under tiles or slates and small copper ornaments are exempt from this prohibition. Replacement roofing, gutters and downspouts on historic structures are exempt, provided that the roofing material used shall be prepatinated at the factory. For the purposes of this exemption, the definition of "historic" shall be limited to structures designated as Category 1 or Category 2 buildings in the current edition of the Palo Alto Historical and Architectural Resources Report and Inventory.

72. LOADING DOCKS (PAMC 16.09.175(k) (2)): (i) Loading dock drains to the storm drain system may be allowed if equipped with a fail-safe valve or equivalent device that is kept closed during the non-rainy season and during periods of loading dock operation. (ii) Where chemicals, hazardous materials, grease, oil, or waste products are handled or used within the loading dock area, a drain to the storm drain system shall not be allowed. A drain to the sanitary sewer system may be allowed if equipped with a fail-safe valve or equivalent device that is kept closed during the non-rainy season and during periods of

loading dock operation. The area in which the drain is located shall be covered or protected from rainwater run-on by berms and/or grading. Appropriate wastewater treatment approved by the Superintendent shall be provided for all rainwater contacting the loading dock site.

73. CONDENSATE FROM HVAC (PAMC 16.09.180(b)(5)): Condensate lines shall not be connected or allowed to drain to the storm drain system.

74. SILVER PROCESSING (e.g. photoprocessing retail) (PAMC 16.09.215): Facilities conducting silver processing (photographic or X-ray films) shall either submit a treatment application or waste hauler certification for all spent silver bearing solutions. 650-329-2421.

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

76. MERCURY SWITCHES (PAMC 16.09.180(12)): Mercury switches shall not be installed in sewer or storm drain sumps.

77. COOLING SYSTEMS, POOLS, SPAS, FOUNTAINS, BOILERS AND HEAT EXCHANGERS (PAMC 16.09.205(a)): It shall be unlawful to discharge water from cooling systems, pools, spas, fountains boilers and heat exchangers to the storm drain system.

78. STORM DRAIN LABELING (PAMC 16.09.165(h)): Storm drain inlets shall be clearly marked with the words "No dumping - Flows to Bay," or equivalent.

79. UNDESIGNATED RETAIL SPACE (PAMC 16.09): Newly constructed or improved buildings with all or a portion of the space with undesignated tenants or future use will need to meet all requirements that would have been applicable during design and construction. If such undesignated retail space becomes a food service facility the following requirements must be met:

    <u>Designated Food Service Establishment (FSE) Project:</u>

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

        i. The plans shall specify the manufacturer details and installation details of all proposed GCDs. (CBC 1009.2)

        ii. GCD(s) shall be sized in accordance with the 2007 California Plumbing Code.

        iii. GCD(s) shall be installed with a minimum capacity of 500 gallons.

        iv. GCD sizing calculations shall be included on the plans. See a sizing calculation example below.

v. The size of all GCDs installed shall be equal to or larger than what is specified on the plans.

vi. GCDs larger than 50 gallons (100 pounds) shall not be installed in food preparation and storage areas. Santa Clara County Department of Environmental Health prefers GCDs to be installed outside. GCDs shall be installed such that all access points or manholes are readily accessible for inspection, cleaning and removal of all contents. GCDs located outdoors shall be installed in such a manner so as to exclude the entrance of surface and stormwater. (CPC 1009.5)

vii. All large, in-ground interceptors shall have a minimum of three manholes to allow visibility of each inlet piping, baffle (divider) wall, baffle piping and outlet piping. The plans shall clearly indicate the number of proposed manholes on the GCD. The Environmental Compliance Division of Public Works Department may authorize variances which allow GCDs with less than three manholes due to manufacture available options or adequate visibility.

viii. Sample boxes shall be installed downstream of all GCDs.

ix. All GCDs shall be fitted with relief vent(s). (CPC 1002.2 & 1004)

x. GCD(s) installed in vehicle traffic areas shall be rated and indicated on plans.

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

i. To ensure all FSE drainage fixtures are connected to the correct drain lines, each drainage fixture shall be clearly labeled on the plans. A list of all fixtures and their discharge connection, i.e. sanitary sewer or grease waste line, shall be included on the plans.

ii. A list indicating all connections to each proposed GCD shall be included on the plans. This can be incorporated into the sizing calculation.

iii. All grease generating drainage fixtures shall connect to a GCD. These include but are not limited to:

1. Pre-rinse (scullery) sinks
2. Three compartment sinks (pot sinks)
3. Drainage fixtures in dishwashing room except for dishwashers shall connect to a GCD
4. Examples: trough drains (small drains prior to entering a dishwasher), small drains on busing counters adjacent to pre-rinse sinks or silverware soaking sinks
5. Floor drains in dishwashing area and kitchens
6. Prep sinks
7. Mop (janitor) sinks

8. Outside areas designated for equipment washing shall be covered and any drains contained therein shall connect to a GCD.
9. Drains in trash/recycling enclosures
10. Wok stoves, rotisserie ovens/broilers or other grease generating cooking equipment with drip lines
11. Kettles and tilt/braising pans and associated floor drains/sinks

iv. The connection of any high temperature discharge lines and non-grease generating drainage fixtures to a GCD is prohibited. The following shall not be connected to a GCD:

1. Dishwashers
2. Steamers
3. Pasta cookers
4. Hot lines from buffet counters and kitchens
5. Hand sinks
6. Ice machine drip lines
7. Soda machine drip lines
8. Drainage lines in bar areas

v. No garbage disposers (grinders) shall be installed in a FSE. (PAMC 16.09.075(d)).

vi. Plumbing lines shall not be installed above any cooking, food preparation and storage areas.

vii. Each drainage fixture discharging into a GCD shall be individually trapped and vented. (CPC 1014.5)

c. Covered Dumpsters, Recycling and Tallow Bin Areas PAMC, 16.09.075(q)(2)

i. Newly constructed and remodeled FSEs shall include a covered area for all dumpsters, bins, carts or container used for the collection of trash, recycling, food scraps and waste cooking fats, oils and grease (FOG) or tallow.

ii. The area shall be designed and shown on plans to prevent water run-on to the area and runoff from the area.

iii. Drains that are installed within the enclosure for recycle and waste bins, dumpsters and tallow bins serving FSEs are optional. Any such drain installed shall be connected to a GCD.

iv. If tallow is to be stored outside then an adequately sized, segregated space for a tallow bin shall be included in the covered area.

v. These requirements shall apply to remodeled or converted facilities to the extent that the portion of the facility being remodeled is related to the subject of the requirement.

d. Large Item Cleaning Sink, PAMC 16.09.075(m)(2)(B)

i. FSEs shall have a sink or other area drain which is connected to a GCD and large enough for cleaning the largest kitchen equipment such as floor mats, containers, carts, etc. Recommendation: Generally, sinks or cleaning areas larger than a typical mop/janitor sink are more useful.

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

Sizing Criteria:		**GCD Sizing:**	
Drain Fixtures	**DFUs**	**Total DFUs**	**GCDVolume (gallons)**
Pre-rinse sink	4	8	500
3 compartment sink	3	21	750
2 compartment sink	3	35	1,000
Prep sink	3	90	1,250
Mop/Janitorial sink	3	172	1,500
Floor drain	2	216	2,000
Floor sink	2		

Example GCD Sizing Calculation:

Quantity	Drainage Fixture & Item Number	DFUs	Total
1	Pre-rinse sink, Item 1	4	4
1	3 compartment sink, Item 2	3	3
2	Prep sinks, Item 3 & Floor sink, Item 4	3	6
1	Mop sink, Item 5	3	3
1	Floor trough, Item 6 & tilt skillet, Item 7	2	2
1	Floor trough, Item 6 & steam kettle, Item 8	2	2
1	Floor sink, Item 4 & wok stove, Item 9	2	2
4	Floor drains	2	8
	1,000 gallon GCD minimum sized	Total:	30

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

FIRE DEPARTMENT

80. Fire sprinklers, fire standpipe and fire alarm systems required in accordance with NFPA 13, NFPA14, NFPA 24, NFPA 72 and State and local standards. Sprinkler, standpipe, fire

alarm and underground fire supply installations require separate submittal to the Fire Prevention Bureau.

81. Sprinkler main drain must be coordinated with plumbing design so that the 200 gpm can be flowed for annual main drain testing for 90 seconds without overflowing the collection sump, and the Utilities Department approved ejector pumps will be the maximum flow rate to sanitary sewer.

82. Applicant shall work with Utilities Department to provide acceptable backflow prevention configuration.

83. All floor levels in multi-story buildings must be served by an elevator capable of accommodating a 24 x 84 inch gurney without lifting or manipulating the gurney.

84. All welding or other hot work during construction shall be under a permit obtained from the Palo Alto Fire Department with proper notification and documentation of procedures followed and work conducted.

85. Low-E glass and underground parking areas can interfere with portable radios used by emergency responders. Please provide an RF Engineering analysis to determine if additional devices or equipment will be needed to maintain operability of emergency responder portable radios throughout 97% of the building in accordance with the Fire Code Appendix J as adopted by the City of Palo Alto. A written report to the Fire Marshal shall be provided prior to final inspection.

UTILITIES – ELECTRICAL ENGINEERING

GENERAL

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

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

88. The applicant shall submit a request to disconnect all existing utility services and/or meters including a signed affidavit of vacancy, on the form provided by the Building Inspection Division. Utilities will be disconnected or removed within 10 working days after receipt of request. The demolition permit will be issued after all utility services and/or meters have been disconnected and removed.

FOR SUBMITTALS TO ELECTRIC SERVICE

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

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

91. Only one electric service lateral is permitted per parcel. Utilities Rule & Regulation #18.

92. Applicant has selected the option of going with a submersible transformer. This installation will fall under "Special Facilities". Special Facilities will have additional costs for substructure work, annual cost of ownership plus one time replacement cost of submersible transformer. Vault and submersible transformer along with the required infrastructure will be installed by the City in the alley/public right of way or at a feasible location at applicant's expense. Note that submersible transformers are more susceptible to extended outages and potential cause for failures due to accumulation of dirt, debris and water in the vaults. . During servicing/maintenance or outage there will be no power to the building. The applicant will be responsible for maintaining the electric service to the building or to any critical equipment through a generator, if required. The City will not reimburse or compensate for anything (e.g. damages/lost production hours/labor cost etc.) during maintenance/outage or shut down time. The City will replace the transformer in the event of failure at no cost to the applicant.

93. Based on the electric loads the applicant has projected for the new building, the Utilities will consider installing a 500KVA, 120/208Y Volts transformer. However, if the load drops significantly below the rated capacity of the transformer for any continuous period of twelve (12) months, the City will notify the applicant about the fees and charges attributable to the reduced capacity. If the loads are added in the future and existing submersible transformer is found to be overloaded or exceeded its operational limitations

then the City will require the applicant to accept the electric service to the building at 277/480Y Volts. At that time, in order to get the electric service to the building at new voltage; all the required modifications will be done by the applicant.

94. The customer shall install all electrical substructures (conduits, boxes and pads) required from the service point to the customer's switchgear. The design and installation shall be according to the City standards and shown on plans. Utilities Rule & Regulations #16 & #18.

95. Location of the electric panel/switchboard shall be installed outside the building and shall be easily accessible to Utilities meter readers and maintenance crews. Electric switchboard shall be NEMA 3R. All the substructure work done/installed for providing electric service to the new building shall be at applicant's expense. Detailed comments and final cost estimate shall be provided to the applicant when plans are submitted to the Building Department for review and approval.

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

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

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

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

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

101. If the customer's total load exceeds 2500 kVA, service shall be provided at the primary voltage of 12,470 volts and the customer shall provide the high voltage switchgear and transformers.

102. For primary services, the standard service protection is a submersible fault interrupter owned and maintained by the City, installed at the customer's expense. The customer must provide and install the pad and associated substructure required for the fault interrupter.

103. Any additional facilities and services requested by the Applicant that are beyond what the utility deems standard facilities will be subject to Special Facilities charges. The Special

Facilities charges include the cost of installing the additional facilities as well as the cost of ownership. Utilities Rule & Regulation #20.

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

DURING CONSTRUCTION

105. Contractors and developers shall obtain permit from the Department of Public Works before digging in the street right-of-way. This includes sidewalks, driveways and planter strips.

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

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

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

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

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

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

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

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

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

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

AFTER CONSTRUCTION & PRIOR TO FINALIZATION

115. The customer shall provide as-built drawings showing the location of all switchboards, conduits (number and size), conductors (number and size), splice boxes, vaults and switch/transformer pads.

PRIOR TO ISSUANCE OF BUILDING OCCUPANCY PERMIT

116. The applicant shall secure a Public Utilities Easement for facilities installed on private property for City use.

    a. All required inspections have been completed and approved by both the Building Inspection Division and the Electrical Underground Inspector.

    b. All fees must be paid.

    c. All Special Facilities contracts or other agreements need to be signed by the City and applicant.

ADDITIONAL COMMENTS

The following conditions apply to three-phase service and any service over 400 amperes:

117. A padmount or submersible transformer is required.

118. The Utilities Director, or his/her designee, may authorize the installation of submersible or vault installed facilities if in their opinion, padmounted equipment would not be feasible or practical.

119. Submersible or vault installed facilities shall be considered Special Facilities as described in Rule and Regulation 20, and all costs associated with the installation, including continuing ownership and maintenance, will be borne by the applicant (see Rule and Regulation 3 for details).

120. The customer must provide adequate space for installation, or reimburse the Utility for additional costs to locate the transformer outside the property boundaries. All service

equipment must be located above grade level unless otherwise approved by Electric Engineering.

WATER - GAS - WASTEWATER ENGINEERING

PRIOR TO ISSUANCE OF DEMOLITION PERMIT

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

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

FOR BUILDING PERMIT

123. The applicant shall submit completed water-gas-wastewater service connection applications - load sheets for City of Palo Alto Utilities for each unit or place of business. The applicant must provide all the information requested for utility service demands (water in fixture units/g.p.m., gas in b.t.u.p.h, and sewer in fixture units/g.p.d.). The applicant shall provide the existing (prior) loads, the new loads, and the combined/total loads (the new loads plus any existing loads to remain).

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

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

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

127. The applicant's engineer shall submit flow calculations and system capacity study showing that the on-site and off-site water and sanitary sewer mains and services will provide the domestic, irrigation, fire flows, and wastewater capacity needed to service the development and adjacent properties during anticipated peak floor demands. Field testing may be required to determine current flows and water pressures on existing water main. Calculations must be signed and stamped by a registered civil engineer. The applicant is required to perform, at his/her expense, a flow monitoring study of the existing sewer main to determine the remaining capacity. The report must include existing peak flows or depth of flow based on a minimum monitoring period of seven continuous days or as determined by the senior wastewater engineer. The study shall meet the requirements and the approval

of the WGW engineering section. No downstream overloading of existing sewer main will be permitted.

128. For contractor installed water and wastewater mains or services, the applicant shall submit to the WGW engineering section of the Utilities Department **four** copies of the installation of public water, gas and wastewater utilities improvement plans (the portion to be owned and maintained by the City) in accordance with the utilities department design criteria. All utility work within the public right-of-way shall be clearly shown on the plans that are prepared, signed and stamped by a registered civil engineer. The contractor shall also submit a complete schedule of work, method of construction and the manufacture's literature on the materials to be used for approval by the utilities engineering section. The applicant's contractor will not be allowed to begin work until the improvement plan and other submittals have been approved by the water, gas and wastewater engineering section. After the work is complete but prior to sign off, the applicant shall provide record drawings (as-builts) of the contractor installed water and wastewater mains and services per City of Palo Alto Utilities' record drawing procedures. For contractor installed services the contractor shall install 3M marker balls at each water or wastewater service tap to the main and at the City clean out for wastewater laterals.

129. An approved reduced pressure principle assembly (RPPA backflow preventer device) is required for all existing and new water connections from Palo Alto Utilities to comply with requirements of California administrative code, title 17, sections 7583 through 7605 inclusive. The RPPA shall be installed on the owner's property and directly behind the water meter within 5 feet of the property line. RPPA's for domestic service shall be lead free. **Show the location of the RPPA on the plans**.

130. An approved reduced pressure detector assembly is required for the existing or new water connection for the fire system to comply with requirements of California administrative code, title 17, sections 7583 through 7605 inclusive (a double detector assembly may be allowed for existing fire sprinkler systems upon the CPAU's approval). Reduced pressure detector assemblies shall be installed on the owner's property adjacent to the property line, within 5' of the property line. **Show the location of the reduced pressure detector assembly on the plans**.

131. All backflow preventer devices shall be approved by the WGW engineering division. Inspection by the utilities cross connection inspector is required for the supply pipe between the meter and the assembly.

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

133. Existing wastewater main is 5.4" PE on Kipling Street. (sewer lateral to be 4")

134. Existing water services (including fire services) that are not a currently standard material shall be replaced at the applicant's expense.

135. The applicant shall pay the capacity fees and connection fees associated with new utility service/s or added demand on existing services. The approved relocation of services, meters, hydrants, or other facilities will be performed at the cost of the person/entity requesting the relocation.

136. Each unit or place of business shall have its own water and gas meter shown on the plans. Each parcel shall have its own water service, gas service and sewer lateral connection shown on the plans.

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

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

139. A new water service line installation for irrigation usage may require. Show the location of the new water service and meter on the plans.

140. A new water service line installation for fire system usage is required. Show the location of the new water service on the plans. The applicant shall provide to the Engineering Department a copy of the plans for fire system including all Fire Department's requirements. Please see a fire/domestic combination service connection for your provide-see City of Palo Alto standard WD-11.

141. A new gas service line installation is required. Show the new gas meter location on the plans. The gas meter location must conform with utilities standard details. Gas meter to be installed above ground.

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

143. All existing water and wastewater services that will not be reused shall be abandoned at the main per WGW utilities procedures.

144. Utility vaults, transformers, utility cabinets, concrete bases, or other structures cannot be placed over existing water, gas or wastewater mains/services. Maintain 1' horizontal clear separation from the vault/cabinet/concrete base to existing utilities as found in the field. If there is a conflict with existing utilities, Cabinets/vaults/bases shall be relocated from the plan location as needed to meet field conditions. Trees may not be planted within 10 feet of existing water, gas or wastewater mains/services or meters. New water, gas or wastewater services/meters may not be installed within 10' or existing trees. Maintain 10' between new trees and new water, gas and wastewater services/mains/meters.

145. To install new gas service by directional boring, the applicant is required to have a sewer cleanout at the front of the building. This cleanout is required so the sewer lateral can be videoed for verification of no damage after the gas service is installed by directional boring.

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

147. All WGW utilities work on University Avenue is 1.5 times the stated fee due to traffic; existing conditions require the work to be done outside of regular work hours.

BUILDING INSPECTION

FOR BUILDING PERMIT SUBMITTAL

148. The permit application shall be accompanied by all plans and related documents necessary to construct the complete project.

149. A demolition permit shall be required for the removal of the existing building on site.

150. The entire project is to be included under a single building permit and shall not be phased under multiple permits.

151. Separate submittals and permits are required for the following systems: E.V., P.V. and Solar Hot Water.

152. Design of building components that are not included in the plans submitted for building permit and are to be "deferred" shall be limited to as few items as possible. The list of deferred items shall be reviewed and approved prior to permit application.

153. The plans submitted for the building permit shall include an allowable floor area calculation that relates the mixed occupancies to type of construction.

154. The plans submitted for the building permit shall include allowable floor area calculations that relate the proposed occupancies to type of construction. This includes possible future installation of assembly occupancies such as large conference rooms or cafeterias, for example.

155. An acoustical analysis shall be submitted and the plans shall incorporate the report's recommendations needed to comply with the sound transmissions requirements in CBC Section 1207.

URBAN FORESTRY

156. Mitigation Measure BIO-1: Prior to issuance of demolition, grading and building permit, as well as during demolition, exaction and construction, the following measures shall be implemented to reduce impacts to protected trees:

    a. City of Palo Alto (City)-approved Modified Type III fencing shall be installed for the two street trees to be retained along University Avenue. City-approved tree protection signs shall be posted on all fencing.

    b. Soil conditions for the four new trees to be planted along Kipling Street shall be improved by preparing a planting area at least 6 feet square for each tree and installing Silva Cells to reduce compaction. The Silva Cells shall be filled with proper soil amendments and growing medium as determined by the City Arborist.

    c. Unless otherwise approved, each new tree shall be provided with 1,200 cubic feet of rootable soil area, utilizing Standard Drawing #604/513. Rootable soil is defined as compaction less than 90% over the area, not including sidewalk base areas.

    d. Two bubbler drip irrigation units shall be installed for each new tree to adequately water the new planting area.

    e. New sidewalk shall be installed such that the final planting space opening is at least 5 feet by 5 feet for each new tree.

    f. Kiva tree grates shall be used around each new tree.

    g. Replacement tree size shall be a 36-inch box, properly structured nursery stock.

    h. Based on growth habit and proven performance, Ginkgo biloba "Autumn Gold" is highly recommended for the replacement trees. Other tree species may be approved by the City Arborist.

    i. All work within the Tree Protection Zone, including canopy pruning of protected trees, shall be supervised by a Certified Arborist approved by the City.

157. Two regulated public trees (London Plane) on University Ave frontage are to be retained and protected. Protection shall consist of Modified Type III (see attached graphic) for the entire trunk and will include primary branches on the building side. For any branch clearance pruning for building or scaffolding, contractor shall coordinate with Urban Forestry for direct supervision by staff of private tree contractor (submit written Tree Care Application to Dorothy.dale@cityofpaloalto.org)

158. Kipling frontage-Trees. four trees in the RoW are approved for removal including stumps (two flowering pears, two carobs). Four replacement trees shall be installed, Ginkgo biloba 'Autumn Gold', Maidenhair, 36-inch box size, in 5'x5' Kiva tree grates, two irrigation bubblers per tree (PW Standard Detail # 603a and 513). A certified arborist for

the applicant shall evaluate/select matching trees for quality. Contractor shall coordinate an Urban Forestry inspection of the new trees, before they are planted in the ground.

159. Sidewalk base medium (Kipling side only). As a root growing medium between the curb and building face, Silva Cell technology or approved equal, shall be designed as a suspended sidewalk element and provide low compaction area for long term root growth. A certified arborist for the applicant shall calculate how many cubic feet of soil and Silva cell material will be needed for each tree. The remaining soil between the engineered root growing areas.

GREEN BUILDING

160. Green Building Ordinance:

    a. Commercial Portion - CALGreen Tier 2: The project must meet the California Green Building Code Tier 2 requirements. Due to the size of the project, the team must engage a commissioning agent and fulfil on the commissioning requirements. Additional information may be found at the following link http://www.cityofpaloalto.org/gov/depts/ds/green_building/default.asp. The new Energy California Energy Code contains significant changes and Palo Alto is currently enforcing code minimum for the energy code . The details can be found at the following link. http://www.energy.ca.gov/title24/2013standards/

    b. Residential Portion- Green Point Rated: The project is required to achieve Green Point Rated Certification through Build It Green. The project team must engage a Green Point Rater. The required minimum points value is 70. The required prerequisite and points associated with exceeding the code shall be excused. Additional information may be found at the following linkhttp://www.cityofpaloalto.org/gov/depts/ds/green_building/default.asp

161. BASE Energy Services: The project may elect to engage the City of Palo Alto consultant, BASE Energy Inc, free of charge. BASE will assist the project in meeting and exceeding Title 24 Energy Code. Rebates may be available via working with Base. For more information, visit cityofpaloalto.org/commercial program or call 650.329.2241. The applicant may also contact Ricardo Sfeir at BASE Energy at rsfeir@baseco.com to schedule a project kick-off.

162. EV Parking Ordinance: The project is subject to meet the new Electric Vehicle Parking Ordinance. The press release provides an outline of the ordinance. The future ordinance language can be found within the staff report. There are multi-family and commercial provisions that apply. See the ordinance for all details.

    a. Multi-family: One EVSE Ready or EVSE Installed per unit. For guest parking, either conduit only, EVSE Ready or EVSE Installed shall be provided for 25% of the parking. A minimum of 1 EVSE Installed for multi-family guest parking shall be provided.

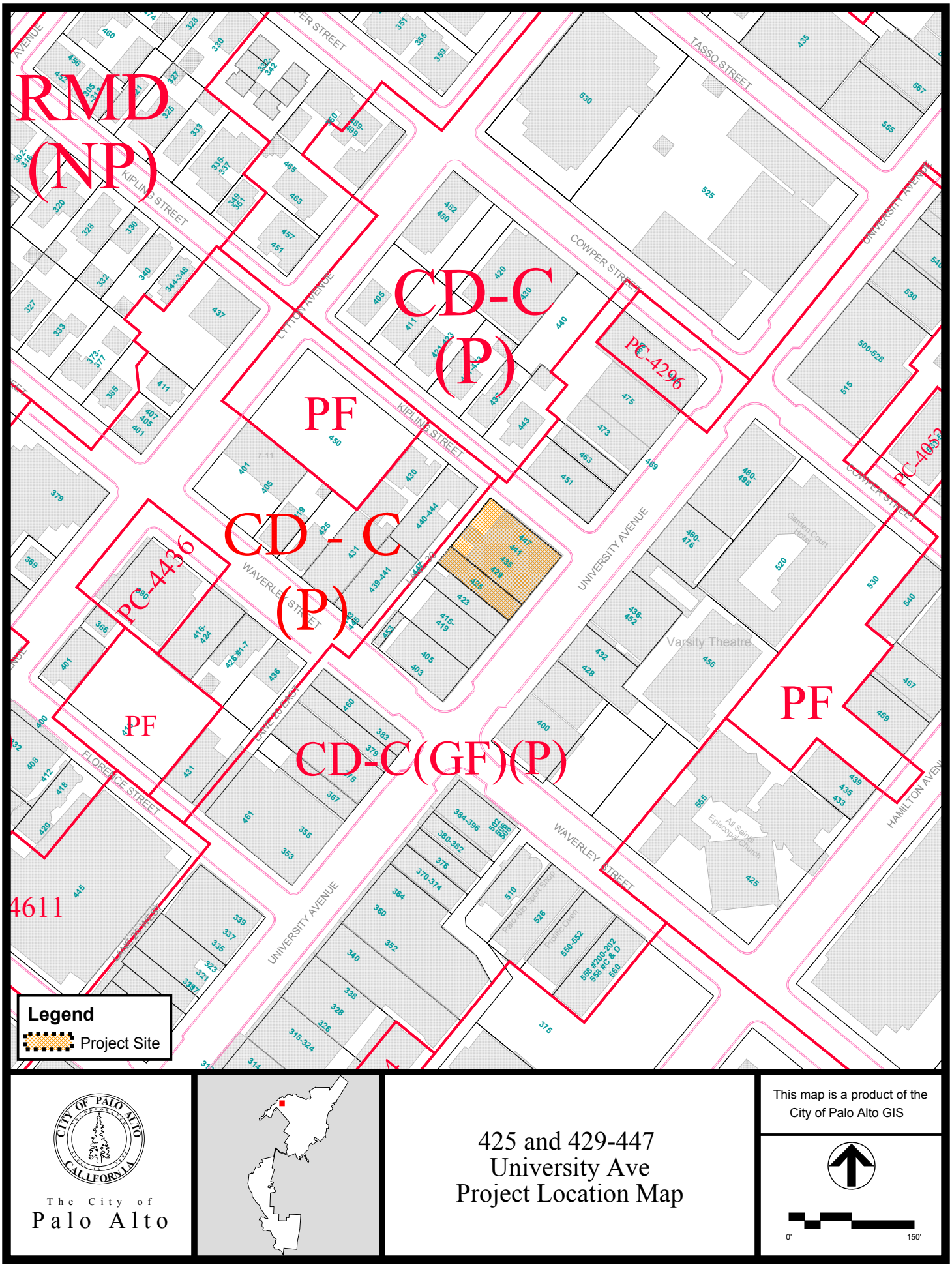
    b. Commercial: For commercial parking, either conduit only, EVSE Ready or EVSE Installed shall be provided for 25% of the parking. A minimum of 1 EVSE Installed for commercial parking shall be provided.

163. Other Incentives & rebates: The Utilities department has several rebates and incentives that would apply to the project. These rebates are most successfully obtained when planned into the project early in design. For the incentives available for the project, please see the information provided on the Utilities website http://www.cityofpaloalto.org/gov/depts/utl/business/rebates/default.asp

PUBLIC ART

PRIOR TO ISSUANCE OF A BUILDING PERMIT

164. This project must comply with the provisions outlined in PAMC 16.61. The project proposes to install on-site public art and must follow the processes and requirements under this section. No building permit may issue until the Public Art Commission issues the approval required for the on-site public art.



The City of Palo Alto

425 and 429-447
University Ave
Project Location Map

This map is a product of the City of Palo Alto GIS

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ATTACHMENT D

ZONING COMPLIANCE TABLE
429 University Avenue / File No. 14PLN-00222
CD-C ZONE
(Mixed Use Development Standards)

DEVELOPMENT STANDARDS	STANDARD	PROPOSED PROJECT	CONFORMS
Minimum Building Setback			
Front Yard	None Required	0	Yes
Rear Yard	10' for residential portion; no requirement for commercial portion	10' for residential portion with permitted setback encroachment up to 6' for balconies	Yes
Interior Side Yard	None Required	0	Yes
Maximum Site Coverage (building footprint)	None Required	9,523 sf	Yes
Maximum Height	50'	50'	Yes
Daylight Plane	Same as abutting residential zones	Not Applicable	Yes
Floor Area Ratio (FAR)	22,000 sf - 2.0:1 32,000 sf - With Transferable development rights 33,000 sf- Maximum 3.0:1	2.86:1 31,407 sf	Yes
Parking Requirement (within the Downtown Parking Assessment District)	92 spaces 1 space/250 sf commercial area 2 spaces/living unit	40 on-site spaces 57 spaces not required [per PAMC 18.18.080(g) & 18.18.090(b)(4)]	Yes*
Bicycle Parking	Long Term: 7 Short Term: 6	Long Term: 7 Short Term: 6	Yes

* At the time of the Downtown Parking Assessment, the two sites were determined to be 11,631 square feet and required 47 parking spaces, ten spaces were identified on-site. The project shall comply with the parking requirements of the City's Zoning Code. Specifically, the applicant shall address the need to accommodate the 57 spaces otherwise proposed to be exempted under Section 18.18.080(g) and 18.18.090(b)(4). Measures to comply may include: a) payment of in-lieu parking fees, b) certification of FAR bonuses pursuant to Section 18.18.070(a)(1), c) certification of Transfer of Development Rights prior to November 4, 2013 pursuant to Section 18.18.080(g), d) approval of underground parking pursuant to 18.52.070(d), or e) some combination thereof. The method of compliance shall be presented to the satisfaction of the Director of Planning prior to submittal for building permits.

ATTACHMENT E
COMPREHENSIVE PLAN TABLE
429 University Avenue / File No. 14PLN-00222

Program L-19: Support implementation of the Downtown Urban Design Guide. The Downtown Urban Design Guide is not mandatory but provides useful ideas and direction for private development and public improvement in the Downtown area.	The project incorporates many of the goals of the Downtown Urban Design Guide including: (1) Reinforce University Avenue as the retail core of Downtown Palo Alto which by maintaining strong concentration of ground floor retail. (2) Create ground floor architectural interest with windows and displays (3) Continue retail vitality onto the side streets.
Policy L-20 Encourage street frontages that contribute to retail vitality in all Centers. Reinforce street concerns with buildings that come up to the sidewalk or that form corner plaza.	The project incorporates design to reinforce street corners and integrate with nearby sidewalks with great building frontage.
Policy L-23: Maintain and enhance the University Avenue/Downtown area as the central business district of the City, with a mix of commercial, civic, cultural, recreational and residential uses. Promote quality design that recognizes the regional and historical importance of the area and reinforces its pedestrian character.	The project incorporates several design considerations contained in the Downtown Urban Design Guide in that the project design would: (1) provides pedestrian friendly amenities such as recessed entries, canopies, and new street trees, (2) includes attractive display windows at frequent intervals that invite shoppers, (3) promotes a mixed of uses including housing and commercial.
Policy L-24: Ensure that University Avenue/ Downtown is pedestrian-friendly and supports bicycle use. Use public art and other amenities to create an environment that is inviting to pedestrian.	The project incorporates pedestrian-friendly design and support bicycle use to complement the nearby Caltrain transit hub. Public art is proposed to be located on site to create an environment that is inviting to pedestrian and building tenants.
Policy L-48: Promote high quality, creative design and site planning that is compatible with surrounding development and public spaces.	The project is designed to promote a strong relationship with the streets and create an environment that supports and encourages pedestrian activities. Site planning is appropriate with its context and is compatible with the retail pedestrian environment of the downtown commercial district.

Policy L-49: Design buildings to revitalize streets and public spaces and to enhance a sense of community and personal safety. Provide an ordered variety of entries, porches, windows, bays and balconies along public ways where it is consistent with neighborhood character; avoid blank or solid walls at street level; and include human-scale details and massing.	The project is consistent with this policy in that the proposed building would incorporate clear glass windows to avoid blank or solid walls at street frontage. A variety of recessed entryways, glass canopies and balconies on both the University Avenue and Kipling Street frontages would promote 'eye-on-the-street'.
Policy H-4: Encourage mixed use projects as a means of increasing the housing supply while promoting diversity and neighborhood vitality.	The proposed mixed use project provides four housing units.

HAYES GROUP ARCHITECTS

December 15, 2014

City of Palo Alto
Department of Planning & Community Environment
250 Hamilton Avenue, 5th floor
Palo Alto, CA 94301

Re: 429 University ARB Major Review Revisions

To Planning Staff and ARB Members:

Attached is Hayes Group Architect's re-submittal package for 429 University Ave. for Major ARB review. The project applicant is Hayes Group Architects on behalf of Kipling Post LP. This package includes five sets of half-size drawings, one set of full-size drawings, five copies of this letter describing changes to the project, and one digital copy of the above resubmittal documents.

On November 20, 2014 we received comments from the board that included favorable remarks relative to the mixed-use program, setback along the alley, reduction in height and materials palette but requesting additional consideration be given regarding the building's scale and rhythm along University Avenue and the transition of the building to the Kipling neighborhood context to the east of the site.

After thoughtful consideration of the board's comments, we are pleased to present the following modifications to the design:

University Avenue Modifications

1. The height of the primary, cut-stone framework has been lowered at the roof terrace and the resulting stone face dimension has been matched at the lower stone framework. The glass railing has been raised at the roof. The resulting effect reduces the scale of the framework and lowers the visual height of the terrace wall. This modification extends down Kipling as the framework wraps the corner on Kipling.

2. The length of the stone framework defining the block face has been reduced, drawing back towards the corner by approximately 30 feet, and the secondary surface of the building, defining the two-story height of the façade, has been accentuated by breaking free of the stone framework, defining a two story facade on the western end of the building. This modification creates a stronger relationship of the building to the context of facades next door and extending down University Avenue. Additionally, at this new, two-story façade the upper floors are successively stepped back creating terraces for the residents on the third and fourth floors. Providing additional rhythm along this façade, the stone framework has been divided into segments that more closely reflect the pattern of facades along the street.

Kipling Modifications

1. Concern over the relationship of the building to the smaller scale buildings along Kipling has resulted in significant changes to this frontage including the relocation of the upper floor

entrance to the corner of the alley, the reposition of the stair and elevator inboard of the alley wall and reduction of the stairwell height. Additionally, the corner of the building has been eroded, pushed into the building to form balconies so the effective height of the building at the alley corner is two stories. A raised planter has been added at the alley to ground the building corner, provide an amenity for the entrance and a transition to the landscape frontages of the Kipling buildings.

These changes remove the impact of the previous four-story elevator and stair enclosure and create a very strong relationship to the Kipling neighborhood.

1. Adjacent to the new stair location, the fourth floor terrace has been pushed into the building six feet to reduce the perceived height of the building and to introduce more light onto the third floor terrace of the residential unit.

Alley Modifications

1. Changes in the alley include the elimination of the handicap parking space, since adequate parking is provided below grade, including the required handicap spaces.

2. Modifications have been made with the column and wall locations to address the overall composition of the façade. Additionally, at the second floor, an exterior balcony with glass railings has been added to create opportunities for fresh air to the occupants but to also create a stronger relationship to the upper floors and a deep shadow line to give the building more relief.

The fourth floor has been modified as result of the changes above to compensate for floor area that has had to be relocated; however, the total area of the building has not changed.

We are very excited about the changes that have been made and believe we have a stronger project as a result. We look forward to staff's review and our ARB hearing so that we can proceed with the development of this project.

Please call me at (650) 365 0600 x 15 if you have any

questions.

Sincerely,

Ken Hayes,
AIA Principal

CC: Elizabeth Wong, Kipling Post LP

DRAFT ADOPTED ON: _____

City of Palo Alto
Department of Planning and Community Environment
California Environmental Quality Act
DRAFT MITIGATED NEGATIVE DECLARATION

I. DESCRIPTION OF PROJECT

Date: November 17, 2014

Project Name: 429 University Avenue

Project Location: The 0.25-acre project site is located in the northern section of the City of Palo Alto, in the northern part of Santa Clara County, east of State Route 82 (El Camino Real) and west of U.S. Highway 101. The project site is located on the northwestern corner of University Avenue and Kipling Street.

Project Proponent: Elizabeth Wong for Kipling Post LP

City Contact: Christy Fong
Planner, Department of Planning and Community Environment
City of Palo Alto
250 Hamilton Avenue
Palo Alto, CA 94301

Project Description:

The proposed project involves demolition of two one-story retail buildings located at 425 University Avenue (APN 120-15-029) and 429 University Avenue (APN 120-15-028) totaling 11,633 square feet (4,425 square feet and 7,208 square feet, respectively) on separate parcels, and construction of a new four-story mixed-use building with two levels of underground parking (Figure 4, Site Plan). The two parcels would be combined to create a single 11,000-square-foot parcel. The new building is proposed to be 31,407 square feet in gross floor area and would cover 9,478 square feet of the site in approximately the same location as the existing buildings. The total increase in gross floor area would be 19,774 square feet. The proposed building would provide 20,407 square feet of commercial space (an increase of 8,774 square feet) and 11,000 square feet of residential land uses. A total of four residential apartment units would be provided, for a residential density of 16 units per acre.

The maximum proposed building height is 50 feet and the FAR would be 2.86. The base FAR in the CD-C district is 1.0; however, the FAR may be increased with transfers of development rights (TDRs) and/or bonuses for seismic and historic rehabilitation upgrades, not to exceed a total site FAR of 3.0. The proposed project FAR is achieved through the transfer of 4,207 square feet that requires parking, 5,000 square feet that is exempt from parking, TDR from separate properties, and a one-time 200-square-foot parked bonus for the project.

Building design would include stone and crystalized glass panels around the University Avenue/Kipling Street corner. The stone framework would be divided into segments that reflect the pattern of facades along the street. The third and fourth floors would be stepped back from the façade to create depth and visual interest, while also providing terraces for residents and guests of the building. The project proposes retail entrances along University Avenue and Kipling Street. The entry lobby for the residential and office

uses would be located on Kipling Street. The building would be set back approximately 4 to 6 feet from Lane 30 to allow for pedestrian accessibility in the rear of the building and a raised planter would be located at the corner of the alley to provide a transition to the landscaped frontages along Kipling Street.

The proposed project would require 82 parking spaces for 20,407 square feet of commercial use and 10 parking spaces for 4 residential units, for a total of 92 parking spaces. However, the property was previously assessed and paid in lieu fees for 37 parking spaces in the University Avenue Parking Assessment District and is eligible to receive 5,000 square feet of TDRs exempted from parking (equivalent to 20 parking spaces). Based on these adjustments, the project is required to provide a total of 35 vehicle parking spaces. The project proposes to include a total of 40 parking spaces, exceeding the parking requirement by five spaces. The 40 parking spaces would be provided in the two-level underground parking garage. Seven long-term bicycle parking spaces would also be provided within the underground parking garage, and six short-term bicycle parking spaces would be located near the building entrances on University Avenue and Kipling Street, for a total of 13 bicycle parking spaces.

The proposed project is designed in accordance with the City's Green Building Ordinance, which requires compliance with California Green Building Code Tier 1 and Green Point rater (for the residential portion) with Local Amendments. The project would use both conventional and sustainable building materials, including a concrete frame, high-efficiency glazing systems, cut stone, glass tile, plaster finishes, abundant day-lighting and sun-shading systems, and an energy-efficient cool roof. The project would also include facilities for carpool/clean air vehicles and electric vehicle charging stations.

The proposed project would involve the removal of four existing street trees on Kipling Street, and the replacement of these trees with four new street trees on Kipling Street. Both of the two existing street trees on University Avenue would be retained.

II. DETERMINATION

In accordance with the City of Palo Alto's procedures for compliance with the California Environmental Quality Act (CEQA), the City has conducted an Initial Study to determine whether the proposed project could have a significant effect on the environment. On the basis of that study, the City makes the following determination:

_____ **The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION is hereby adopted.**

__X__ **Although the project, as proposed, could have a significant effect on the environment, there will not be a significant effect on the environment in this case because mitigation measures have been added to the project and, therefore, a MITIGATED NEGATIVE DECLARATION is hereby adopted.**

The attached initial study prepared for this project incorporates all relevant information regarding the potential environmental effects of the project and confirms the determination that an EIR is not required for the project.

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

Mitigation Measure BIO-1: The following measures shall be implemented to reduce impacts to protected trees:

- City of Palo Alto (City)-approved Modified Type III fencing shall be installed for the two street trees to be retained along University Avenue. City-approved tree protection signs shall be posted on all fencing.
- Soil conditions for the four new trees to be planted along Kipling Street shall be improved by preparing a planting area at least 6 feet square for each tree and installing Silva Cells to reduce compaction. The Silva Cells shall be filled with proper soil amendments and growing medium as determined by the City Arborist.
- Unless otherwise approved, each new tree shall be provided with 1,200 cubic feet of rootable soil area, utilizing Standard Drawing #604/513. Rootable soil is defined as compaction less than 90% over the area, not including sidewalk base areas.
- Two bubbler drip irrigation units shall be installed for each new tree to adequately water the new planting area.
- New sidewalk shall be installed such that the final planting space opening is at least 5 feet by 5 feet for each new tree.
- Kiva tree grates shall be used around each new tree.
- Replacement tree size shall be a 36-inch box, properly structured nursery stock.
- Based on growth habit and proven performance, *Ginkgo biloba* "Autumn Gold" is highly recommended for the replacement trees. Other tree species may be approved by the City Arborist.
- All work within the Tree Protection Zone, including canopy pruning of protected trees, shall be supervised by a Certified Arborist approved by the City.

Mitigation Measure CUL-1: Prior to commencement of site clearing and project grading, the project applicant shall retain a qualified archaeologist to train construction personnel regarding how to recognize cultural resources (such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains) that could be encountered during construction activities. If artifacts or unusual amounts of shell or bone or other items indicative of buried archaeological resources or human remains are encountered during earth disturbance associated with the proposed project, the on-site contractor shall immediately notify the City of Palo Alto (City) and the Native American Heritage Commission as appropriate. All soil-disturbing work shall be halted within 100 feet of the discovery until a qualified archaeologist, as defined by the California Environmental Quality Act (CEQA) Guidelines (14 CCR 15000 et seq.) and the City, completes a significance evaluation of the finds pursuant to Section 106 of the National Historic Preservation Act. Any human remains unearthed shall be treated in accordance with California Health and Safety Code, Section 7050.5, and California Public Resources Code, Sections 5097.94, 5097.98, and 5097.99, which include requirements to notify the Santa Clara County Medical Examiner's office and consult with Native American representatives determined to be the Most Likely Descendants, as appointed by the Native American Heritage Commission. Identified cultural resources shall be recorded on State Department of Parks and Recreation Form 523 (archaeological sites). Mitigation measures prescribed by the Native American Heritage Commission, the Santa Clara County Medical Examiner's office, and any Native American representatives determined to be the Most Likely Descendants and required by the City shall be undertaken before construction activities are resumed. If disturbance of a project area cultural resource cannot be avoided, a mitigation program, including measures set forth in the City's Cultural Resources Management Program and in compliance with Sections 15064.5 and 15126.4 of the CEQA Guidelines, shall be implemented.

Mitigation Measure HAZ-1: Prior to building demolition, the project applicant shall demonstrate to the satisfaction of the City of Palo Alto that a survey of the existing buildings has been conducted by a qualified environmental specialist who meets the requirements of the current U.S. Environmental Protection Agency regulations for suspected lead-containing materials (LCMs), including lead-based paint/coatings; asbestos containing materials (ACMs); and the presence of polychlorinated biphenyls

(PCBs). Any demolition activities likely to disturb LCMs or ACMs shall be carried out by a contractor trained and qualified to conduct lead- or asbestos-related construction work. If found, LCMs and ACMs shall be disposed of in accordance with state and federal regulations, including the EPA's Asbestos National Emissions Standards for Hazardous Air Pollutants, the Cal-OSHA Construction Lead Standard (CCR Title 8, Section 1432.1), and California Department of Toxic Substances Control and EPA requirements for disposal of hazardous waste. If PCBs are found, these materials shall be managed in accordance with the Metallic Discards Act of 1991 (California Public Resources Code, Sections 42160–42185) and other state and federal guidelines and regulations. Demolition plans and contract specifications shall incorporate any necessary abatement measures in compliance with the Metallic Discards Act, particularly Section 42175, Materials Requiring Special Handling, for the removal of mercury switches, PCB-containing ballasts, and refrigerants.

Mitigation Measure NOI-1: *Residential Uses:* Window and exterior door assemblies with Sound Transmission Class (STC) rating up to 45 and upgraded exterior walls shall be used in the residential portion of the proposed building to achieve the City's maximum instantaneous noise guideline for residential uses. The City of Palo Alto shall ensure that these standards are met through review of building plans as a condition of project approval.

Commercial Uses: Window and exterior door assemblies for the commercial portions of the building shall have a minimum STC rating of 32 at the corner of University Avenue and Kipling Street, and a minimum STC of 28 at all other commercial locations within the proposed building to comply with the State of California CalGreen noise standards (maximum interior noise level of 50 dB during the peak hour of traffic). The City of Palo Alto shall ensure that these standards are met through review of building plans as a condition of project approval.

Mitigation Measure NOI-2: The residential portion of the proposed building shall have a ventilation or air-conditioning system to provide a habitable interior environment when windows are closed.

Mitigation Measure NOI-3: Noise levels from rooftop equipment shall be reduced to meet the City of Palo Alto Noise Ordinance requirements. An enclosure or other sound-attenuation measures at the exhaust fans shall be provided to reduce rooftop equipment noise is no greater than 8 dB above the existing ambient level at potential future neighboring buildings to meet the property plane noise limit. Use of quieter equipment than assumed in this analysis may support reduced mitigation, which shall be evaluated by a qualified acoustical consultant.

Mitigation Measure-TRANS-1: Mirrors shall be installed at the parking garage driveway to allow drivers to see when a pedestrian or vehicle is approaching in Lane 30.

Mitigation Measure-TRANS-2: Mirrors shall be installed at each turn within the parking garage to provide adequate sight distance**.**

Prepared by Project Planner **Date**

Adopted by **Date**
Director of Planning and Community Environment
Signed after the Mitigated Negative Declaration has been approved

WE, THE UNDERSIGNED, HEREBY ATTEST THAT WE HAVE REVIEWED THE INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION FOR THE PROJECT DESCRIBED ABOVE AND AGREE TO IMPLEMENT ALL MITIGATION MEASURES CONTAINED THEREIN.

Project Applicant's Signature **Date**

429 UNIVERSITY AVENUE PROJECT

Initial Study

CITY OF PALO ALTO

DRAFT RELEASED **NOVEMBER 2014**
UPDATED **JANUARY 2015**

Printed on 30% post-consumer recycled material.

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FIGURES

I. PROJECT SUMMARY

1. PROJECT TITLE

429 University Avenue

2. LEAD AGENCY NAME AND ADDRESS

City of Palo Alto
Department of Planning and Community Environment
250 Hamilton Avenue
Palo Alto, California 94303

3. CONTACT PERSON AND PHONE NUMBER

Christy Fong, Planner
City of Palo Alto
650.838.2996

4. PROJECT SPONSOR'S NAME AND ADDRESS

Kipling Post LP
Contact: Elizabeth Wong
PO Box 204
Palo Alto, California 94302
650.323.5295

5. APPLICATION NUMBER

14PLN-00222

6. PROJECT LOCATION

429 University Avenue
Palo Alto, California
Assessor's Parcel Numbers (APNs): 120-15-029 and 120-15-028

The 0.25-acre project site is located in the northern section of the City of Palo Alto (City), in the northern part of Santa Clara County, east of State Route 82 (El Camino Real) and west of U.S. Highway 101 (Figure 1, Regional Map). The project site is located on the northwestern corner of University Avenue and Kipling Street, as shown on Figure 2, Vicinity Map, and Figure 3, Aerial Map. All figures are provided at the end of this document.

7. GENERAL PLAN DESIGNATION

The General Plan designation of the project site is Regional/Community Commercial, per the Palo Alto 1998–2010 Comprehensive Plan (Comprehensive Plan; City of Palo Alto 2007). This land use designation includes larger shopping centers and districts that have a wider variety of goods and services than the neighborhood shopping areas. They rely on larger trade areas and include such uses as department stores, bookstores, furniture stores, toy stores, apparel shops, restaurants, theaters, and non-retail services such as offices and banks. Non-residential floor area ratios (FAR) range from 0.35 to 2.0. The project site is part of a Regional/Community Commercial district that extends from Alma Avenue on the south to Webster Street on the north and between Lytton Avenue on the west and Hamilton and Forest Avenues on the east.

8. ZONING

The Zoning designation of the project site is Downtown Commercial (CD-C(P)(GF)). This zone's regulations are set forth in the Palo Alto Municipal Code (PAMC) Chapter 18.18. The CD district provides for a wide range of commercial uses serving city-wide and regional business and service needs, as well as residential uses and neighborhood service needs. The CD-C (community) subdistrict is intended to modify the site development regulations to allow specific variations to the uses and development requirements of the CD district. The project site is also within the pedestrian shopping (P) and ground floor (GF) combining districts. The pedestrian shopping combining district is intended to modify the regulations of the CD in locations where it is deemed essential to foster the continuity of retail stores and display windows and to avoid a monotonous pedestrian environment in order to establish and maintain an economically healthy retail district. The ground floor combining district is intended to modify the uses allowed in the CD district to allow only retail, eating and drinking, and other service-oriented commercial development uses on the ground floor.

9. PROJECT DESCRIPTION

This Initial Study has been modified subsequent to public review of the Initial Study and Proposed Mitigated Negative Declaration to reflect revisions made to the project plans. These revisions provide clarifying information regarding the proposed project but none of the revisions to the Initial Study or project plans result in any new or increased environmental effects. The revisions to this Initial Study do not constitute "significant new information" that would require recirculation of the Initial Study and Proposed Mitigated Negative Declaration.

The proposed project involves demolition of two one-story retail buildings located at 425 University Avenue (APN 120-15-029) and 429 University Avenue (APN 120-15-028) totaling 11,633 square feet (4,425 square feet and 7,208 square feet, respectively) on separate parcels, and construction of a new four-story mixed-use building with two levels of underground parking (Figure 4, Site Plan). The two parcels would be combined to create a single 11,000-square-foot parcel. The new building is proposed to be 31,407 square feet in gross floor area and would cover 9,478 square feet of the site in approximately the same location as the existing buildings. The total increase in gross floor area would be 19,774 square feet. The proposed building would provide 20,407 square feet of commercial space (an increase of 8,774 square feet) and 11,000 square feet of residential land uses. A total of four residential apartment units would be provided, for a residential density of 16 units per acre. The proposed building plans are provided in Appendix A.

The maximum proposed building height is 50 feet and the FAR would be 2.86 (Figure 5, Elevations). The base FAR in the CD-C district is 1.0; however, the FAR may be increased with transfers of development rights (TDRs) and/or bonuses for seismic and historic rehabilitation upgrades, not to exceed a total site FAR of 3.0. The proposed project FAR will be achieved through the transfer of 9,207 square feet of

development rights from separate properties, of which 4,207 square feet require parking and 5,000 square feet are exempt from parking requirements. The project is also eligible for a one-time 200-square-foot bonus, which is subject to the City's parking requirements. Together, these TDRs and bonuses would allow the project to achieve the proposed 2.86 FAR.

Building design would include stone and crystalized glass panels around the University Avenue/Kipling Street corner. The stone framework would be divided into segments that reflect the pattern of facades along the street. The third and fourth floors would be stepped back from the façade to create depth and visual interest, while also providing terraces for residents and guests of the building. The project proposes retail entrances along University Avenue and Kipling Street. The entry lobby for the residential and office uses would be located on Kipling Street. The building would be set back approximately 4 to 6 feet from Lane 30 to allow for pedestrian accessibility in the rear of the building and a raised planter would be located at the corner of the alley to provide a transition to the landscaped frontages along Kipling Street.

The proposed project would require 82 parking spaces for 20,407 square feet of commercial use and 10 parking spaces for 4 residential units, for a total of 92 parking spaces. However, the property was previously assessed and paid in lieu fees for 37 parking spaces in the University Avenue Parking Assessment District and is eligible to receive 5,000 square feet of TDRs exempted from parking (equivalent to 20 parking spaces). Based on these adjustments, the project is required to provide a total of 35 vehicle parking spaces. The project proposes to include a total of 40 parking spaces, exceeding the parking requirement by five spaces. The 40 parking spaces would be provided in the two-level underground parking garage. Seven long-term bicycle parking spaces would also be provided within the underground parking garage, and six short-term bicycle parking spaces would be located near the building entrances on University Avenue and Kipling Street, for a total of 13 bicycle parking spaces.

The proposed project is designed in accordance with the City's Green Building Ordinance, which requires compliance with California Green Building Code Tier 1 and Green Point rater (for the residential portion) with Local Amendments. The project would use both conventional and sustainable building materials, including a concrete frame, high-efficiency glazing systems, cut stone, glass tile, plaster finishes, abundant day-lighting and sun-shading systems, and an energy-efficient cool roof. The project would also include facilities for carpool/clean air vehicles and electric vehicle charging stations.

The proposed project would involve the removal of four existing street trees on Kipling Street, and the replacement of these trees with four new street trees on Kipling Street. Both of the two existing street trees on University Avenue would be retained.

10. SURROUNDING LAND USES AND SETTING

As shown on Figures 2 and 3, the project site is located on University Avenue in Downtown Palo Alto. The project site is surrounded by primarily two-story buildings with ground floor retail and restaurant spaces on University Avenue and a mix of small-scale commercial/office as well as residential uses on Kipling Street. Located directly across University Avenue from the site is a modern four-story mixed-use office and retail building, with ground floor retail and upper story offices. Larger mixed-use and office buildings are located farther east along University Avenue, including a six-story building and a three-story building on the corner of University Avenue and Cowper Street. The surrounding uses on Kipling Street serve as a transition between the primarily commercial University Avenue and the primarily residential neighborhoods to the north. Lower-intensity commercial/office uses and single-family residential line both sides of Kipling Street. A yoga studio is located behind the project site, accessed from an alley off Kipling Street (the alley is referred to as Lane 30 E). A public surface parking lot is located on Kipling Street, less than a block north of University Avenue, which provides parking for

nearby uses. Another public surface parking lot is located on Cowper Street, between University and Hamilton Avenues.

II. 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 second column in the checklist lists the source(s) for the answer to each question. The sources cited are identified at the end of the checklist. Discussions of the basis for each answer and a discussion of mitigation measures that are proposed to reduce potential significant impacts are included.

A. AESTHETICS

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially degrade the existing visual character or quality of the site and its surroundings?	1, 2, 3			**X**	
b) Have a substantial adverse effect on a public view or view corridor?	1, 3 (Map L4)			**X**	
c) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	1, 3 (Map L4)				**X**
d) Violate existing Comprehensive Plan policies regarding visual resources?	1, 2, 3			**X**	
e) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	1, 2			**X**	
f) Substantially shadow public open space (other than public streets and adjacent sidewalks) between 9:00 a.m. and 3:00 p.m. from September 21 to March 21?	1, 2				**X**

DISCUSSION

The proposed project includes replacing two existing one-story retail buildings with a new four-story mixed-use building. While the proposed project would result in a change in the existing visual character of the site, the project design will be reviewed by the City's Architectural Review Board to ensure that compatibility concerns are addressed and it does not degrade the existing visual character or quality of the site and its surroundings.

The project site is surrounded by primarily mixed-use and commercial buildings along University Avenue, ranging in height from one to six stories. As shown on Figure 5, Elevations, and Figure 6, Perspective Renderings, the proposed building would be larger in scale and mass than some of the adjacent buildings; however, the project would be similar in scale and mass to other buildings in the vicinity along University Avenue in the Downtown area. In addition, the project would not exceed the allowable height (50 feet) for the site.

The design of the building's Kipling Street façade would reflect the smaller scale of the existing development along Kipling Street. The façade would be divided into 25-foot sections consisting of the solid stair element, the glass entry element with recessed residential terrace, and the secondary grid inside the main building form. The third and fourth floors of the building would set back from the alley property line and the Kipling Street property line resulting in a street façade that would appear as a two- to three-story building. The proposed stair element would be located east of the alley and would be buffered from the alley by a landscaped area near the ground-floor entrance adjacent to the alley.

The University Avenue façade is designed to respond not only to the buildings immediately adjacent and west of the subject property but to the taller, higher density development of the University Avenue Commercial District, including the four-story Lululemon Athletica/Accel Partners building located directly across University Avenue. The University Avenue façade would appear to be three stories tall. The fourth floor would be set back 30 feet from the front of the building creating a terrace for use by building occupants and guests. The fourth-floor terrace would extend along the length of the building as would the main three-story building block, giving definition to the street edge and presence to

the building when seen in the context of the street. The main rectangular mass of the building would be elevated so the bottom aligns with the first floor openings of the adjacent buildings along University Avenue. Frameless glass would create display windows and entries that would activate the sidewalk through visual and physical connections. Retention of existing trees along the project site's University Avenue frontage and the planting of new trees along the Kipling Street frontage would soften the views of the new building from public roadways and adjacent uses.

The building would be built within the buildable area of the property and no public views or view corridors would be affected by the proposed building.

The project site is located in a developed area of the City, is not within a state scenic highway; therefore, it would not damage any scenic resources within a state scenic highway.

The Land Use and Community Design Element of the City's Comprehensive Plan includes several policies related to visual resources, including the following:

- Policy L-5: Maintain the scale and character of the City. Avoid land uses that are overwhelming and unacceptable due to their size and scale.
- Policy L-6: Where possible, avoid abrupt changes in scale and density between residential and non-residential areas and between residential areas of different densities. To promote compatibility and gradual transitions between land uses, place zoning district boundaries at mid-block locations rather than along streets wherever possible.
- Policy L-20: Encourage street frontages that contribute to retail vitality in all Centers. Reinforce street corners with buildings that come up to the sidewalk or that form corner plazas.
- Policy L-23: Maintain and enhance the University Avenue/Downtown area as the central business district of the City, with a mix of commercial, civic, cultural, recreational and residential uses. Promote quality design that recognizes the regional and historical importance of the area and reinforces its pedestrian character.
- Policy L-48: Promote high quality, creative design and site planning that is compatible with surrounding development and public spaces.
- Policy L-49: Design buildings to revitalize streets and public spaces and to enhance a sense of community and personal safety. Provide an ordered variety of entries, porches, windows, bays and balconies along public ways where it is consistent with neighborhood character; avoid blank or solid walls at street level; and include human-scale details and massing.

As described above, the proposed project would comply with the height and setback requirements for the project site. In addition, the project has been designed to blend into the existing development on both Kipling Street and University Avenue. The proposed building design recognizes that the uses along Kipling Street are smaller in scale and lower in intensity than those on University Avenue, and the project design responds to the adjacent uses by minimizing the appearance of an abrupt change in scale between the two areas. The University Avenue frontage would create an inviting retail environment and provide a pleasant pedestrian experience, thereby enhancing the University Avenue/Downtown area as the City's central business district. In addition, as described above, the proposed building design would activate the sidewalk through the use of human-scale architectural details and frameless glass windows on the ground floor.

The project site is currently developed with retail uses, which include sources of light and glare. Uses associated with the proposed structure would not create a substantial amount of additional lighting and glare. Glare is defined as a light source in the field of vision that is brighter than the eye can comfortably accept. Squinting or turning away from a light source is an indication of glare. Glare can result from sunlight or from artificial light

reflecting off building exteriors, such as glass windows or other highly reflective surface materials. Glare is particularly associated with high light intensity. It can be reduced by design features that block direct line of sight to the light source and that direct light downward, with little or no light emitted at high (near horizontal) angles, since this light would travel long distances. Cutoff-type light fixtures minimize glare because they emit relatively low-intensity light at these angles. Glare resulting from sunlight reflecting off building exteriors can be reduced with design features that use low-reflective glass and exterior materials and colors that absorb rather than reflect light.

The proposed building would increase the number and surface area of windows compared to the existing building. The Kipling Street frontage faces northeast and has limited direct sunlight exposure, while the University Avenue frontage faces southeast and receives more sunlight exposure. At the street level along these frontages, the project proposes a series of storefront system windows with canopies over the entrances. On the second floor, windows would also be provided on these frontages and would be shaded by canopies to reduce glare. The third floor would be set back from the building façade on the University Avenue frontage and Lane 30 E, creating a large overhang that would shade windows along this side. The fourth floor would be set back even farther along University Avenue, such that glare from windows would not be visible from the street. The Kipling Street frontage would receive less sunlight exposure and the windows on this side of the building are not anticipated to create substantial glare.

The primary use of exterior building lighting would be to ensure safety at building entrances. Exterior building lighting is proposed at the rear entrance of the building on Lane 30, as well as within the ramp to the underground parking level. This lighting would be controlled to minimize spillover beyond the project site property lines. The project is also required to meet the City's lighting standards, including PAMC Section 18.23.030, which establishes that "Exterior lighting in parking areas, pathways and common open space shall be designed to achieve the following: (1) provide for safe and secure access on the site, (2) achieve maximum energy efficiency, and (3) reduce impacts or visual intrusions on abutting or nearby properties from spillover and architectural lighting that projects upward." PAMC Section 18.23.030 also requires that "lighting of the building exterior, parking areas and pedestrian ways should be of the lowest intensity and energy use adequate for its purpose, and be designed to focus illumination downward to avoid excessive illumination above the light fixture."

Although the project would result in increased building height compared to the existing buildings, which could increase shading, there are no adjacent public spaces other than streets and sidewalks that would be affected by additional shadows. Specifically, the proposed building would increase shading on Kipling Street and Lane 30 E, which are public streets.

The project is subject to design review and approval by the City through the Architectural Review process, which ensures compliance with City standards to promote visual environments that are of high aesthetic quality and variety and which, at the same time, are considerate of each other. Therefore, for the reasons described above, aesthetic impacts would be less than significant.

Mitigation Measures
None required.

B. AGRICULTURAL RESOURCES

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

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	1, 3				**X**
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	1, 3 (Map L9), 4				**X**
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)[1]) or timberland (as defined in Public Resources Code section 4526[2])?	1, 4				**X**
d) Result in the loss of forest land or conversion of forest land to non-forest use?	1				**X**
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	1				**X** **X**

DISCUSSION

As reflected in the Comprehensive Plan, the project site is located in a developed urban area in Downtown Palo Alto and does not contain and land designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the Santa Clara County Important Farmland map prepared for the Farmland Mapping and Monitoring Program of the California Department of Conservation (2011). The site is not zoned for agricultural use, and is not subject to any Williamson Act contracts. The project site is within a fully developed urban area and does not support forest or timberland. No impacts to agricultural and forestry resources would occur.

Mitigation Measures

None required.

[1] California Public Resources Code 12220(g): "Forest land" is land that can support 10% native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources**,** including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.

[2] California Public Resources Code 4526: "Timberland" means land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees. Commercial species shall be determined by the board on a district basis after consultation with the district committees and others.

C. AIR QUALITY

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct with implementation of the applicable air quality plan?	1, 2, 6				**X**
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation indicated by the following:					
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})?	1, 2, 6			**X**	
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)?	1, 2, 6, 17			**X**	
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)?	1, 2, 6			**X**	
d) Expose sensitive receptors to substantial levels of toxic air contaminants?	1, 2				**X**
i. Probability of contracting cancer for the Maximally Exposed Individual (MEI) exceeds 10 in one million?	1, 2				**X**
ii. Ground-level concentrations of non-carcinogenic TACs would result in a hazard index greater than one (1) for the MEI?	1, 2				**X**

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Create objectionable odors affecting a substantial number of people?	1, 2				**X**
f) Not implement all applicable construction emission control measures recommended in the *Bay Area Air Quality Management District CEQA Guidelines*?	1, 2			**X**	

DISCUSSION

The project site is located in the Santa Clara Valley, which is part of the San Francisco Bay Area Air Basin. The Bay Area Air Quality Management District (BAAQMD) has the primary responsibility for ensuring that the San Francisco Bay Area Air Basin attains and maintains compliance with federal and state ambient air quality standards. The BAAQMD regulates air quality through its permit authority over most types of stationary emissions sources and through its planning and review process. The California ambient air quality standards are generally more stringent than federal standards.

The federal and state Clean Air Acts define allowable concentrations of six air pollutants, which are referred to as "criteria air pollutants." When monitoring indicates that a region regularly experiences air pollutant concentrations that exceed those limits, the region is designated as nonattainment and is required to develop an air quality plan that describes air pollution control strategies to be implemented to reduce air pollutant emissions and concentrations.

The San Francisco Bay Area Air Basin is designated nonattainment for the federal 8-hour ozone (O_3) standard. The area is in attainment or unclassified for all other federal standards. The area is designated nonattainment for state standards for 1-hour and 8-hour O_3, 24-hour coarse particulate matter (PM_{10}), annual PM_{10}, and annual fine particulate matter ($PM_{2.5}$). To address the region's nonattainment status, the BAAQMD adopted the *Bay Area 2005 Ozone Strategy* (BAAQMD 2006) and the *Bay Area 2010 Clean Air Plan* (BAAQMD 2010a), which is an update to the 2005 document and provides "an integrated, multi-pollutant strategy to improve air quality, protect public health, and protect the climate." The 2010 plan addresses O_3, $PM_{2.5}$ and PM_{10}, air toxics, and greenhouse gases (GHGs). The 2010 plan identifies a number of control measures to be adopted or implemented to reduce emissions of these pollutants. As the proposed project is consistent with the land use and zoning designations for the project site, it is consistent with the *Bay Area 2010 Clean Air Plan*.

The BAAQMD has adopted California Environmental Quality Act (CEQA) air quality guidelines (2010 BAAQMD Guidelines; BAAQMD 2010b) that establish air pollutant emission thresholds that identify whether a project would violate any applicable air quality standards or contribute substantially to an existing or projected air quality violation. Compared with the previous set of guidelines adopted in 1999, the 2010 BAAQMD Guidelines lower the level of pollutant emissions and health risk impacts that are considered a significant environmental impact. The BAAQMD's adoption of the thresholds has been challenged in court. However, the litigation is procedural in nature and does not assert that the BAAQMD failed to provide substantial evidence to support its adoption of these thresholds. Because the 2010 thresholds are more conservative than the BAAQMD's prior thresholds, this impact analysis is based on the 2010 BAAQMD Guidelines.

The 2010 BAAQMD Guidelines also establish screening criteria based on the size of a project to determine whether detailed modeling to estimate air pollutant emissions is necessary. Table 1 lists several examples of screening levels set by the 2010 BAAQMD Guidelines.

Table 1
BAAQMD Screening Criteria

Land Use Type	Construction Related Screening Size	Operational Criteria Air Pollutant Emissions Screening Size*
General office building	277,000 sf (ROG)	346,000 sf (NO_x)
Office park	277,000 sf (ROG)	323,000 sf (NO_x)
Regional shopping center or strip mall	277,000 sf (ROG)	99,000 sf (NO_x)
Quality restaurant	277,000 sf (ROG)	47,000 sf (NO_x)
Single-family residential	114 du (ROG)	325 du (ROG)
Apartment, low-rise, or condo/townhouse, general	240 du (ROG)	451 du (ROG)
City park	67 acres (PM_{10})	2,613 acres (ROG)
Daycare center	277,000 sf (ROG)	53,000 sf (NO_x)

Source: BAAQMD 2010b, Table 3-1.
Notes: sf = square feet; ROG = reactive organic gas; NO_x = oxides of nitrogen; PM_{10} = coarse particulate matter; du = dwelling units.
* If the project size is less than the screening size, the project would have less than significant impacts. If the project size is greater than the screening size, detailed project-specific modeling is required.

Construction Emissions
The project would result in a net increase of 8,774 square feet of commercial and office space and four new dwelling units; this is substantially below the screening thresholds of 277,000 square feet (office or regional shopping center/strip mall space) and 240 dwelling units (apartment, low-rise or condo/townhouse, general) for construction emissions. While the project size is less than the screening criteria size for construction, the project would require demolition of existing buildings. The BAAQMD 2010 Guidelines recommend that the screening criteria should not be applied to projects that include demolition. Therefore, project-specific modeling of construction emissions has been completed using the California Emissions Estimator Model (CalEEMod) Version 2013.2.2. Table 2 presents the estimated air pollutant emissions for each construction phase; the CalEEMod output results are included as Appendix B.

As shown in Table 2, emissions during each construction phase would remain below the BAAQMD threshold, which is 54 pounds per day. Further, the project would implement all of the construction emission control measures as identified in Table 8-2 of the BAAQMD 2010 Guidelines recommended for all proposed projects, as required by the City of Palo Alto standard conditions of approval. Therefore, impacts would be less than significant.

Table 2
Proposed Project Construction Emissions by Phase

Phase	ROG	NO_x	CO	PM_{10}	$PM_{2.5}$
	(maximum pounds per day)				
Demolition	1.62	14.21	10.98	2.56	1.94
Excavation	2.95	35.30	23.50	3.15	1.86
Building construction	1.62	15.25	10.26	1.22	0.99
Parking structure paving	1.29	11.64	8.50	0.90	0.72
Architectural coatings	28.48	2.59	2.11	0.25	0.22

Source: Air Quality Modeling Results (see Appendix B).
Notes: ROG = reactive organic gas; NO_x = oxides of nitrogen; CO = carbon monoxide; PM_{10} = coarse particulate matter; $PM_{2.5}$ = fine particulate matter.

Operational Emissions
The project would result in a total of 20,407 square feet of retail and office space, which is a net increase of 8,774 square feet compared to the existing conditions. In addition, four new dwelling units would be constructed. This total increase in development is substantially below the screening thresholds of 346,000 square feet (office space), 99,000 square feet (regional shopping center or strip mall), and 451 dwelling units (apartment, low rise or condo/townhouse, general) for operational emissions (see Table 1). As the project is substantially smaller than the screening criteria size, emissions of criteria air pollutants associated with operation of the proposed project would remain below the BAAQMD thresholds. Project operation would not result in emissions that violate any applicable air quality standards, contribute substantially to an existing or projected air quality violation, or conflict with the air quality plan; impacts would remain less than significant.

Cumulative Impacts
As discussed above, the San Francisco Bay Area Air Basin is currently designated as a nonattainment area for state and national O_3 standards and state PM_{10} and $PM_{2.5}$ ambient air quality standards. The San Francisco Bay Area Air Basin's nonattainment status is attributed to the region's development history. Past, present, and future development projects contribute to the region's adverse air quality impacts on a cumulative basis. As described in the BAAQMD 2010 Guidelines, "by its very nature, air pollution is largely a cumulative impact. No single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. If a project's contribution to the cumulative impact is considerable, then the project's impact on air quality would be considered significant" (BAAQMD 2010b). Because operation of the proposed project would not result in emissions that violate any applicable air quality standards or contribute substantially to an existing or projected air quality violation, the project would result in a less than significant cumulative impact.

Mitigation Measures
None required.

D. BIOLOGICAL RESOURCES

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	1, 2, 3 (Map N1), 11				**X**
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?	1, 2, 3 (Map N1)				**X**
c) Interfere substantially with the movement of any native resident or migratory fish or	1, 2				**X**

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?					
d) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or as defined by the City of Palo Alto's Tree Preservation Ordinance (Municipal Code Section 8.10)?	1, 2, 3, 5		**X**		
e) Conflict with any applicable Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	1				**X**

DISCUSSION

The proposed project is located on a parcel that is almost entirely developed with existing buildings and paved parking, which would be removed to accommodate the project. Due to its developed nature, the site does not support sensitive habitats and has a very low potential to support candidate, sensitive, and special-status species. The site is not subject to any habitat conservation plans.

The project site supports trees protected by Palo Alto's Tree Preservation and Management Regulations. The PAMC 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. Three categories within the status of regulated trees include protected trees, street trees, and designated trees. As documented in the Tree Survey Report prepared for the site by Davey Resource Group (provided in Appendix A), the site includes six street trees, two in bulb-outs into the parking area along University Avenue and four in the sidewalk along Kipling Street. These trees were determined to be in poor to fair condition. The proposed project includes the retention of the two existing street trees on University Avenue (London plane trees (*Platanus x acerifolia*)), removal of four existing street trees on Kipling Street (two ornamental pears (*Pyrus calleryana*) and two carob trees (*Ceratonia siliqua*)), and the replacement of these trees with four new street trees. Construction of the project could impact the two trees to be retained on University Avenue if the trees are not properly protected. In addition, removal of the four street trees on Kipling Street would result in a significant impact if not completed in accordance with requirements for tree removal and replacement; therefore, mitigation is provided to ensure that these potential impacts remain below a level of significance.

Mitigation Measures

Mitigation Measure BIO-1: The following measures shall be implemented to reduce impacts to protected trees:

- City of Palo Alto (City)-approved Modified Type III fencing shall be installed for the two street trees to be retained along University Avenue. City-approved tree protection signs shall be posted on all fencing.
- Soil conditions for the four new trees to be planted along Kipling Street shall be improved by preparing a planting area at least 6 feet square for each tree and installing Silva Cells to reduce compaction. The Silva Cells shall be filled with proper soil amendments and growing medium as determined by the City Arborist.
- Unless otherwise approved, each new tree shall be provided with 1,200 cubic feet of rootable soil area, utilizing Standard Drawing #604/513. Rootable soil is defined as compaction less than 90% over the area, not including sidewalk base areas.

- Two bubbler drip irrigation units shall be installed for each new tree to adequately water the new planting area.
- New sidewalk shall be installed such that the final planting space opening is at least 5 feet by 5 feet for each new tree.
- Kiva tree grates shall be used around each new tree.
- Replacement tree size shall be a 36-inch box, properly structured nursery stock.
- Based on growth habit and proven performance, *Ginkgo biloba* "Autumn Gold" is highly recommended for the replacement trees. Other tree species may be approved by the City Arborist.
- All work within the Tree Protection Zone, including canopy pruning of protected trees, shall be supervised by a Certified Arborist approved by the City.

Significance after Mitigation
Less than significant.

E CULTURAL RESOURCES

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Directly or indirectly destroy a local cultural resource that is recognized by City Council resolution?	1, 7			**X**	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?	1, 3 (Map L8), 7		**X**		
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	1, 3 (Map L8)				**X**
d) Disturb any human remains, including those interred outside of formal cemeteries?	1, 3 (Map L8), 7		**X**		
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?	1, 3 (Map L7), 8				**X**
f) Eliminate important examples of major periods of California history or prehistory?	1, 7, 8				**X**

DISCUSSION

The proposed project involves excavation and construction activities within a fully developed and previously disturbed site. The Palo Alto Comprehensive Plan map of archaeologically sensitive areas (Figure L-8, Archaeological Resource Areas) indicates that the project site falls within an area of "Moderate Sensitivity" based on topographic setting, including proximity to major drainages, and potential to encounter undocumented subsurface archaeological deposits. A Northwest Information Center (NWIC) records search records search was conducted by Dudek on September 25, 2014 and found that no cultural resources have been recorded in the project site (see Appendix C). The only archaeological site identified within the 0.5-mile radius of the project site as a result of the records search is CA-SCL-598. This site was first identified in 1922 and was described as a

"mine" of bones encountered 10 feet below the surface, including the skeleton of one adult human. Because no associated artifacts were reported and no additional details about the find were reported, the context of the find is not clear. An extended history of past disturbance suggests that there is a very low potential for encountering intact subsurface cultural deposits. Based on these findings, potential for the inadvertent discovery of subsurface archaeological or historical resources at the project site is very low. However, there is the potential to discover unknown cultural resources during site excavation. In the event any archaeological or human remains are discovered on the site, impacts would be potentially significant. Implementation of Mitigation Measure CUL-1 would ensure that impacts remain less than significant by ensuring appropriate evaluation, recordation, and protection procedures are undertaken.

Historical architectural evaluations were prepared by Preservation Architecture for the existing buildings located on the project site to determine the potential for listing on the California Register of Historical Resources (CRHR) (see Appendix D). The existing building at 429 University Avenue, which was built in 1927, has not been identified as a potential historical resource by the City or the state, nor is the building included in a historic district. Moreover, no architect, engineer, designer or builder of the original building has been identified. The exterior of the building has been extensively altered over time, such that the original façade and storefronts are entirely lost, and the architectural building form has lost its characteristic design and material integrity. The historical evaluation determined that the building does not have historical architectural or historical resource potential and is therefore not eligible for listing on the CRHR.

The existing building at 425 University Avenue was constructed circa 1937 and has since been used for office and commercial uses. The original architects of the building at 425 University Avenue, Birge M. Clark and David B. Clark of Palo Alto, are recognized as local masters. However, the exterior of the building has been extensively altered over time, including the complete loss of the original façade and storefront. The building was evaluated for historical resource eligibility and although the building has the potential for significance under the CRHR, the loss of integrity of the structure renders it ineligible for listing on the CRHR.

Since the project site does not include any eligible historical resources or examples of major periods of California history or prehistory, no impacts to historical resources would occur.

Mitigation Measures

Mitigation Measure CUL-1: Prior to commencement of site clearing and project grading, the project applicant shall retain a qualified archaeologist to train construction personnel regarding how to recognize cultural resources (such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains) that could be encountered during construction activities. If artifacts or unusual amounts of shell or bone or other items indicative of buried archaeological resources or human remains are encountered during earth disturbance associated with the proposed project, the on-site contractor shall immediately notify the City of Palo Alto (City) and the Native American Heritage Commission as appropriate. All soil-disturbing work shall be halted within 100 feet of the discovery until a qualified archaeologist, as defined by the California Environmental Quality Act (CEQA) Guidelines (14 CCR 15000 et seq.) and the City, completes a significance evaluation of the finds pursuant to Section 106 of the National Historic Preservation Act. Any human remains unearthed shall be treated in accordance with California Health and Safety Code, Section 7050.5, and California Public Resources Code, Sections 5097.94, 5097.98, and 5097.99, which include requirements to notify the Santa Clara County Medical Examiner's office and consult with Native American representatives determined to be the Most Likely Descendants, as appointed by the Native American Heritage Commission. Identified cultural resources shall be recorded on State Department of Parks and Recreation Form 523 (archaeological sites). Mitigation measures prescribed by the Native American Heritage Commission, the Santa Clara County Medical Examiner's office, and any Native American representatives determined to be the Most Likely Descendants and required by the City shall be undertaken before construction activities are resumed. If disturbance of a project area cultural resource cannot be avoided, a mitigation program, including measures set forth in the City's Cultural Resources Management Program and in compliance with Sections 15064.5 and 15126.4 of the CEQA Guidelines, shall be implemented.

Significance after Mitigation
Less than significant.

F. GEOLOGY, SOILS, AND SEISMICITY

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
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?	9				**X**
ii) Strong seismic ground shaking?	3 (Map N-10), 9			**X**	
iii) Seismic-related ground failure, including liquefaction?	3 (Map N5), 12				**X**
iv) Landslides?	3 (Map N5)				**X**
b) Result in substantial soil erosion or the loss of topsoil?	1, 9			**X**	
c) Result in substantial siltation?	1				**X**
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?	3 (Map N5), 9				**X**
e) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	3 (Map N5), 9				**X**
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				**X**
g) Expose people or property to major geologic hazards that cannot be mitigated through the use of standard engineering design and seismic safety techniques?	2, 9				**X**

DISCUSSION

Murray Engineers Inc. (Murray Engineers) prepared a geotechnical investigation report for the project site in September 2013 (see Appendix E). The geotechnical report identifies potential geologic hazards that may affect the project site and presents recommendations for design and construction of the project. Given the project site's location in a seismically active area, there is potential for severe ground shaking during an earthquake. High levels of ground shaking during potential future earthquakes and soil conditions that may be unsuitable to support construction-related excavations and site improvements are typical issues of concern related to development in seismically active areas. These issues are routinely encountered in California, and there is no evidence that unique or unusual geologic hazards are present on site (e.g., mapped landslide, collapsible soils, lateral spread) that would require additional mitigation beyond what is already required as part of the City's standard development approval processes.

Seismic ground shaking and the presence of adverse soil conditions would be addressed through required compliance with the California Building Code (and local amendments) as well as incorporation of geotechnical recommendations into the project's construction and design plans. The geotechnical report indicates the project site is located in an area where there have been historical occurrences of earthquake-induced liquefaction and there is the potential for "permanent earthquake-induced ground displacement." The Association of Bay Area Governments indicates the site is in an area with a moderate chance of liquefaction. However, there are no active or potentially active faults that cross the project site, and the project site is not located within an Alquist-Priolo Fault Zone (USGS 2013). The closest active fault is the San Andreas Fault, which is located approximately 5.7 miles southwest of the site. It is the opinion of Murray Engineers that the potential for fault rupture at the site is very low. The project site is flat and is not located in an area susceptible to landslides. The geotechnical report did not indicate that there are expansive soils, corrosive soils, and/or soils subject to settlement present.

Soils found on the project site consist of layers of fine- and coarse-grained alluvium to a depth of 45 feet. The upper approximately 5 to 8 feet consist of very stiff to hard surficial silty clay, underlain by 4 to 6 feet of medium dense to very dense gravelly to silty sand, and then underlain by 20 to 25 feet of very stiff silty clay. The clay is underlain by medium dense to very dense clayey to silty sand to a depth of 45 feet. Murray Engineers conducted additional soil testing to determine the likelihood of liquefaction occurring. Based on their analysis, the silty sand was determined to be very dense and therefore likely too dense to be considered liquefiable. In addition, the report concluded the "site should have a sufficiently thick and relatively dense, non-liquefiable layer above the groundwater table capping the potentially liquefiable layers at greater depths to mitigate the potential for sand boils or surface venting during an earthquake."

All new construction is subject to the earthquake design parameters contained in Chapter 16, Section 1613, of the 2013 California Building Code, directed at minimizing seismic risk and preventing loss of life and property in the event of an earthquake. In addition, the City's standard conditions of approval will ensure that potential impacts on erosion and soil remain less than significant. These conditions require the applicant to submit a final grading and drainage plan subject to review by the Department of Public Works prior to issuance of any grading and building permits. Requirements and standards of adequacy for the grading and drainage plans are contained in the PAMC.

The project site would be connected to the City's sewer system and would not involve use of septic tanks. Impacts to geologic resources and soils and impacts associated with geologic hazards would be less than significant.

Mitigation Measures

None required.

G. GREENHOUSE GAS EMISSIONS

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Impacts	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	2, 6			X	
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	2, 6			X	

DISCUSSION

In 2006, the State of California enacted Assembly Bill (AB) 32, the Global Warming Solutions Act. AB 32 requires reducing statewide GHG emissions to 1990 levels by 2020. The state's plan for meeting the reduction target is outlined in the California Air Resources Board (CARB) *Climate Change Scoping Plan* (2008 Scoping Plan; CARB 2008).

CARB's 2008 Scoping Plan fact sheet states, "This plan calls for an ambitious but achievable reduction in California's carbon footprint—toward a clean energy future. Reducing greenhouse gas emissions to 1990 levels means cutting approximately 30% from business-as-usual emissions levels projected for 2020, or about 15% from today's levels. On a per-capita basis, that means reducing annual emissions of 14 tons of carbon dioxide for every man, woman and child in California down to about 10 tons per person by 2020." CARB's GHG emissions inventory report found the total statewide GHG emissions in 2011 were equivalent to 448.1 million tons of CO_2 (CARB 2013). Compared with the emissions in 2001, this is a 6% decrease.

As described in Section C, Air Quality, the BAAQMD adopted the BAAQMD 2010 Guidelines, which establish screening criteria based on the size of a project to determine whether detailed modeling to estimate GHG emissions is necessary (BAAQMD 2010b). Projects that are smaller than the GHG screening criteria size are considered to have less than significant GHG emissions and would not conflict with existing California legislation adopted to reduce statewide GHG emissions. Table 3 presents GHG screening level examples taken from the BAAQMD 2010 Guidelines.

Table 3
BAAQMD Operational GHG Screening Criteria

Land Use Type	Operational GHG Screening Size*
Single-family residential	56 du
Apartment, low-rise or condo/townhouse, general	78 du
Apartment, mid-rise	87 du
Condo/townhouse, general	78 du
Regional shopping center	19 ksf
Strip mall	19 ksf
Hardware/paint store	16 ksf
Daycare center	11,000 sf
General office building	53,000 sf
Medical office building	22,000 sf
Office park	50,000 sf
Quality restaurant	9,000 sf

Source: BAAQMD 2010b, Table 3-1, Operational-Related Criteria Air Pollutant and Precursor Screening Level Sizes.
Notes: GHG = greenhouse gas; du = dwelling unit; sf = square feet.
* If the project size is less than the screening size, the project would have less than significant impacts. If the project is greater than the screening size, detailed project-specific modeling is required.

The project would result in a net increase of 8,774 square feet of commercial and office space along with four new dwelling units; this is substantially below the BAAQMD screening thresholds of 53,000 square feet (office space), 19,000 square feet (commercial space) and 78 dwelling units (condo/townhouse) for operational GHG emissions. As the project is substantially smaller than the screening criteria size, GHG emissions associated with operation of the proposed project would remain below the BAAQMD thresholds. In addition, the project would comply with the green building requirements identified in Chapter 16.14 of the PAMC, including attainment of a minimum Build It Green score of 70 for the residential portion of the project. Project operation would not result in GHG emissions that would significantly affect the environment or conflict with applicable plans, policies, or regulations adopted for the purpose of reducing GHG emissions. The project would have less than significant impacts related to GHG emissions.

Mitigation Measures
None required.

H. HAZARDS AND HAZARDOUS MATERIALS

*Note: Some of the thresholds can also be dealt with under a topic heading of **Public Health and Safety** if the primary issues are related to a subject other than hazardous material use*.

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routing transport, use, or disposal of hazardous materials?	1, 2, 10, 11, 12		**X**		
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?	1, 2, 10, 11, 12		**X**		
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	1, 2				**X**
d) Construct a school on a property that is subject to hazards from hazardous materials contamination, emissions or accidental release?	1				**X**
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?	1, 2, 10, 11, 12				**X**
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?	1				**X**

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
g) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working the project area?	1				**X**
h) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	1, 3 (Map N7)				**X**
i) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	3 (Map N7)				**X**
j) Create a significant hazard to the public or the environment from existing hazardous materials contamination by exposing future occupants or users of the site to contamination in excess of soil and ground water cleanup goals developed for the site?	1, 2, 10, 11, 12				**X**

DISCUSSION

Phase I environmental site assessments (ESAs) were prepared for the project site and include a general assessment of the nature and extent of past activities, if any, on the site that could have used hazardous materials, and whether the site appears to have evidence of soils or groundwater contamination. A Phase I ESA was prepared for the commercial buildings located at 429, 435, 441, and 447 University Avenue by Professional Service Industries Inc. in August 1999. In June 2010 an environmental transaction screen (ETS) for buildings located at 429–447 University Avenue was prepared by AEI to identify any potential environmental issues associated with past and present activities in the handling, storage, or disposal of hazardous materials. In addition, a follow-up Phase I ESA was prepared for 425 University Avenue and 450 Kipling Street[3] by Transaction Management Corporation (TMC) in April 2014. The Phase I ESAs and ETS are included in Appendix F. Both of the Phase I ESAs and the ETS report indicate that due to the age of the buildings there is the potential for asbestos-containing materials (ACMs) and lead-based paint to be present. TMC recommends preparation of an operations and maintenance plan for ACMs given the potential for occurrence in the 425 University Avenue building. The 2014 Phase I ESA indicates that the property at 425 University Avenue is not on any state or federal list of potentially hazardous sites. In addition, the 2010 ETS and the 1999 Phase I ESA indicate that the project site does not contain a recognized environmental condition, as defined by the American Society for Testing and Materials (ASTM). Both reports conclude there also is no evidence of a recognized environmental condition off site that could impact the project site. In addition, the project site is not listed on the Spills, Leaks, Investigations, and Cleanups database and there was no evidence of soil or groundwater contamination.

The project involves the demolition of two buildings and construction of a new building. Demolition activities could release hazardous building materials into the air. Construction equipment accessing the site would use hazardous and/or flammable materials including diesel fuel, gasoline, and other oils and lubricants. During project construction, there is the potential for the short-term use of hazardous materials/fuels; however, the use, storage, transport, and disposal of these materials would be required to comply with all existing local, state, and federal regulations. Operation of the proposed project would not include any uses that would require the transport, handling, or disposal of hazardous materials, other than typical household and landscaping materials. The types

[3] 450 Kipling Street is not part of the project.

and quantities of these common household chemicals would not be substantial and would not pose a health risk to residents of the project or any adjacent uses.

Groundwater was identified in the geotechnical investigation at depth of approximately 33.5 to 35 feet below existing grade level. It is not anticipated that construction of the subsurface garage would require dewatering due to the depth of groundwater; however, if required, the project applicant would comply with standard conditions of the City's architectural review process, which require special procedures for dewatering. Specifically, the City's Public Works Department, Water Quality Control Plan section, would require that prior to discharge of any water from construction dewatering, the water be tested for volatile organic compounds (VOCs; including ROGs) using U.S. Environmental Protection Agency Method 601/602. The analytical results of the VOC testing shall be transmitted to the San Francisco Bay Regional Water Quality Control Board (RWQCB). If the concentration of any VOC exceeds 5 micrograms per liter (5 parts per billion), the water may not be discharged to the storm drain system and an Exceptional Discharge Permit for discharge to the sanitary sewer must be obtained from the RWQCB prior to discharge. Additionally, any water discharged to the storm drain system is required to be free of sediment.

Based on the construction date of the existing buildings (1927), it appears that the buildings may contain ACMs and may contain lead-based paints. Lead-based paints could also be present and the light ballasts may be a source of polychlorinated biphenyls (PCBs). Therefore, demolition of the existing buildings could result in hazards related to the release or disposal of these hazardous materials. Mitigation Measure HAZ-1 would require surveys and proper disposal methods to ensure that impacts remain less than significant.

There are no existing or proposed schools within one-quarter mile of the project site. The nearest school, Addison Elementary School, is located approximately 0.7 mile southwest of the project site. Therefore, no impacts to schools associated with hazardous materials at the project site would occur.

There are no airports within 2 miles of the project site. The nearest airport is the Palo Alto Airport, which is located approximately 3.3 miles northeast of the site. Therefore, no impact related to safety hazards associated with aircraft would occur.

The proposed project would not impair or interfere with the City's Emergency Operations Plan. The nearest evacuation route to the project site is University Avenue. The project would not result in any changes to this evacuation route, would not substantially increase traffic or roadway congestion such that use of the evacuation route would be hindered, and would not otherwise impair implementation of the City's Emergency Operations Plan. Therefore, no impact related to emergency response or evacuation would occur.

The project site is located in a developed urban area that is not identified as a high or medium fire hazard area in the City's Comprehensive Plan. Therefore, no impact related to fire risks would occur.

Mitigation Measures

Mitigation Measure HAZ-1: Prior to building demolition, the project applicant shall demonstrate to the satisfaction of the City of Palo Alto that a survey of the existing buildings has been conducted by a qualified environmental specialist who meets the requirements of the current U.S. Environmental Protection Agency regulations for suspected lead-containing materials (LCMs), including lead-based paint/coatings; asbestos containing materials (ACMs); and the presence of polychlorinated biphenyls (PCBs). Any demolition activities likely to disturb LCMs or ACMs shall be carried out by a contractor trained and qualified to conduct lead- or asbestos-related construction work. If found, LCMs and ACMs shall be disposed of in accordance with state and federal regulations, including the EPA's Asbestos National Emissions Standards for Hazardous Air Pollutants, the Cal-OSHA Construction Lead Standard (CCR Title 8, Section 1432.1), and California Department of Toxic Substances Control and EPA requirements for disposal of hazardous waste. If PCBs are found, these materials shall be managed in accordance with the Metallic Discards Act of 1991 (California Public Resources Code, Sections 42160–42185) and other state and federal guidelines and regulations. Demolition plans and contract specifications shall incorporate any necessary abatement measures in compliance with the Metallic Discards Act,

particularly Section 42175, Materials Requiring Special Handling, for the removal of mercury switches, PCB-containing ballasts, and refrigerants.

Level of Significance after Mitigation
Less than significant.

I. HYDROLOGY AND WATER QUALITY

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	1, 2, 3, 13, 14			**X**	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	1, 2, 3 (Map N2), 13, 14			**X**	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	1, 2, 13, 14			**X**	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	1, 2, 13, 14			**X**	
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	1, 2, 13, 14			**X**	
f) Otherwise substantially degrade water quality?	1, 2, 13, 14			**X**	
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	1, 3 (Map N6)				**X**
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	1, 3 (Map N6)				**X**
i) Expose people or structures to a significant risk of loss, injury or death involve flooding, including flooding as a result of the failure of a levee or dam or being located within a 100-year flood hazard area?	1, 3 (Map N8)				**X**
j) Inundation by seiche, tsunami, or mudflow?	1, 3 (Map N6)				**X**

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
k) Result in stream bank instability?	1, 2				**X**

DISCUSSION

The project site is fully developed, and the proposed project would not substantially change the amount of impervious surface area on the project site, nor would the project rely on groundwater for its water supply. With the exception of some street trees on University Avenue and Kipling Street, the existing site is composed of buildings and paved surface parking lots and thus is largely impervious. According to the Impervious Area Worksheet for Land Developments (included as Appendix G to this document) prepared for the project, the project site currently contains 11,000 square feet of impervious surface with the existing buildings and parking lot area. The project is proposing to maintain the same development footprint (0.252 acre). The project would not alter existing grades in the area and would not change drainage patterns or lead to increased erosion or sedimentation of nearby waterways. Groundwater was identified at a depth of approximately 33.5 to 35 feet below existing grade level.

In addition, stormwater runoff water quality is regulated by the National Pollutant Discharge Elimination System (NPDES) Program to control and reduce pollutants to water bodies from surface water discharge. Locally, the NPDES project is administered by the Bay Area Regional Water Quality Control Board (RWQCB). The RWQCB worked with cities and counties throughout the region to prepare and adopt a Regional Municipal Stormwater Permit. This Regional Permit identifies minimum standards and provisions that the City of Palo Alto, as a permitee, must require of new development and redevelopment projects within the city limits. Compliance with the NPDES Permit is mandated by state and federal statutes. The proposed project would be required to comply with all city, state, and federal standards pertaining to stormwater run-off and water quality.

Under the Regional Municipal Stormwater Permit, the San Francisco Bay RWQCB generally requires new development projects to implement Low Impact Design (LID) techniques to treat stormwater runoff. However, the regional permit also allows LID treatment reduction credits for three categories of "smart growth" projects – urban infill, high-density, and transit oriented development projects. These are called "Special Projects" in the regional permit, and are approved for reductions in the requirements for LID treatment in recognition of the fact that smart growth development projects can either reduce existing impervious surfaces or create less "accessory" impervious areas and automobile-related pollutant impacts. The RWCQB recognizes that these types of projects have inherent water quality and other environmental benefits. The project applicant has applied for and obtained a *C.3 Special Project Category A* determination based on the following: the project would preserve or enhance a pedestrian-oriented type of urban design, would be located in a Commercial downtown zone, would replace less than 0.5 acre of impervious surface area, would have minimal surface parking, and more than 85% of the site would be covered by the proposed building. Due to the small project site and its location in a developed urban commercial corridor, it would not be feasible to construct grassy swales or other LID features to treat stormwater. There is not sufficient space to accommodate biotreatment facilities or to route runoff to an appropriate discharge point.

Since the project meets the criteria listed above, the project would receive 100% LID treatment reduction credit and be allowed to treat 100% of the amount of storm water runoff with non-LID treatment measures. Stormwater runoff from the site would be collected and piped to a mechanical device (manufactured by Contech Stormwater Solutions) which is an accepted storm filter treatment facility. The mechanical device would be located onsite and stormwater runoff would be treated prior to flowing by gravity into the street and ultimately into the City's storm drain system. The applicant would also be required to enter into a maintenance agreement with the City to guarantee that the project provide the required maintenance and/or replacement of the device for the life of the project. By providing approved and appropriate stormwater runoff collection and conveyance, and ensuring long-

term maintenance of the collection and conveyance infrastructure, the project would have less than significant impacts related to violating water quality standards or contributing substantial additional sources of polluted runoff.

The proposed project includes a subsurface garage with a maximum depth of 27 feet below grade. Reducing the number of exposed parking spaces also reduces the potential for stormwater to carry pollutants such as litter and/or leaking motor fluids. Due to the depth of groundwater, dewatering is not anticipated; however, due to fluctuations in groundwater it is possible that construction activities could encounter groundwater. Since the garage would be designed to be watertight and no permanent dewatering system would be required, it is expected that the impact to groundwater flow would be less than significant.

The nearest surface water in the vicinity of the project site is San Francisquito Creek, located approximately 0.5 mile west of the site. Stormwater runoff is directed toward storm drain grates located in one covered parking space and in the adjacent alleyway that parallels the northwest boundary of the project site.

The project site is located within Zone X on the Flood Insurance Rate Map Panel No. 06085C0010H (FEMA 2009). This indicates that the project site is not in a zone expected to be subject to inundation in a 100-year flood event. Additionally, the project site is not located within an area identified as a dam failure inundation area as shown on maps available from the Association of Bay Area Governments (ABAG 2003). The project site is not subject to flooding or inundation and construction of the project would result in no impacts associated with exposure of people to flood-related hazards.

The project site is located in Downtown Palo Alto on relatively flat ground and is not near an open body of water or near a hillside; therefore, there is no risk for seiche, tsunami, or mudflow hazards. No impacts related to these hazards would result from implementation of the proposed project. Additionally, there are no streams within or adjacent to the site, and the project would have no impacts related to streambank stability.

Mitigation Measures
None required.

J. LAND USE AND PLANNING

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	1, 2				**X**
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?	1, 2, 3, 4				**X**
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	1, 2				**X**
d) Substantially adversely change the type or intensity of existing or planned land use in the area?	1, 2, 3, 4				**X**
e) Be incompatible with adjacent land uses or with the general character of the surrounding	1, 2			**X**	

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
area, including density and building height?					
f) Conflict with established residential, recreational, educational, religious, or scientific uses of an area?	1, 2				**X**
g) Convert prime farmland, unique farmland, or farmland of statewide importance (farmland) to non-agricultural use?	1, 3				**X**

DISCUSSION

The proposed project, a 31,407-square-foot, four-story commercial, office, and residential building, is an allowed use as regulated by the City's Zoning Ordinance and Comprehensive Plan (PAMC; City of Palo Alto 2007). The project would replace two single-story buildings currently used for retail with the proposed mixed-use building. The increase from one story to four stories on the site would change the existing scale; however, buildings in the surrounding area include a modern four-story mixed-use office and retail building across the street, with ground floor retail and upper story offices. Larger mixed-use and office buildings are located farther east along University Avenue, including a six-story building and a three-story building on the corner of University Avenue and Cowper Street.

The project would increase the existing retail, office, and residential land uses in the immediate vicinity and would not introduce any incompatible land uses. The Comprehensive Plan land use designation of the project site is Regional/Community Commercial, per the Comprehensive Plan. The Comprehensive Plan encourages mixed-use development in the project area through the following policies:

- Policy L-4: Maintain Palo Alto's varied residential neighborhoods while sustaining the vitality of its commercial areas and public facilities. Use the Zoning Ordinance as a tool to enhance Palo Alto's desirable qualities.
- Policy L-9: Enhance desirable characteristics in mixed use areas. Use the planning and zoning process to create opportunities for new mixed use development.
- Policy L-19: Encourage a mix of land uses in all Centers, including housing and an appropriate mix of small-scale local businesses.
- Policy L-23: Maintain and enhance the University Avenue/Downtown area as the central business district of the City, with a mix of commercial, civic, cultural, recreational and residential uses. Promote quality design that recognizes the regional and historical importance of the area and reinforces its pedestrian character.

Since the project proposes a mixed-use development in an area where mixed-uses are encouraged and the project design reflects a pedestrian scale, the project would be consistent with the policies listed above.

The zoning designation is Downtown Commercial with Pedestrian and Ground Floor Combining Districts (CD-C(P)(GF)). This zone's regulations are set forth in PAMC Chapters 18.18 and 18.30. The CD district provides for a wide range of commercial uses serving City-wide and regional business and service needs, as well as residential uses and neighborhood service needs. The project would also include construction of two levels of underground parking and installation of new landscaping. The project is in compliance with the applicable CD-C (community) subdistrict zoning and parking regulations. The maximum proposed building height is 50 feet and the FAR would be 2.86. The maximum building height in this district is 50 feet. The base FAR in the CD-C district is 1.0; however, the FAR may be increased with TDRs and/or bonuses for seismic and historical rehabilitation upgrades, not to exceed a total site FAR of 3.0. The proposed project includes TDRs and bonuses to achieve the maximum

allowable FAR of 2.86. The project would not conflict with existing zoning. In addition, the Pedestrian Shopping (P) and Ground Floor (GF) combining district regulations that apply to this site are intended to enhance the pedestrian environment through the continuity of retail stores and design windows in retail districts and allow only service-oriented commercial uses on the ground floor. The proposed project is designed to comply with the combining district regulations with ground-floor retail and façade details to enhance the pedestrian experience. In addition, the project would be consistent with the Context-Based Design Criteria for development in a commercial district, which promotes pedestrian oriented design that is compatible with adjacent development.

The project site is surrounded by primarily mixed-use and commercial buildings along University Avenue, ranging in height from one to six stories. As described in Section A., Aesthetics, the proposed building would be larger in scale and mass than some of the adjacent buildings along Kipling Street; however, the project would be similar in scale and mass to other buildings in the vicinity along University Avenue in the Downtown area. In addition, the design of the building's Kipling Street façade would reflect the smaller scale of the existing development along Kipling Street. The fourth floor of the building would be set back 10 feet from the alley property line and 7 feet from the Kipling Street property line resulting in a street façade that would appear as a three-story building. The University Avenue façade is designed to respond not only to the buildings immediately adjacent and west of the subject property but to the taller, higher density development of the University Avenue Commercial District. The design of the proposed building is intended to minimize the potential for incompatibility with surrounding uses. In addition, as described in Section A., Aesthetics, the project design will be reviewed by the City's Architectural Review Board to ensure that compatibility concerns are addressed and it does not degrade the existing visual character or quality of the site and its surroundings.

The project would comply with all plans for conservation of biological resources, and would not impact farmland. See Sections B and D for further discussion of these topics.

Mitigation Measures
None required.

K. MINERAL RESOURCES

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	1, 3				**X**
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?	1, 3				**X**

DISCUSSION

The City has been classified by the California Department of Conservation, Division of Mines and Geology, as a Mineral Resource Zone 1 (MRZ-1). This designation signifies that there are no aggregate resources in the area. The Division of Mines and Geology has not classified the City for other resources. There is no indication in the Comprehensive Plan that there are locally or regionally valuable mineral resources within the City. Therefore, construction and operation of the proposed mixed-use building on the currently developed project site would result in no impacts related to mineral resources.

Mitigation Measures
None required.

L. NOISE

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	1, 2, 3, 15		**X**		
b) Exposure of persons to or generation of excessive ground-borne vibrations or ground-borne noise levels?	1, 2, 15			**X**	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	1, 2, 15			**X**	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	1, 15			**X**	
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?	1, 2				**X**
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?	1, 2				**X**
g) Cause the average 24-hour noise level (L_{dn}) to increase by 5.0 decibels (dB) or more in an existing residential area, even if the L_{dn} would remain below 60 dB?	1, 2, 15				**X**
h) Cause the L_{dn} to increase by 3.0 dB or more in an existing residential area, thereby causing the L_{dn} in the area to exceed 60 dB?	1, 2, 15				**X**
i) Cause an increase of 3.0 dB or more in an existing residential area where the L_{dn} currently exceeds 60 dB?	1, 2, 15			**X**	
j) Result in indoor noise levels for residential development to exceed an L_{dn} of 45 dB?	1, 2, 15		**X**		
k) Result in instantaneous noise levels of greater than 50 dB in bedrooms or 55 dB in other rooms in areas with an exterior L_{dn} of 60 dB or greater?	1, 2, 15		**X**		
l) Generate construction noise exceeding the daytime background L_{eq} at sensitive receptors by 10 dBA or more?	1, 2			**X**	

DISCUSSION

Noise would be generated during the proposed demolition of the existing building and construction of the proposed mixed-use project. The magnitude of the construction noise would depend on the type of construction activity, the noise level generated by various pieces of construction equipment, site geometry (i.e., shielding from intervening structures), and the distance between the noise source and receiver. Construction noise levels are

based on a U.S. Environmental Protection Agency study (EPA 1971), which measured average noise levels during construction stages for a variety of typical projects.

Sound is measured in decibels (dB), with 0 dB corresponding roughly to the threshold of hearing and 60 dB corresponding roughly to the noise level of a typical conversation. Typically, a weighting system is applied to sound levels to more closely correlate sound levels with human perception, recognizing that humans are less sensitive to sounds in frequency ranges below 1,000 hertz (Hz) and above 5,000 Hz. This system is called the A-weighted sound level, and is abbreviated as dBA.

As shown in Table 4, average noise levels generated on a construction site could be as high as 89 dBA L_{eq} at a distance of 50 feet during the loudest phases of construction. Typically, construction noise is cyclical in nature and noise levels vary throughout the day.

All development in the City, including the proposed construction activities, must 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 temporary construction that complies with the Noise Ordinance would result in less-than-significant impacts to nearby land uses and sensitive receptors. The project is located in a busy commercial district with an active train station in the vicinity. Although there are residential uses in the project vicinity, the existing noise conditions are not quiet and the temporary construction activities will not create any new significant noise impacts.

Table 4
Typical Noise Levels from Construction Activities

Construction Activity	Average Sound Level at 50 feet (dBA L_{eq}) [1]	Standard Deviation (dB)
Ground Clearing	84	7
Excavation	89	6
Foundations	78	3
Erection	87	6
Finishing	89	7

Source: EPA 1971
[1] Sound level with all pertinent equipment operating.

The proposed project would be located on a site that is currently developed with two one-story retail buildings and is surrounded by primarily two-story buildings with ground floor retail and restaurant spaces on University Avenue and a mix of small-scale commercial/office as well as residential uses on Kipling Street. Residential land uses are located approximately 60 feet to the north and northwest. The proposed office building is not anticipated to result in significant levels of on-site noise or traffic noise because of the nature of the proposed land use and the relatively small size (which would generate a less than significant increase in traffic as discussed in Section P., below).

The *Environmental Noise Study* for the project was prepared by Charles M. Salter Associates Inc. (Appendix H). This assessment found that existing noise levels in the project area range from 64 dB to 70 dB during the peak traffic hours and between 63 dB and 73 dB when measured as a day-night-level (DNL), which assigns a penalty to noises generated during nighttime hours to reflect heightened sensitivity to noise in those hours.

Policy N-39 of the Palo Alto Comprehensive Plan requires that the average interior noise level in multi-family dwellings be limited to DNL 45 dB. However, the City also states that residences exposed to a DNL of 60 dB or greater should limit maximum instantaneous noise levels to 50 dB in bedrooms and 55 dB in other rooms. Since

the existing noise levels in the project area exceed 60 dB, architectural upgrades (as detailed in Mitigation Measures NOI-1 and NOI-2) would be required to meet interior noise standards. Additionally, rooftop mechanical equipment noise from exhaust fans was analyzed, as shown in Table 5, to assess whether the equipment noise would comply with Section 9.19.040 of the City's Noise Ordinance, which states:

> *"No person shall produce, suffer, or allow to be produced by any machine or device, or any combination of same, on commercial or industrial property, a noise level more than eight decibels above the local ambient at any point outside of the property plane."*

Table 5
Predicted Mechanical Equipment Noise Levels

Property Line	Predicted Noise Level (dB)		Criteria (dB)
	At Nearest Receiver	At Property Plane	
North	49	65	57
East	47	58	56
South	48	69	54
West	49	68	54

Currently there are no adjacent receivers at or near the property plane that are 50 feet in height; therefore, adjacent receivers would not be exposed to noise levels in excess of the City's standard due to rooftop mechanical equipment noise, as shown in Table 5. However, as shown in Table 5, noise levels at the property plane would be above the criteria; therefore, Mitigation Measure NOI-3 is required to reduce this potential impact to below a level of significance.

Potential project-related noise effects from traffic were analyzed by comparing existing, future (existing plus cumulative growth), and estimated project-related traffic volumes, as provided by the traffic impact analysis prepared for the project by Hexagon Transportation Consultants (Appendix I). It was determined that the "future with project" traffic noise levels would increase by approximately 1 dBA along University Avenue and 2 dBA along Kipling Street. Based on the Federal Transit Administration noise impact criteria, a 2 dB increase in noise levels due to a project would result in a significant noise impact where the ambient noise levels without the project are in excess of 76 dB. Where noise levels are less than 76 dB, a project-generated noise level increase of more than 2 dB is required for a finding of significant noise impact. Since the ambient noise levels in the project area are less than 76 dB without the project, the maximum noise increase of 2 dBA would result in a less-than-significant impact to noise levels as a result of project generated traffic.

The project site is not located within an airport land use plan or in the vicinity of a private airstrip. The closest airport is the Palo Alto Airport, which is located approximately 3.3 miles northeast of the site. There would be no impact associated with noise from planes.

Mitigation Measures
Mitigation Measure NOI-1: *Residential Uses:* Window and exterior door assemblies with Sound Transmission Class (STC) rating up to 45 and upgraded exterior walls shall be used in the residential portion of the proposed building to achieve the City's maximum instantaneous noise guideline for residential uses. The City of Palo Alto shall ensure that these standards are met through review of building plans as a condition of project approval.

Commercial Uses: Window and exterior door assemblies for the commercial portions of the building shall have a minimum STC rating of 32 at the corner of University Avenue and Kipling Street, and a minimum STC of 28 at all other commercial locations within the proposed building to comply with the State of California CalGreen noise

standards (maximum interior noise level of 50 dB during the peak hour of traffic). The City of Palo Alto shall ensure that these standards are met through review of building plans as a condition of project approval.

Mitigation Measure NOI-2: The residential portion of the proposed building shall have a ventilation or air-conditioning system to provide a habitable interior environment when windows are closed.

Mitigation Measure NOI-3: Noise levels from rooftop equipment shall be reduced to meet the City of Palo Alto Noise Ordinance requirements. An enclosure or other sound-attenuation measures at the exhaust fans shall be provided to reduce rooftop equipment noise is no greater than 8 dB above the existing ambient level at potential future neighboring buildings to meet the property plane noise limit. Use of quieter equipment than assumed in this analysis may support reduced mitigation, which shall be evaluated by a qualified acoustical consultant.

Significance after Mitigation
Less than significant.

M. POPULATION AND HOUSING

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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)?	1, 2, 3			**X**	
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	1, 2				**X**
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	1, 2				**X**
d) Create a substantial imbalance between employed residents and jobs?	1, 2				**X**
e) Cumulatively exceed regional or local population projections?	1, 2				**X**

DISCUSSION

The project would replace two existing one-story retail buildings with a four-story mixed-use building that would include a net increase of 8,774 square feet of commercial and office space and four residential dwelling units. The increase of four residential units would not add substantial population, nor is the increased commercial or office space expected to induce substantial population growth. The addition of four dwelling units in the University Avenue/Downtown area would provide a small amount of housing in the Downtown area, thereby improving the jobs-housing balance in this employment center.

The project would not displace any housing or people. Standard conditions of approval require fees to cover any increased need for housing. The City addresses the community's cumulative affordable housing needs through the Affordable Housing Fund, which is a local housing trust fund that provides financial assistance for the development of housing affordable to very low, low, and moderate-income households within the City. The Affordable Housing Fund is made up primarily of two sub-funds composed of local sources of housing monies: the Commercial Housing Fund and the Residential Housing Fund. The Commercial Housing Fund is funded

through fees paid under the requirements of Chapter 16.47 of the PAMC. Under this requirement, the project applicant would be required to pay into the City's Affordable Housing Fund at the time that building permits are issued. This fee is currently set at $18.44 per square foot for nonresidential development and would be applied only to the new gross square footage of commercial space proposed to be constructed at the site.

The Residential Housing Fund is funded through the City's Below-Market-Rate (BMR) Program, as expressed in Policy H-36 of the Housing Element and Chapter 18.14 of the PAMC. The BMR Program is intended to meet the City's goal of retaining an economically balanced community. Specifically, residential projects with four or fewer dwelling units are exempt from the City's BMR Program ordinance based on the City's determination that construction of four or fewer units would not have a significant effect on affordable housing in the City, even in a cumulative context. As the project proposes construction of four residential units, it is exempt from the BMR program.

With compliance with the PAMC and standard conditions of approval regarding payment of the Affordable Housing Fee, impacts would be less than significant and no mitigation is required.

Mitigation Measures
None required.

N. PUBLIC SERVICES

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
Fire protection?	1, 2				**X**
Police protection?	1, 2				**X**
Schools?	1, 2				**X**
Parks?	1, 2				**X**
Other public facilities?	1, 2				**X**

DISCUSSION

The proposed project is located in an urban area that is currently served by the City Police and Fire Departments and the four proposed residential units would not cause a substantial increase in population that would demand additional services. In addition, the conditions of approval for the project contain requirements to address all fire prevention measures. Standard conditions of approval require fees to address any increased need for community

facilities, schools, and housing. With payment of development impact fees for community facilities, schools, libraries, and parks, the project's impact would be less than significant and no mitigation is required.

Mitigation Measures
None required.

O. RECREATION

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	1, 2				**X**
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?	1, 2				**X**

DISCUSSION

The proposed project would construct a new mixed-use building with commercial and office space and four residential units replacing two existing retail buildings. The 8,774-square-foot increase in commercial and office space and the addition of four residential units are not expected to have a significant effect on existing recreational facilities. Development impact fees for parks and community facilities for the increase in floor area and residential units are required per City ordinance. Therefore, no impact would occur and no mitigation is required.

Mitigation Measures
None required.

P. TRANSPORTATION AND TRAFFIC

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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)?	1, 2, 17			**X**	
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	1, 2, 17				**X**
c) Result in change in air traffic patterns, including either an increase in traffic levels	1, 2				**X**

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
or a change in location that results in substantial safety risks?					
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	1, 2		**X**		
e) Result in inadequate emergency access?	1, 2				**X**
f) Result in inadequate parking capacity?	1, 2				**X**
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian, transit & bicycle facilities)?	1, 2, 3				**X**
h) Cause a local (City of Palo Alto) intersection to deteriorate below Level of Service (LOS) D and cause an increase in the average stopped delay for the critical movements by four seconds or more and the critical volume/capacity ratio (V/C) value to increase by 0.01 or more?	1, 2, 17			**X**	
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?	1, 2, 17				**X**
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?	1, 2, 17				**X**
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?	1, 2, 17				**X**
l) Cause any change in traffic that would increase the Traffic Infusion on Residential Environment (TIRE) index by 0.1 or more?	1, 2, 17				**X**
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.	1, 2, 17			**X**	
n) Impede the development or function of	1, 2, 3				**X**

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
planned pedestrian or bicycle facilities?					
o) Impede the operation of a transit system as a result of congestion?	1, 2, 17				**X**
p) Create an operational safety hazard?	1, 2				**X**

DISCUSSION

Hexagon Transportation Consultants, Inc. prepared the *Transportation Impact Analysis for 429 University Avenue Mixed-Use* (Transportation Impact Analysis; Hexagon 2014, included in Appendix I). The analysis was completed in a manner consistent with other transportation impact studies in the City of Palo Alto and the Santa Clara Valley Transportation Authority (VTA) Traffic Impact Analysis guidelines. This includes use of the level of service (LOS) methodology described in Chapter 16 of the *2000 Highway Capacity Manual* (2000 HCM; TRB 2000) for signalized intersections, use of the LOS methodology described in Chapter 17 of the 2000 HCM for unsignalized intersections, and use of the methodologies and standards described in the VTA *2013 Congestion Management Plan* (CMP) for intersections included in the CMP (VTA 2013).

The magnitude of traffic generated by the proposed project was estimated by Hexagon by applying applicable trip generation rates to the existing and proposed building. These calculations (see Table 6) are based on the trip generation rates published in the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, ninth edition (ITE 2012). The project would replace existing retail/restaurant space of the same size; therefore, trip generation from the first floor retail/restaurant space is excluded from the analysis. In addition, the rooftop office/lunchroom is intended for use by office employees and it therefore included in the office space calculation for trip generation purposes only. The trip generation estimates do not reflect potential reductions from the robust transit, bicycle, and pedestrian access at the project location. In this respect, the project trip generation estimates are conservative.

Table 6
Project Trip Generation

Land Use Type	Size	Daily Rate	Daily Trips	AM Peak Hour				PM Peak Hour			
				Rate[1]	*In*	*Out*	*Total*	*Rate*[1]	*In*	*Out*	*Total*
General Office	12.603 ksf	6.65	139	1.56	17	2	20	1.49	3	16	19
Apartment	4 du	11.03	27	0.51	0	2	2	0.62	1	1	2
Net Project Trips			**166**		**17**	**4**	**22**		**4**	**17**	**21**

Source: Hexagon 2014.
[1] Trip rates based on ITE 2012, Office (710), Apartment (230).
ksf = 1,000 square feet; du = dwelling units

The proposed project is calculated to cause 22 new AM peak hour trips and 21 new PM peak hour trips. Hexagon applied the project's trip generation and trip distribution estimates to each of the study intersections to determine whether the project would result in a significant change in LOS at any location. The Transportation Impact Analysis evaluated the following five intersections:

1. University Avenue and Kipling Street
2. Lytton Avenue and Kipling Street
3. University Avenue and Middlefield Road
4. Lytton Avenue and Middlefield Road

5. Lytton Avenue and Alma Street

The project would create a significant adverse impact on traffic conditions at a signalized intersection in the City of Palo Alto if for either peak hour:

1. The level of service at the intersection degrades from an acceptable LOS D or better under no project conditions to an unacceptable LOS E or F under project conditions, or

2. The level of service at the intersection is an unacceptable LOS E or F under no project conditions and the addition of project trips causes both the critical-movement delay at the intersection to increase by 4 seconds or more and the critical-movement volume-to-capacity ratio (V/C) to increase by .01 or more.

An exception to this rule applies when the addition of project traffic reduces the amount of average delay for critical movements (i.e. the change in average delay for critical movements is negative). In this case, the threshold of significance is an increase in the critical V/C value by .01 or more. The results of the LOS analysis are shown in Table 7.

Table 7
Project Effects on LOS and Delay

Intersection (control)	Peak Hour	Average Delay (in seconds) and LOS							
		Existing	***Existing Plus Project***	**Δ *Critical Delay***	**Δ *Critical V/C***	***Cumulative No Project***	***Cumulative Plus Project***	**Δ *Critical Delay***	**Δ *Critical V/C***
1. University Avenue and Kipling Street (Signal)	AM	9.5 A	9.7 A	0.1	0.003	10.6 B	10.7 B	0.2	0.004
	PM	9.9 A	10.6 B	0.1	0.006	10.7 B	11.4 B	0.2	0.008
2. Lytton Avenue and Kipling Street (TWSC)	AM	17.6 C	17.7 C	--	--	22.9 C	23.0 C	--	--
	PM	15.0 B	15.1 C	--	--	18.6 C	19.1 C	--	--
3. University Avenue and Middlefield Road (Signal)	AM	28.2 C	28.2 C	0.0	0.001	28.6 C	28.6 C	0.0	0.001
	PM	31.3 C	31.3 C	0.0	0.000	**260.5 F**	**260.3 F**	0.0	0.000
4. Lytton Avenue and Middlefield Road (Signal)	AM	30.6 C	30.6 C	0.0	0.001	36.1 D	36.1 D	0.1	0.001
	PM	37.0 D	37.0 D	0.0	0.001	**158.5 F**	**158.8 F**	0.1	0.001
5. Lytton Avenue and Alma Street (Signal)	AM	18.0 B	18.1 B	0.2	0.002	18.6 B	18.7 B	0.2	0.003
	PM	20.9 C	21.0 C	0.2	0.002	23.6 C	23.8 C	0.2	0.002

TWSC = two-way stop control
Bold indicates a substandard level of service.

The results in Table 7 show that all of the intersections would continue to operate at acceptable levels of service (LOS D or better) during both the AM and PM peak hours of traffic under existing plus project conditions.

The results in Table 7 also show that two of the signalized study intersections (University Avenue & Kipling Street and Lytton Avenue & Alma Street) would continue to operate adequately (LOS D or better) under cumulative plus project conditions. Two other signalized intersections (University Avenue & Middlefield Road and Lytton Avenue & Middlefield Road) are expected to operate at unacceptable levels of service (LOS F) under cumulative conditions both with and without the project. The project traffic would not cause a significant impact on the operation of these intersections, based on the significance criteria described above. As shown in Table 7, project traffic would only increase the critical delay by 0.1 second and the critical V/C value by 0.001, which are less than the significance thresholds of 4 seconds and 0.01, respectively.

Pedestrian, Bicycle, and Transit Facilities

The Transportation Impact Analysis conducted by Hexagon also considered impacts to pedestrian, bicycle, and transit facilities. The project location is approximately 0.5 miles from the Caltrain station and transit center and in a pedestrian and bicycle friendly downtown area, and the underground parking garage is proposed to include bike lockers and a shower room for employees. It is reasonable to assume that some employees would utilize transit or bicycles. Due to the project size, it is unlikely to produce significant bicycle trips or pedestrian trips or impact the nearby trains and buses. It is expected that these additional trips could easily be accommodated by the existing bicycle, pedestrian, and transit facilities.

Site Access and Onsite Circulation

Access to the alley adjacent to the site (Lane 30) would be assisted by breaks in traffic on Waverly Street created by the nearby traffic signals at Lytton Avenue and University Avenue. In the event that a vehicle making a right turn out of the alley onto Kipling Street encountered a significant queue, the driver might choose to make a left turn onto Kipling Street and then onto Lytton Avenue to circle around the block. Such maneuvers are common in downtown settings during commute periods. Based on the estimated traffic generated during the peak periods, it is anticipated that the project's garage access to and from Lane 30 at Waverly and Kipling Streets, respectively, would operate acceptably and would be typical of a development in an urban setting with underground parking. To ensure safety for vehicles using the parking garage, Mitigation Measure TRANS-1 requires that mirrors and/or a warning light be installed at garage entrance/exit.

Truck access and loading would be provided adjacent to the project site via the alley (Lane 30). The alley is 20 feet in width and truck loading requires a width of 10 feet, which leaves the remaining 10 feet available for vehicles to pass in this one-way alley. The alley currently provides adequate truck access for other adjacent businesses, and it is expected that it would provide adequate access for the proposed project as well since the width of the alley would remain the same.

Adequate corner sight distance is required at the exit of the alley to ensure that drivers can see approaching vehicles on Kipling Street. Sight distance is typically measured approximately 10 feet back from the traveled way. The proposed project would provide a 4-foot setback from the edge of the alley. The project would also replace the large street tree nearest this corner which would improve the visibility of the roadway. The combination of the setback and the tree removal is expected to provide adequate visibility of other vehicles and pedestrians.

The onsite circulation was reviewed in accordance with generally accepted traffic engineering standards. Generally, the proposed plan would provide one main drive aisle that would lead to an underground parking structure. Parking is shown at 90 degrees to the main drive aisle. This drive aisle makes several 90 degree turns to spiral down to the farthest parking spaces. The City parking facility design standards specify a minimum width of 16 feet for two-way underground ramps; 25 feet for two-way drive aisles lined with 8.5 foot wide, 90 degree spaces; and maximum slope of 2% adjacent to accessible parking spaces. Additionally, bike lockers require a five foot aisle in front of the door openings. The proposed parking plan meets these minimum specifications, as well as providing the minimum dimensions for standard, accessible, and van-accessible spaces. However, due to the

limited footprint of the underground parking, vehicles are required to navigate tight 90 degree turns near the ends of both ramps and the middle of the lower ramp, where sight lines may be restricted. To ensure safety for vehicles using the parking garage, Mitigation Measure TRANS-2 requires that mirrors be installed in the parking garage to provide adequate site distance.

Parking

The project was also found to meet the applicable parking requirements of the PAMC. Specifically, the PAMC requires that the project provide one parking space for every 250 square feet of new commercial space and two spaces for each of the residential units plus guest spaces (one space plus 10%). The proposed project would require 82 parking spaces for 20,407 square feet of commercial use and 10 parking spaces for four residential units, for a total of 92 parking spaces. However, the property was previously assessed and paid in-lieu fees for 37 parking spaces in the University Avenue Parking Assessment District and is eligible to receive 5,000 square feet of TDRs exempted from parking (equivalent to 20 parking spaces). Based on these adjustments, the project is required to provide a total of 35 vehicle parking spaces. The project proposes to include a total of 40 parking spaces, exceeding the parking requirement by five spaces. The 40 parking spaces would be provided in the two-level underground parking garage.

The project would also meet the applicable bicycle parking requirements. PAMC Section 18.52.040 requires 1 bicycle space per 2,500 square feet of gross floor area, with a mix of 80% for long-term parking and 20% for short-term parking. In addition, 4 long-term bicycle spaces (1 per unit) are required for the residential units. The project is required to provide 13 total bicycle parking spaces. As reflected in the site plans, the project proposes to provide 7 long-term bicycle parking spaces within the underground parking garage and 6 short-term bicycle parking spaces near the entrances of the building on University Avenue and Kipling Street. The bicycle parking spaces provided on the project site meet the requirements of Ordinance 18.52.040 and follow layout requirements of PAMC Section 18.54.060.

While this project does not include an explicit transportation demand management (TDM) plan, several elements common to TDM are present. Most importantly, the project is located in a transit-rich and pedestrian friendly location. Second, the project proposes to include both bicycle lockers and a restroom with a shower. Both of these features should result in some reduction in automobile trips generated by the project and reduce the amount of parking needed by employees. In addition, the project is in a good location for transit-related TDM strategies that may be implemented by future tenants, such as Caltrain and VTA Go Passes or reimbursement of transit fares. However, due to the small project trip generation, a TDM plan is not necessary to reduce peak hour trips.

Mitigation Measures
Mitigation Measure-TRANS-1: Mirrors shall be installed at the parking garage driveway to allow drivers to see when a pedestrian or vehicle is approaching in Lane 30.

Mitigation Measure-TRANS-2: Mirrors shall be installed at each turn within the parking garage to provide adequate sight distance.

Significance after Mitigation
Less than significant.

Q. UTILITIES AND SERVICE SYSTEMS

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	1, 2				**X**
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?	1, 2				**X**
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?	1, 2			**X**	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	1, 2				**X**
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?	1, 2				**X**
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	1, 2				**X**
g) Comply with federal, state, and local statutes and regulations related to solid waste?	1, 2				**X**
h) Result in a substantial physical deterioration of a public facility due to increased use as a result of the project?	1, 2				**X**

DISCUSSION

The proposed project would not significantly increase the demand on existing utilities and service systems, or use resources in a wasteful or inefficient manner. Standard conditions of approval require the applicant to submit calculations by a registered civil engineer to show that the on-site and off-site water, sewer, and fire systems are capable of serving the needs of the development and adjacent properties during peak flow demands. The project would tie into the City's existing water, wastewater, and storm drain infrastructure and would not require the construction of new water or wastewater treatment facilities. In addition, the project would comply with the green building requirements set forth in the California Green Building Code and the City's Build It Green program. This would ensure that water conservation and solid waste reduction measures are included in the project to reduce demands for utility services. The project's impacts on utility services would be less than significant and no mitigation is required.

Mitigation Measures

None required.

R. MANDATORY FINDINGS OF SIGNIFICANCE

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	1, 2			**X**	
b) Does the project have impacts that are individually limited, but cumulatively considerable ("cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	1, 2			**X**	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	1, 2		**X**		

DISCUSSION

The proposed project would not have an impact on fish or wildlife habitat, nor would it impact cultural or historic resources with mitigation as described in Sections D and E. As described in Section A, Aesthetics, the proposed use is appropriate for the site and although the project would alter the visual character of the site, the building has been designed to ensure that it does not result in an adverse visual impact. The project's impacts would all be reduced to below a level of significance through implementation of the mitigation measures described in the previous sections. The project would therefore not result in any cumulatively considerable impacts. There is nothing in the nature of the proposed development and property improvements that would have a substantial adverse effect on human beings, or other life or environmental impacts once mitigation is implemented to reduce potential impacts from hazardous materials and noise as described in Sections H and L.

III SOURCE REFERENCES

SOURCES (CHECKLIST KEY)

1. Project Planner's knowledge of the site and the proposed project.
2. Project Plans (Appendix A)
3. Palo Alto Comprehensive Plan 1998–2010 (City of Palo Alto 2007)
4. Palo Alto Municipal Code, Title 18, Zoning Ordinance
5. Palo Alto Municipal Code, Section 8.10.030, Tree Technical Manual
6. Air Quality Modeling Results, 2014 (Appendix B)
7. Cultural Resources Memorandum (Appendix C)
8. Historic Architectural Evaluations, 2014 (Appendix D)
9. Geotechnical Investigation, 2013 (Appendix E)
10. Phase I ESA 425 University Avenue and 450 Kipling Street, 2014 (Appendix F)
11. Phase I ESA for the Commercial Buildings, 1999 (Appendix F)
12. Environmental Transaction Screen, 429–447 University Avenue, 2010 (Appendix F)
13. Impervious Area Worksheet for Land Developments, 2014 (Appendix G)
14. Special Projects Worksheet, 2014 (Appendix G)
15. Environmental Noise Study, 2014 (Appendix H)
16. Palo Alto Municipal Code, Section 9.10, Noise Ordinance
17. Traffic Impact Analysis, 2014 (Appendix I)

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14 CCR 15000–15387 and Appendices A–L. Guidelines for Implementation of the California Environmental Quality Act, as amended.

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REPORT PREPARERS

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IV DETERMINATION

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	
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.	**X**
I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.	
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.	
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.	

_____ _____

Project Planner **Date**

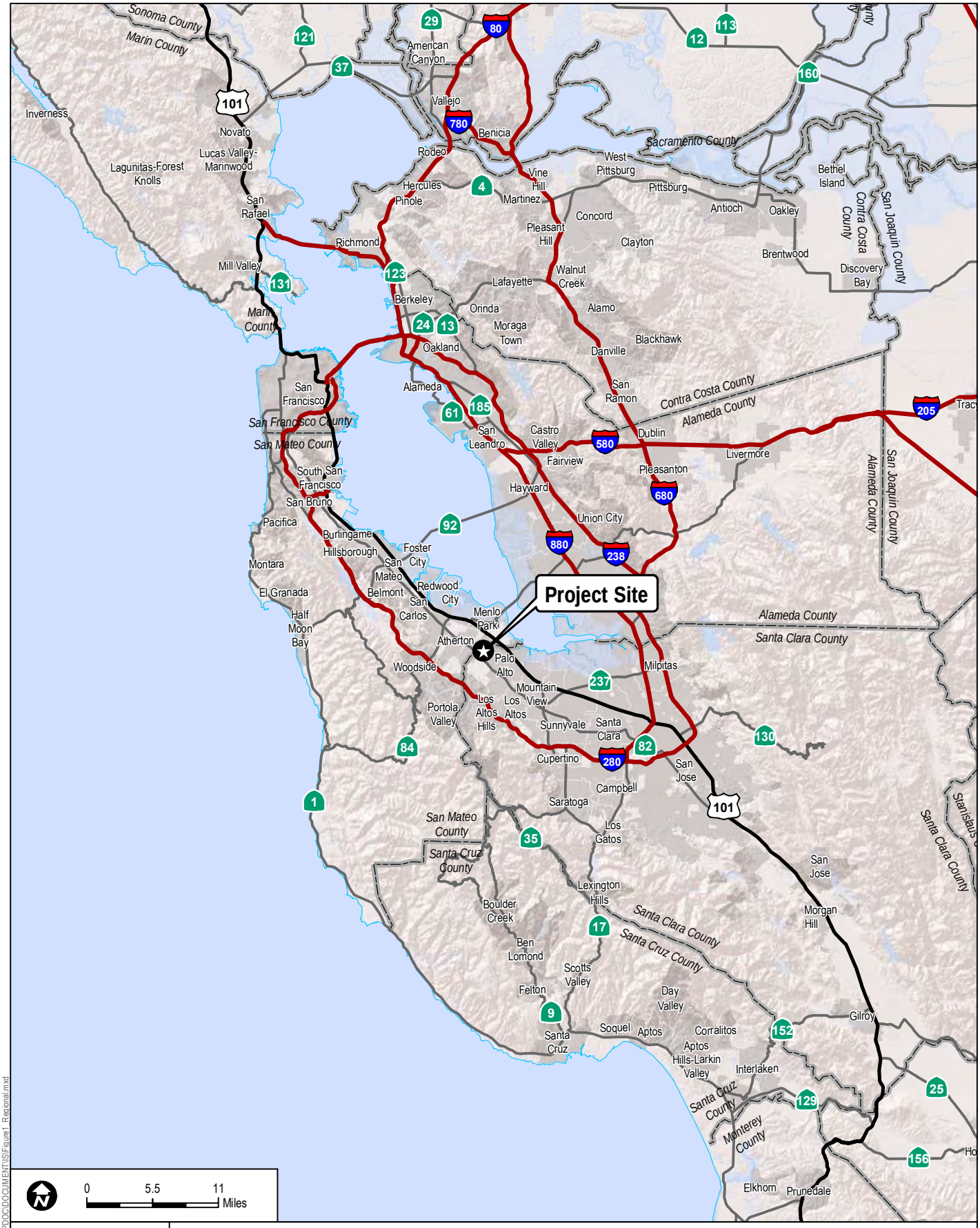

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FIGURE 1

Regional Map

429 UNIVERSITY AVENUE INITIAL STUDY

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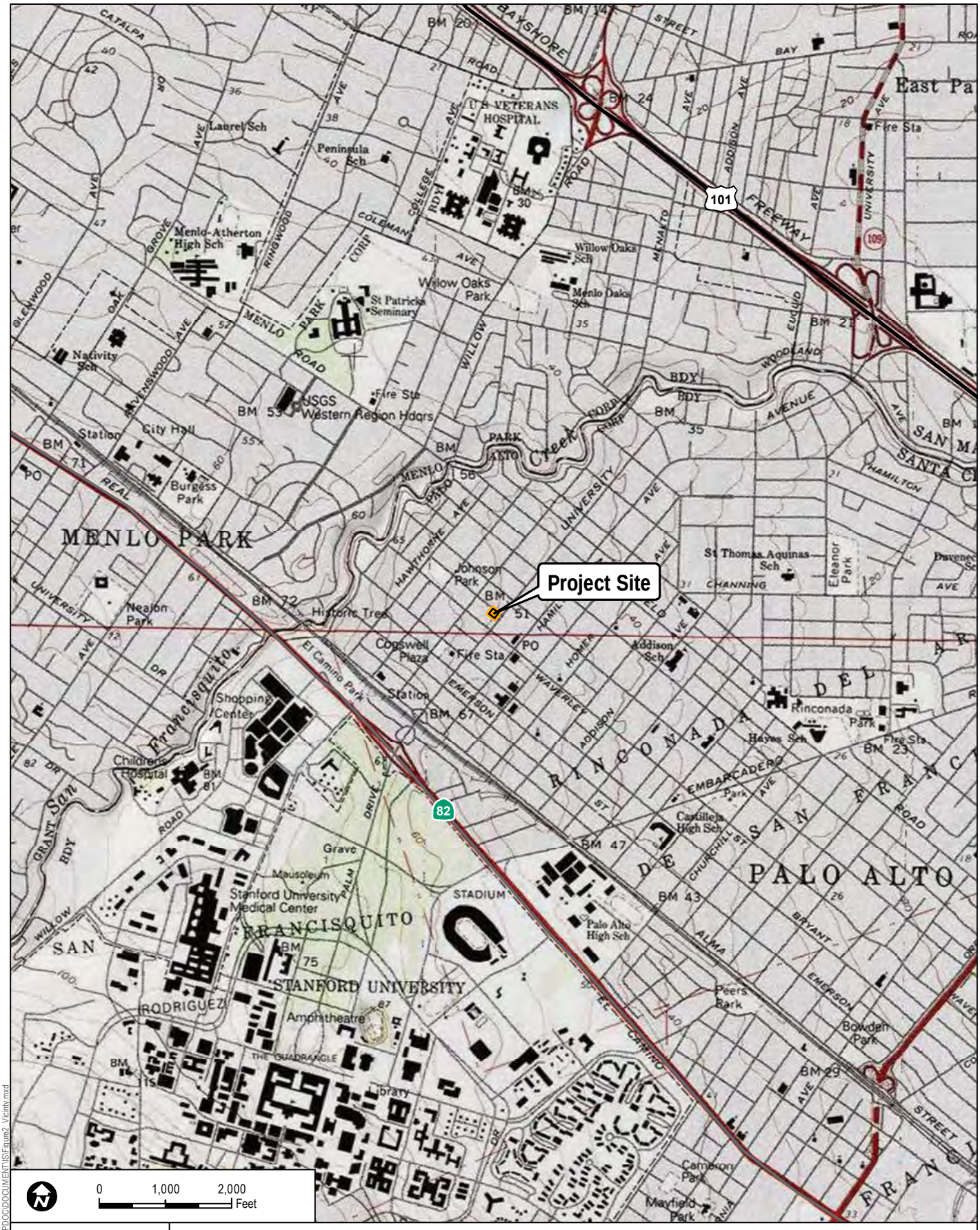

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SOURCE: USGS 7.5-Minute Series Palo Alto Quadrangle.

FIGURE 2
Vicinity Map

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429 UNIVERSITY AVENUE INITIAL STUDY

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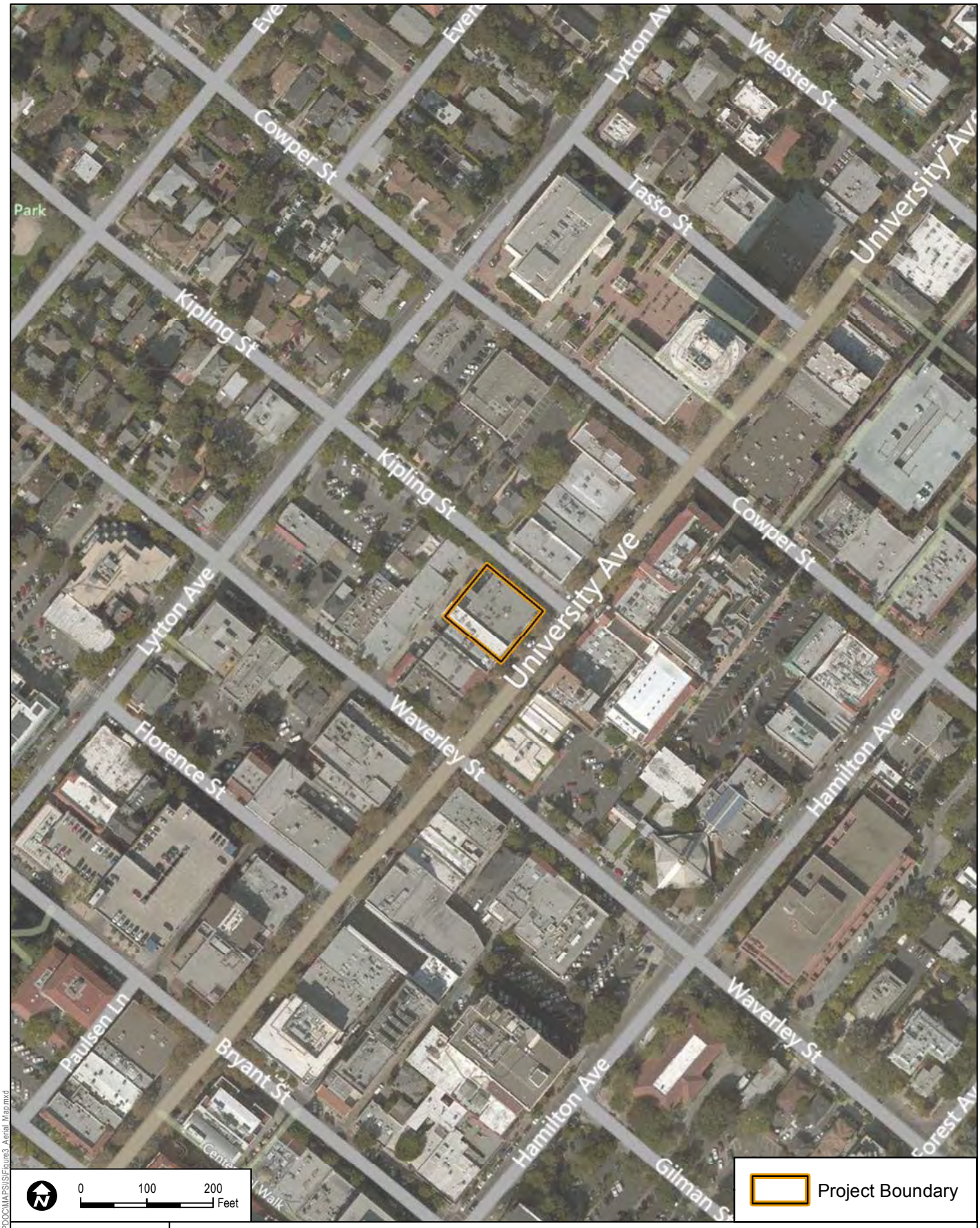

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SOURCE: BING 2014

FIGURE 3
Aerial Map

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429 UNIVERSITY AVENUE INITIAL STUDY

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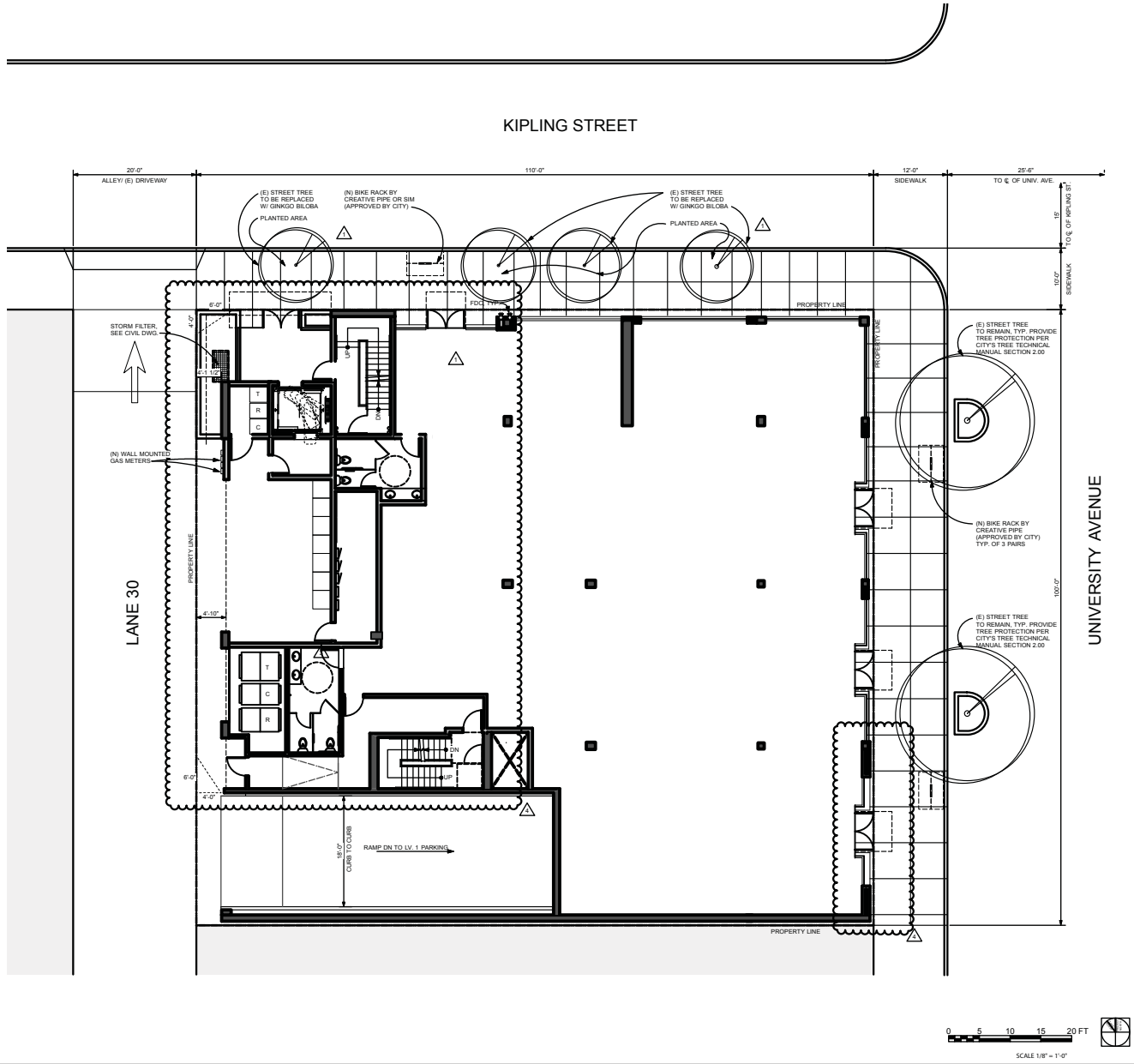

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SOURCE: Hayes Group Architects, Inc. 2014

FIGURE 4
Site Plan

429 University Avenue Initial Study

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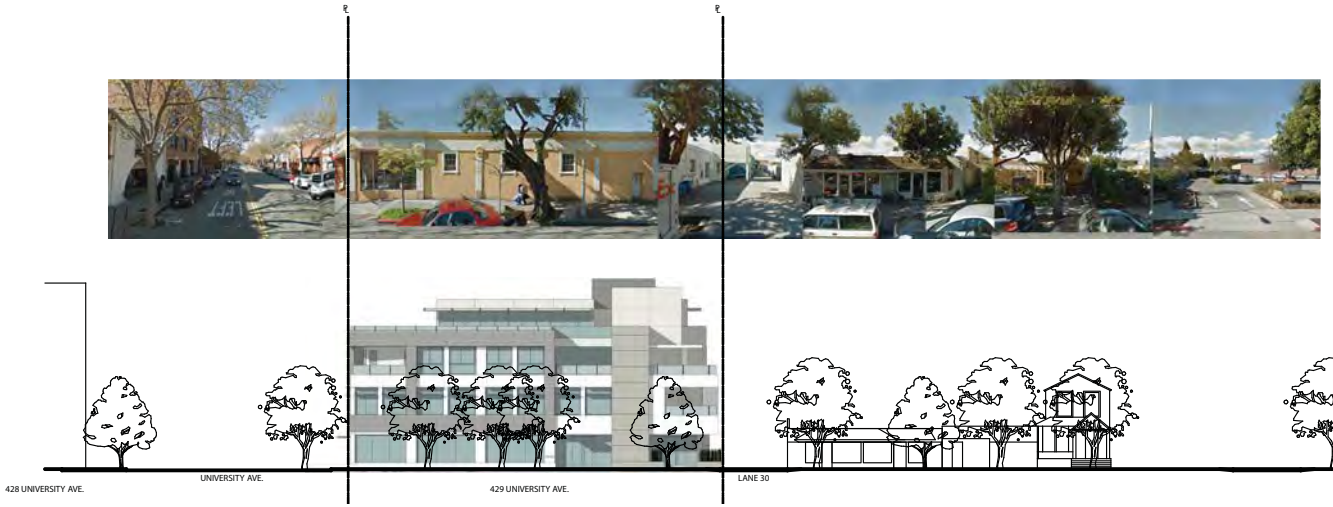

KIPLING ST. STREETSCAPE 2
SCALE 1/16" = 1'-0"

UNIVERSITY AVE. STREETSCAPE ELEVATION 1
SCALE 1/16" = 1'-0"

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SOURCE: Hayes Group Architects, Inc. 2014

FIGURE 5
Elevations

429 University Avenue Initial Study

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VIEW FROM ACROSS UNIVERSITY AVE. 4
N.T.S.

VIEW FROM ACROSS KIPLING STREET 2
N.T.S.

AERIAL VIEW FROM UNIVERSITY AVE. AND KIPLING STREET 3
N.T.S.

VIEW FROM UNIVERSITY AVE. AND KIPLING ST. 1
N.T.S.

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SOURCE: Hayes Group Architects, Inc. 2014

FIGURE 6
Perspective Renderings

429 University Avenue Initial Study

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429 University Avenue Project
Mitigation Monitoring Program

INTRODUCTION

Section 15097 of the Guidelines for the California Environmental Quality Act (CEQA) requires that, whenever a public agency approves a project based on a Mitigated Negative Declaration (MND) or an Environmental Impact Report (EIR), the public agency shall establish a mitigation monitoring or reporting program to ensure that all adopted mitigation measures are implemented.

This Mitigation Monitoring Program (MMP) is intended to satisfy this requirement of the CEQA Guidelines as it relates to the Fountain Square Medical Office Building project. This MMP would be used by City staff and mitigation monitoring personnel to ensure compliance with mitigation measures during project implementation. Mitigation measures identified in this MMP were developed in the Initial Study prepared for the proposed project.

As noted above, the intent of the MMP is to ensure the effective implementation and enforcement of all adopted mitigation measures. The MMP will provide for monitoring of construction activities, as necessary, and in the field identification and resolution of environmental concerns.

MITIGATION MONITORING PROGRAM DESCRIPTION

The City of Palo Alto will coordinate monitoring activities and ensure appropriate documentation of mitigation measure implementation. The table below identifies each mitigation measure for the 385 Sherman Avenue Project and the associated implementation, monitoring, timing and performance requirements.

The MMP table presented on the following pages identifies:

1. the full text of each applicable mitigation measure;
2. the party or parties responsible for implementation and monitoring of each measure;
3. the timing of implementation of each mitigation measure including any ongoing monitoring requirements; and
4. performance criteria by which to ensure mitigation requirements have been met.

Following completion of the monitoring and documentation process, the final monitoring results will recorded and incorporated into the project file maintained by the City's Department of Planning and Community Environment.

It is noted that the mitigation measure numbering reflects the numbering used in the Initial Study prepared for the 429 University Avenue Project (Dudek 2014).

429 University Avenue Project
Mitigation Monitoring Program

No mitigation measures are required for the following resources:		
▪ Aesthetics ▪ Agricultural Resources ▪ Air Quality ▪ Geology, Soils, and Seismicity	▪ Greenhouse Gas Emissions ▪ Hydrology and Water Quality ▪ Land Use and Planning ▪ Mineral Resources	▪ Population and Housing ▪ Public Services ▪ Recreation ▪ Utilities and Service Systems

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing	Performance Evaluation Criteria
BIOLOGICAL RESOURCES				
Mitigation Measure BIO-1: The following measures shall be implemented to reduce impacts to protected trees: • City of Palo Alto (City)-approved Modified Type III fencing shall be installed for the two street trees to be retained along University Avenue. City-approved tree protection signs shall be posted on all fencing. • Soil conditions for the four new trees to be planted along Kipling Street shall be improved by preparing a planting area at least 6 feet square for each tree and installing Silva Cells to reduce compaction. The Silva Cells shall be filled with proper soil amendments and growing medium as determined by the City Arborist. • Unless otherwise approved, each new tree shall be provided with 1,200 cubic feet of rootable soil area, utilizing Standard Drawing #604/513. Rootable soil is defined as compaction less than 90% over the area, not including sidewalk base areas. • Two bubbler drip irrigation units shall be installed for each new tree to adequately water the new planting area. • New sidewalk shall be installed such that the final planting space opening is at least 5 feet by 5 feet for each new tree.	Applicant	City of Palo Alto Urban Forestry Group/Planning Division Arborist	• Prior to issuance of demolition, grading, and building permits • During demolition, excavation, and construction	• Approved site plans reflect applicable conditions • Field inspections conducted to verify adherence to conditions

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing	Performance Evaluation Criteria
• Kiva tree grates shall be used around each new tree. • Replacement tree size shall be a 36-inch box, properly structured nursery stock. • Based on growth habit and proven performance, *Ginkgo biloba* "Autumn Gold" is highly recommended for the replacement trees. Other tree species may be approved by the City Arborist. • All work within the Tree Protection Zone, including canopy pruning of protected trees, shall be supervised by a Certified Arborist approved by the City.				
CULTURAL RESOURCES				
Mitigation Measure CUL-1: Prior to commencement of site clearing and project grading, the project applicant shall retain a qualified archaeologist to train construction personnel regarding how to recognize cultural resources (such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains) that could be encountered during construction activities. If artifacts or unusual amounts of shell or bone or other items indicative of buried archaeological resources or human remains are encountered during earth disturbance associated with the proposed project, the on-site contractor shall immediately notify the City of Palo Alto (City) and the Native American Heritage Commission as appropriate. All soil-disturbing work shall be halted within 100 feet of the discovery until a qualified archaeologist, as defined by the California Environmental Quality Act (CEQA) Guidelines (14 CCR 15000 et seq.) and the City, completes a significance evaluation of the finds pursuant to Section 106 of the National Historic Preservation Act. Any human remains unearthed shall be treated in accordance with California Health and Safety Code, Section 7050.5, and California Public Resources Code, Sections 5097.94, 5097.98, and 5097.99, which include requirements to	Applicant	City of Palo Alto	Prior to and during earth disturbance	• Training materials provided to construction contractors • Field inspections conducted to verify compliance

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing	Performance Evaluation Criteria
notify the Santa Clara County Medical Examiner's office and consult with Native American representatives determined to be the Most Likely Descendants, as appointed by the Native American Heritage Commission. Identified cultural resources shall be recorded on State Department of Parks and Recreation Form 523 (archaeological sites). Mitigation measures prescribed by the Native American Heritage Commission, the Santa Clara County Medical Examiner's office, and any Native American representatives determined to be the Most Likely Descendants and required by the City shall be undertaken before construction activities are resumed. If disturbance of a project area cultural resource cannot be avoided, a mitigation program, including measures set forth in the City's Cultural Resources Management Program and in compliance with Sections 15064.5 and 15126.4 of the CEQA Guidelines, shall be implemented.				
HAZARDS AND HAZARDOUS MATERIALS				
Mitigation Measure HAZ-1: Prior to building demolition, the project applicant shall demonstrate to the satisfaction of the City of Palo Alto that a survey of the existing buildings has been conducted by a qualified environmental specialist who meets the requirements of the current U.S. Environmental Protection Agency regulations for suspected lead-containing materials (LCMs), including lead-based paint/coatings; asbestos containing materials (ACMs); and the presence of polychlorinated biphenyls (PCBs). Any demolition activities likely to disturb LCMs or ACMs shall be carried out by a contractor trained and qualified to conduct lead- or asbestos-related construction work. If found, LCMs and ACMs shall be disposed of in accordance with state and federal regulations, including the EPA's Asbestos National Emissions Standards for Hazardous Air Pollutants, the Cal-OSHA Construction Lead Standard (CCR Title 8, Section 1432.1), and California Department of Toxic Substances Control and EPA	Applicant	City of Palo Alto Department of Planning and Community Environment	Prior to issuance of demolition permit and during demolition	Building survey report submitted LCMs and ACMs handled by qualified contractor and disposed of in accordance with the U.S. Environmental Protection Agency's (EPA) Asbestos National Emissions Standards for Hazardous Air Pollutants, the California Occupational Health and Safety's

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing	Performance Evaluation Criteria
requirements for disposal of hazardous waste. If PCBs are found, these materials shall be managed in accordance with the Metallic Discards Act of 1991 (California Public Resources Code, Sections 42160–42185) and other state and federal guidelines and regulations. Demolition plans and contract specifications shall incorporate any necessary abatement measures in compliance with the Metallic Discards Act, particularly Section 42175, Materials Requiring Special Handling, for the removal of mercury switches, PCB-containing ballasts, and refrigerants.				Construction Lead Standard (CCR Title 8, Section 1432.1), and California Department of Toxic Substances Control and EPA requirements for disposal of hazardous waste. PCBs, mercury and other hazardous building materials handled by qualified contractor and disposed of in accordance with applicable regulations as identified.
NOISE				
Mitigation Measure NOI-1: Residential Uses: Window and exterior door assemblies with Sound Transmission Class (STC) rating up to 45 and upgraded exterior walls shall be used in the residential portion of the proposed building to achieve the City's maximum instantaneous noise guideline for residential uses. The City of Palo Alto shall ensure that these standards are met through review of building plans as a condition of project approval. Commercial Uses: Window and exterior door assemblies for the commercial portions of the building shall have a minimum STC rating of 32 at the corner of University Avenue and Kipling Street, and a minimum STC of 28 at all other commercial	Applicant	City of Palo Alto Department of Planning and Community Environment	Prior to issuance of building permit	Approved building plans shall include window sound transmission ratings and interior noise levels verification from a qualified acoustical consultant.

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing	Performance Evaluation Criteria
locations within the proposed building to comply with the State of California CalGreen noise standards (maximum interior noise level of 50 dB during the peak hour of traffic). The City of Palo Alto shall ensure that these standards are met through review of building plans as a condition of project approval.				
Mitigation Measure NOI-2: The residential portion of the proposed building shall have a ventilation or air-conditioning system to provide a habitable interior environment when windows are closed.	Applicant	City of Palo Alto Department of Planning and Community Environment	Prior to issuance of building permit	Approved building plans shall include details of the residential ventilation system.
Mitigation Measure NOI-3: Noise levels from rooftop equipment shall be reduced to meet the City of Palo Alto Noise Ordinance requirements. An enclosure or other sound-attenuation measures at the exhaust fans shall be provided to reduce rooftop equipment noise is no greater than 8 dB above the existing ambient level at potential future neighboring buildings to meet the property plane noise limit. Use of quieter equipment than assumed in this analysis may support reduced mitigation, which shall be evaluated by a qualified acoustical consultant.	Applicant	City of Palo Alto Department of Planning and Community Environment	Prior to issuance of building permit	Approved building plans shall include garage exhaust fan manufacturer's information regarding equipment noise levels and noise attenuation details
TRANSPORTATION AND TRAFFIC				
Mitigation Measure TRANS-1: Mirrors shall be installed at the parking garage driveway to allow drivers to see when a pedestrian or vehicle is approaching in Lane 30.	Applicant	City of Palo Alto Department of Planning and Community Environment	Prior to issuance of building permit	Approved building plans shall include parking garage mirrors
Mitigation Measure-TRANS-2: Mirrors shall be installed at each turn within the parking garage to provide adequate sight distance.	Applicant	City of Palo Alto Department of Planning and Community Environment	Prior to issuance of building permit	Approved building plans shall include parking garage mirrors

TO: Christy Fong
Palo Alto Planning Dept

DATE: June 25, 2014

RE: 429 University Ave.

I write in regards to the proposed project at 429 University Ave as I own a business adjacent to this project: Be Yoga at 440 Kipling St.

I am thrilled at the idea of a new building and I love being a part of the continued growth and progress on in the downtown area. There have been many changes on University Ave and in the surrounding area recently, and I am in support of all of these improvement. I have two concerns about traffic flow given the proposal for 429 University Ave.

First, the alleyway off of Kipling St. is currently overly congested with delivery trucks stacked double wide delivering to the Footwear Etc., Design Within Reach, Shady Lane, Marine Layer, The Giants Dugout, and the four cafes, and eye glass store on the alley. There area also cars driving on the alley from these businesses that already push the limits of its given width with parking spaces as extra space for delivery vans to drive around each other. The alley is currently stopped up at least 3-5 times per day. I have witnessed this first hand as my building has four doors with access to this volume of traffic. Any abatement of the width at the juncture of the mouth of the alley should be at least a small a consideration given the volume of traffic that goes through the alley.

Second, Kipling St. itself is a narrow street. To my knowledge it is unique in its narrowness, as only one car can fit down in one direction at a time. I have witnessed on several occasions cars causing mirror damage to other cars trying to navigate this narrow street in both directions at the same time. The larger concern is where Kipling St. meets University Ave. At present, if a car wants to turn right from University Ave. onto Kipling St. and one or more cars are waiting to turn from Kipling St. onto University Ave., there is simply not enough space for the cars turning off of University Ave. onto Kipling St. and the cars from Kipling St onto University Ave. It seems this is a systemic problem with the street itself as you continue down Kipling St. toward Lytton there is really no extended space where two cars can drive in opposite directions at the same time. I would imagine that the existing project would increase the number of vehicles on this street to something that the city should be aware of and it may be worthwhile to investigate to make sure the flow of traffic is viable for the overall well being of the downtown district.

In closing, I am excited about this development, and I am grateful to be a part of this community. I hope it will not increase traffic to the scope it proposes on the alleyway nor Kipling St., as both of these junctures are unique in the downtown area in their ratio of square footage of space vs traffic they are designed to handle.

Thank you very much for your consideration.

Lisa Haley
Owner
Be Yoga
440 Kipling St.
650-644-8749
lisamariehaley@gmail.com

Fong, Christy

From: lisa marie <lisamariehaley@gmail.com>
Sent: Monday, August 25, 2014 12:27 PM
To: Fong, Christy
Subject: 429 University
Attachments: 429 University.pdf

Good Afternoon Christy,

I write in regards to the proposed project at 429 University Ave as I own a business adjacent to this project: Be Yoga at 440 Kipling St.

I am thrilled at the idea of a new building and I love being a part of the continued growth and progress on in the downtown area. There have been many changes on University Ave and in the surrounding area recently, and I am in support of all of these improvement. I have two concerns about traffic flow given the proposal for 429 University Ave.

First, the alleyway off of Kipling St. is currently overly congested with delivery trucks stacked double wide delivering to the Footwear Etc., Design Within Reach, Shady Lane, Marine Layer, The Giants Dugout, and the four cafes, and eye glass store on the alley. There area also cars driving on the alley from these businesses that already push the limits of its given width with parking spaces as extra space for delivery vans to drive around each other. The alley is currently stopped up at least 3-5 times per day. I have witnessed this first hand as my building has four doors with access to this volume of traffic. Any abatement of the width at the juncture of the mouth of the alley should be at least a small a consideration given the volume of traffic that goes through the alley.

Second, Kipling St. itself is a narrow street. To my knowledge it is unique in its narrowness, as only one car can fit down in one direction at a time. I have witnessed on several occasions cars causing mirror damage to other cars trying to navigate this narrow street in both directions at the same time. The larger concern is where Kipling St. meets University Ave. At present, if a car wants to turn right from University Ave. onto Kipling St. and one or more cars are waiting to turn from Kipling St. onto University Ave., there is simply not enough space for the cars turning off of University Ave. onto Kipling St. and the cars from Kipling St onto University Ave. It seems this is a systemic problem with the street itself as you continue down Kipling St. toward Lytton there is really no extended space where two cars can drive in opposite directions at the same time. I would imagine that the existing project would increase the number of vehicles on this street to something that the city should be aware of and it may be worthwhile to investigate to make sure the flow of traffic is viable for the overall well being of the downtown district.

In closing, I am excited about this development, and I am grateful to be a part of this community. I hope it will not increase traffic to the scope it proposes on the alleyway nor Kipling St., as both of these junctures are unique in the downtown area in their ratio of square footage of space vs traffic they are designed to handle.

Thank you very much for your consideration. I have attached a pdf version of this letter for your records.

Lisa Haley
Owner
Be Yoga
440 Kipling St.

650-644-8749
lisamariehaley@gmail.com

It is not your role to make others happy; it is your role to keep yourself in balance. When you pay attention to how you feel and practice self-empowering thoughts that align with who-you-really-are, you will offer an example of thriving that will be of tremendous value to those who have the benefit of observing you. --Abraham

Fong, Christy

From: Linda Fenney <lfenney@yahoo.com>
Sent: Saturday, August 30, 2014 5:28 PM
To: Fong, Christy
Subject: Proposed development of 425 and 429 University Ave

Dear Ms Fong,
As a resident of Palo Alto and a tax payer I am writing to give my opinion of the proposed development of the buildings at 425 and 429 University Ave. I do not approve of the proposed development feeling the planned structure it is too high, will change the character of the street, reduce sunlight, increase traffic and in my opinion reduce the aesthetic appeal of University Ave. As I know from my recent remodel, the City of Palo Alto is stringent in following its building codes to retain the character of the City. If the planned development is allowed to go ahead why would building codes for the commercial properties not be similarly followed? Why would light planes be ignored to the detriment of tree growing? Even if current building codes would allow the development, the issue of retaining the character of the City remains. I make an appeal to deny approval of the proposed development.
Linda Fenney
545 Ruthven Ave, Palo Alto, 94301

Fong, Christy

From: Elizabeth L <laskyea@gmail.com>
Sent: Saturday, August 30, 2014 9:19 PM
To: Fong, Christy
Subject: 425 and 429 University Ave

I approve of this project and hope to see more like it, maybe even larger. Palo Alto desperately needs more residential units!

(and that skyscraper in the middle of downtown looks kinda silly by itself; it would look better with equally tall companions)

Fong, Christy

From: caryl carr <carylc@gmail.com>
Sent: Monday, September 01, 2014 8:16 AM
To: Fong, Christy
Subject: 425 & 429 University Ave.

The proposal to replace the existing one-story commercial structures on these parcels with a four-story building has several problems. Esthetically, a four-story building is out of place and too high. Secondly (and perhap more importantly), downtown Palo Alto is stressed for parking and traffic is a nightmare - too many cars trying to be in much too small an area. New office spacel development needs to be done where there is parking and big enough roads - either along El Camino, Alma, or close to 101, not downtown. University Avenue has developed into a very pleasant place to walk, shop, and eat. Putting in a new four-story will block light and add to car congestion - not what University Avenue needs. People want to live in the area because it's fun to walk and shop and eat along University Avenue. Let's maintain that wonderful experience!

--caryl carr
730 Webster Street

Fong, Christy

From: Larry and Zongqi Alton <lalton@pacbell.net>
Sent: Tuesday, September 02, 2014 12:28 PM
To: Fong, Christy
Subject: 425 429 university avenue

Hi Christy,
This project must be stopped.
Kipling Street is very narrow and dangerous already. When large trucks are moving thru it or unloading it is a one way street if passable at all. Often you have to wait for traffic to clear to pass thru.
This project is basically a high rise residential property on University Avenue; a bad idea and dangerous precedent. Parking is already very bad in downtown neighborhoods.
Please keep downtown Palo Alto sunny and prevent University Avenue from becoming a congested canyon.
I would like to be informed of any events related to this development.
Thanks,
Larry Alton

Fong, Christy

From: Fong, Christy
Sent: Tuesday, September 02, 2014 1:59 PM
To: Sallyann Rudd
Subject: RE: 429 University Ave

Hi Sally,

The applicant has resubmitted their proposal on August 26, 2014, which you can find at this link. (http://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?BlobID=37684)

In drawing number A0.1, you can find the parking calculation in a summary table.

The proposed building comprises of 22,000 SF commercial space and 4 residential units.
For a 22,000 SF commercial space, it would require 88 stalls under the 1 stall / 250 SF ratio. Two spaces are required for each residential unit and one plus 10% of total number of units is required for guest parking (residential units required a total of 10 stalls). If there were no assessments or transferred area associated with parking exceptions for the site, a total of 98 spaces would be required. The zoning code exempts parking requirement for up to 5,000 SF (equivalent to 20 stalls) provided via Transferrable Development Rights and the project is located within the University Ave. Area Off-street Parking Assessment District with 21 assessed parking spaces (429 University Ave) plus 16 assessed parking spaces (425 University Ave) not to provide on the site. With these exemptions, the site would have to provide a total of 41 parking stalls.

The applicant is requested to prepare a focused traffic impact analysis. Along with the environmental review document, this analysis will be made available once it is completed.

Should you have further questions, please do not hesitate to contact me directly.

Regards,

Christy Fong | Planner| P&CE Department

250 Hamilton Avenue | Palo Alto, CA 94301

T: 650.838.2996 |E: Christy.fong@cityofpaloalto.org

Please think of the environment before printing this email – Thank you!

-----Original Message-----
From: Lee, Elena
Sent: Tuesday, September 02, 2014 8:56 AM
To: Sallyann Rudd
Cc: Fong, Christy
Subject: RE: 429 University Ave

Hi Sally,

Thank you for your email. Christy Fong is now the assigned planner for this project. She has been copied on this message and will respond to your request. (Thanks Christy.)

Elena

-----Original Message-----
From: Sallyann Rudd [mailto:sallyann_r@yahoo.com]
Sent: Sunday, August 31, 2014 7:17 AM
To: Lee, Elena
Subject: 429 University Ave

Hi Elena

I just found out about this new project through our neighborhood Nextdoor list.

Can you please tell me how many parking spaces this building requires, how many are mitigated by other factors such as downtown parking distrcit and proximity to transit, and how much square footage will be devoted to commercial, retail and residential?

Also, if there is a traffic plan, I'd like a copy, since there appear to be more pages in the plans devoted to tree protection than neighborhood traffic and parking mitigation.

Thank you

Sally-Ann Rudd
354 Pole St
Palo Alto

Fong, Christy

From: Julie Siegert <overdew@pacbell.net>
Sent: Tuesday, September 02, 2014 3:15 PM
To: Fong, Christy
Subject: 429 University

I wanted to express my concern and disapproval of the project plan for 429 University. Another project too big for our city. Too much traffic on Kipling, too much parking spillover into Downtown North, and too tall. We are creating a tunnel on University avenue of these tall structures ultimately good for developers not good for residents.

Please stop this madness before what is left of our beautiful city is completely destroyed.

Sincerely,

Julie Siegert

Fong, Christy

From: Stan Dirks <sjdirks@gmail.com>
Sent: Thursday, September 04, 2014 8:18 PM
To: Fong, Christy
Subject: Proposed project at 425 and 429 University Avenue

Follow Up Flag: Follow up
Flag Status: Flagged

I strongly oppose the approval of this project and any other additional four story or taller buildings along University Avenue between El Camino and Middlefield Avenue, and I strongly oppose the approval of any building that does not provide its own parking for its maximum use.

We must retain the character of a friendly and welcoming downtown, with street level sunlight, open spaces, trees and restaurants (including outdoor seating), rather than creating a tunnel-like environment with tall buildings on both sides of the street, blocking the sun and destroying the ambience. There are already too many four story and taller buildings downtown. The fact that there is one across the street from this site does not mean that more must be allowed—it means the opposite.

Stan Dirks
545 Ruthven Avenue
Palo Alto, CA 94301

Fong, Christy

From: mwg1378@gmail.com on behalf of Mike Greenfield <mike@mikegreenfield.com>
Sent: Thursday, September 04, 2014 11:23 AM
To: Fong, Christy
Subject: 425/429 University Avenue

Hi Christy-

I wanted to send a quick note to let you know that I am a resident who lives on Kipling Street (at 321 Kipling) and am strongly supportive of new development at University and Kipling. Palo Alto is in dire need of both new office space and new housing, and I would love to see construction on that and other nearby projects start soon.

This is a blog post I wrote on a related topic: http://numeratechoir.com/how-to-bring-innovative-not-insanely-wealthy-people-back-to-palo-alto/

Thank you for your work in helping Palo Alto to grow and evolve.

-Mike

Fong, Christy

From: Lisa Rutherford <lrutherford@gmail.com>
Sent: Friday, September 05, 2014 10:53 AM
To: Fong, Christy
Subject: Re: Neighbor concerns about 429 University

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Christy,

I saw that the plans for 429 University were resubmitted with no real changes, and I wanted to once again document our concern over its impact on Kipling Street:
- increased traffic and parking on an already overloaded and narrow street (we frequently have people parking in front of our driveway
- increased noise level, both during construction and afterwards, due to the possibility of nighttime usage of the nonresidential portions of the building
- safety of the garage entrance
- safety and livability of Kipling Street - already an overly narrow street for its current traffic flow, let alone the increased traffic and hazards from the parking garage
- general safety and vagrancy around the parking garage. I would be devastated to have the increased crime and dirtiness that have plagued other downtown parking facilities just a few blocks away.

Lisa

On Aug 20, 2014, at 3:06 PM, Fong, Christy <Christy.Fong@CityofPaloAlto.org> wrote:

Hi Lisa,

Thank you for your comments. It will be documented in file and is subject for consideration during the review process. The applicant is currently revising the plan. Once we receive the revised plans, they will be posted at this link below:

http://www.cityofpaloalto.org/news/displaynews.asp?NewsID=2449&TargetID=319

Should you have further questions, please do not hesitate to contact me directly.

Regards,

<image001.jpg>

Christy Fong | Planner | P&CE Department
250 Hamilton Avenue | Palo Alto, CA 94301
T: 650.838.2996 | E:Christy.fong@cityofpaloalto.org

Please think of the environment before printing this email – Thank you!

From: Lisa Rutherford [mailto:lrutherford@gmail.com]
Sent: Tuesday, August 19, 2014 9:37 PM
To: Fong, Christy
Subject: Neighbor concerns about 429 University

Hi Christy,

I'm writing regarding the development project being proposed at 429 University Ave. My family (husband and 3.5 year old) has lived at 443 Kipling Street, the beautiful Victorian closest to the proposed garage entrance, for the past eight years. We LOVE our home and have considered ourselves lucky to have found a place that is both convenient to downtown, yet on a quiet, peaceful, and safe street.

When I saw the plans for the proposed development, my stomach dropped. I know that single family homes in downtown Palo Alto are becoming rare, so it would be easy to assume our home was also a converted business, but it's not -- It's our home. And the current plans look like they will detrimentally effect our lives. I am concerned about:

- increased noise level, both during construction and afterwards, due to the possibility of nighttime usage of the nonresidential portions of the building
- safety of the garage entrance -- My little guy loves to scooter around, so the traffic in and out of the garage is worrisome
- safety and livability of Kipling Street - already an overly narrow street for its current traffic flow, let alone the increased traffic and hazards from the parking garage
- general safety and vagrancy around the parking garage. I would be devastated to have the increased crime and dirtiness that have plagued other downtown parking facilities just a few blocks away.

Right now, we live on the most perfect street in the most perfect town. I hope the existing plans can be amended to help maintain our beautiful home.

Lisa

---

lisa rutherford
lrutherford@gmail.com
650.380.2812

Fong, Christy

From: Jeff Svoboda <doctorjeffs@aol.com>
Sent: Friday, September 05, 2014 7:58 PM
To: Fong, Christy
Subject: City need to grow, develop

Ms Fong, Palo Alto needs to see the need for new devlopment, area of more business and taller buildings and areas for neighborhoods. We arena thriving community based on attracting
New ideas, new business. Room for smart ideas to percolate. This includes new devlopment on University avenue. Do no agree with the short sided "no" devlopment mindset. Parking can be addressed.

Let broaden the discussion. Jeff Svoboda Palo Alto resident Sent from my IPad

Fong, Christy

From: Brett Caviness <brett@levettproperties.com>
Sent: Monday, September 08, 2014 4:03 PM
To: Fong, Christy
Subject: 429 University Ave Development Project

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Christy,

As Director of LeVett Properties, property management company I wanted to reach out to you with our position with regard to the proposed project at 429 University Ave in Palo Alto. LeVett Properties strongly opposes the current plans for the proposed project at 429 University Ave. LeVett Properties works to look out for the best interests of both our properties and our residents. With this in mind, we feel that the project as proposes poses serious adverse affects to current and future residents of one of our properties specifically located at 405 Kipling St. Traffic is a primary concern to our resident's parking needs as well as safety. Being in a small downtown area like Palo Alto, perspective residents frequently make decisions on the basis of parking options for both them and their guests. The proposed project would greatly impact our ability to draw the highest income potential from our units as residents look to properties were the density may be less and therefore more accommodating for their needs. The increased traffic demanded of Kipling will also mean our residents and perspective residents will be considering increases in road noise, pedestrian traffic and a heightened potential for accidents and other nuisances. We do not feel the current plans meet the true needs of the neighboring properties surrounding the project.

Thank you for taking the time to understand our concerns.

Sincerely,

Brett Caviness
Director

LEVETT PROPERTIES

502 Waverley St Suite 304 | Palo Alto, CA 94301
Phone. (650)321 0440 | Fax. (650)328 4859
www.LeVettProperties.com
Follow us on Facebook and Twitter!

What our Residents say:
"I can't say enough good things about either Brett or Galina, truly outstanding Service." -Emud, Palo Alto

Fong, Christy

From: Linda Anderson/Bert Page <b-l-page@pacbell.net>
Sent: Thursday, September 18, 2014 10:38 AM
To: Fong, Christy
Subject: University and Kipling Project

Christy,

As a resident of Downtown North, I strongly oppose this development as proposed. It is one more assault on the DTN quality of life that already has been seriously eroded by development "exceptions" causing what may or may not be "unintended consequences."

The issues are many. Among them are building height, parking, square foot calculation used for parking needs, etc. I look forward to the day Palo Alto enters the real world and changes is 250 sq. ft./person to something resembling current actual.

I hope my comments are not too late. I have been out of town.

Thank you,

Linda Anderson
267 Bryant Street

Fong, Christy

From: Becky Baer <becky_baer@yahoo.com>
Sent: Monday, September 29, 2014 1:10 PM
To: Fong, Christy
Subject: New building at 425 & 429 Univ Ave

Dear Ms. Font,

I am writing as a youngish (69) senior citizen and homeowner on Lytton Ave. My husband and I and three children moved into our house in 1972. Our fourth child was born here in 1975. Our children grew up within walking, bicycling and skateboarding distance of downtown. Currently, both my husband and I walk downtown several times a week. Always on Saturdays to attend the Farmers' Market. Other times to stop at the post office, or pick up prescriptions. Over the years we have witnessed an alarming transformation of our beloved downtown area. The first offense was the hideous Cheescake Factory building, which in no way reflects the style of the area. The current proposal to tear down and replace the building at 425 & 429 University is another nail in the coffin. Already, there is inadequate parking for the buildings in existence. Please reconsider this proposal.

As for choices in shopping for my demographic, Los Altos and Menlo Park are much more appealing. It seems short sited of our city to focus only on attracting the young techies, while ignoring what may be attractive to an older generation.

Thank you for your time and for the opportunity to air my grievances about what is happening to the city I fell in love with 42 years ago.

Becky Baer
851 Lytton Ave.

Http://www.beckybaer.com

sent from my iPad

Fong, Christy

From: ssmofa@cwnet.com
Sent: Wednesday, October 08, 2014 10:01 AM
To: Fong, Christy
Subject: demolition of 425 University and 429 University

Dear Ms. Fong:

We are very concerned about the demolition of these two parcels and replacing them with a 4 story 33,000 s.f. mixed use building.
We feel this is not a good fit for that block on University for several important reasons.

First of all, parking. I understand that the developer wants to put in two layers of a parking structure under the current space behind the current building. I don't see that there will be enough room for cars to go in and out in that place. Street trees will have to be removed. Traffic is already dense in that area and will be blocked for the comings and goings related to the parking.

Second point is water use. Bringing more workers into downtown Palo Alto without increasing water use is something requiring much thought. The area is already in severe drought and increasing office space with cubicles will bring in more workers who must park and who will be using increasing amounts of water & sewers

Thirdly, this street has a lovely feel to it as it is. There are street trees and the street gets sun all year round. With 4 story buildings going in, there is likely to be a wind tunnel created and the trees will have to be removed. They will no longer receive enough sunlight to keep them alive. Birds sing all year in this area. That will end as well.

We shop on this street and we dine on this street. Without businesses like the small, local retailers we frequent, there is nothing to bring us down to Palo Alto & University Avenue. We love the character of downtown Palo Alto. We come down a few times each month to shop and dine although we live in the east bay. We bring out of town visitors, too.

We were shocked to hear about this and we hope that you will consider beyond the profit making involved in this short sighted project. Palo Alto draws visitors and students and their families, researchers and is a world class destination. A bunch of offices and chain businesses will not be the draw that a lovely, tree lined street with interesting chains and independent retail stores is and has always been for Palo Alto. Please vote against this unsightly and impractical project.

Thank you for your kind attention

Mr. & Mrs. N. K. Farrell
Oakland CA

Fong, Christy

From: Carol Lamont <carol@lamont.com>
Sent: Wednesday, October 29, 2014 12:11 AM
To: Fong, Christy
Subject: Proposed Development Plans Submitted for 425 and 429 University Avenue

Christy,
I would like more information on the plan submitted for the proposed new development at 425 and 429 University Avenue.

1) Is the plan as submitted consistent with current zoning for these properties? If not, is the developer seeking PC zoning or specific amendments?
2) Do the existing buildings have any historical significance or protection? The buildings at the following addresses are identified as works of Birge Clark built in 1927: 423, 425, 427, 429, 433, and 437 University Avenue per the website at http://www.pastheritage.org/Birge.html
3) What is the current status of the proposed project and what additional steps are set for the review and decision whether to approve the plan? What opportunity is there for public input?
4) What concerns and objections to the plan have been submitted by staff or the public to date? How can I access reports and minutes of meetings at which the proposed plan was considered.

Thank you for any information you can provide about this project that would seriously degrade the character of downtown Palo Alto.

Sincerely,

Carol
Carol Lamont
618 Kingsley Avenue
Palo Alto, CA 94301

Fong, Christy

From: John Hanna <jhanna@hanvan.com>
Sent: Friday, November 07, 2014 6:41 PM
To: Fong, Christy
Subject: 429 University avenue

The new project proposed for the corner of University avenue and Kipling is exactly what we need more of in Downtown Palo Alto. We need more residential downtown to make it possible for people to live and work in town (as opposed to commuting), and we need more parking downtown. This project fulfills both of those needs, and addition adds to the tax base and improves the aesthetics of that corner considerably. The project meets zoning and parking requirements and need no special favors or exceptions.
What's not to like?

John Paul Hanna, Esq.
Hanna & Van Atta
525 University Avenue, Suite 600
Palo Alto, CA 94301
Telephone: (650) 321-5700
Facsimile: (650) 321-5639
E-mail: jhanna@hanvan.com

Fong, Christy

From: K. Fong <ksfongdna@yahoo.com>
Sent: Friday, November 07, 2014 7:16 PM
To: Fong, Christy
Cc: Kenneth Fong
Subject: 429 university new building project

Dear Ms Fong,

I am writing to support Elizabeth Wong's building at 429 University Ave, Palo Alto because it is a mixed use facility that we need in this great city of ours.

I have been a biotech entrepreneur/investor in Palo Alto-Mt View since 1984 and am also owner of several downtown commercial buildings for some time. I love this city and I believe this new building and its design would bring vitality and greater tax base to our city for a long time to come. We should not let this window of opportunity to build such a vibrant facility pass without the city carefully examining its merits.

Thank you for your attention.

Respectfully,

Kenneth Fong

Kenneth Fong
Chairman, KENSON Ventures, LLC

400 Hamilton Avenue, #410, Palo Alto, CA 94301
Phone : 650 330-0322 Fax : 650 330-0577

Fong, Christy

From: Elizabeth L <laskyea@gmail.com>
Sent: Sunday, November 09, 2014 4:34 PM
To: Fong, Christy
Cc: elizabethwong2009@gmail.com
Subject: 429 University

Ms. Fong,

I support the Wongs' project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Elizabeth Lasky

Fong, Christy

From: Beverly Fields <beverly.fields@prprop.com>
Sent: Monday, November 10, 2014 9:51 AM
To: Fong, Christy
Subject: 429 University Avenue, Palo Alto

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Fong:

I have been working in Downtown Palo Alto since 1984 as a commercial property manager and have personally witnessed the Downtown's growth and development. I believe that the Wong's proposed project would be an asset to University Avenue, in addition to providing badly needed residential units and two levels of underground parking. I am very much in support of this project.

Sincerely,

Beverly Fields

Beverly Fields
Director of Property Management

25 years
Taking Pride in Palo Alto
PREMIER
PROPERTIES MANAGEMENT

Direct: 650.618.3004
Fax: 650.618.3009
beverly.fields@prprop.com

Premier Property Management
539 Alma Street
Palo Alto, CA 94301

www.prprop.com

Fong, Christy

From: James Lin <james@betterchinese.com>
Sent: Monday, November 10, 2014 10:06 AM
To: Fong, Christy
Cc: Elizabeth Wong
Subject: Support of Wong's Project at 429 University Avenue
Attachments: 11_SupportForEWongProject.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Please support Wong's Project. See attached letter.

Regards,

-James

--

James Lin
Founder & CEO
Better Chinese
2479 E Bayshore Rd, Suite 110
Palo Alto, CA 94303

T. +1-650-384-0902
F. +1-888-384-0901
E. james@betterchinese.com
W. www.BetterChinese.com

https://www.youtube.com/watch?v=3uGR9vHdog4

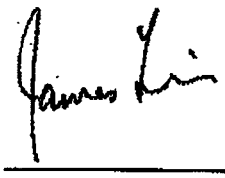
To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,



Name

Home: 675 Greer Road, Palo Alto, CA 94303
Business: 2479 E. Bayshore Road, 110, CA 94303

Home or business address in Palo Alto

Fong, Christy

From: kumikoyoshinari@gmail.com on behalf of Kumiko Yoshinari <yoshinari@princetonenergy.net>
Sent: Monday, November 10, 2014 12:38 PM
To: Fong, Christy
Subject: In support of the project at 429 University Avenue

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Fong

Mixed use buildings such as the one proposed for 429 University Avenue is precisely what we need in Palo Alto, to address housing, office and retail space shortage. Many more mixed use buildings will enable younger people to come work, live and raise a family in Palo Alto, ensuring that the City remains the center of innovation and a vibrant city.

Kumiko Yoshinari
Homeowner and Resident of Downtown North

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Serena Garcia

SERENA GARCIA
Name

534 Ramona Palo Alto
Home or business address in Palo Alto

Name

Home or business address in Palo Alto

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

RECEIVED

NOV 10 2014

Department of Planning &
Community Environment

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Vernon Altman
Name

928 Laurel Glen Dr
Palo Alto
Home or business address in Palo Alto

Name

Home or business address in Palo Alto

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Zachery Jadrich
Name

429 University ave Palo Alto 94301
Home or business address in Palo Alto

Name

Home or business address in Palo Alto

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Connett & Ahart

Connett & Ahart
Name

955 Laurel Glen Dr 94304
Home or business address in Palo Alto
Palo Alto, CA 94304

Name

Home or business address in Palo Alto

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Clint Severson
Name

955 Laurel Glen Dr. 94304
Home or business address in Palo Alto
Palo Alto, CA

Name

Home or business address in Palo Alto

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Name	Home or business address in Palo Alto
Jon Goldman	539 ALMA ST, PALO ALTO, CA
Name	Home or business address in Palo Alto

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Name	Home or business address in Palo Alto
Avo Izmirlian	539 Alma St, Palo Alto, CA
Name	Home or business address in Palo Alto

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Brad Ehikian
Name

539 Alma St, Palo Alto
Home or business address in Palo Alto

Name

Home or business address in Palo Alto

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

PJ Gold
Name
Patrick J. Gold

425 University, Palo Alto, CA
Home or business address in Palo Alto

Name

Home or business address in Palo Alto

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Name	Home or business address in Palo Alto
Gordon Friedman	425 University Ave
Name	Home or business address in Palo Alto

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Name	Home or business address in Palo Alto
Andrew Gold	425 University, Palo Alto, Ca
Name	Home or business address in Palo Alto

Fong, Christy

From: David Kleiman <dkleiman@d2realty.com>
Sent: Tuesday, November 11, 2014 11:19 AM
To: Fong, Christy
Subject: 429 University Ave, Palo Alto

Dear Ms. Fong:

I support the approval of the proposed project at 429 University Avenue.

Not only does is provide parking that meets the City's requirements, but it will provide much-needed residential units.

Sincerely,

David Kleiman
333 High Street
Palo Alto, CA

Fong, Christy

From: Stephen D. Pahl <Stephen@pahl-mccay.com>
Sent: Tuesday, November 11, 2014 1:21 PM
To: Fong, Christy
Cc: Elizabeth Wong (elizabethwong2009@gmail.com)
Subject: 429 University Avenue

Ms. Fong: Please permit this correspondence to serve as a strong letter of support to the project currently before the ARB at 429 University. Not only have the property owner expended serious time and money to design a project within the standards of Palo Alto's downtown standards, if completed, it will constitute a serious upgrade in the quality of the neighborhood. Our office has represented both developers and tenants on the Avenue, and I personally have engaged in projects for my own account within Palo Alto. This project clearly seeks to reach a middle ground between density and use and strikes a balance between retail, office and residential. I recently received a letter from a North Palo Alto resident complaining one of our represented projects would only serve to require the retail/office employees to further park in "their" neighborhood. This project substantially "self-parks" and with the residential portion of the project, perhaps can serve as a live/work unit.

Should you have any questions or comments, please do not hesitate to contact the undersigned.

PAHL&McCAY
A Professional Law Corporation

Stephen D. Pahl
Pahl & McCay, a Professional Law Corporation
225 West Santa Clara, Suite 1500, San Jose, California 95113
Telephone: (408) 286-5100 Direct: (408) 918-2826
Cell: (408) 210-0500 Facsimile: (408) 286-5722
Email: spahl@pahl-mccay.com

Fong, Christy

From: Sam Arsan <sam@arsanrealty.com>
Sent: Wednesday, November 12, 2014 10:58 PM
To: Fong, Christy
Subject: 429 University Avenue

Dear Ms. Fong

I have been leasing and managing properties in the downtown Palo Alto market for over twenty years. As one of the most active brokers in the downtown area I believe in supporting any and all efforts to preserve and continue to improve the vibrant nature of downtown.

I support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Sam

Sam Arsan
Arsan Realty
801 Woodside Road, Suite 11
Redwood City, CA 94061
650-322-3143
650-322-6028 Fax

LEVETT
PROPERTIES

November 18, 2014

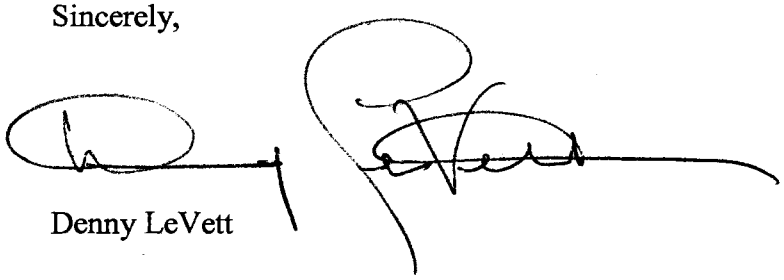
To Whom It May Concern,

I, Denny LeVett hereby express my complete and total support of Mrs. Elizabeth Wong's building project located at 429 University Ave in Palo Alto.

I have reviewed the plans and believe that the building is absolutely stunning and enhances the charm of the Palo Alto landscape.

I believe the building would be a great asset to Palo Alto and the Downtown community.

Sincerely,



Denny LeVett

502 Waverley St Suite 304 | Palo Alto, CA 94301 | ph (650)321-0440 | fax (650)328-4859 | www.levettproperties.com

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Thank you !

[signature]	#401 400 Hamilton Ave, Palo Alto, CA 94301
Name: Kenneth Fong	Home or business address in Palo Alto
Name	Home or business address in Palo Alto

Kipling Post LP
P. O. Box 204
Palo Alto, CA 94302

November 11, 2014

429 University Avenue
Response to Opposing Comments

Dear Ms. Gitelman:

E-mails and letters have been sent to your Department by residents and others expressing concerns and objections to the development proposal for the property at 429 University. They variously address fears due to building height, traffic, parking and aesthetic concerns, among others. Please allow me to present a different point of view.

TRAFFIC

You have in your possession a comprehensive Transportation Impact Analysis report ("Traffic Report") prepared for us following directives from the City of Palo Alto's Transportation Division by Hexagon Transportation Consultants, Inc. It estimates that, on the high side, the project would generate 166 net new trips daily with 21 of these occurring at AM peak hours and 21 at PM peak hours, and it concludes that all the intersections studied would continue to operate at levels acceptable to the City.

The report studied traffic impact at both ends of the 400 block of Kipling Street, at the intersections of Lytton Avenue with Alma Street and with Middlefield Road, and at the intersection of University Avenue and Middlefield Road. These were the locations where the City deemed impact would be greatest. The report studied six traffic condition scenarios: existing traffic conditions, existing plus project added, background, background plus project added, cumulative, and cumulative plus project added. For each of these scenarios, the conclusion is the same, these intersections would continue to operate at City-acceptable levels (pages 24, 28, 31 and 34). These conclusions are based on methodology and standards under the Transportation Research Board, 2000 Highway Capacity Manual; the 2010 California Manual on Uniform Traffic Control Devices and the City of Palo Alto's Level of Service Standards.

The Traffic Report further indicates that there will be no undue delays on Kipling Street (vehicle queuing) due to the traffic from the project, although there are pre-existing conditions that cause delays in turning from University westbound onto Kipling Street but that these delays are unrelated to the proposed project (page 38-39).

PARKING

The proposed project will include two levels of underground parking, providing 41 auto parking spaces. This is in addition to the 37 auto spaces for which the City has been receiving payment from us for years via the Downtown Parking Assessment District. Several of these spaces are accessible, van- accessible, clean-air/van pool, EVSE, and EVSE-ready as required by the newest regulations. Additionally, short-term and long-term bicycle parking is provided by the project in compliance with City requirements. Under current parking requirements, we have an excess of 6 parking spaces; no exceptions are requested.

BUILDING HEIGHT AND FACADE

In response the City's and neighbors' concerns expressed at the preliminary ARB earlier this year, we moved the rear perimeter of the building 4 feet in, giving a wider aspect to the alley, and we reduced the impact of apparent height and shadows by moving the fourth floor construction away from the perimeter of the property. From some vantage points, at or near street level, the fourth floor is all but invisible. We feel that it is important to establish an elegant presence at this visible corner as we enter the downtown core from University Avenue east. This building will do just that, and make a proud statement for Palo Alto.

We have nearly 20 years of retail leasing experience in Palo Alto and we know that, what retailers want and demand is a strong presence at the street level, with attractive windows, open and inviting. The Apple store farther along University Avenue is a prime example of a new construction with presence and sidewalk appeal. The smooth and continuous storefront was an important requirement from them. Incidentally, the Apple store generates around ten times the annual sales of other retailers; not even Apple could have achieved this level of sales with a tired and less visible storefront. We estimate that our project's visibility will significantly contribute to sales and therefore be a significant tax revenue source for Palo Alto.

The existing buildings are near the end of their physical life. They are energy-inefficient, and the water and sewer services which are embedded in the concrete walls and foundation slab are not accessible to maintain and repair.

AESTHETICS

Take a walk down University Avenue, or Lytton or Hamilton. What is striking about the downtown commercial core is the diversity of architectural styles. I'm sure Birge Clark, in his day, had detractors too. The beauty of downtown is that many different styles make for a welcoming panorama where there is something for everyone – different building shapes, heights, colors, ages. It's not Disneyland, with uniform and plastic facades. The different retail and restaurant storefronts, old and new, add to this multi-faceted welcoming tableau. That is why Palo Alto thrives while its neighbor cities have to try harder.

While we are taking a walk, check out the houses on the 400 block of Kipling, from where many of your letters originate. The block has one- and two-story houses, mostly used as dense commercial and multi-residential rentals, all vying for on-street parking since almost no off-street parking is provided in the respective properties. This is an existing parking and traffic problem in a congested area, and the occupants' frustration is misdirected toward our 429 University project.

FEAR

A few letters you have received cite fears about safety and crime, presumably brought about by the erection of a new building with underground parking. What I can't figure out is how this is different from what we have now? A well-managed building will keep its premises and its surroundings safe and crime-free; we have owned this property for decades and have been diligent in its management. Now, after investing millions in the new project, does anyone honestly believe we would abandon good practices and let this investment deteriorate?

A NEW PERSPECTIVE

Our family came to Palo Alto about twenty years ago. We decided to make this city our home. We bought a house, expensive as it was even then. We liked the downtown and invested in it. In these nearly two decades, we have seen, and possibly helped, Palo Alto become a destination for shopping, living and education; a crucible for new ideas and novel ways to live and work; a hotbed of retail and fine dining options. This would never have happened if we let our fears dominate how we see the future of our City.

We, too, have a dream. That one day, the great City of Palo Alto and its citizens will not oppose projects out of fear and naiveté; that we can all embrace progress and intelligent growth and use that to help the City and each of us become better than could otherwise be. This is our legacy to our family and to our City.

Thank you.

Jaime and Elizabeth Wong

DUDEK

465 MAGNOLIA AVENUE
LARKSPUR, CALIFORNIA 94939
T 415.758.9800

MEMORANDUM

To: Christy Fong, Planner
From: Heather Martinelli, AICP and Katherine Waugh, AICP
Subject: Responses to Comments on Proposed MND for 429 University Avenue
Date: December 19, 2014

This memo provides responses to the comments received regarding the Proposed Mitigated Negative Declaration (MND) for the 429 University Avenue Project (proposed project). Under the California Environmental Quality Act (CEQA), an agency must consider comments from the public and from other agencies concerned with the project. The Proposed MND was made available by the City of Palo Alto (City) for public review from November 17, 2014, through December 12, 2014, for a total of 25 days. The Notice of Intent to adopt the Proposed MND was posted at the Santa Clara County Clerk's office from November 21, 2014, through December 12, 2014, for a total of 21 days. No comment letters were received during the public review period for the Proposed MND; however, oral comments were received at the Architectural Review Board (ARB) hearing on November 20, 2014.

Several commenters expressed their support for the project, while others voiced their concerns. Responses to the comments related to the CEQA document are addressed by topic below. None of the comments received provide substantial evidence that the project may have a significant effect on the environment. Substantial evidence includes "fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact." (Pub. Resources Code, Section 21080, subd. (e)(1)) Substantial evidence does not include "[a]rgument, speculation, unsubstantiated opinion or narrative." (Guidelines, Section 15384, subd. (a)).

AESTHETICS

- **Building height and scale:** Concerns regarding the building height and scale were expressed by several commenters. As described on page 7 of the Initial Study, the project would be within the allowable height for the site of 50 feet. Although the project would be larger in scale than some adjacent buildings, it would be similar in scale to other buildings in the vicinity along University Avenue. The project design has been refined since the ARB hearing to address concerns related to the size, scale, and character of the building. The scale of the stone framework has been reduced by lowering the height at the roof terrace and raising the glass railing along the roof terrace. The stone framework

has been divided into segments that more closely reflect the pattern of facades along the street. The secondary surface of the building has been accentuated to define a two story façade on the western end of the building. Additionally, at this new, two-story façade the upper floors have been stepped back to create terraces for the residents on the third and fourth floors.

- **Transition to Kipling Street**: Comments were received regarding the transition of the building to the lower scale character of Kipling Street. Specific concerns included the back elevation and the tower near the alley on Kipling Street. The project design has been revised since the ARB hearing to address these concerns. The upper floor entrance has been moved to the corner of the alley to allow the stair and elevator tower to move closer to University Avenue. The stairwell height has also been reduced. Adjacent to the new stair location, the fourth floor terrace has been set back into the façade by six feet to reduce the perceived height of the building. Two balconies were added to the upper floors at the corner of the building on the alley/Kipling Street, which reduces the massing of the building on that corner. A raised planter has been added at the alley to transition to the landscape frontages of the existing buildings on Kipling Street.

Comments addressing this topic: Michael Harbor, Lisa Rutherford, Alexander Lew (ARB), Kyu Kim (ARB), Robert Gooyer (ARB), Randy Popp (ARB).

BIOLOGICAL RESOURCES

- **Street Trees**: There was a request for clarification on the number of trees being removed and replaced. As described on page 15 of the Initial Study, a total of four street trees are proposed to be removed along Kipling Street. These trees would be replaced with four new street trees along Kipling Street. Mitigation Measure BIO-1 includes specific measures to ensure impacts related to the tree removal and replacement remain less than significant.

Comments addressing this topic: Catherine Ballantyne (ARB)

TRAFFIC

- **Parking**: Concerns were expressed regarding the impacts of the project on parking in Downtown. As described on page 4 of the Initial Study, the project proposes to provide 40 parking spaces in two levels of underground parking, which exceeds the parking requirement of 35 spaces by 5 spaces.

- **Traffic and Parking on Kipling Street**: Concerns were expressed regarding the impact the project would have on traffic on Kipling Street given the narrow width of the street and the potential for large trucks needed to serve retail uses in the building. As discussed on pages 36 through 39 of the Initial Study, the project would not cause any significant impacts to the operation of intersections in the project study area. Lastly, the discussion of Site Access and Onsite Circulation on page 38 of the Initial Study, describes how truck loading would occur within Lane 30, not Kipling Street.

- **Construction Traffic**: A comment was made that the construction of the project would disrupt business in the area due to traffic. Although construction of the project may temporarily increase traffic accessing the site, a project of this size is not anticipated to require a large number of construction vehicles. Additionally, the existing retail uses of the site would not be operating during construction. This would slightly reduce background traffic volumes in the area during the construction period.

- **Trip Generation**: There was a question regarding the calculation of AM Peak Hour trips in Table 6 of the Initial Study. The total is shown as 21; however, when added together, the total should be 22. This calculation has been corrected on page 36 of the Initial Study.

Comments addressing this topic: Catherine Ballantyne (ARB), Michael Harbor, Lisa Rutherford

UTILITIES

- **Water Use**: A comment was made that the discussion of water use in the Initial Study does not address the increase in water-using appliances/fixtures. Although the project would increase the number of water-using appliances/fixtures and overall water use in the building compared to the existing use, the project is consistent with the City's land use designation for the site, which was taken into consideration in the preparation of the City's *2010 Urban Water Management Plan* (City of Palo Alto Utilities 2011). In addition, the project would comply with the green building requirements set forth in the California Green Building Code and the City's Build It Green program, which would ensure that water conservation measures are included in the project to reduce water demand.

Comments addressing this topic: Catherine Ballantyne (ARB)

REFERENCES

City of Palo Alto Utilities. 2011. *2010 Urban Water Management Plan*. June 2011.

ARCHITECTURAL REVIEW BOARD
EXCERPT MINUTES

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Thursday, November 20, 2014, Meeting
8:30 AM, Council Chambers

1. **429 University Avenue [14PLN-00222]:** Request by Ken Hayes Architects, Inc. on behalf of Kipling Post LP for Architectural Review of a proposal to demolish two existing one-story commercial/retail buildings containing a total of 11,633 square feet (sf) of floor area and construct a 31,407 sf, four-story mixed use building with two levels of underground parking providing 41 on-site spaces on a 11,000 sf site in the Downtown Commercial (CD-C (GF)(P)) zoning district. Environmental Assessment: The draft Initial Study and draft Mitigated Negative Declaration is available for a public review comment period November 17 – December 12, 2014, in accordance with California Environment Quality Act (CEQA) requirements.

Chair Popp: Alright, with that we will move on to the last item of the day, 429 University Avenue: Request by Ken Hayes Architects, Inc. on behalf of Kipling Post LP for Architectural Review of a proposal to demolish two existing one-story commercial/retail buildings totaling 11,633 square feet (sf) of floor area and construct a 31,407 sf, four-story mixed use building with two levels of underground parking providing 41 on-site spaces on a 11,000 sf site in the Downtown Commercial (CD-C (GF)(P)) zoning district. The Environmental Assessment has declared the draft Initial Study and draft Mitigated Negative Declaration (MND) is available, sorry, and in accordance with California Environment Quality Act (CEQA) requirements and comments may be submitted through December 12, 2014. And I imagine staff will explain that, but the period for CEQA has not expired so we don't have the full value of that information at this time. So perhaps staff can illuminate us about that and any other items about the project please.

Amy French, Chief Planning Official: Yes. Hello, so Amy French here. I wanted to introduce Christy Fong who is the project planner for this project. Yes, to clarify the release of the environmental document just occurred I think it was last Friday, the day of the packet. And so it's just newly released and we anticipate receiving comments on that document and will look forward to receiving those and then being able to comment on those. And this is the, the first reason for the continuance to that December 18th and then of course this is your first hearing on the matter and we look forward to hearing your comments as well as the public comments. And let me turn it over to Christy. We also have our environmental consultant here from Dudek the firm we have retained to help us with the environmental documents for development.

Christy Fong, Planner: Thank you for the introduction and good morning Board Members. The project site is located at the southwest corner of Kipling Street and University Avenue and comprised of two parcels, one at 425 University and the other is at 429 to 447 University Avenue. As read from the project description, the proposal is to demolish the existing one-story retail buildings for a new four-story mixed use building. It would include 21,407 sf of commercial space and 11,000 sf for four residential units. The use allocation is two levels of underground parking, retail at the ground floor, office on the second floor, three residential units on the third floor, and one residential unit and office space on the top floor.

A preliminary review of similar project was considered by the Architectural Review Board (ARB) on November 7, 2013. While the project site at that time included only 429 to 447 University the current

project site has been expanded to include 425 University. The current proposal also has different design features, which include building setback of approximately four feet from the rear property line, an increased number of entrances to the ground floor retail space along University Avenue, the removal of roof form over the fourth floor terrace and more terrace space on the fourth and third floors.

The current project complies with the development standard in the CD-C zoning district. Staff has evaluated the project based on the Downtown Design Guidelines and Context Based Design Criteria. The current architecture concepts include a two-story grid of columns with frameless glass, recessed entrance, and glass canopies on the street level. Light color palettes and glazed windows are proposed on the second level. Most of the interior spaces on the third and fourth floor are setback from street view with either roof or open terrace.

Since the project is located in the Downtown Commercial District and Pedestrian Shopping Combining District it is required to incorporate design features that foster a lively pedestrian environment. Staff will appreciate the Board to provide feedback on site design, project architecture, massing, setback, and streetscape element with consideration to the existing context and a goal of providing quality pedestrian experience in the Downtown District.

The applicant has request for a number of clarifications in the staff report and provided enlarged color renderings to further illustrate their design concept. The renderings show columns on the ground floor are protruded from the frameless glass and the grid pattern is connected to the upper floor with the intent to provide further vertical articulation. Staff would recommend the ARB to review the proposed plan, receive public testimony, and continue the project to a date certain. This will allow public to provide comments on the draft CEQA documents and project plans. As of today staff has received written correspondence from 36 individuals. These letters are included in Attachment E of the staff report. There is material board and paving sample available to facilitate discussion. Heather Martinelli from Dudek is also available here to answer any CEQA related questions.

Chair Popp: Is there anything specific addressing, I'm sorry I don't have your name, but is there anything specific that you'd want to share with us? If you could introduce yourself and let us know anything you'd like to add to the staff description of the project?

Heather Martinelli, Dudek: I'm Heather Martinelli with Dudek and I prepared the draft MND that you have in your packet as well as the initial study that goes through the potential impacts of the project. And as they mentioned the public review period started on the 17th and extends through December 12th. So the required review period is a total of 20 days; however, this period extends a little longer to allow for since we do have the holiday in the middle of that. So I'm here to answer any questions related to the MND; however, formal comments should be submitted and then they will be reviewed and responded to accordingly.

Chair Popp: Ok so now is the time we'll ask any of the Board Members to ask clarifying questions or for additional information of staff. Let's see, I'll start with… here we go. It was you last, right? Yeah, so Board Member Lew.

Board Member Lew: I don't think I have any questions for staff at this time.

Chair Popp: Board Member Ballantyne.

Board Member Ballantyne: Would now be an appropriate time to correct some discrepancies in the written report?

Chair Popp: We can do that in comments.

Board Member Ballantyne: Ok.

Chair Popp: If it's just discrepancies. If it's asking a question to clarify or ask for additional information this is the right time to do that, but if it's just corrections (interrupted)

Board Member Ballantyne: It's just corrections we can do that later.

Chair Popp: We'll hold off on that. Board Member Kim? Alright, and I do have a question for staff. So I guess the question is really as a formal review we're doing this without the benefit of all the information that should be available to us because we don't have the documentation complete yet. And so do you want us to just do as much as we can today and then we'll potentially continue this to another date certain once the additional information comes forward we'll adjust? So that's what's (interrupted)

Ms. French: Our request is that you continue this hearing to December 18th is our suggested date. You can't recommend it today. We, we mustn't do that. What we would like to do is go through as this is the first review of this project on the two sites is to thoroughly go through the design review as the main concern, hear the public testimony, if you have comments on the environmental document which you should have received as well we would like to hear those comments. And then when we do come back to you we will have responses to the comments and responses to your direction and requests. I would like to mention that there's a member of the public that requested to speak prior to the applicant, I guess has a pressing engagement an attorney so and his name's John Hanna (interrupted)

Chair Popp: G. Vail She's (interrupted)

Ms. French: Yeah, she also requested to speak.

Chair Popp: So is there, was there a statement they asked you to read?

Ms. French: No, he's here still. He, yeah just noting that there are folks that would like to speak prior to the applicant giving their presentation if that's at all possible.

Chair Popp: Alright, it's a little out of order to do that.

Ms. French: It is.

Chair Popp: But I actually went out of order already didn't I? So let's allow that in this particular case. So can you tell me who those folks are?

Ms. French: John Hanna and then the one that spoke to us earlier at the break had requested…

Chair Popp: Alright, so let's have G. Vakil and then Mr. Hanna can come and speak. We'll take three minutes for each of you. We'll be opening the public hearing at this point then and we'll start that. It's a little out of order, but off we go. So G. Vakil if you don't mind come forward to the mike, make sure you're speaking directly in the mike, identify yourself, and be happy to hear what you have to share with us.

G. Vakil: Morning respected Commissioners [Note-Board Members] and thank you for allowing me to speak first. I'm not an expert to comment on architectural specifics. I speak because of the final products I've seen and the effect of the processes on me generically, but specific for development issues of Downtown where I've had a small retail store since 1974. Development is good on many fronts. It's human nature and a property owner's right. We know all that and I like posh modernity. Here's what is said in support of huge developments in an old, small, historic Downtown with small streets. It will have retail plus housing plus parking besides its main aim, business space. It will beautify the City. A particular construction will be environmentally sound. Those are the three points, but look at the ethics of what has really happened and could happen if development continues unbridled which it is because of the issues I will mention. The fact that in the name of providing retail what's really provided is one large space for a corporate chain store. Thus fellow retailer House of Bagels was rejected at the new building near [Abby Tarry] because I would correctly guess from the nuances involved he wasn't posh enough nor

was he a corporation. And instead of multiple smaller apartments one or two large expensive penthouses are built. Some overpowering humongous monstrosities with no underground parking have crept in; the compounded effect of repeated multiple constructions. So these are the two points in counter effect to the three stated benefits that I mentioned.

Besides on the environment, consider the following: construction is done in a manner that totally disregards its devastating effect on small businesses who have given years of service and charm to the City. Construction resulting in millions in profit to landlords and developers, but which disrupts small businesses for months at a time in repeated succession seems unethical to me. The traffic, enormous noise, and huge trucks must be limited to times when stores are not open. New York does so at night. Let restaurants and residents also share the inconvenience. As for parking huge construction trucks or trucks who deliver to huge corporate restaurants park as they please or can, even middle of the street. This does not happen and would not be allowed to happen with small business. So bigger is more power. I have never seen one get a ticket even when a police car or ticket maid passes by or when I've complained, but that is too ok in the name of progress and benefits to the majority. What is not ethical or fair is as one of scores of examples when I get a ticket for parking momentarily in one of three empty motorbike spaces on my block in order to carry a heavy load into my store with no grace given as is given to the huge trucks. Build, that's good, but the City although she could have justifications for all these issues needs to be even more mindful and egalitarian in a functioning and provide specific consideration, one moment please if you don't mind? To existing small stores including perhaps a mandate to provide space to existing stores at rents similar to the existing rent. Thank you very much.

Chair Popp: Thank you. Mr. Hanna is next please.

John Hanna: Thank you. Hi, my name is John Hanna. I appreciate your allowing me to speak beforehand although since we don't have the picture up there and so forth I won't be able to talk too much about the project itself. I think that last speech is one that would be more appropriate to be given to the Council than to you. I want you to know I do appreciate the difficulty of the task that you people have and I respect as do architects and other people that work with your expertise and your ability to guide and influence these projects that come before you and you have delicate task to kind of find your way between compromising the architects' design and creativity and at the same time trying to make it fit within all of the objective and subjective parameters. And as an aside I want to complement Mr. Popp for mentioning the sacred cow, the H word. It's the first time I've heard somebody say that it's a disaster, which it truly is. You could imagine how much different and how much better we would be if we had open space and which you can only get with height instead of wall to wall buildings, which is what we have now.

I also sympathize with the job of the architect who has to deal with all the zoning height limitations, setback, Floor Area Ratio (FAR), disability. On the one hand he's got to stay within those rules; on the other hand he's got to deal with the staff, the ARB, the Council, and the public. Everybody has an idea of what these new buildings and projects should look like and I shudder to think of what would happen if I. M. Pei or a Frank Gehry or a Frank Lloyd Wright should show up in Palo Alto these days trying to get something approved.

What I do like about this building I think it's a very handsome building. I think it brings what we need to Downtown Palo Alto, which is a combination of residential and office and retail and provides the legal limit on parking. I think it's a well-designed handsome building. I think it's a commendable replacement for the ho-hum buildings that are there now and I would certainly hope you give it most favorable consideration. Thank you.

Chair Popp: Thank you very much. Alright so we'll turn back to our typical agenda and go back to the applicant's presentation please. Mr. Hayes you'll have 10 minutes to share with us your vision for the design. Thank you.

Ken Hayes, Hayes Group Architects: Let me before you start the clock… Good morning Members of the Board, Ken Hayes with Hayes Group Architects. I'll be presenting the project on behalf of my clients

Elizabeth Wong and Jaime Wong who are here in the audience if you have questions for them. The site and I actually would like to thank Christy Fong the planner. She's done an incredible job on this project as has Amy and I enjoyed Dudek's report as well.

The site is the corner parcel, two parcels combined to create an 11,000 sf property on the corner of Kipling and University Avenue. The context [as such] the old Apple Store is located here at 451, the Varsity Theatre is kind of off axis, but it's located here where the marquee is. We have the Excel Partners four-story building located here and then further down the block here and here one-story buildings some of these with mezzanines. It's all in the CD-C ground floor pedestrian overlay zone. It is the old Shady Lane store and the Giants Dugout, which is the further interior parcel. This is a front view so it includes this building to the corner. This is the view of Lane 30, which is the alley that runs behind our project and then you can see University Avenue down here, the Varsity Theatre's right there. These trees are all being removed by the way. Is the old Apple Store with a real heavy band around the top of the store that kind of defines the block and then a two-story addition that was done awhile back. The former Apple Store. I'm not sure if I said the Apple Store.

So here's the program: develop a four-story 31,000 sf building with not quite a 3.0 FAR which is what's permitted with ground floor retail space, four 3 bedroom residential units that are about 2,400 sf, a full level of commercial office space, a generous rooftop terrace with office space, and also a unit up there. The plan is to fully park the project in an underground garage, two levels, provide retail exposure along University and Kipling and allow for flexibility in that floor plate so it could have multiple tenants. The goal is that we create a modern mixed-use building that responds to the site and incorporates daylighting, utilizes sustainable building strategies, and enhances the living and working experience. We want to respect the context and anchor the corner, some of the ideas of the Downtown plan. Create retail transparency and vitality to connect the inside to the sidewalk and enhance the pedestrian shopping experience.

And we were here in November of last year for our preliminary and we had some comments from you then and want to show you how we've responded to those. This is the site here, just an idea on the circulation. So the auto circulation pretty much or I'm sorry, auto circulation is in the alley. It's one way towards Kipling. We access our garage from the back, from the back alley. There is no left turn onto Kipling from University Avenue. This is pedestrian sidewalk and activity and how they would get into the building as well. I sort of described this, but this kind of is the diagram to show you here's the six-story building, two-story building, two-story building, four-story building, one-story building, and then this is the addition on the back of the former Apple Store. That's also two-story so there's plenty of example of varying building heights I think in the area. And then down Kipling there are older wood frame homes and commercial businesses on this side of the street. Most of those homes are actually commercial buildings presently.

The ground floor space site analysis trying to create multiple points for potential retail entry; we're thinking we could have as many as four retail tenants in the building or we could have one. The main entrance for the office would be off of Kipling trying to get as much retail exposure on University Avenue as possible. We don't want it on the corner; we want to pull it towards the back of the building. We have again Lane 30 access in that direction and then come into the garage here. Highlight the corner with a window that basically defines, defines the corner. Create as much retail transparency as possible on those two critical frontages and then get all the utility and electrical rooms and fire risers and trash enclosures off the alley in the back, which is the purpose of those alleys I think in the Downtown.

So just the ground floor plan at a little bit larger scale. The office is fairly open on the second floor with abundant windows that wrap three sides, the back and then the two street sides. The residential occupies the third floor entirely residential with generous outdoor terraces deep so that they can get away from the noise if they need to, but also wanted to point out that in the center where the entries are for the residential units this is open to the sky so there's a light, light well from the fourth floor you can look down so there's some integration. This is the fourth floor with a small kind of office, thinking it's maybe kind of a break space up there or possibly the office for the owner with the residence on the backside and then this is the terrace that overlooks University Avenue. You can see that all the fourth

floor with the exception of this piece here is setback from the edge of the building. I think we're 10 feet at the rear and I believe we're 6 feet on the side or 8 feet on the side.

So at the preliminary ARB we had this elevation here. It's before we had the Giants Dugout store next door. Your comments were you're on a corner I think Member [Note-Vice-Chair] Gooyer said this, is that the best way to express the corner through symmetry? So we thought about that and figured out another way to respond. I do like the response that we have. Clearly it's no longer a symmetrical façade. We have a larger framework that wraps the corner then a secondary grid work that I'll show you later how it ties in to the Downtown. Previously we had this on the, on the side. We're trying to break the scale of the building down as we go down Kipling. It's not the University Avenue kind of presence or edge that I think you need on University Avenue. Comments were a little bit too high maybe on that glass line it becomes you've lifted the building up too much and obviously the 50 foot height limit. We were trying to get that mass out on the street that you saw here, this framework and maybe there's a better way to do that. And there were some neighbors that were concerned about height as well so we brought the height down to 41 feet because we've pushed everything back on the fourth floor to the rear of the building. So it really reads as a three-story building on those sides. The rear of the building I won't spend much time on. We can come back to that if you have questions. I want to make sure I have time to get through the presentation.

This is the street view, the old Apple Store located here. Again I mentioned the heavy fascia on the Apple Store sort of began to define the dimension that we're using on the new building. The context of these buildings here that are sort of these old mercantile buildings with mezzanines in front. The idea is that we're trying to lay behind our main grid of the building a secondary grid in this different contrasting material that creates that line that comes through the building and in fact the whole residential terrace above is setback to create that definition of that maybe smaller scale. Also the syncopation it probably reads best in the color elevation or perspective you had, you have rather, but the idea of that secondary grid with the breakdown of the windows above on the second floor pulling down through the building kind of marches around the Kipling side as well.

The Kipling side again we've still broken it down into smaller elements of the building to begin to address the scale on Kipling. This perspective, bird's eye view from the south with the roof terrace the materials, the grey pietra serena would be the main framework of the building. Then the secondary grid that I'm talking about that begins to relate to the two-story the mercantile the existing buildings on the street would be crystalized glass product; very elegant materials. As you come around on the Kipling side of the building we do have our stair element that's open at the top. It kind of anchors, anchors the corner. It's setback we were right on the property line when we were here last time. We're four feet back now from the property line. This is the office entry as you come in and then the main block of the building that wraps the corner is defined here. And then the colored view of the building gives you an idea of how we're anchoring the corner with a large, large storefront, but it is very good at demonstrating I think how that, the two grids are overlaid on one another. The on the ground floor the glass is also when it hits the columns its setback and then the base setback from the glass here and then the base of the building is the, is proud of those columns so it gives something for the building to rest on. Thank you very much. And I don't rehearse it or practice it…

Chair Popp: He had another three minutes, but he just stopped. Alright. So thank you very much Mr. Hayes for the presentation; very informative. We will continue the public comment period at this point. I have six more cards here and so again we give three minutes per person. We'll start with Michael Harbour to be followed by Mark Weiss. Please introduce yourself and make sure you're speaking into the microphone.

Michael Harbour: Good morning, my name is Michael Harbour. I own the building at 421-423 Kipling Street. Unlike Mr. Hayes who just mentioned it as wood and constructed buildings what's very interesting about Kipling Street is that these are old Victorian buildings. My home was built in 1902 and it's been painstakingly put back together as well as the other homes on the street and there's been no actually just mention of the uniqueness of this particular street filled with Victorian homes. And so when I look at the backside of this Kipling building with that big grey brick solid wall, the view from Kipling is

not attractive at all. What is interesting about Kipling it's only 29 feet wide unlike all the other streets that are in Downtown Palo Alto: Waverley, Bryant, which are 49 feet wide yet they have the same zoning. So a 50 foot height limit and this in my mind doesn't, it's not congruent with the other wide streets there. So I think it looks very tall.

The fact that the entrance is going to be on Kipling Street there's a reason why Kipling Street is one way because it's extremely narrow. You can't turn left off of University Avenue. In the 12 years that I've owned the home I've been personally hit twice by cars on Kipling Street where my side view mirror has been clipped off by trying to navigate that narrow road. And many other people have the same issues. So I really think that we've heard a lot about the view from University Avenue, the view from the old Apple Store, but we haven't taken into consideration the only street in Downtown Palo Alto which is full of these Victorian homes and that perspective to this building. We're left to look at a solid blank wall. I'm concerned about parking coming in and out there because it, the parking just gets backed up. There's always a line to move down Kipling Street it's so busy.

And I'm not against progress. I think the building although many of Mr. Hayes' buildings in my mind look pretty much the same from many different perspectives that's just my opinion sir, but I have no problem with renovating that building. But the size and the scope is important to consider and I personally would love to see University, I mean Kipling Street remain a very unique walkable street because there's no other street like it in Downtown Palo Alto. It's that I would like to see it as its own protected little Victorian row if you will. I think that's a very unique aspect. I've tried to incorporate a type of patio and my building is right next to Vino Locale so there's a lot of outside proprietors that are there and guests. I've developed a little area for my tenants there and I just don't think that we're thinking about Kipling Street in regard to this particular project. Thank you.

Chair Popp: Thank you very much Mr. Harbor. Mr. Weiss followed by Gerson Bers.

Mark Weiss: The new project proposed for the corner of University Avenue and Kipling is exactly what we need more of in Downtown Palo Alto. We need more residential Downtown to make it possible for people to live and work in town as opposed to commuting. And we need more parking Downtown. This project fulfills both of these needs and in addition adds to the tax base and improves the aesthetics of that corner considerably. This project meets, the project meets zoning and parking requirements and needs no special favors or exemptions. What's not to like? John Paul Hanna, Esquire, Hanna & Van Atta, 525 University Avenue, Suite 600.

Chair Popp: Thank you very much. Mr. Gerson Bers to be followed by Brad Ehikian.

Gerson Bers: Good morning, my name is Gerson Bers my wife Tory and teenager twins live at 3218 Louis. We've lived in Palo Alto continuously for 25 years. Our first apartment was at 360 Forest a few steps from where I'm standing right now. We have great love of Palo Alto, particularly the Downtown. I'm here to voice my family's strong agreement with this project as we believe it really improves the situation downtown. We think this for three reasons and the first one is, has to do with the existing buildings that are there on University and their value. The second thing is the parking situation, which we need to speak about. And last is architectural, which you folks here are going to dive into pretty deeply if I understand what you've done in the previous project.

The existing buildings are single masonry structures have little historic or architectural value. The reports provided on the City's website indicate they're not terribly old buildings. They are primarily masonry and not constructed to current seismic or Americans with Disabilities Act (ADA) codes. They've been significantly modified since they were originally constructed. In short they really don't have a lot of value to the community and they're not actually worth saving and investing. So we kind of agree that the block needs to move on, the buildings need to come along.

The second thing we'd like to speak to is parking. You can't discuss any type of development in Palo Alto whether it's in my neighborhood or this neighborhood without talking about parking. I think this project is specifically and particularly responsible when it comes to parking. As I understand the documents that

Amy's groups prepared the existing site has 10 parking spots. I walked by before coming over here and I couldn't find more than eight places you could possibly stuff a car. So I think 10 existing is kind of questionable. The proposed development provides 41 spaces, significantly more than what we have and 6 more than are absolutely required by code.

The last thing I'd like to talk about is architecturally. I think this building that Ken designed is gorgeous. It does a great thing for the corner, it takes the energy from University Boulevard [Note-Avenue] and wraps into the corridor that right now is this canyon that goes for 200 feet until you get to these beautiful Victorians, which is a cold and sterile place and it wraps that energy in and I think that's helpful for the neighborhood. It extends the Downtown further to the east. The second level articulation relates to the next door neighbors. I think that's a really cool way of solving this big/tall/small issue. It pushes the third floor back with the residential so you don't get that feel that people are living right on top of University. It's there when you need it and it's not there when you don't. The fourth level pulls the whole mass back and that's a very neat thing because the building doesn't look anywhere near as big as you'd think it is.

So in conclusion as a long time Palo Altoan we like this building. It's a good one. And last [things side] you guys do this out of the goodness of your heart and as a Palo Altoan I appreciate the time it takes you out of your personal lives and business lives to come here.

Chair Popp: Thank you very much. We'll have Brad Ehikian followed by Bev Fields.

Brad Ehikian: Good morning, I'm Brad Ehikian, Premier Properties. You guys have a really tough job. Architecture it's in the eyes of the beholder. It's art. We all have different opinions; architecture we like, we don't like, but in regard to what your opinions are I think what Ken has designed is a beautiful building on, for a very predominant corner Downtown. I think how we should be looking at this is we should be celebrating this type of a project Downtown, a mixed-use project that brings in a housing element, it takes a single story building that was under parked, underutilized and it builds out this predominant corner fully parked with housing elements to it that is going to be exciting for the Downtown. I think we should be celebrating these types of developments and like I said I think it's good for Palo Alto as a whole as an economy Downtown. Thank you.

Chair Popp: Thank you very much. Bev Fields to be followed by Sam Arsan.

Beverley Fields: Hello, my name is Beverley Fields. I began working in Palo Alto in 1984 for a developer who also owned a property management company and at that time the Downtown was virtually dead. It housed a hodgepodge of small offices, some financial institutions, a couple of restaurants, very little was going on down here. It did not attract neighboring communities, the residents from neighboring communities, any office or retail tenants. It was a mess. So anyway it was a vision of the developers at that time that they wanted to mimic Santa Barbara and do Spanish style building. And then a few of those buildings were passed and built and then a few architects came on the scene, young architects like Key Hayes who brought some modern designs, some excitement, and helped to create a mix of Spanish and modern and existing buildings which brought diversity to the quarter. And it brought interest from neighboring communities and from retailers and tenants that wanted to be housed in these buildings. I do not feel that Palo Alto would be the same or have the economic stability it has today without this diversity and that Downtown offers, what it offers to its users, which is also made Palo Alto a destination for the entire Bay Area. I believe that the Wong's proposed project is beautiful. It's going to enhance this quarter and the experience that we already have here and create more stability for the City. And I really hope that you, I'm really sorry I'm not really good at public speaking, but I really hope that you consider this project and approve it. Thank you.

Chair Popp: Thank you Ms. Fields. And Sam Arsan to be followed by David Klieman. David Klieman is the last card that I have at this point. If there's anyone else from the public who wishes to speak, please do fill out a card and we'll make sure we get an opportunity to hear from you. Thank you.

Sam Arsan: Hello, my name is Sam Arsan I'm with Arsan Realty. I've been working in Downtown Palo Alto for almost 20 years now. I'm a commercial real estate broker. Mr. Hayes and Mr. Hanna were very eloquent in describing the project. I think it's a beautiful building. I am in Downtown pretty much every day working with tenants, looking for space. I do a lot of retail leasing. The fact that this, the retail portion of it is divisible and flexible it will add a lot for the tenants that I'm working with. The building that's currently there is outdated. A lot of the systems are failing. I think replacing it with something as elegant as this building is really a huge benefit for us and adding the parking it's a fully parked building. It's just I believe it will be very beneficial for the Downtown and I really hope that you will approve this project. Thank you.

Chair Popp: Thank you Mr. Arsan. David Klieman. I think we'll have one more speaker after that it looks like.

David Klieman: Good morning. My name is David Klieman. I'm a going on six year resident of Downtown North. I live approximately three blocks from the proposed development and I'm strongly in favor of it and I would encourage you to approve the project and I'll explain why. In my real job I'm a real estate developer and a proponent of modern architecture of which I think this is a wonderful example of. My volunteer work if you will is teaching an architecture course at Stanford admittedly with Ken Hayes the project architect, but that's not why I'm in favor of this. I think it's a beautiful building. If Ken hadn't designed it I would still be standing here telling you that I think it should be approved, but there's even a better reason, which is that every night when my wife gets home from work we take a walk through Downtown either to have dinner or occasionally to have dessert and we walk by this site and it's dark. There's just nothing happening. It's not that the buildings there are unattractive, but I think they pale in comparison to the replacement of the existing structures. In addition I really think it would be great if we saw more buildings with residential uses being built, mixed-use buildings on University. It will do I think a world of good for the City in the long run. I think this is a great example of that. It's fully parked. I can't recommend strongly enough that this should be approved, but thank you very much.

Chair Popp: Thank you Mr. Klieman and the last card I have is from Lisa Rutherford.

Lisa Rutherford: Thank you. I apologize I'm a little sick so please forgive my voice. I'm actually the closest residence to that building and I think it's very telling that my house isn't shown in any of the depictions you've seen. It is 36 feet, I measured it last night from the parking garage entrance to the gate at the front of my house. I live on the opposite side of the street next to the Apple Store. And so I want to talk a little bit about the fact that we love living on Kipling Street. It's my husband, myself, and our three and a half year old son. I love that it's a mix of commercial and residential. The Apple Store was the best neighbor I've had in my entire life. We loved living next to them and we're so excited about the development we've seen Be Yoga coming in, the redevelopment of Zibibbo's, we are completely in favor of the idea of having a mixed-use residential and commercial building at the corner. I think it's exactly the type of idea that Downtown North needs and we would be thrilled to have.

The question though is a four story building that has two levels of parking garage underneath and is emptying onto what is essentially a boulevard in terms of width. It's much narrower than other streets. It's already congested and from the architectural and aesthetic standpoint it's also the last remaining street of its kind in Palo Alto. I am, I live closer to University Avenue in a single-family home than anyone in Palo Alto does and there are so many times I walk by other beautiful houses that have been converted into commercial and I say why would someone move? We never want to move. My husband and I this is our home and we love, we love it, but this is the first time that we kind of freaked out a little bit and said, wow this could make our street and make what is so special about this beautiful, beautiful boulevard different.

Other notes that no one's talked about I think so walking from Johnson Park to University Avenue families all use Kipling instead of the other streets simply because it is a little quieter now and I think that that's lovely that it's a very it still has congestion, but it's a pretty safe street. And I would just encourage you to really think about the two big issues is that yes, should there be a building there? Yes.

Are we excited about it being there? But a four story building with a parking garage that empties onto that narrow of a street it probably isn't the best fit and that's my deep concern. So thank you for hearing me and thank you for the time.

Chair Popp: Thank you so much Ms. Rutherford. With that I will close the public hearing and I will return to the Board for comments and discussion and potentially a Motion. So with that… so are we potentially going to continue this to a date certain at the end of this? Ok. Ok. Sorry. Mr. Lew, Board Member Lew please let's begin with you.

Board Member Lew: So thank you Ken for being responsive to our comments from last year. I think the general strategy, design strategy is much, much improved. I'm generally supportive of the direction that you've taken on this. I think there's some design adjustments that could be made to make it feel a little less massive on the street. It seems not quite, not quite right to me. I think it's mostly because you added the additional site to the project. It's feeling fairly big to me relative to the existing small scale development on the block and to me it's really the it's the third floor whatever you call it, is it a band or whatnot? That sort of emphasizes the box and I was wondering if there were if you could explore other options for that just to make, to break the scale down or to step down the building to the neighbors on the left. You know like a transition? I see like on your third floor or I think on the fourth floor I know you were doing some cutouts and some light wells and whatnot and it seems like that could be it's like adjusting those kinds of elements to break that corner down.

Mr. Hayes: Yeah, we have a cutout here.

Board Member Lew: Yeah.

Mr. Hayes: On that side.

Board Member Lew: Yeah.

Mr. Hayes: And that's actually a light well.

Board Member Lew: Yeah. I think the issue is in general in our Downtown District, the Urban Design Guidelines for Downtown sort of encourage taller buildings on corners and I think really as many of the residents noted the issue is that Kipling isn't really like Waverley or Bryant and so I think something smaller in scale makes sense. I think all the adjustments you've made to the fourth floor really do help.

And I think this is sort of outside the scope of the ARB, but I just wanted to mention some, some things that other cities have done so like in Hayes Valley in San Francisco I think all the Hayes Valley Neighborhood Association recognized that once the freeway was removed it was going to just change the neighborhood a lot and that there would be a lot more chain stores and high rent kind of turnover. And the neighborhood was very active with the city to encourage like more retail on side streets that would be smaller scale for so that existing retailers could find other space in the neighborhood and then the larger higher rent mixed-use buildings right on Hayes, right on Hayes could move it. So it was trying to balance (interrupted)

Mr. Hayes: So we have the retail wrapping that corner.

Board Member Lew: Yeah.

Mr. Hayes: Where there is nothing there.

Board Member Lew: Yeah, exactly. I'm just saying that's in general. I mean that's like a Planning Department kind of thing. It's a strategy for retaining existing retail, but also making room for new projects. And I think there are some cases where you have to be really careful like in Santa Monica they renovated there Third Street downtown and now it's like a theme park. I mean it's they really lost all of their neighborhood, neighborhood stores.

In this case we may be the saving grace here is that the shopping center is separate from Downtown where really most of the big national chains may just prefer to stay over on the shopping center side and that we may because we have so much retail in Palo Alto we may be able to still have nice character and quality in this particular building. So that was my speech about just I think that it makes sense to have a larger strategy that's beyond the scope of the ARB for this became I do think that this is, this is sort of, this type of project is causing a split in the community. There basically people who are looking at this as the beginning of the end and I think that you're working really hard to sort of find the right balance in there. I think that your design strategy of layered façades and stuff is the right way to go. And I will move on at this time.

Mr. Hayes: Thank you.

Chair Popp: Board Member Ballantyne.

Board Member Ballantyne: I wonder if I can address a couple of technical things in the report? So I think there was an addition problem on Page 35 when we're adding up the trip generation totals, on Table 6 the last I took elementary math I think 20 plus 2 is 22. So that's just a typo. Also if you look then to Page 37 one, two, three, four, the fifth paragraph down where the second sentence I believe reads "The project would also replace the large street trees nearest to this corner that would improve the visibility to the roadway." They are not replacing all of them, right? They're taking out four and they're replacing three. This inconsistency is also perpetrated through the drawing set and in many of the renderings even the ones we received today they're showing lots of the trees on Kipling Street which are actually not going to be present in my understanding of the street tree plan.

Ms. Fong: The recommendations provided by the arborist hired by the applicant proposed three replacing tree along Kipling. After consultations with the City Arborist, it is decided that there will be four street trees replacing the existing trees on Kipling and this is consistent for our documents as well as the project plan.

Board Member Ballantyne: Good, ok so that piece of information I don't think was included in any of the documents that I received. All I saw was the tree report and not the additional information from the City Arborist.

Ms. Fong: Yes, we will cover that in the next staff report to ensure that clarification is in place.

Board Member Ballantyne: Thank you. Did the species also change then in that discussion? So the species is still going to be ginkgo?

Ms. Fong: That's correct.

Board Member Ballantyne: And the rest of the street is still going to maintain the carob tree?

Ms. Fong: Yes, as recommended by Urban Forestry.

Board Member Ballantyne: Yeah, so that's a point that may bear for some further discussion. This whole streetscape is carob and it's beautiful and they're not in great condition and they are breaking up the sidewalks and there's some downsides to it, but why as a landscape architect generally you want to match existing street trees especially if they're mature so unless you're going to rip out the whole street canopy it would be jarring to have carob, carob, carob, and then four ginkgoes.

Mr. Hayes: That's coming from Urban Forestry. We didn't select those.

Ms. French: Yeah, I think what we'll do is have them come to the next hearing on this to explain their thinking because they've been kind of going in this direction of they don't do monocultures anymore. It's break it up and so anyhow I'll let them speak for themselves.

Board Member Ballantyne: Thank you. So I tend to look at drawing sets as a way to communicate to an average layperson reader especially in this kind of a situation not just someone skilled in the art and so I would like to suggest that on the further renderings that we unless the tenant downstairs is going to be a car dealership that we eliminate the red car in the corner unless you're doing like 3D printing and there's no way to get a car in there and I think it tends to mislead a layperson reader who is used to using that corner at [design earth and reach] as a stopping place. Right now there's patio space that fronts the sidewalk and I think it's misleading because the pedestrian experience is going to be significantly different. And I don't think it's particularly accurate to leave that kind of I think there's a lot of different ways you can demonstrate that that's wraparound retail space.

Mr. Hayes: Previously we had this has gone through a number of revisions with staff and the back of the building has been affected quite a bit. We did have access originally for a vehicle to come in and that was the plan, but we later learned that wouldn't be a permitted use. We had already had the rendering prepared so I apologize, but it was just a very costly proposition to redo the rendering for that, but that's why it's there.

Board Member Ballantyne: Great. So along the same line in our drawing set we have for the top office lunchroom space we have a use of a backspace that says lunchroom/office. And I'm curious in your presentation it was the floorplan has the label office. And so which is it? Because if it's a (interrupted)

Mr. Hayes: It's either. It's office, it's considered office space from the City standpoint. It may be the break room for an office or it may be the private office of my client.

Board Member Ballantyne: Thank you.

Mr. Hayes: So it will be office space. It won't be like a café.

Board Member Ballantyne: Thank you, well there's no fridge. So there's only a sink. That's going to limit the catering.

Mr. Hayes: We're not in to that level of detail at this point.

Board Member Ballantyne: Will there be a key fob to control the access to that terrace to tenants or how do you plan to?

Mr. Hayes: The terrace is primary for the office user in the building.

Board Member Ballantyne: So will it be key fobbed so that people can't get up there?

Mr. Hayes: I would imagine that they'll have their own security, yes.

Board Member Ballantyne: And this, the garage is that going to be limited to tenant use only or is that?

Mr. Hayes: Yes.

Board Member Ballantyne: That's tenant use only?

Mr. Hayes: Yes.

Board Member Ballantyne: The last thing I had a comment about in the reporting was the detail at least was the water. So right now is what my understanding is there's one toilet and one sink existing in each of the four tenants there. So you're going I counted I think 75 water using appliances in this building. So it's fairly stuffed.

Mr. Hayes: You're counting the residential as part of that?

Board Member Ballantyne: I'm counting the residential so the building itself now has an add of plus 68 water appliances. So I thought that was interesting as far as impacts go. The, one of the things that I would like to address as we move sort of upward in the building the treatment of that corner if you just walk from Ms. Wong letter to the points that were brought au contraire takes us on a walk down University Ave. And if we take that walk down University Ave. upon her recommendation and you just look at the way the corners are treated just from Kipling down to Alma like of the 21 corners that are there 12 of them are either open or cut on the diagonal so that there's lots more room at the corner. Here we don't have that.

Mr. Hayes: The Downtown Urban Design Guide actually has options on the corners and this is one of the options that they have in the Downtown Urban Design Guide. So we've done probably all of those except maybe the chamfer corner, but it was important to our client to have a window on that corner in this proposal.

Board Member Ballantyne: So then as we sort of move upwards in the building I'd like to echo some of Commissioner [Note-Board Member] Lew's comments about you're the first through the gate, right? As far as contextual discrepancies go? I mean there's going to be a precedent set with respect to the way the massing goes because just like you're using the other buildings around you in your contextual discussions this is going to be a precedent setting building. It's also clearly besides that it's very economically pleasing with the way that the pieces are organized I'm, I love that it's mixed-use. I love that that, I love the way that the functions are organized. I think it's splendid. I wonder if its aesthetically if the massing is really the best possible use of that legacy corner? Thank you.

Chair Popp: Mr. Kim. Board Member Kim.

Board Member Kim: So I think the previous Board Members have mentioned most of the points that I wanted to make, but I think overall from a quality and character standpoint of the building I don't have any problems with the quality or the materials that are being proposed, but I do think that the character of the building is very massive. Even in the streetscape you notice that it's almost half of that block that this building occupies and I think especially, especially at the point where the building touches some of those neighboring buildings along University Avenue while I appreciate that the third floor residences actually pulled away from University I think the way that the elevation is treated with that band it almost makes it seem as if the volume is still there even though there is that void space there. And so I think there might be a possibility to be a little bit more gracious when that building transition happens. And I also think that the way that the building progresses down Kipling Avenue it actually seems to grow and I don't know that that's the best way to treat the rest of the neighbors along Kipling I guess.

I think also there may be an opportunity to do something along that back corner where the egress stair tower is. It seems a little bit daunting to me if I had to walk along that street and around that corner for any reason it just seems a little bit massive and a little bit scary. But again overall I think the quality of the materials that are presented especially the program I really like that residential has been incorporated into it. I don't have a problem with the mix of spaces, but I do think that the character that the building represents I think a lot of what residents of Palo Alto and visitors even like is kind of the broken up elevations, the different street facades that we approach and I think that with this building if you're walking down University you really get a sense that it's one space and it's a big space. It takes up half that block like I said. So maybe if there's an opportunity to break up that façade along University Avenue so that it feels like they're separate unique spaces I think a good example of that is maybe the FLOR Store, which I believe is another one of your projects where the elevation is kept as kind of a separate distinct piece.

Mr. Hayes: That's where we have an, there's an historic building there and then the addition next to it.

Board Member Kim: Right and I realize that it's kind of a different case because of the historic situation there, but I think it, it really presents itself to the street a little bit nicer and that it's broken up and it doesn't necessarily feel like one really long space.

Mr. Hayes: So here's an example of 100 foot long façade. And obviously this is 100 feet. That's 100 feet. So there's certainly precedent for that in the Downtown.

Board Member Kim: Right. And I'm not saying your building is the first to come up with that, but I don't think those are these facades that you're showing are necessarily the buildings that Palo Altoans or even visitors to Downtown Palo Alto necessarily appreciate, so.

Mr. Hayes: Thank you.

Chair Popp: Board Member [Note-Vice-Chair] Gooyer.

Vice-Chair Gooyer: Ok, let me start with a couple of things. I like the fact that you've got parking underground. I am so tired of hearing all these we'll just throw money at it and then obviously there will be a parking place somewhere and then anything gets built. So I think that's a big plus. I also like the fact that you said that this has residences, residential. The thing I have a real problem with is that the way you use the residential. Four 3 bedroom apartments I think is a total waste of the ability for residential. I'd rather see 10 one bedroom apartments up there. if you want to bring people downtown that's the way to do it, not four 3 bedroom units which I would assume based on a 3 bedroom unit you could have a couple of kids and I don't know if having a half a dozen kids running around in that building is really the ideal use for residence, residential on that property. But again that's your discretion. I just think it's a real waste of opportunity.

I agree that I think he did a much or you did a good job taking that sort of massive four-story and bringing it down to what you have here. The original one that you that we saw that one, but again I agree that because maybe because it's gotten wider having that band on the third floor still does a whole lot to not really or I should say psychologically it's adding to the volume of that building. We've had other projects that have come in here like that and I think it's interesting because the one you showed earlier about examples of Downtown that one (interrupted)

Mr. Hayes: The Apple?

Vice-Chair Gooyer: The I don't know I'm not positive which one it is. Where the third there is no big eyebrow up there and it has a tendency to reduce the massing of that and I think that's a… that one. It steps the building back a little bit and reduces the massing somewhat. I'm not saying you have to copy this, I'm just saying it does that (interrupted)

Mr. Hayes: This is our project also.

Vice-Chair Gooyer: Ok. So you must know… let's go back to that elevation like I said has been a big improvement. The one on El Camino. The one I have a real problem with is the north elevation if you want to call it that corner. That massive four-story bunker. The stair tower. I mean it (interrupted)

Mr. Hayes: I'm sorry.

Vice-Chair Gooyer: That's ok.

Mr. Hayes: I've lost the, I can't read it. Page 23 there.

Vice-Chair Gooyer: That one. Yeah. I have a real problem with that one. First of all in my former position on the Planning Commission in another community I used to use the term all buildings have four sides and unfortunately most people or most developers or most clients think of either one or two elevations and this being the case the one sort of right at the corner on Kipling and then on El Camino or rather University and these two are lost or forgotten. The one speaker we had I agree with Kipling is a great little street that has the old Victorians, everything else and I really don't see that the adjacent building here on the other side of the alleyway is going to become a four-story building anytime in the

near future, which would hide a lot of or at least blend a lot of this massing. So I think that that one, one and a half story building here is going to stay for a while and then this four-story mass especially coming up Kipling towards El Camino or again, towards University is just way out of scale.

Mr. Hayes: This is the location for stair.

Vice-Chair Gooyer: I understand what it is.

Mr. Hayes: No, I said you're talking about the stair?

Vice-Chair Gooyer: I'm talking about the stair and in fact I'm also not real thrilled about the back elevation. It's that whole concept you spend all the money on the front and then there's really no money left for the back and all you're doing is closing it up. I'm not saying that you in particular I'm just saying that's done quite often. And the problem here is that you could see that backside from a long way away. If this was among a half a dozen other buildings of the same scale then it's like yeah, ok, fine you don't see it anyway or standing in the alleyway looking straight up you're not really going to care. But this thing is very obvious from a long ways away and it really stands out. I agree with the rendering it's like gee they're going to put a car dealership on University Avenue?

Mr. Hayes: That was the idea.

Vice-Chair Gooyer: That was a bit interesting. Let's see… I think that's, that's probably it right now.

Chair Popp: Alright, well thank you very much for the revisions that you brought forward here today. I have to say I, I'm very much in favor of the diversity this project promotes on University Avenue. I agree with many of the people that the mix of residential, commercial, retail, and just sort of the overall of how you've organized the building are very appropriate for this site. However, I'm wildly concerned about the mass of this building. I just think it's too big. And part of that just has to do with the architecture and part of it has to do with the square footage that you've accumulated on the site. At the preliminary we said when we were looking at a smaller project you should evaluate this and maybe make it a little smaller and now you've come back with something that's bigger and it looks even bigger.

And so I'll say very clearly that I think of you as a very capable designer, very good designer and a terrific architect. And I reference your buildings as I talk about good architecture in Palo Alto. And so I'm struggling here because I think that this might be a case where you're being pushed toward something by a client that's difficult for you to manage and I don't know if that's the case or not, but I'm hopeful that the comments that you're hearing today are also being heard by the client and that all of that will be taken to heart because in order to approve this project I think some changes really need to be made. I can't support the project as I see it today unfortunately. And I'm going to try and be very specific about the things that I'm concerned about.

It does not respect the rhythm of University Avenue. I know that there's precedent for large scale buildings along University Avenue, but I don't think those should be the norm. I think those are the exception and we should try and minimize that. I think the 25 to 50 foot widths are much more in character with the college campus university town feel that I hear so many people want this to be consistent with. And larger and bigger is not necessarily better here (interrupted)

Mr. Hayes: So the secondary grid is something that's not reading for you?

Chair Popp: It's not reading enough for me. And I think the issue while I really appreciate the concept of what you're doing, it's not something that I haven't done myself on projects, but the dimension and weight of the outer box wrapping the inner box is breaking it down to a point where I can't read the rhythm that I think should be more dominant. In some ways I don't know if this is valid or not, but they're almost reversed. You should have something that's breaking up the elevation and then something behind it that ties it all together in a way rather than it being this way. I'd like to see you try that, right? I'm not suggesting that you should do what I'm describing (interrupted)

Mr. Hayes: Yeah.

Chair Popp: But I just think it's another way to do it. I appreciate that the corner treatment is one of the options in the guideline, but I think that it's the wrong choice for this corner. I think particularly because of the narrowness of Kipling that we should have a little bit of relief there and pulling that corner back and opening that up would help to transition University Avenue into the narrowness of Kipling and the beauty of all these small homes that are along there and the varied character of that street. I think that pulling out and holding the corner in the way that you have is challenging.

The Context Based Findings for this are many of them are very accurate. I think you should read very carefully what the staff has said here. Finding Number 2 talks about the street building façade and staff's comments about it being a monotonous expansive storefront I think is accurate. We need to, we need to find a way to using material or variation break this down so it feels more like that rhythm that I was talking about. Finding Number 3 where we talk about massing and setback, minimizing the massing and the form of the building I know this isn't how we manage our zoning. These things don't necessarily count in FAR, but if you include all these balconies and spaces that contribute to the overall massing of this building and I just do the math quickly we're close to 3.2 FAR not 2.86.

Mr. Hayes: You're saying if you include the balconies (interrupted)

Chair Popp: If you include the balconies, all these things that are incorporated into the mass of the building, right? Sort of the built envelope of the building. I'm not talking about the on roof terraces on the roof. I'm just talking about all of these spaces that are within the envelope as its defined by the structure, but not necessarily included in the zoning because of the way our regulations are written your, your when I just add up the numbers I'm getting to almost 35,000 sf of build space and (interrupted)

Mr. Hayes: No, it's not even close.

Chair Popp: I realize that's not how we interpret, but it is definitely how I observe it. And it's how it is perceived and that's what we're, that's what we're talking about here is, is the context and its compatibility in regard to the neighborhood.

Number 4 the low density residential transition I think you've heard from some of the residents on Kipling. I too am quite concerned about the transition to that and I think there needs to be more contextual information that comes to us and we need to be able to see what the relationship of your building to the buildings across the street are more clearly. I'm very troubled as Board Member [Note-Vice-Chair] Gooyer described by that stair tower in the back. I don't see a reason why you need an additional 15 feet for mechanical tower when you've got a terrace as large as it is up on the roof. Let's just let's get this thing down a little bit. It doesn't need to be this tall.

Mr. Hayes: There's no mechanical though in the stair. You're (interrupted)

Chair Popp: is that the elevator tower I'm seeing?

Mr. Hayes: That's the elevator. It's the elevator and the stair, yeah.

Chair Popp: Ok, alright then it needs to be there. There's no way to get that down. I had understood that to be mechanical, but I misread the drawings. Sorry about that.

The reason we have architectural review is because there is an aesthetic component to this. If it was just about zoning we wouldn't need architectural review, right? You'd be able to just do everything by right that you can do, but for me I guess the statement is just because you can doesn't mean you should. And this just feels too big to me. And I think that I would, I would encourage you to bring all of your skills to bear for us, come back with a revision that makes it feel less significant. I'm not saying you can't have all this square footage. I'm not saying you shouldn't have all the square footage. I'm just saying it

appears too massive and right now this is, this is bigger than I'm comfortable with and it just doesn't contextually seem to fit into everything around it. Part of that is that it's the first one of this size in this particular area. There's a little bit on the other side of the street, but it's just, it's just huge. And so we can find a way to transition that a little bit, find a way to terrace it back, change the architecture.

Mr. Hayes: The 41 feet certainly you can't be thinking that that's too tall. 41 feet on University?

Chair Popp: Ken it's not that it's…

Mr. Hayes: You're concerned about the breadth?

Chair Popp: Yeah, I'm not concerned about the height so much. I appreciate that you're at only 41 feet, but now incorporating the Giants Dugout building and it just getting that much bigger and it being pulled out the way that it is and this band that wraps around and this giant tower on Kipling. It's just too much in too many places for me and I think it, I think there's another way to do it. I think there's another way to skin it and to wrap it. Your materials are beautiful. Like I said the concept is great. I love the mixed use. I think Robert's right about the units, the three bedrooms versus the ones, but you know that's your (interrupted)

Mr. Hayes: That's our…

Chair Popp: It's your program, right? I don't get to dictate that.

Mr. Hayes: I appreciate that.

Chair Popp: But I'd like to encourage others who consider a building like this to think about smaller units because that's better for everybody.

Mr. Hayes: It puts more impact on parking by the way.

Chair Popp: Well, but we can solve that with money, right? I mean there's ways to solve (interrupted)

Mr. Hayes: We're down two levels already.

Chair Popp: I know.

Mr. Hayes: Alright, well thank you for your comments.

Chair Popp: Thank you.

Mr. Hayes: We'll be back.

Ms. French: We need to vote.

Chair Popp: So yeah do we have?

Mr. Hayes: A vote?

Ms. French: To continue it.

Mr. Hayes: Oh to continue it.

Chair Popp: Yeah, and actually I think I heard that we didn't need a Motion, but we do, don't we?

Ms. French: Ok I guess you need to continue, yeah we've recommended that it get continued and you have to do it and it's just (interrupted)

Chair Popp: So we have to move that this project (interrupted)

Ms. French: Well, yeah I mean I guess December 18th was a target date. I don't know with these comments whether that's given the holidays if that's a good idea.

Chair Popp: He's probably talking about that now.

Ms. French: But…

Chair Popp: Great. So Mr. Hayes would you like to respond whether you think you can return back to us by December 18th with the kind of comments that you've heard today or do you need more time than that?

Mr. Hayes: I can certainly return back. I need to confer with my client about the comments that were made, but put us on the agenda. Please.

Chair Popp: Great, so you need a Motion to do that then. So do I have a?

MOTION

Vice-Chair Gooyer: Sure I'll move that we continue this project to a date certain, December 18th.

SECOND

Board Member Lew: I will second.

VOTE

Chair Popp: And all in favor? Aye. Any opposed? So that passes 5-0-0-0. And thank you.

MOTION PASSED (5-0-0-0)

ARCHITECTURAL REVIEW BOARD
January 15, 2015
VERBATIM MINUTES

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DRAFT EXCERPT

Item No. 2:

429 University Avenue [14PLN-00222]: Request by Ken Hayes Architects, Inc. on behalf of Kipling Post LP for Architectural Review of a proposal to demolish two existing one-story commercial/retail buildings with a total of 11,633 sf and construct a 31,407 sf, four-story mixed use building with two levels of underground parking providing 40 on-site spaces on an 11,000 sf site in the Downtown Commercial (CD-C (GF)(P)) zoning district. Environmental Assessment: Initial Study and draft Mitigated Negative Declaration public review period was November 17, 2014 through December 12, 2014. **The hearing of this item was continued from the December 18, 2014 ARB meeting to this date.**

Chair Popp: Al right, so we will reopen the meeting and move on to Item Number 2 on our agenda, which is 429 University Avenue, request by Ken Hayes Architects, Inc. on behalf of Kipling Post LP for Architectural Review of a proposal to demolish two existing one-story commercial/retail buildings with a total of 11,633 square feet and construction of a 31,407 square foot, four-story mixed use building with two levels of underground parking providing 40 on-site spaces on an 11,000 square foot site in the Downtown Commercial (CD-C (GF)(P)) zoning district. The Environmental Assessment: Initial Study and draft Mitigated Negative Declaration (MND) public review period was November 17, 2014, through December 12, 2014. The hearing of this item was continued from the December 18, 2014 Architectural Review Board (ARB) meeting to this date. So with that we'll turn to staff for a presentation.

Christy Fong, Planner: Thank you for the introduction and good morning Board Members. In regards to the project in front of you this is the second formal hearing for 429 University Avenue. The project remains as described and there are no changes to floor area and land use program. The first ARB formal hearing took place on November 20, 2014. During the hearing, comments were received from public and ARB members commented related to the architectural design of the project. Some of the major comments are outlined in Page 1 and 2 in the staff report. Since the last hearing, the project has been revised to address the aesthetic concerns. The applicant has prepared a presentation to detail these changes.

Since the packet distribution last week, staff has received additional public comments. The correspondence is provided at places for your consideration today. The public review period as described for California Environmental Quality Act (CEQA) was held from November 17, 2014, through December 12, 2014. During this period the draft initial study, MND, and the background study were made available for public review and comments. Staff has not received written comments but verbal testimonies were received in the public hearing on November 20, 2014. Heather Martinelli is here today to answer any CEQA related questions you may have. In addition, staff has noted a minor area in the preamble sections of the mitigation monitoring program. The revised preamble is presented at place. The revision does not affect the content of the mitigation monitoring program. That concludes staff's report.

Chair Popp: So I should note that there is a member of the public here who apparently needs to leave. And so we're going to go just a bit out of order and allow them to speak first and then we'll go to the presentation of the applicant. So I'm sorry I don't know which card is yours so if you could announce your name please and then we'll give you three minutes to speak.

Tim Orbelier: I appreciate it. My name is Tim Orbelier and I'm speaking in support of the project. My family moved to Palo Alto in 1981. I went to school in Palo Alto eventually graduating from Palo Alto High School and moving on to study architecture at Berkeley. After I graduated I took a job in Palo Alto at Young & Borlik Architects and that's when I met the Wongs about 10 years ago. In my experience the Wongs have been a positive influence in Palo Alto; successful developers with a taste for what can work in Palo Alto, especially in Downtown. They are people who have a vested interest in making Palo Alto better.

The proposed design as you can all see is fantastic. The Hayes Group has a fantastic track record in Palo Alto designing outstanding projects. Mediocre designers just do not stay in Palo Alto. I don't think that we should stand in the way of progress, especially responsible well executed progress. Some people have argued that this building is too massive or too tall or creates canyon like alleys. In Palo Alto what street other than University is better suited for high density? This is not sitting in a residential area. This is exactly where it ought to be.

Palo Alto can clearly use more rentable area, more parking, more housing as the next Yahoo, Google, and Facebook try to start up here. Let's not stand in their way. Ladies and gentleman, I urge you not to be swayed by voices against reasonable development. I urge you to approve this design as soon as possible.

Chair Popp: Thank you very much. And so with that we'll turn to the applicant for a presentation. And we'll set our clock for 10 minutes. Mr. Hayes, as soon as you're ready we'll get started.

Ken Hayes, Hayes Group Architects: Thank you, Chair Popp. Good morning, my name is Ken Hayes with Hayes Group Architects. I'll be presenting on behalf of my client Kipling Post LP. Before I start let me just I want to thank the Planner, Christy Fong, and Chief Planning Official Amy French for really assisting us in getting this back to you. We couldn't quite make the December date just because the revisions.

As we recall the site is the corner of Kipling and University Avenue. The surrounding context consists of one, two, four, and six-story buildings both across the street and kind of in the same general on the side of University Avenue. The site's 11,000 square feet. It combines the two properties. There's been no change to the program since our last hearing as Ms. Fong pointed out. We still have ground floor retail. We have a second floor of office space. We have a third floor of three apartments or yes, apartments. We have a fourth floor of one apartment and some commercial office space and rooftop terrace. Below grade the two levels of underground parking although there's been some reconfiguration because of the changes. We have 40 parking spaces, 5 in excess of what the requirement is at this point.

This is just some views of context. Shady Lane, we're all familiar with that; the existing building; from University Avenue, the Giants Dugout store located here, the Apple, former Apple store on that side. This is the back alley condition. These trees are all being removed and the sidewalk, curb, and gutters all being redone along Kipling. On the ground floor the changes primarily in plan anyway have to do with what we've done here on the back corner where the alley is. The first thing is we removed that parking space that we had here and we put bike parking in this area protected under the building. We've relocated the entry which was formally about here and flipped it with the stair to address some of the comments from the neighbors on Kipling and yours as well and that resulted in the reconfiguration of the lobby, the elevator in sort of this general area. We've also added a transition planter kind of as the building wraps the corner now and even though it's commercial on this side of the street it is a nice transition to that lower scale commercial. And then I believe the entry here was formally here and so it's relocated there. We still have the multiple entrances along University Avenue and so the majority of the changes took place there in plan. There were also changes on the second floor and I'll just show you that later.

Your comments from the initial hearing in November: the overall mass seems out of scale with the immediate context, the idea of layering grids that I had talked about to reduce scale is perhaps not strong enough, relate better to the University Avenue façade street rhythm, the elevator and stair element on Kipling seemed out of scale/does not transition well to the scale of the buildings on Kipling, and possibly study other options for the corner and provide design input. I think this was Vice-Chair Gooyer's comment on the alley elevation. So we've addressed these and I'd like to show you how we've done that. I want to talk about the mass, the rhythm, the scale, and the setback of the building.

So this is the prior proposal and the big move was this block that kind of defined the building and reinforced the street context. And so what we've done is reduced the block in height by about six inches in an equal amount at the bottom so that block has gotten smaller vertically and then pulled back about 30 feet of it from the left side to create less mass there and get this more in scale I think with University Avenue. In terms of the rhythm what it's done is it's really opened up the opportunity here to create a rhythm now we've added additional elements on the block to reinforce that rhythm and that's carried down to the ground floor although we had that previously. In terms of the scale the move of having that secondary grid that we had here to help kind of reduce the scale because at this point it steps back to a balcony so there is a break in the building at that point, but we thought it would be interesting to take that and really strengthen it now and we've pulled it through the building to the left side here and that you'll see in the street context provides a nice transition now to the remaining buildings on the block.

In terms of setback the portion up here is setback from this façade about 26 feet. So it's not even in the University Avenue street context. This portion here is setback, I'm sorry, this portion here is setback 40 feet and this portion sort of is somewhere around I believe 12 feet setback. So it creates a terrace effect here and each of those terraces is for the residences that sort of that step back at that area. Up at this level it creates that roof terrace that we have that is afforded to the commercial tenant.

On Kipling the same changes were made to that block because the block wraps the building, reinforces the corner. So we've reduced the mass of that block, but really focused attention back here as well and took it from a 50 foot stair tower, elevator tower, and a structural glazed glass wall with a cutout in it to a continuation of that two-story element that wraps through and around the building. We flipped these as I discussed earlier creating the new lobby here for the upper floors. This is an outside lobby if you will, terrace that accesses the office level at the second floor and then at the third floor that accesses the residential units. So this is really broken down the scale or the mass rather or this, of this corner. The stair has been reduced and moved. I believe it's at 42 feet now whereas before it was at 50 feet. This syncopation is again strengthened as it wraps the corner creating the rhythm that is more in scale with the streetscape. And that occurs here and the relocation of that stair has also afforded us to make that change as well. The scale I think I've mentioned. We want to wrap that two-story element around to provide a transition to the scale the buildings on Kipling.

In terms of setback this façade here at the fourth floor is about 12 feet back. We've moved it back an additional six feet from where it was before from this façade here. And then this is between the two this balcony that comes across is about 6 feet back from here and 6 feet in front of that façade which is 12 feet back. So we really think that we've reduced the mass, we've created this rhythm, it's more consistent I think and what we were looking for. I think this process invariably results in architecture that's better informed and a better project. So we're happy with these changes we've made.

The alley elevation; this was the prior elevation. You can see how we've changed this here. The entry, this is Kipling on the left. The planter wraps around the entry. There's frameless glass here on the ground floor, the open balcony at the second floor. On the back of the building this is all now a balcony for the offices. So instead of having a window wall at that location this is now all recessed back with a glass railing so kind of, it's kind of unique to introduce activity on the alley. I think there's not been much of that in the Downtown except at 250 University at Centennial Alley. The upper floor, the third floor apartments also has that similar setback as we had before and then the fourth floor is setback even further and there're balconies out on the backside there. This is the area that's been had the car

removed and so we have the bike lockers located in that area so a little bit more accessible I think to the entry and for the resident's use.

This is the elevation that faces the block. This is the prior where we had just the one cut through. Of course we don't have this framework here any longer. That's about 30 feet pushed back here. And so what we have now is the glass rail that returns and then the building basically steps up like that as it steps back from University Avenue. The street context you can see the University Avenue composition and how this basically steps down to the one and a half story buildings in the remaining portion of the block. And then this is the view at Kipling where again the two-story element exposes itself here and drops down at the ground floor to provide that transition to the rest of the commercial buildings on that block. This gives you an idea of the image; I think you were provided with the renderings. Yeah, you have those? Ok. So this shows the rendering from University and then the rendering from Kipling. The materials are all what we had proposed before which were generally supported by the Board. So thank you very much.

Chair Popp: Thank you. Let's see… do we want to return back to the Board here? I'm sorry?

Mr. Hayes: Where there other public comments or?

Chair Popp: I was going to suggest that we could go back to the… I forget the order that we do this in, New Year. We'll go back to technical questions now and then we'll return to the public. Is that correct?

Amy French, Chief Planning Official: That's typically what's done.

Chair Popp: That's what I thought. Ok. So Board Member Ballantyne let's begin with you.

Board Member Ballantyne: So Christy thank you for your work. I had a question about the utility area that you're referencing on Page 5, the access to the utility area on the Kipling side. This is a covered space, correct?

Ms. Fong: To Board Member, yes.

Board Member Ballantyne: And the, is there any technical reason that dictates the placement of those long term bicycle racks, bicycle storage units?

Ms. Fong: The placement of the bicycle rack has to have a minimum three feet distance from the electric board along the wall at the back.

Board Member Ballantyne: Ok. And is there also any technical reason for having to place the bollards rather than some sort of landscape planter that would echo the landscape planter on the corner of Kipling?

Ms. Fong: There's no technical reason as of why not having landscape planter instead of bollards.

Board Member Ballantyne: Thank you. My next question refers to the public art portion of your report which is Page 4 where you invite the ARB to provide comments to the extent of the visibility of the wall shown for the public art. So when I think of the word public I think of for example the egg at Lytton Plaza is definitely public art. It's right in the middle of a plaza. Is there any precedent for private lobby space to be considered public display space?

Ms. Fong: We have the Public Art Manager here today who may answer your questions. So maybe I can introduce her, Elise DeMarzo, and she can comment more on public arts.

Board Member Ballantyne: Right, so I know that there's been some sort of discussion on visibility through, I'm wondering if that is well established.

Ms. French: Welcome Elise.

Elise DeMarzo, Public Art Manager: Hi, I'm Elise DeMarzo. I'm the Manager of the Public Art program for the City of Palo Alto. As you may know the public art and private development ordinance just went into effect last January. So this is our one year anniversary. And there has indeed been a lot of discussion about how public the artwork is. So the requirement as outlined in the ordinance is that it has to be accessible to the public a minimum of 40 hours per week. So definitely there's been some discussion back and forth with lobbies how public is it? Would the public know whether or not they are invited to enter and experience the artwork or if there has to be a certain amount of effort to find the artwork? So that has been a topic that's been very much under discussion with the Public Art Commission.

Board Member Ballantyne: So in that discussion is there any sort of trending because I see them as completely different. When I go to Mitchell Park and I see the sculpture out in the front that's public art. When I walk by a lobby that has a security person and a receptionist sitting in there I don't think that I'm invited in. So I think it's a valid discussion to be having. I'm not sure that we're equipped to really to address it on this particular case.

Ms. DeMarzo: So when the project did come to the Public Art Commission previously for their initial review some of the Commissioners did voice some concern about how public that space was, that members of the public who were walking down Kipling Street may not necessarily feel invited or entitled to enter into that lobby space. So that was a discussion that came up with the Commission previously.

Board Member Ballantyne: Was there any conclusion to this discussion? How is it left? How was it summarized or?

Ms. DeMarzo: Well, the applicant does have to come back to the Public Art Commission with a final art plan showing the artwork and the placement of the artwork prior to getting final approval. And the way the ordinance is written they cannot receive their building permit until they've received that final approval for the artwork and the placement.

Board Member Ballantyne: Thank you.

Chair Popp: Board Member Gooyer [Note-Vice-Chair].

Vice-Chair Gooyer: No, [unintelligible].

Chair Popp: Board Member Kim.

Board Member Kim: [unintelligible].

Chair Popp: Board Member Lew.

Board Member Lew: I have a question for staff. So this is on Transportation Demand Management (TDM). So I think there's a TDM requirement in the conditions of approval from the Planning side and then I think if I read correctly in the environmental report it was saying that there is no TDM required for the project. And so I may be misreading something, but I was wondering if you could clarify what's happening on this project.

Ms. Fong: The CEQA documentation does not require a TDM program, but as a condition of approval, the applicant is requested to provide one especially for the commercial uses that include targets for bicycle and public transit ridership.

Board Member Lew: Ok, so we're saying this is voluntary? I don't quite understand. Or it's just you're just requesting it just because it's Downtown?

Ms. French: Yes. Typically, a TDM program comes with a request for a reduction in parking. That's what we've seen most of the time. In this case it would be voluntary so it's not an imposition of a mitigation measure.

Board Member Lew: Great, thank you.

Chair Popp: I only have one question for staff at this point. What level of control or conditioning can we impose on a project in regard to the use of residential terraces on University Avenue and what can be stored on them, how they look, how they appear? I'm in favor of the terraces. I think that that will be lovely space for the people who use those units, but I'm very concerned about residential clutter on University Avenue and what that's going to look like. So could you advise a little bit about what our role is and how we might control that?

Ms. French: Yes, I would say that, because the applicant has not proposed a condo situation, where often what we would have is a Covenants, Conditions and Restrictions (CC&R) type document that would talk about the use of the residential open area (interrupted)…

Chair Popp: But we don't have that here.

Ms. French: But we don't have that here. So I just thought I would start with that just because we don't have that. So that's not a tool. And it's awkward because your purview is the design of the building and not really the use, the ongoing use of those areas. So I think to the extent that the design is going to enable clutter or not is kind of the area that you would want to focus on. So I don't think there's a possibility to put a condition that it shall remain free and clear of clutter.

Chair Popp: Ok. Alright, that's great. I'll get to you. We'll get there. Let me go back to the public period and then we'll address it in the comments as we go forward. I just wanted a technical clarification about what the role was. Of course.

Board Member Ballantyne: So this is a question I believe Dave Dockter we have you present. This is a question to you really as the City Arborist. I was wondering if you might just confirm for us that the tree protections that are described in the tree protection plan particularly for those London Plane trees being retained on University Ave. whether or not you feel that is completely sufficient to sustain them during the construction period when they're digging this big hole right next to their root zone.

Dave Dockter, Arborist: Thank you, yes that's a concern to us too and we have adequate provisions to control any pruning or erection of scaffolding for the London Planes. The trunk will be protected. It's out in the D shaped island separate from the sidewalk, but the project arborist will provide an updated tree protection report before the building permit is issued. So we'll have a chance to go over every nuance that may occur to the London Planes. We would not allow heavy cutting on one side, on the building side just for the temporary reason of scaffolding or getting the thing built. So I think the shape of the two London Planes will be still intact. Not I think, I know.

Board Member Ballantyne: Ok, so do we have any way to condition that if they don't survive within year one to three that they are required to then be replaced with exactly the matching at the cost to the applicant?

Mr. Dockter: If there was mortality of one of those London Planes that would be a huge, significant impact that we would… that won't happen. If the trees actually are growing the root area along University Avenue it's not just surviving in that little planter area. They are very deeply rooted underneath the existing paving, the asphalt of the roadway.

Board Member Ballantyne: Right, but we're cutting down one side very deeply.

Mr. Dockter: On the back of, yeah, back of sidewalk there will be a deep basement and yeah, for the garage. The shoring will not allow, we won't allow a lot of cutback. It'll be a vertical shoring scenario

and we wouldn't expect that the London Plane roots to be growing in the back of the sidewalk area anyway. The existing foundation is kind of an impediment to the London Plane roots I think right now. They've been growing for 28, 30 years.

Chair Popp: The fact that there's an existing building there now in roughly the location where the cut will be made and the shoring will be placed is consistent with other projects that we've seen and I think that Dave's indicating that he's comfortable with the placement and the organization of the structure.

Mr. Dockter: Yeah, just to clarify the parking garage removal of roots at the level of parking garage would be insignificant to the trees. Even if there were root pruning which there probably will be some it's not a significant mortality issue with the London Planes at all. Just general sidewalk repair does worse things in town than this project will impact to these two London Planes.

Board Member Ballantyne: Ok, I, my concern was really if there is a mortality then what? That's really my concern, but we can move on and maybe address that.

Mr. Dockter: They would be replaced if the, if a tree died it would be replaced with the value of the tree discussed and required of the applicant. The mortality would be a very unusual event. I mean that would be a serious unexpected element.

Ms. French: Yes, I just wanted to add the mitigation monitoring program does contain a bullet there about performance evaluation criteria with respect to trees. So we could beef that up if need be, but it says "Field inspections conducted to verify adherence to conditions." So over what time period? Typically a two year period would be to establish the growth of the trees Dave? I believe? But yeah.

Mr. Dockter: Yes.

Ms. French: Yeah. So we'd keep our eye on the trees for an extended period beyond completion of construction.

Board Member Ballantyne: Thank you.

Chair Popp: Alright, so with that we'll open the public comment period and I'd like to first call Vita Gorbunova and then we'll have Michael Harbour. You'll have three minutes to speak. If anyone else here from the public wishes to speak please fill out a public speaker card and get that in to us as quickly as possible, thank you.

Vita Gorbunova: Hello, I thought I can understand the reasons for the Wong's family to push this project forward. I can totally understand the architect's reasons. He is paid for it. That's his job. So I urge the City Council to keep the comments to consider them with a grain of salt. It's a job family really wants to have to maximize benefits. Architect is doing his job and he has gained the reputation to build pretty big buildings everywhere in Palo Alto. I don't know if it's to attest to his ability as an architect or to his other abilities. And I could see these modifications to the plan and from the big box it becomes a big deconstructed box, but I don't even think that it makes sense to talk about aesthetics of box versus non-box of this project. Even if we put the palace with all the bells and whistles every resident of Palo Alto was considered beautiful it still so out of place and out of scale. So hopefully City Council who basically is supposed to be our representatives I hope you will hear me out.

I can consider myself as an expert on that. I live two blocks from here in Downtown Palo Alto. I walk by this particular site every morning, back and forth sometimes several times. So I know Kipling very well. I know this particular site very well. And I had lived around in Downtown Palo Alto for 15 years and I was looking in our Downtown which is mostly nice because of all the vitality Stanford students bring in. So let's face it, it's not the most beautiful Downtown in the neighboring cities. It's mostly beautiful because of people. And if you walk on University Avenue you'll definitely notice how the sense of this vitality drains when you walk by this big building. Just look across the street from this particular site you will have the four-story high building and you will see is that it's in front of it's kind of empty and when I

was on my way here to the hearing I walked by this site again. And I can say is that in the morning the west side of University was already getting some sun and it was very nice looking. Are my minutes up? I'm sorry. So but basically look on the other side. It was this building was in the shade, was cast in the shade on the other side (interrupted)

Chair Popp: If you could wrap up, please.

Ms. Gorbunova: Ok, I can wrap up easily. I notice that this building never shown in the context of the neighboring buildings except this photo (interrupted)

Chair Popp: I'm sorry, we have three minutes for you and you've used (interrupted)

Ms. Gorbunova: One second please.

Chair Popp: You can just (interrupted)

Ms. Gorbunova: Look at the photo. If you, if you need to propose this building, this proposed building will have to be two and a half, three times higher (interrupted)

Chair Popp: I'm sorry, we're out of time. Thank you very much.

Ms. Gorbunova: Thank you.

Chair Popp: Alright so Michael Harbour and that's the last card I have today. Again you'll have three minutes.

Michael Harbour: Hi, good morning. I'm Michael Harbour. I own the building at 421-423 Kipling Street and I just want to remind you that Kipling is such a unique street for all of Downtown Palo Alto. It is lined by Victorian homes that are both being used as residences and offices and it's a throughway between University Avenue into Johnson Park. It does have a very unique sense when walking down it. The other small, it's only 29 feet wide, which makes it much different than all the other major thoroughfares like Bryant and Waverley yet still have the same zoning height restrictions. So when you put a 50 foot building on the corner of a 29 foot street it has a much different sense than if you're building on Waverley like a parking structure. So if they build this the building itself within by itself is a lovely building. I have no problem with the architecture, but on a different corner it would make a lot different sense. When you put it there on this little tiny narrow street which essentially acts as a one-way street if you've ever tried to go down two cars you can't do it; one has to stop, one has to go, and you go around each other. I've been hit on that street twice. I've had my side mirrors sideswiped. You start putting four stories of people working in this building it's just not going to work for that. And you haven't even considered the building that's right across the street, which is the old Apple store. What happens when they want to build a four-story building? Now you have this huge corridor effect on this little tiny street. It just doesn't make sense. So I just call to your attention that although the zoning may be the same and they're working within the guidelines 29 feet does not equal 49 feet for this most unique street in Palo Alto.

If I had my way we would designate Kipling Street as Victorian way and give it special designation because it's so unique. At the last meeting Mr. Hayes talked about these buildings as just being wooden structures. They aren't wooden structures, they are very unique homes. And the perspective that he shows of the proposed building on Kipling Street from across the street is not accurate at all. It's showing like there's almost a park there, like you have all this space there. It's not, take a look at it. There's a home there with a woman living there with a fence around her yard. You cannot have I would say inaccurate almost deceitful picture that they're proposing there from that view. It just doesn't make sense. It just does not fit and the traffic's going to be a real concern all that coming in and out around the corner. I have no problem with Ms. Wong wanting to develop that. I do think it could be made into a beautiful corner. It's just too big and doesn't fit right there and I ask you to please consider that for this lovely little street.

Chair Popp: Thank you very much for your comments. So with that we'll close the public hearing and we'll move back to the Board for comments. And again I'll begin with Board Member Ballantyne.

Board Member Ballantyne: I have distilled my comments to five pieces. The first one, I would love to be able to commend the applicant and the architect team for a fantastic improvements on this revision. I think that I can appreciate the change in rhythm and the effect that it's having on the step down on the University frontage. I wonder if there's any way to replicate that same step down on the Kipling side. I think you've heard some of the concerns, but we can go there in just a moment. I would also number two like to acknowledge, excuse me, the splendid guidance and the considered slog by staff through this marathon of compiling and assists and I think, I think everyone involved has put forth a commendable effort so especially Christy Fong who has been tirelessly attached to this to make sure that we're equipped to make a value, a valuable opinion.

I would also number three just like to state for the record and for those who might be watching that like it or not this project is a perfect example of continuing an unfunded parking liability for Downtown. There, you know it utilizes all the loopholes created by the needs of a prior construction era; 5,000 square feet are exempt from parking requirements coupled with years of in lieu parking fees takes 92 required parking spots down to 40 with 35 being provided. So that's 40 percent of the required parking. So over the next 50 years the lifetime of this building we've got a 60 percent parking deficit.

Now I'd like to go to the elements of my analysis of the structure and the impacts. I spoke regarding the University frontage and I think that this is far improved. I'm not sure that we've landed best yet, but we're definitely at better. I wonder if with respect to Finding Number Two, the project is compatible in the Downtown urban context when… so you notice that staff has very carefully defined the constraint of how we're finding the design to be compatible with the immediate environment of the site we define the immediate environment of the site to be the whole of the streetscape of University Ave. when in fact I would contend that the design is compatible with the immediate environment of the site also requires that it be compatible with the Kipling side as well. That's one of the problems of a corner site. So on the North elevation I'm not sure, but I think after studying it yesterday and walking around some of the other four-story buildings Downtown Palo Alto that there seems to be sufficient wiggle room on that fourth floor to make that four-story read less visible, which would help me with Finding Number Two. I think we need to say that the design is compatible with the immediate environment of the site on all sides.

Number two, with respect to this massing idea on the Kipling side they have, you have this 42 foot stairwell now and I, I was really inspired in Paris there's a museum that has a 50 foot tall living wall. And I'm sure that you don't want to go through the technicalities of adding a living wall to 42 feet of stairwell space, but it's an idea that would turn a cement structure into public art perhaps. Number three, so I would suggest that a better way to treat the alleyway is to continue that planter on the corner side and pull it though and have that be the buffer to the utility area rather than the bollards that are proposed.

So I'd like to talk first about I guess fourth about the pedestrian findings. So I'm referencing Attachment E, I'm referencing the context based design criteria findings, and I'm thinking that where we talk about pedestrian use I think that the well we can make perhaps flip there in the context based design criteria findings we say that any development which will promote the establishment of pedestrian oriented design and that we are achieving pedestrian oriented design when new construction shares these characteristics they're… you can set your watch, I don't know if you're aware of this, you can set your watch by the residents of University Avenue that walk down there in the mornings and use that corner in particular for resting. Particularly the elder senior citizens that live at Lytton Gardens that's their walking route and they go around that awkward wall that's existing into that diagonal plaza and that's sort of their resting spot. So I think the existing design is far more pedestrian friendly than the proposed design. I know that we brought this up in the last meeting and you, your response which I believe can be found in the notes I think on Page 13 of the transcript where you say, "It was important for the client to have a window on that corner in this proposal," I think that there's a way to have the window on the corner and to have a truly pedestrian friendly moment there. You also mentioned that the design context guidelines have five different options proposed for the corners only one of which is actually the corner that you

used. The other 80 percent are actually some version of a diagonal corner and 50 percent of the corners from Kipling on up towards Alma are diagonally treated. So that's number four my, the pedestrian findings. I think it would be more appropriate to follow the pattern of having an open corner where 50 percent of the corners are open than to choose otherwise.

And I think my fifth comment would just be referencing the public art. I think for me public art is accessible all the time. And I know that the Public Art Commission might think otherwise and say as long as it's accessible for 40 hours a week it's public, but I like to call a spade a spade. And if it's public art then we can see it and enjoy it and if it's inside a lobby and there's a receptionist there I don't, that doesn't read or feel to me as public art. That concludes my comments.

Mr. Hayes: Thank you.

Chair Popp: Vice-Chair Gooyer.

Vice-Chair Gooyer: Ok, first of all I think this is a great improvement over what you showed us the last time.

Mr. Hayes: Thank you.

Vice-Chair Gooyer: The breaking up especially on University Avenue I think is helped tremendously. An interesting point that you mentioned as far as the glass if you want to call it guardrails that having the opportunity to show clutter, things like that on the balcony, the private balcony of residences in another municipality where I'm involved is the concept is they should be, they're not allowed to be open or clear hence so you don't see anything. What's worked successfully is having something like this same material only it's fogged so you don't see what's going on back there realistically and yet it still doesn't have the perception of the wall going up another three and a half feet. So it and it does wonders as far as hiding possible clutter. Please let me finish my thoughts and then you can.

Couple of other things, we keep hearing the whole thing about the mass and everything else and I understand that, but again there have also been comments people made that of anything if we're going to do massing it's probably better on University Avenue or at least right at that intersection then it would be further down off University Avenue. Although I think this design could lend itself to cutting back a little bit the as in other buildings we've seen the large eyebrow if you want to call it at the corner could be cut back to at least give the perception of, now I'm talking about on the actual Kipling/University Avenue corner, that eyebrow could be cut back. It really isn't going to change the function of the, I'm talking about well, I don't know… right there.

Mr. Hayes: Oh, you're calling that an eyebrow?

Vice-Chair Popp: Basically right there. Again, because you never see anything in true elevation, you see it in perspective. So with that moved back it makes it look a great deal more like a two-story building than it does a four-story building. It's been very successfully done on the fourth floor that it almost looks like a three-story building as you've (interrupted)

Mr. Hayes: This does look three stories right here. This is three stories.

Vice-Chair Popp: I understand that, but I'm saying the building totally is a four-story building. That's what I meant. And then on the other, again on the backside with the Kipling and alleyway corner again the perception is you know I'm not saying that I think what you've done here is a great improvement over what was done previously, but again by pulling the balcony if you want to call it out further you've just enhanced the massing of it. If you reduce the or get rid of the eyebrow on the third floor and cut back the balcony somewhat on the, I'm sorry, the eyebrow on the fourth floor or whatever and the balcony on the third floor it would help again the perception of massing on that corner.

Mr. Hayes: So there is no fourth… so this is third floor.

Vice-Chair Gooyer: Cut that back.

Mr. Hayes: This is third floor.

Vice-Chair Gooyer: The eyebrow of the third floor and the actual balcony of the third floor cut that back a little bit.

Mr. Hayes: So you're saying this right, this part right here then?

Vice-Chair Gooyer: Right, cut that back a little bit because you brought it out. It sticks out further than the adjacent (interrupted)

Mr. Hayes: It does, yes it does.

Vice-Chair Gooyer: And I understand from an architectural view. It's always the conflict of do I do it because it looks better in an entity onto itself or how do I do it to adapt to the adjacent surroundings. So it's a game to get the balance just right.

Mr. Hayes: Just an FYI (interrupted)

Vice-Chair Gooyer: The eyebrow again, same thing that about that holding that. I liked it, but again it does give a perception of mass.

Mr. Hayes: So this is, this is 28 feet right here.

Vice-Chair Gooyer: It's what?

Mr. Hayes: Twenty-eight feet. Just to give you an idea of the size.

Vice-Chair Gooyer: Right. No, I understand that.

Mr. Hayes: So it's two (interrupted)

Vice-Chair Gooyer: And like I said I'm not saying get rid of the whole thing altogether. You need to have that movement around there, but again it's perception. I'm not expecting you to cut the floor off the back there, but (interrupted)

Mr. Hayes: No, I really like how this line continues down the back alley as well. (Interrupted)

Vice-Chair Gooyer: Again, I'm not arguing that. But you have to look at this in the context and also that with a one-story building next to it there are things that you sometimes have to give up on the design to accommodate those. Other than that like I said it's definitely a tremendous step to the right direction.

Mr. Hayes: Thank you.

Vice-Chair Gooyer: And I think that's it for right now.

Mr. Hayes: I just I want to respond to (interrupted)

Vice-Chair Gooyer: Yeah, go ahead.

Mr. Hayes: The terrace comment and so many, many apartments that you see in Downtown settings have terraces that are very shallow and there so there's really nowhere else for someone to put their barbeque or their bike or their broom or their mop or whatever they have and it adds to clutter. It was deliberately decided to make these terraces 16 feet deep and create places to be able to put, pull that

kind of personal property back so you would leave it kind of back near wherever your, where the wall is as opposed to out on (interrupted)

Vice-Chair Gooyer: But for what I'm saying is I'm not asking you to cut back anybody's private balcony so they can't put their barbeque out there.

Mr. Hayes: No, I know. You were saying to perhaps frost the glass.

Vice-Chair Gooyer: Right, exactly. But again (interrupted)

Mr. Hayes: I think it is necessary.

Vice-Chair Gooyer: If you've got a 16 foot like with anything if you've got a storage space it's amazing when you assume it's huge and three weeks later it's full. So I mean it if it's there they'll use it.

Mr. Hayes: Thank you.

Chair Popp: Board Member Kim.

Board Member Kim: Thanks for coming back with your presentation. For members of the public I just hope that you realize how incredibly difficult this process is and just the amount of time and design muscle that it's taken to get here and I really applaud your revisions and I think that almost everything all around it has really made the building better.

Mr. Hayes: Thank you.

Board Member Kim: Not just for the sake of design, but for its neighbors as well and I'm really appreciative of the new rhythm that's created by separating out kind of the that fourth piece to the left. And I think there are also a lot of little minor revisions that maybe haven't been presented that really make the building read better and nicer such as lifting the stone on the first floor there and…

Mr. Hayes: And that reveals the body of the white (interrupted)

Board Member Kim: Right, right. I think there's a lot of things in articulation and the way that the building elevations read that make it not only better in elevation, of a straight on elevation, but they'll actually improve it quite a bit from a perspective standpoint of someone that's walking down the street or driving down the street. I like that the building really reads as a three story mass, which it always did, but I think it reads a lot better now that it doesn't read quite as long because you've separated out that one piece at the end.

Just a comment about the public art; I did realize that the public art space was maybe reduced, but I could almost argue that it's actually more visible now that the way it is because it's kind of a straight shot into that lobby rather than trying to read it on the sidewall of the lobby as you had it previously.

Mr. Hayes: The lobby is also a corner of frameless glass now whereas before it was just a front.

Board Member Kim: Right. I think it's like I started saying that it was difficult. I think it's so difficult to try to make this such a great design and to with the restraints that you're given how to make it blend in and I think a lot of it has to do with zoning and not just architectural aesthetic that it has to be the way that it is and I think that it's a much better building. I think it addresses both University and Kipling sides much better and I guess the only comment that I would have and anything that I would like to see possibly improved upon is the corner of University and Kipling. Whether that's an angled corner, a 45, or a window on the corner I think maybe it could be a little bit more generous to funneling in people onto Kipling because it is such a small street, but just because it's a larger building I don't think it's going to cause any more people hitting cars or side mirrors then there are now. It's a single story building as it is and there's already so much of that going on so I don't see how we could really mitigate those problems.

Let me just see if I've missed anything here. Yeah, I'm just appreciative of a lot of little things that maybe weren't presented upon, but to me make a big difference in the way the building reads and the way the building presents itself to the public. Thank you.

Mr. Hayes: Thank you.

Chair Popp: Board Member Lew.

Board Member Lew: Ok, so I've got… Ken just in general I'm very happy with the revisions. I do have a lot of questions for you. I was wondering if you could walk us through the materials and as a note in particular the Haussmann stone that I saw like on the website looked substantially darker than all of your elevations and yeah, so, yeah so I was wondering what you were thinking about this. This, I mean that's like completely different than this sort of the beige. I understand renderings are always hard to reproduce, but yeah. So really you're thinking of the medium grey as opposed to this sort of beige-ish color. Yeah?

Mr. Hayes: So yes, the Board Member Lew, the main framework of the building form is that pietra serena in that finish and it wraps down obviously Kipling as well and it returns back on the balconies. That is then contrasted with the Neopariés ceramic glass that everything that you see white on the model, on the model… on the rendering is that material so that the main materials of the building are essentially a stone or stone like material. That Neopariés is also the base of the storefront as it wraps around so it's very nice contrast, very refreshing and light. The plaster finishes are primarily towards the back of the building on the side of the building. And the other stone that you see is actually on the rooftop terrace. So that's not something unless you are living there that you would see. There's another board there that has that. And then the concrete, the sandblasted concrete is essentially the planters on Kipling. This wall here as it wraps out the planters comes across and then up the stairs so it's sort of like holding the lobby form.

Board Member Lew: On the glass…

Mr. Hayes: Yes, the Neopariés glass or the?

Board Member Lew: No, actually just the window, window glass. So I mean I did notice on your, like on a recent one of your recent buildings like 278 University the glass is really dark. I mean for retail.

Mr. Hayes: It shouldn't be. It's just clear glass. It's not (interrupted)

Board Member Lew: It looks (interrupted)

Mr. Hayes: It's not low iron, it's just clear glass.

Board Member Lew: Yeah, I know. I know, but even clear glass… I know. But even clear glass I mean you can't even see from a retailer point of view (interrupted)

Mr. Hayes: Alex, it's clear glass. I don't know what else to do. I mean we could do, you could do a low iron glass, which would get you as light as you could possibly be. A lot of it has to do with the illumination.

Board Member Lew: Illumination is key and then the double pane is part of the problem and just the solar orientation.

Mr. Hayes: We want it as clear as possible.

Board Member Lew: Is it possible to do low iron on the first floor, on the just the storefronts? I mean I realize that's very expensive.

Mr. Hayes: Right.

Board Member Lew: I mean it's partly that you have, well you don't have to decide at the moment. I would just say consider.

Mr. Hayes: We would certainly consider that.

Board Member Lew: Consider it because it's really important. I see so many new mixed-use buildings and the windows are too dark.

Mr. Hayes: Yeah.

Board Member Lew: I mean it's just, it's not isolated to you. I'm saying it's a widespread.

Mr. Hayes: Storefront glass typically uses Solarban 70.

Board Member Lew: Yeah.

Mr. Hayes: And then sometimes Solarban 60, but which also has the low, the low iron pane.

Board Member Lew: Ok, so thank you for that. And then on the also on the I noticed that there's no landscape and so I was also thinking about the plants in the planters and also the sidewalk replacement colors and this comes up on all of our Downtown projects. We don't have anything.

Mr. Hayes: The side we were just going to match the standard lamp black and the existing sidewalk pattern as it wraps around; nothing special on them.

Board Member Lew: Ok.

Mr. Hayes: There's no custom paving.

Board Member Lew: And then you're going to, and then is there a landscape plan that we haven't seen? Is there something in the works or I know there's not much, but?

Mr. Hayes: Yeah, there's not Alex. We can certainly put a list of what we'd like to use in this planter. This planter came about in the last month and we didn't engage a landscape architect at that point, but we think it's a nice place for a planter. But if you're interested in what kind of plant material we would have in there we could certainly provide that.

Board Member Lew: I think also in the descriptions and I think in your rendering you're showing planters up on the fourth floor roof terrace, but we don't actually have anything submitted for it. I think they're just (interrupted)

Mr. Hayes: Correct.

Board Member Lew: They're illustrative only.

Mr. Hayes: I think there's a photograph of the planter, but not the kind of plant.

Board Member Lew: Yeah. And I mean and you're showing stuff in the prospectus. And then also on the lighting I think that there is photo-metrics of the first floor, but I was wondering if you could provide them for the exterior balconies. Yeah, I'm sorry. Actually let me ask that for staff. Can they since the exterior balconies are all open to the streets and alleys can we require those light fixtures be included in the photo-metrics? Because they are all, it's all out, I mean it's outdoors.

Ms. French: Yes, so we would support that condition or request.

Board Member Lew: Ok. And in my mind can the one the thing that just drives me crazy is like on your AT&T building on Page Mill Road I know you didn't do the working drawings, but there's that one ugly florescent light fixture over the exposed stairway and I know that, I'm sure that keeps you up at night.

Mr. Hayes: It does.

Board Member Lew: That's the kind of thing that I want to avoid and I would expect on a project like this that you would not do that on University.

Mr. Hayes: It's visible too.

Board Member Lew: Yeah.

Mr. Hayes: Yeah. We didn't have the opportunity to continue with that project.

Board Member Lew: Yeah. So I understand that and it's one of the things that but I think that's important.

Mr. Hayes: So Board Member Lew the owner just informed me and I had forgotten the on the terrace their boxwood hedges in the planters.

Board Member Lew: Ok.

Mr. Hayes: On the third floor.

Board Member Lew: Good. And then I have one question, one more question is detail 15 on Sheet [A.8.1]. I could not make, I could not understand that and I was wondering if I'm misreading it? So I think that's a transition between the first floor and the second floor on Kipling near the… it's keyed on A3.1 sort of above the Kipling Street retail entrance. So there's a column like say between the, yeah.

Mr. Hayes: That should actually be the Neopariés ceramic glass.

Board Member Lew: Right with the stone. Yeah.

Mr. Hayes: Correct.

Board Member Lew: So I think that detail is just it's either not keyed correctly or something.

Mr. Hayes: Yes.

Board Member Lew: Yeah. Ok, so that's I think those are all of my questions.

Mr. Hayes: Thank you.

Board Member Lew: So I have some comments. One is I think that there's a lot of neighbors are concerned about the massing and so I would say this one project is a little different because it's a 2.86 Floor Area Ratio (FAR) and normally and that's because the transfer of development rights. And that's so an unusual circumstance here. I mean normally Amy stated that is normally 2.0 maximum floor area for mixed-use?

Ms. French: Correct, 1:1 FAR for each type of use (interrupted)

Board Member Lew: For each use.

Ms. French: 1:1 for commercial and 1:1 for residential.

Board Member Lew: Right, so it's a little different circumstance because of that and then we don't I mean we can require compatibility, but I mean but we can't reduce the TDR component of that at the Board level. Is that my understanding correct?

Ms. French: Yes. The applicant has the ability to transfer development rights to this property and so we get into a conversation of how that's executed as that it's a lot of floor area.

Board Member Lew: Yeah.

Mr. Hayes: Well 5,000 of it is the exempt from parking.

Board Member Lew: Right.

Mr. Hayes: The balance is we provide the parking for it.

Board Member Lew: Yeah.

Mr. Hayes: So the 4,200 we're providing the parking for that.

Board Member Lew: Right. And then the 5,000 square feet that is exempt is because this project was already in process. Is that correct? And that the Council has changed that rule for subsequent projects so but that's the way it is.

Mr. Hayes: Correct. That was earned prior to Council's action.

Board Member Lew: Yeah.

Ms. French: Right. Yeah, that's correct. Back when the in October 2013 when things changed if somebody had already secured transferable floor area, bonus floor area with parking before that time it was allowed to continue with that.

Board Member Lew: Ok, there is I think one of the residents was asking for like a Victorian district or something or something on Kipling and I think that there was some mention of it in our draft urban design plans for Downtown, but there isn't any official district like Professorville or whatnot and we don't really have the purview to create something like that. There's another concern just about sort of the canyon effect and the height relative to a narrow street and what I've always been taught is that if you have a right of way so Kipling is 50 foot right of way. I know that people are mentioning 29 foot street, but I'm saying the building to building is 50 that you can go up 50 feet and that proportion is sort of the maximum you would want to go. And I think that on this particular project you're going up about 40 feet to the third floor and then you have a substantial setback for the, for the rest of it.

Mr. Hayes: The glass rail goes up another foot, but yeah. Correct.

Board Member Lew: Yeah. So I'm comfortable with that. Those are with that proportion.

Mr. Hayes: Great.

Board Member Lew: I would say like if in your previous scheme where you had the stair tower 50 foot going right up to Kipling that would be very challenging for me, but with the revisions that you've made I'm comfortable with that. And I do like the changes that you've made on University Avenue. I think that's all great.

Mr. Hayes: Great, thank you.

Board Member Lew: So I'm pretty good to go on this project. I would support other Board Members are concerned about the corners and I would I'm willing to go along with that with those potential revisions. And I think that's all that I have. Thank you.

Mr. Hayes: Thank you.

Chair Popp: Alright, great comments today. Christy, very nice staff report. Thank you. We started our day today with Mr. Orbelier, I'm not sure I'm getting his last name right, but the first member of the public who spoke and then he had to leave. And one of the things he said is that he believes this project makes Palo Alto better. And I have to say as I sat down to review the project and as I was walking around the site and I'm thinking about this project the question for me is not will it make Palo Alto better because I know that it will. I think it's an improvement over what's there. The question is, is it good enough? Have you gone far enough? Have you, have you refined this enough to give us a building that will last for the next 100 years and we're going to all be happy that it's here.

And I think about the beauty of the Kipling homes. It's this unique little pocket. It's definitely a consideration, but and I want to make clear that I want the expectations of the applicant, not Mr. Hayes, but his client who has written a number of letters to us and is very clear about wanting to move this project forward is that most projects that are in the Downtown area go through three reviews. Three serious significant reviews and while the applicant might be impatient to get this over with it's really important for us to get this right. And so I think that what you're hearing from the Board today is really positive and we're all, we're all saying that this is headed in a very good direction. And I'll echo comments made by others that the refinements that you've made based on the comments that you heard are really very nicely done.

Mr. Hayes: Thank you.

Chair Popp: Very nicely done. And Board Member Kim made a good point about how complex this is to do and I don't think people really realize how complex this is and how much when we say to you can you come back to us in two weeks the amount of work that goes into that and the fire drill you have to go through to get that done is enormous and so (interrupted)

Mr. Hayes: That's why we weren't here in December.

Chair Popp: I actually I have to say that I'm really happy that you didn't come back so fast and that you've taken the time to try and get it right, that you're making the effort to try and make it good enough for us. There were really major issues the last time we looked at this and we were talking about just general building massing. Now we're talking about details and that's the right kind of conversation for us to be having.

This is what the Comp Plan anticipated. This kind of project is what, what our rules anticipate. The ability to transfer development rights, the height limitations, the goals for University Avenue. The documents that guide us guided you to this solution and I appreciate that. If people aren't happy with that this is the right time to get involved. Add your voice to the conversation, help author the new Comp Plan. Please get involved, but Alex sort of exactly captured what I think which is 50 foot wide street, a 50 foot wide height, a 50 foot height. Those are the general rules that I was taught in architecture school and have played out over my career and I feel are very valid. And I think that contextually this building is really compatible today with its surroundings and that the methodology that you've taken to minimize the appearance of height and massing are generally very successful.

I'll just start with the corner. I happen to think that at a narrow street it's important not to erode the corner. Let's hold it. And I think the choice that you've made to square off the corner is the right one. And so we'll let that play out wherever it plays out, but I feel actually very strongly that you've done the right thing by holding the corner and identifying the way this building turns.

Let's talk about the terraces. They're enormous. I've never ever had a client say to me, jeez, I've got too much storage. It's just never, it's never come up. Stuff's going to get stuck out there. You can't control what people lean against the glass. You can't control how this looks and I'm not comfortable with the project moving forward with clear railings the way they're designed. So from my perspective you'll need to do something different to get me to say yes to this. Whether it's fritted glass or whether you choose to use some kind of a perforated panel or something that conceals what's going on behind (interrupted)

Mr. Hayes: And not restrictions in the apartment leases? Because they are apartments.

Chair Popp: We don't have the ability to do that.

Mr. Hayes: No, but the owner can.

Chair Popp: The owner can, but I don't think that the City has purview over that from what I understand. I mean I'd appreciate if the owner would do that. I think it would be appropriate and I think it'll help because I think even shadows and things behind the glass will appear. Things that stick up above the railings, stuff like it's going to be we can't control everything.

Mr. Hayes: Yeah.

Chair Popp: But I'd like to control what I can and I think that (interrupted)

Mr. Hayes: Well so then frosted glass would be what I would recommend.

Chair Popp: Ok, that's great. We'll look forward to that. That's great. I wanted to just ask I know you've done a lot of work refining this and I wanted to just ask you one quick question about the way you designed the dark I don't know how to describe it this, this two-story piece that wraps the corner. The bottom border of that is four tiles high and the top of it is four tiles high.

Mr. Hayes: Right.

Chair Popp: The way you've got it. Did you ever look at it with three tiles high at the top to try and just get it to be a little bit lighter up there?

Mr. Hayes: I felt it was important for that framework to be consistent on the top and the bottom. We looked at a bunch of different, different during this latest revision and we came back to wanting… we lowered the top but at the same time we brought the bottom up because (interrupted)

Chair Popp: Right.

Mr. Hayes: The way it looked.

Chair Popp: I was just wondering if you ever looked at them being different?

Mr. Hayes: That would have been different. We brought the bottom up because we didn't like the way it looked.

Chair Popp: Ok.

Mr. Hayes: Yeah.

Chair Popp: Alright, great. Well I'll leave it to you to have studied that and that works. I'm fine with that. I was just thinking it might be a way to lighten that elevation just a little bit more, expose a little bit more of the frosted glass at the top. But I think it'll be fine the way it is.

I agree with Robert about the rear corner. I appreciate your intent about this eyebrow element continuing across the lot 30 elevation, but I think that that's to me that's less of a priority than trying to really open that corner up, lessen its impact. I mean the elegance of this neighborhood it's at the back and that facing directly towards these homes I think is, is a big priority and while I wouldn't suggest cutting the terrace back I think that the organization of this building and these big blocky forms that are moving around and transferring past each other are really important to hold on to. I think that pulling that eyebrow back up at the top there wouldn't do damage.

Mr. Hayes: Let me make sure I'm clear, are you referring to this sticking out towards the alley?

Chair Popp: Yeah, I'm fine with that corner the way it was. I thought what Vice-Chair Gooyer was suggesting was cutting that terrace back and I'm saying I wouldn't support that. I think leaving the terrace the way it is is fine. It's the eyebrow at the top of the third floor, yeah.

Mr. Hayes: That? That.

Chair Popp: That's it.

Mr. Hayes: Well that can certainly push back. We were trying to provide weather protection for anyone that wants to take the stair, but coming out the elevator (interrupted)

Chair Popp: And maybe there's a different material, a different material some other, maybe it doesn't have to come all the way to the lot 30 elevation that it starts to step back and the same way you, you've done such a nice job of stepping the upper floors back on the University side I'm looking for pieces to step back.

Mr. Hayes: Do you realize this is metal panel? I thought maybe you thought it was (interrupted)

Chair Popp: I can't tell exactly what it was and I wasn't looking through my drawings quickly enough to find it.

Mr. Hayes: Ok.

Chair Popp: But just in terms of massing and form it feels like it's, it's creating a big shadow. I mean that's the, it's the East elevation but it's really the Northeast elevation. And so there's a lot of shadow that's going to come off of that thing.

I think we do need some landscape information from you. I'd like to really understand what that is. There's an inconsistency between the civil drawings and your drawings. I think you're calling out Maidenhair trees for the replacement trees and the civil drawings are calling out something, Ginkgo Biloba. And so we just need to get clarification about which one it's going to be.

Mr. Hayes: It's ginkgo.

Chair Popp: I'm sorry?

Mr. Hayes: It's a ginkgo, right?

Chair Popp: Is that the… oh, Maidenhair is the common name for… thank you.

Mr. Hayes: Thank you.

Chair Popp: What a novice. Alright, and that's ok, thank you. And I guess I would prefer to see a real tree up on the terrace, not a boxwood shrub. Something small but something that would really, would really stand up and have some character up there. Give some softness to the top edge of the building. I think it would be great for us to understand that you're irrigating those and draining those carefully and

what the material is that's going to be in them. And so if you can be clear about that I would encourage something that's got some, some height and shape to it to add some character to that, that edge of the building. But be happy to see what you propose for that.

And I will be very forthright in saying that art in the lobby is not public to me. That that's like a picture that the owner hangs on a wall or a piece of sculpture that they put in the lobby, but I think the Public Art Commission needs to grapple with this a little bit, but for me I think that the intent, the spirit of this effort is to do something that's public in nature and not hidden or concealed or I appreciate that 40 hours a week is a statement, but to me that's not what I'm looking for in public art. So I'll hope that you might go a different direction with that and we'll let that play out with the Art Commission.

I have a number of comments on the report and some language in here that I'll just run through really quickly if you don't mind. So on Page 2 of Attachment B the draft conditions of approval, oh, I'm sorry, I've gone too far. I'll do that one first. Number 11 it says, "All future signage, outdoor furniture for this site shall be submitted for Architectural Review." Is it inappropriate for the ARB to also take a look at what the public art is and how it's being placed?

Ms. French: I think that can be a return item that you get to see; I mean obviously at the very next meeting they probably won't have it all, but certainly (interrupted)

Chair Popp: Future item (interrupted)

Ms. French: Getting to see that and a sign program is probably (interrupted)

Chair Popp: We can handle that (interrupted)

Ms. French: A good idea.

Chair Popp: Or something like that, but I'd like to have public art added to that comment. I'm sorry back a few pages I went a little too far. So Page Number 1 and Catherine had mentioned this, this word in Finding Number 2, the word when in the middle of the paragraph. And I was thinking that maybe rewording this finding to say that the project is compatible in a Downtown urban context where the immediate environment along University Avenue is comprised of buildings, not just when. And in the last sentence the proposed building with in place of careful I would say contextual consideration of massing and setbacks.

Then in Item Number 4 in the middle of the paragraph again I would strike the words a strong concentration of so that it just reads that the finding can be made in the affirmative and that the project is generally consistent with the Downtown Urban Design Guide particularly when the project reinforces University Avenue as the retail core of Downtown Palo Alto by maintaining ground floor retail uses. That's enough. And I would actually take out the last sentence. I think that that's not, not appropriate for this finding.

And then in just a second, I'll come back to you. So wanted to just make sure that we're clear that Finding Number 5 is accurate; there are no other land uses this is transitioning that we're going from the CD-C (GF)(P) to the CD-C (GF). Is there no reason to make a finding about that? I just want to make sure we're covering all of our bases in case of…

Ms. French: Yeah, sure. The P is more of a design zoning combining district than a use. It doesn't specify uses.

Chair Popp: Alright that's perfect. Thank you. And then in Finding Number 12 I always react to this. I'd prefer not to use the word modern. I think it's contemporary. And then Finding 13 I'm not able to actually evaluate that now because we don't have the landscape documents. And as well Finding 14; so we'll study those when we get to them. And I'm sorry I know these are nitpicky things, but I'm expecting that we're going to have careful review.

So I'm jumping now to Attachment E, the Comprehensive Plan table which is I don't know, a big chunk of the way back here. And in Policy L20 I think it's just been miswritten that it reinforces street corners not concerns. And I'm sorry jumping up one level one Program L19 the first note there, reinforce University Avenue as the retail core of Downtown Palo Alto by maintaining. Just strike the word which. And then the very last thing is in Attachment H. See if I read this right. It lists out 429 University Avenue project mitigation monitoring program and right in the middle of the page it actually says 385 Sherman Avenue.

Ms. Fong: The staff report of today notes the error in Attachment H, the revised preamble introductions is at places right now.

Chair Popp: Ok, great. Thank you very much. So sorry for all those nitpicks, but just want to make sure we're on it. So I think Board Member Ballantyne had another comment.

Board Member Ballantyne: Back to nitpicking I guess. On Finding Number 4 of Attachment A that Chair Popp just referred to the finding can be made in the affirmative that the project is generally consistent with the Downtown Urban Design Guide. I redlined the word generally. I wrestle with that. I'm not convinced. When I read the guidelines I think the finding should be that we can find in the affirmative that the project is consistent and we don't have to qualify it with the use of the word "generally." So I'm just concerned because first we say it's only generally consistent and then we define the parameters under which we are finding it to be generally consistent. So for me it's either consistent or it's not and we shouldn't have to qualify our findings.

Chair Popp: So there are a lot of items in the guidelines and I don't think we're consistent with all of the items in the guideline and so I think that's why they used the word generally. We're not suggesting that it's totally 100 percent consistent, but it's generally consistent. I'm actually comfortable with that language and if you're not feel free to say so, but I'm ok with it the way it is.

Ms. French: I might offer an option two, instead of saying 'generally consistent', 'consistent with the applicable guidelines.'

Chair Popp: Perfect.

Ms. French: If that's?

Board Member Ballantyne: Better.

Chair Popp: That's great.

Board Member Ballantyne: Better, thank you. Thank you, yeah.

Chair Popp: Anyone else have additional comments? So we're looking for some type of action here, whether it's a continuance to resolve these additional items or if someone wants to craft a Motion.

Board Member Lew: I think in the past I would just say that normally if there's something revolving around massing then we have it come back to the Board. If it's details and other things like that then it's usually subcommittee or consent calendar, whatnot. Sounds like I would say that the corner is important or both corners are important and so my inclination would be for it to come back to the Board.

Chair Popp: So do you want to move that?

Board Member Lew: Well I was just doing a poll, informal poll.

Chair Popp: I'll agree with that.

Vice-Chair Gooyer: Want to set it for a time certain?

Chair Popp: Going to make a Motion?

MOTION

Vice-Chair Gooyer: Ok in the Motion then for 429 University Avenue I move that we set this for a time certain, I guess two weeks from now is what everybody's agreed to, to come back for review (interrupted)

Chair Popp: Let's check with the staff and the applicant about what date we might be able to get back.

Ms. French: Excuse me, but two weeks from now is January 29th. We do not have a regular meeting on that date so (interrupted)

Vice-Chair Gooyer: Well, ok, whatever. But I mean the next meeting (interrupted)

Ms. French: Yeah, just let's hone that a little bit. So our next meeting is February 5th and we would not be able to generate a staff report for that meeting so the 19th is a better choice for our review process timeline.

Vice-Chair Gooyer: Ok, if everybody's happy with that or actually that's about the first one we can go. Ok, so it's the let's say the February 19th meeting then.

Chair Popp: All those in favor? Any opposed? Great, so that passes 5-0-0-0 to the 19th.

MOTION PASSED (5-0-0-0)

Mr. Hayes: Thank you very much for your time this morning.

Chair Popp: Thank you for your presentation; great progress.

City of Palo Alto (ID # 5310)

Architectural Review Board ARB Staff Report

Report Type: New Business **Meeting Date: 11/20/2014**

Summary Title: 429 University Avenue - 14PLN-00222

Title: 429 University Avenue [14PLN-00222]: Request by Ken Hayes Architects, Inc. on behalf of Kipling Post LP for Architectural Review of a proposal to demolish two existing, one-story commercial/retail buildings totaling 11,633 square feet (sf) of floor area and construct a 31,407 sf, four-story, mixed use building with two levels of underground parking providing 41 on-site spaces, on an 11,000 sf site in the Downtown Commercial (CD-C (GF)(P)) zoning district. Environmental Assessment: The draft Initial Study and draft Mitigated Negative Declaration is available, in accordance with California Environment Quality Act (CEQA) requirements, and comments may be submitted through December 12, 2014

From: Amy French

Lead Department: Architectural Review Board

RECOMMENDATION

Staff recommends that the Architectural Review Board (ARB) review this formal application and provide comments. The public hearing must be continued to a date certain, December 18, 2014, because the public review period for the CEQA Draft Initial Study and Negative Declaration will not end until December 12, 2014. Members of the public may wish to address the ARB after reviewing the document, and staff will need some time to respond to comments received during the review period. Pursuant to CEQA guidelines, environmental review must be completed before final action may be taken on a project. To permit full environmental review, to inform the ARB's decision, staff recommends that no formal recommendation to the Director of Planning and Community Environment be made at this hearing.

BACKGROUND

Site information

Located at the southwest corner of Kipling Street and University Avenue, the project site is comprised of two parcels. One is an interior lot, 2,750 square feet (sf) in area (425 University Avenue) and the other is a corner lot, 8,250 sf in area (429-447 University Avenue); the total site area is 11,000 sf (0.25 acre). The parcel located at 425 University Avenue is developed with

a 4,425 sf, one-story commercial/retail building with a mezzanine, and 429-447 University Avenue is developed with a 7,208 sf, one-story commercial/retail building.

Both properties are located within the central portion of the downtown area surrounded by commercial zoning districts (as shown on the location map, Attachment A). The properties are bounded by University Avenue to the east and Kipling Street to the north. The site is surrounded by commercial uses to the north, south and east. A mix of commercial and residential uses is located to the west. A public parking lot is located on Kipling Street, less than a block north of University Avenue, which provides parking for nearby uses. Another public parking lot is located on Cowper Street, between University and Hamilton Avenues.

Parking and service/loading spaces for the sites are currently provided at the rear of the property via Lane 30, a 20 foot wide one-way traffic alley. Both properties are located within the Downtown Parking Assessment District (District). With the assessed square footage of the existing buildings, 425 University Avenue would require 18 parking spaces and 429-447 University Avenue would require 29 parking spaces. However, both properties have participated in payment into the District, 16 parking spaces and 21 parking spaces respectively, for a total of 37 parking spaces to an annual fee for the bonds that were created to provide public parking spaces within the District. There are two (2) on-site parking spaces currently provided for 425 University Avenue and eight (8) on-site parking spaces currently provided for 429-447 University Avenue.

Preliminary Review

A preliminary review for the corner property (only) was considered by the ARB on November 7, 2014. The project then included a four-story mixed use development containing 24,750 sf. Two design options were presented to the ARB at that time. While board members appreciated the design intent and site planning of the project, many requested the applicant to pay more attention to design detail and revise the massing to respect the existing low-density context and provide a quality pedestrian experience on the ground level.

Current Proposal

The current project is different from the one that was presented in the preliminary review. Some of the main changes include: (1) an increase in project area by combining the parcel from 429-447 University Avenue (8,250 sf) with 425 University Avenue (2,750 sf) to make a total project site of 11,000 sf; (2) a building setback of approximately 4 feet from the rear property line; and (3) an increased number of entrances to the ground floor retail spaces.

The current design retains the solid and cubic framework similar to the previous plan. Some major modifications include: (1) the removal of roof form over the fourth floor terrace; (2) the provision of greater setbacks at the third floor and fourth floor from street sides, with terraces; (3) the removal of vertical elements from the north and south elevations; and (4) an increased overall thickness of the roof overhang element.

Project Description

The applicant proposes to demolish two existing one-story commercial/retail buildings at 425 University Avenue and 429-447 University Avenue, and construct a new 31,407 sf, four-story mixed use building on an 11,000 sf site. The new building would cover 9,523 sf of the site in approximately the same location as the existing buildings. The total increase in gross floor area would be 19,774 sf. The proposed building would provide 20,407 sf of commercial space (an increase of 8,774 sf) and 11,000 sf of residential use. The applicant has no intention to subdivide into condominium units. A total of four (4) residential apartment units would be provided, for a residential density of 16 units per acre.

The building would include parking facilities located on two levels underground, providing 41 on-site parking spaces with access from the rear alley on the southwest corner of the building. Proposed retail uses would be located on the ground floor and office use would be located on the second floor. Three residential units are proposed on the third floor, and one residential unit and space for office use are proposed on the fourth floor. A large rooftop terrace would be accessible by office tenants only; one residential tenant will be able to view the terrace. The ground floor retail space would be accessible via the three entrances on University Avenue and one entrance on Kipling Street. The primary entrance to the upper floors would be on Kipling Street. Service and loading area would be accessible from Lane 30 (Attachment D).

DISCUSSION

Comprehensive Plan Conformance

The Comprehensive Plan land use designation for the project site is regional/Community Commercial. The Community Commercial land use designation allows larger shopping center and districts that have wider variety goods and services than the neighborhood shopping areas. The proposed uses are consistent with this designation with non-residential Floor Area Ratios (FAR) ranging from 0.35 to 2.0. The project's overall relationship with the Comprehensive Plan is discussion within Attachment C.

Zoning compliance

Both 425 and 429-447 University Avenue are located within the Downtown Commercial-Community CD-C(GF)(P) zoning district with Ground Floor and Pedestrian Combining Districts. Retail, general business office and multi-family uses are permitted in this zoning district. The development standards of this zoning designation do not include required setbacks from property lines and maximum site coverage, with the exception of a ten foot rear setback for the residential component of the building. The project meets the setback requirements for the commercial component. The enclosed residential portion is setback ten feet from the rear property line. The open terrace/balcony of the residential component on the third and fourth floor is encroaching six (6) foot into the required setback, which would meet the minimum setback requirements. The building meets the 50 foot height limit. Zoning Code regulations allow utility and mechanical features to exceed the height limit by no more than 15 feet.

A new mixed use building in the CD-C zoning district may have a 2.0:1 FAR. In the case of this 11,000 sf site, the total allowable FAR for a new building is 22,000 sf, with a maximum of 1.0:1 FAR (11,000 sg) for residential and 1.0:1 FAR (11,000 sf) for commercial uses. Additional floor area is allowable up to 10,000 sf on this site, which is considered an "eligible" receiver site, with the transfer of development rights (TDR) in accordance with Palo Alto Municipal Code (PAMC) Section 18.18.080(f)(2)). Properties that are not on the City's Seismic list nor a Historic Resource Category 1 or 2 are allowed to request a one-time 200 square feet bonus (PAMC 18.18.070(a)(1)), but the total floor area on the site cannot exceed the maximum of 3.0:1 FAR. This site is also subject to Ground Floor (GF) Combining District Zoning designation, which would prohibit office uses on the first floor.

The proposed project is comprised of 20,407 sf of commercial space and 11,000 sf of residential space. The applicant has purchased 5,000 sf of TDR area from two properties on Homer Avenue and 4,207 sf of TDR area from 340 University Avenue, for a total of 9,207 sf TDR available for this project. Along with the one-time 200 square feet bonus request, a total of 20,407 sf (1.86 FAR) of commercial space is proposed in the new building. The proposed residential use of 11,000 sf is at the maximum 1.0:1 FAR. The proposed total floor area of the project is 31,407 sf and is at 2.86 FAR. The attached zoning compliance table (Attachment B) indicates the project's compliance with zoning regulations.

Pedestrian Shopping Combining District

The site is subject to the Pedestrian Shopping Combining District (P), which requires projects to incorporate design features that foster a lively pedestrian environment and an economically healthy retail district. Projects with this designation must incorporate the following features:

(1) Display windows, or retail display areas;
(2) Pedestrian arcades, recessed entryways, or covered recessed areas designed for pedestrian use with an area not less than the length of the adjoining frontage times 1.5 feet; and
(3) Landscaping or architectural design features intended to preclude blank walls or building faces.

The project design incorporates frameless storefront glass clad with glass ceramic panels on the ground level, which meets the retail/display window requirements to provide visual interest for pedestrians. The three entries on University Avenue and two entries on Kipling Street are recessed from property lines, each featuring a glass canopy. Aside from street trees, no landscaping is proposed along University Avenue and Kipling Street.

Downtown Urban Design Guide

The site is also subject to the Downtown Urban Design Guide (Guide), which was developed to provide guidelines regarding development and design in the downtown area. The project site is located within the University Avenue District. The Guide reinforces University Avenue as the retail core of Downtown Palo Alto by maintaining the strong concentration of ground floor retail uses between Alma and Cowper Streets. Storefront rhythm of 25-50 feet wide can

generally be found on University Avenue. The project site has 100 feet of frontage along University Avenue. The applicant proposes to have a unified design on the ground floor, with frameless glass façade and three recessed entries (set back seven feet from the property lines). Staff is concerned that minimal architectural detailing at the ground floor is not complementary to adjacent buildings and encourages the ARB to explore other design solutions with the applicant.

The project site is also located within the Kipling secondary District and is located directly across the visual terminus of this district – the Varsity Theater. The Guide encourages a corner treatment to enhance the terminus at University Avenue. Consistent with one of the corner options in the Guide, the project includes tall display windows. Similar ground floor façade treatments are found on the Kipling side to allow pedestrians to see through the corner of the building, and to continue retail use to the side street.

Context-Based Design Consideration and Findings

In addition to Zoning Compliance and Architectural Review approval findings, Context-Based Design Considerations and findings found in PAMC Chapter 18.18 are applicable to this project. The following findings that appear relevant to this project are listed for discussion purposes:

1. *Pedestrian and Bicycle Environment: The design of new projects shall promote pedestrian walkability, a bicycle friendly environment, and connectivity through design elements.*

   The proposal appears to be bike friendly in that it would provide at-grade bike racks as well as secured bike parking within the parking garage. A shower is provided within the building to promote bicycle ridership. There are aspects of the proposal that appear to meet the Context-Based Design Criteria relative to pedestrian experiences, in that the majority of the building would be located at the setback line, which would improve the visibility and access at the street level on University Avenue and Kipling Street. The proposal would include canopies over recessed entries for weather protection on primary pedestrian routes.

2. *Street Building Façade: Street facades shall be designed to provide strong relationship with the sidewalk and the street(s), to create an environment that supports and encourage pedestrian activity through design elements.*

   The proposed placement and orientation of doorways and windows would be suitable for a mixed use project in the commercial urban setting. The indoor spaces on upper floors would step back to fit in with the context of the neighborhood. The entries are clearly defined and scaled at the front façade, to respect the street's pedestrian scale. However, the proposed frameless glass panels appear to be monotonous in design with little vertical articulation to break down the façade of the building at the ground level. Although the residential balconies are oriented toward active streets, they are not affecting the public view of the façade as they are not visible due to the shadow created by the overhang, which is very visible.

3. *Massing and Setbacks: Building shall be designed to minimize massing and conform to proper setbacks.*

   The proposed design includes a large open terrace on the fourth floor; the fourth floor mass is set back behind the terrace, so the mass is minimized from street level views. The proposed light color palette, glazed windows and third floor terraces are intended to minimize the scale of the building and add visual interests. The emphasis of the horizontal roofline at each level and the 50 foot tall stair shaft would be the predominant design features that would add to the perception of massing. It is also not apparent that the proposed design contains distinctive architectural elements to reinforce the important terminus of Kipling Street to University Avenue.

   Staff alerted the applicant that there may be two opportunities to reduce the building mass, through the reduction of the third floor building overhang/amount of fourth floor terrace area. The below specific calculations were developed further during the staff report preparation:

   (1) Approximately 1,700 sf of roofed or *enclosed* terrace spaces (upper floor white areas on Plan Sheet A1.1) are located above ground floor. These are are not counted toward floor area, because they are not used for required access (per PAMC 18.04.030 (65)). However, these spaces contribute to the proposed building mass, and could be reduced in area; and

   (2) Approximately 3,816 sf of *uncovered* rooftop area (brown area on Plan Sheet A1.1) is proposed as landscaped open space, *plus* 2,396 sf of *covered* open space (beige area on Plan Sheet A1.1) for the four residential units. The project has much more open space than required by code (1,616 sf additional landscaped area at rooftop, and 1,596 sf additional residential open space). As a mixed use development in the CD-C zoning district, this project would be required to dedicate 20% of landscape open space (2,200 sf) plus 200 sf per residential unit (in total, 800 sf), for a total of 3,000 sf.

4. *Low Density Residential Transition: Where new projects are built abutting existing lower-scale residential development, care shall be taken to respect the scale and privacy of neighborhood properties.*

   The project is located at the heart of the Downtown District, surrounded by commercial uses. The proposed frontage at University Avenue is compatible with the urban context. Although the parcels abutting the project site along Kipling Street have a commercial zoning designation, most of the built forms have a low density residential appearance. The proposed height of the building is a concern to many of the adjacent neighbors, as evidenced in the attached email correspondence. While the height is taller than most of the buildings in the neighborhood, the proposed building height of 50 feet is compliant with the

height limit in the Downtown Commercial District. The proposed design includes at least a 10 feet setback with open terraces at the upper stories to transition into neighboring properties with lower density. Potential privacy concern is at a less than significant level as the buildings behind the project site are mostly one-story with commercial/office uses and mature trees along Kipling Street would provide some degree of screening. The Kipling Street frontage faces northeast and would have limited direct sunlight exposure, while the University Avenue frontage faces southeast and would receive more sunlight exposure. The proposed design includes storefront glass on both frontages to introduce a daylight source on the ground level.

5. *Project Open Space: Private and public open space shall be provided so that it is usable for the residents, visitors, and/or employees of a site.*
   The project includes ample private open balconies/terraces for residential use. Residents have convenient access to these spaces. These balconies/terraces are proposed to be located on four sides of the building, which would encourage 'eyes on the street'. The roof-top terrace for office tenants would provide ample solar exposure. In addition to the ten planters, pietra cardosa and French limestone are proposed as paving materials for this space.

6. *Parking Design: Parking needs shall be accommodated but shall not be allowed to overwhelm the character of the project or detract from the pedestrian environment.*
   The parking for the project proposes to be located below grade such that the parked cars are hidden from view. Consistent with the Downtown Urban Design Guide, the garage would have access at the rear of the site from Lane 30 and side streets. The project would improve pedestrian visibility as the new building has a general four (4) feet setback from the alley and the setback would increase to six (6) feet at the intersection of Lane 30 and Kipling Street. Exterior building lighting would be included to ensure safety at building entrances and parking area on the ground level. This lighting would be controlled to minimize spillover beyond the project property lines.

8. *Sustainability and Green Building Design: Project design and materials to achieve sustainability and green building should be incorporated into the project. Green building design considers the environment during design and construction.*
   The project is required to meet the Cal Green requirements for the commercial portion of the project and Build-It-Green standards for the residential portion of the project.

<u>Design Review Findings</u>

The project complies with the design review findings. Those findings are discussed in depth in Attachment XX.

Trees and Landscaping

The proposed landscaping would include the retention of the existing London Planes trees along the project sites at University Avenue, the removal of several older destructive trees and the upgraded planting of four new 36" box sized golden maidenhair trees along the Kipling Street frontage. To prevent potential sidewalk destruction caused by confined rooting, a special construction measure would be employed with the installation of Silva Cells to reduce soil compaction.

The project proposes minimal landscaping on the ground, second and third floor. Ten concrete planters would be placed on paved terrace on the fourth floor.

Public Art

The project is subject to public art requirement. The proposal includes a preferred location for the installation of on-site public art, which would be located on the wall in the ground floor lobby to the upper floors on Kipling Street. ARB may provide advice on the placement of public art in relation to the site design and specially comment on the extent of the visibility of the wall shown in plans for the art, seen from the public right of way. The public Art Commission will approve the final location of public art.

Parking and Circulation

The proposed project would require 82 automobile parking spaces for 20,407 sf of commercial use (at a ratio of 1 space for every 250 square feet) and 10 residential uses for 4 residential units (at a ratio of 2 spaces for each unit, with guest parking), for a total of 92 parking spaces. However, both 425 and 429-447 University Avenue were previously assessed and had paid 'in lieu' for a total of 37 parking spaces via the University Avenue Parking Assessment District. The project utilizes a total of XX sf of TDR. 5,000 sf of TDR (equivalent to 20 parking spaces) was recorded under Section 18.18.070 prior to the effective date of Interim Ordinance No. 5214 on November 4, 2013 and thus qualifies for a parking exemption. The remaining XX sf of TDRs were perfected after the interim parking ordinance and thus must be parked. Based on these adjustments, the project is required to provide a total of 35 parking spaces, of which 10 must be designated for residential parking. The project plans indicate a total of 41 parking spaces, exceeding the parking requirement by six spaces. All of the 40 parking spaces would be provided on site in the two-level underground parking garage and one space would be provided at-grade. Seven (7) long term bicycle parking spaces would be provided within the underground parking garage, and six (6) short term bicycle parking spaces would be located near the building entrances on University Avenue and Kipling Street, for a total of 13 bicycle parking spaces.

A Transportation Impact Assessment (TIA) was conducted by Hexagon Transportation Consultants, Inc. in October 2014 in a manner consistent with the City of Palo Alto and the Santa Clara Valley Transportation Authority Traffic Impact Analysis guidelines. The result of the analysis indicates that the proposed project would not cause a significant impact on signalized

and un-signalized intersections, and local intersections would operate at acceptable service levels. The TIA also found that impacts would be less than significant for pedestrian, bicycle and transit facilities. To mitigate the impact on the service level at Lane 30, mitigation measure TRA-2 requires that mirrors and/or a warning light be installed at the garage entrance/exist. An adequate corner sight distance is also required at the exit of the alley to ensure drivers can see approaching vehicles on Kipling Street. The proposed project would provide a four (4) foot setback from the edge of the alley, to improve visibility for vehicles and pedestrians.

Public Feedback

Since the submittal of the current application, staff has received comments from 35 people. These letters are included as Attachment E. For those who are in support of this project, the general comments are related to the mixed use opportunity, retail space and parking improvement. For those who expressed concerns, the general comments are related to the height of the building, massing relative to the context, street character and safety, noise, parking and traffic. The applicant has submitted a letter to respond to these concerns (Attachment F).

ENVIRONMENTAL REVIEW

The attached Initial Study and a Mitigated Negative Declaration, prepared in accordance with CEQA, analyzes the proposed project and its potential environmental impact. The public comment period for the environmental document began on November 17, 2014 and ends on December 12, 2014. The Initial Study and the Draft Mitigated Negative Declaration are included as Attachment G. The Initial study determined that there were items that would trigger the thresholds of significance, and provided mitigation measures, which would incorporated into Conditions of Approval and Mitigation Monitoring Program with the second ARB staff report, to ensure that the impacts of these items would be less than significant. The areas identified as needing mitigation are listed below:

- Biological Resources: related to the removal of four protected trees along Kipling Street;
- Cultural Resources: related to the potential to discover subsurface cultural resources;
- Hazards and Hazardous Materials: related to the demolition of existing buildings;
- Noise: related to ensuring proposed residential development and mechanical equipment will meet the noise ordinance and;
- Transportation and Traffic; related to visibility on the parking garage ramp.

COURTESY COPIES

Key Hayes, applicant
Elizabeth Wong, property owner

Prepared by: Christy Fong, Planner

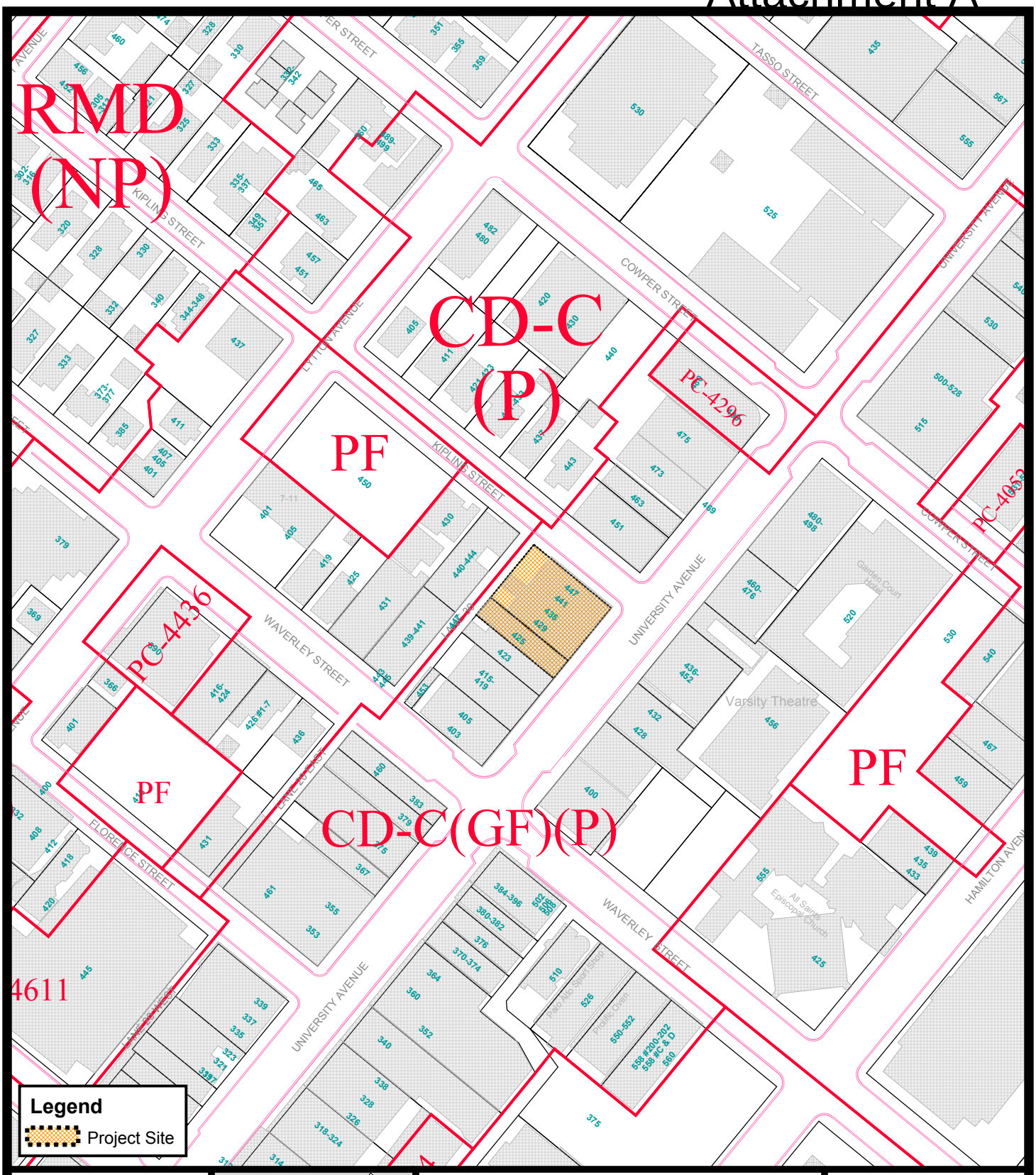
Reviewed by: Amy French, AICP, Chief Planning Official

Cara Silver, Senior Assistant City Attorney
Jonathan Lait, Assistant Director

Attachments:

- Attachment A: Project Location Map (PDF)
- Attachment B: Zoning Compliance Table (DOC)
- Attachment C: Comprehensive Plan Compliance Table (DOC)
- Attachment D: Project Description Letter (PDF)
- Attachment E: Public Comment Letters (PDF)
- Attachment F: Applicant Response Letter (PDF)
- Attachment G: Draft Initial Study and Draft Mitigated Negative Declaration (PDF)
- Attachment H: Project Plans (ARB Members Only) (DOCX)

Attachment A



The City of Palo Alto

425 and 429-447
University Ave
Project Location Map

This map is a product of the City of Palo Alto GIS

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ATTACHMENT B

ZONING COMPLIANCE TABLE
429 University Avenue / File No. 11PLN-00222
CD-C ZONE
(Mixed Use Development Standards)

DEVELOPMENT STANDARDS	STANDARD	PROPOSED PROJECT	CONFORMS
Minimum Building Setback			
Front Yard	None Required	0	Yes
Rear Yard	10' for residential portion; no requirement for commercial portion	10' for residential portion with permitted setback encroachment up to 6' for balconies	Yes
Interior Side Yard	None Required	0	Yes
Maximum Site Coverage (building footprint)	None Required	9,523 sf	Yes
Maximum Height	50'	50'	Yes
Daylight Plane	Same as abutting residential zones	Not Applicable	Yes
Floor Area Ratio (FAR)	22,000 sf - 2.0:1 32,000 sf - With Transferable development rights 33,000 sf- Maximum 3.0:1	2.86:1 31,407 sf	Yes
Parking Requirement (within the Downtown Parking Assessment District)	92 spaces 1 space/250 sf commercial area 2 spaces/living unit	41 on-site spaces 57 spaces not required [per PAMC 18.18.080(g) & 18.18.090(b)(4)]	Yes*
Bicycle Parking	Long Term: 7 Short Term: 6	Long Term: 7 Short Term: 6	Yes

* At the time of the Downtown Parking Assessment, the two sites were determined to be 11,631square feet and required 47 parking spaces, ten spaces were identified on-site. The project shall comply with the parking requirements of the City's Zoning Code. Specifically, the applicant shall address the need to accommodate the 57 spaces otherwise proposed to be exempted under Section 18.18.080(g) and 18.18.090(a)(4). Measures to comply may include: a) payment of in-lieu parking fees, b) certification of FAR bonuses pursuant to Section 18.18.070(a)(1), c) certification of Transfer of Development Rights prior to November 4, 2013 pursuant to Section 18.18.080(g), d) approval of underground parking pursuant to 18.52.070(d), or e) some combination thereof. The method of compliance shall be presented to the satisfaction of the Director of Planning prior to submittal for building permits.

ATTACHMENT C
COMPREHENSIVE PLAN TABLE
429 University Avenue / File No. 14PLN-00222

Program L-19: Support implementation of the Downtown Urban Design Guide. The Downtown Urban Design Guide is not mandatory but provides useful ideas and direction for private development and public improvement in the Downtown area.	The project incorporates many of the goals of the Downtown Urban Design Guide including: (1) Reinforce University Avenue as the retail core of Downtown Palo Alto which by maintaining strong concentration of ground floor retail. (2) Create ground floor architectural interest with windows and displays (3) Continue retail vitality onto the side streets.
Policy L-20 Encourage street frontages that contribute to retail vitality in all Centers. Reinforce street concerns with buildings that come up to the sidewalk or that form corner plaza.	The project incorporates design to reinforce street corners and integrate with nearby sidewalks with great building frontage.
Policy L-23: Maintain and enhance the University Avenue/Downtown area as the central business district of the City, with a mix of commercial, civic, cultural, recreational and residential uses. Promote quality design that recognizes the regional and historical importance of the area and reinforces its pedestrian character.	The project incorporates several design considerations contained in the Downtown Urban Design Guide in that the project design would: (1) provides pedestrian friendly amenities such as recessed entries, canopies, and new street trees, (2) includes attractive display windows at frequent intervals that invite shoppers, (3) promotes a mixed of uses including housing and commercial.
Policy L-24: Ensure that University Avenue/ Downtown is pedestrian-friendly and supports bicycle use. Use public art and other amenities to create an environment that is inviting to pedestrian.	The project incorporates pedestrian-friendly design and support bicycle use to complement the nearby Caltrain transit hub. Public art is proposed to be located onsite to create an environment that is inviting to pedestrian and building tenants.
Policy L-48: Promote high quality, creative design and site planning that is compatible with surrounding development and public spaces.	The design of the new building fits well with the retail pedestrian environment of the downtown commercial district.

Policy L-49: Design buildings to revitalize streets and public spaces and to enhance a sense of community and personal safety. Provide an ordered variety of entries, porches, windows, bays and balconies along public ways where it is consistent with neighborhood character; avoid blank or solid walls at street level; and include human-scale details and massing.	The project is consistent with this policy in that the proposed building would incorporate clear glass windows to promote a sense of safety. A variety of recessed entryways, glass canopies and balconies on both the University Avenue and Killing Street frontages would promote 'eye-on-the-street'.
Policy H-4: Encourage mixed use projects as a means of increasing the housing supply while promoting diversity and neighborhood vitality.	The proposed mixed use project provides two housing units.

HAYES GROUP ARCHITECTS

October 20, 2014

City of Palo Alto
Department of Planning & Community Environment
250 Hamilton Avenue, 5th floor
Palo Alto, CA 94301

Re: 429 University ARB Major Review Project Description, Revised 10/20/14

To Planning Staff and ARB Members:

Attached is Hayes Group Architect's re-submittal package for 429 University Ave. for ARB major review. The project applicant is Hayes Group Architects on behalf of Kipling Post LP. This package includes 6 sets of half-size drawings and 1 set of full-size drawings, plus 1 additional full- size set for public display, illustrating contextual photos, proposed site plan, floor plans, elevations, section, and perspectives.

1. EXISTING CONDITIONS

The site is located at the northwest corner of University Avenue and Kipling Street. It comprises two existing parcels, 425 University and 429 University. 425 University Ave. is a 4,425 SF, one- story commercial/retail building with mezzanine, while 429 University Ave. is a 7,208 SF, one- story commercial/retail building. Both are served by a 20-foot wide alley, Lane 30, at the rear of the sites.

The property is surrounded by commercial buildings on all street frontages as well as across the alley Lane 30. Across University Avenue are the Varsity Theater, an historic resource, and the modern, Lululemon Athletica / Accel Partners retail/office, 4-story building.

2. PROPOSED PROJECT

We propose to demolish and recycle, in accordance with Palo Alto's waste and recycling requirements, both of the existing buildings and combine the two parcels to form one 11,000 SF parcel. The Applicant proposes a new four-story commercial, retail, and residential mixed-use building of 31,407 SF. The 2.86:1 FAR is achieved by replacing the existing above grade square footage, transferring 4,207 parked TDR and 5,000 TDR that is exempt from parking, TDR from separate properties, and a (1) one-time 200 SF parked bonus for the project. The project has no intention for subdivision.

As a pedestrian oriented corner property, the project proposes retail entrances along University Avenue, extending down Kipling Street. Along this frontage, the building addresses the street with frameless glass that is intended to maximize visibility for the retail experience. Further down Kipling St. is the entry lobby for the upper floor professional

office, residential, and fourth floor office and/or break room servicing the office tenant. The building above is clad with stone and crystalized glass panels that carry around the University/Kipling corner to the concrete tower at the northern edge of the property. The building has a solid, cubic framework that is both clean and modern. The third floor residences are stepped back layered from the façade to create relief, depth, and visual interest while at the same time providing terraces that overlook the lively street below. The fourth floor has been set back from the floors below in response to the Preliminary ARB and neighbor comments, lowering the height of the building and providing a rooftop terrace.

3. PARKING & BICYCLE SPACES

The number of parking spaces required after application of the Existing Assessment District credit and TDR exempted parking are 35 spaces. The building provides two levels of below-grade garage with a total of 40 spaces and one space at grade for a total of 41 spaces.

Short-term bicycle parking spaces are located near the main entrances on University Ave. and Kipling St. Long-term bicycle parking spaces are provided at the basement parking area.

4. TRASH/RECYCLING

Trash and recycling facility serving the needs of the commercial area is located in the building and is accessible for the waste truck from the alley. A separate facility is provided for the residences and is also accessible for the waste truck from the alley driveway.

5. GREEN BUILDING STANDARD

In accordance with the city's Green Building Ordinance, this project will comply with California Green Building Code (CalGreen, Tier 2) and Green Point rater (for the residential portion) with Local Amendments. The building seeks to use both conventional as well as sustainable materials, including a concrete frame, high efficiency glazing systems, cut stone, glass tile, plaster finishes, abundant day-lighting and sun-shading systems as well as an energy efficient cool roof. Provisions have been made for car pool/ clean air vehicles and electric vehicle charging stations.

We look forward to a staff review and scheduling of an ARB Major hearing so that we can proceed with the development of this project.

Please call me at (650) 365-0600 x15 if you have any questions.

Sincerely,

Ken Hayes, AIA
Principal

CC: Elizabeth Wong, Kipling Post LP

Attachment E

TO: Christy Fong
Palo Alto Planning Dept

DATE: June 25, 2014

RE: 429 University Ave.

I write in regards to the proposed project at 429 University Ave as I own a business adjacent to this project: Be Yoga at 440 Kipling St.

I am thrilled at the idea of a new building and I love being a part of the continued growth and progress on in the downtown area. There have been many changes on University Ave and in the surrounding area recently, and I am in support of all of these improvement. I have two concerns about traffic flow given the proposal for 429 University Ave.

First, the alleyway off of Kipling St. is currently overly congested with delivery trucks stacked double wide delivering to the Footwear Etc., Design Within Reach, Shady Lane, Marine Layer, The Giants Dugout, and the four cafes, and eye glass store on the alley. There area also cars driving on the alley from these businesses that already push the limits of its given width with parking spaces as extra space for delivery vans to drive around each other. The alley is currently stopped up at least 3-5 times per day. I have witnessed this first hand as my building has four doors with access to this volume of traffic. Any abatement of the width at the juncture of the mouth of the alley should be at least a small a consideration given the volume of traffic that goes through the alley.

Second, Kipling St. itself is a narrow street. To my knowledge it is unique in its narrowness, as only one car can fit down in one direction at a time. I have witnessed on several occasions cars causing mirror damage to other cars trying to navigate this narrow street in both directions at the same time. The larger concern is where Kipling St. meets University Ave. At present, if a car wants to turn right from University Ave. onto Kipling St. and one or more cars are waiting to turn from Kipling St. onto University Ave., there is simply not enough space for the cars turning off of University Ave. onto Kipling St. and the cars from Kipling St onto University Ave. It seems this is a systemic problem with the street itself as you continue down Kipling St. toward Lytton there is really no extended space where two cars can drive in opposite directions at the same time. I would imagine that the existing project would increase the number of vehicles on this street to something that the city should be aware of and it may be worthwhile to investigate to make sure the flow of traffic is viable for the overall well being of the downtown district.

In closing, I am excited about this development, and I am grateful to be a part of this community. I hope it will not increase traffic to the scope it proposes on the alleyway nor Kipling St., as both of these junctures are unique in the downtown area in their ratio of square footage of space vs traffic they are designed to handle.

Thank you very much for your consideration.

Lisa Haley
Owner
Be Yoga
440 Kipling St.
650-644-8749
lisamariehaley@gmail.com

Fong, Christy

From: lisa marie <lisamariehaley@gmail.com>
Sent: Monday, August 25, 2014 12:27 PM
To: Fong, Christy
Subject: 429 University
Attachments: 429 University.pdf

Good Afternoon Christy,

I write in regards to the proposed project at 429 University Ave as I own a business adjacent to this project: Be Yoga at 440 Kipling St.

I am thrilled at the idea of a new building and I love being a part of the continued growth and progress on in the downtown area. There have been many changes on University Ave and in the surrounding area recently, and I am in support of all of these improvement. I have two concerns about traffic flow given the proposal for 429 University Ave.

First, the alleyway off of Kipling St. is currently overly congested with delivery trucks stacked double wide delivering to the Footwear Etc., Design Within Reach, Shady Lane, Marine Layer, The Giants Dugout, and the four cafes, and eye glass store on the alley. There area also cars driving on the alley from these businesses that already push the limits of its given width with parking spaces as extra space for delivery vans to drive around each other. The alley is currently stopped up at least 3-5 times per day. I have witnessed this first hand as my building has four doors with access to this volume of traffic. Any abatement of the width at the juncture of the mouth of the alley should be at least a small a consideration given the volume of traffic that goes through the alley.

Second, Kipling St. itself is a narrow street. To my knowledge it is unique in its narrowness, as only one car can fit down in one direction at a time. I have witnessed on several occasions cars causing mirror damage to other cars trying to navigate this narrow street in both directions at the same time. The larger concern is where Kipling St. meets University Ave. At present, if a car wants to turn right from University Ave. onto Kipling St. and one or more cars are waiting to turn from Kipling St. onto University Ave., there is simply not enough space for the cars turning off of University Ave. onto Kipling St. and the cars from Kipling St onto University Ave. It seems this is a systemic problem with the street itself as you continue down Kipling St. toward Lytton there is really no extended space where two cars can drive in opposite directions at the same time. I would imagine that the existing project would increase the number of vehicles on this street to something that the city should be aware of and it may be worthwhile to investigate to make sure the flow of traffic is viable for the overall well being of the downtown district.

In closing, I am excited about this development, and I am grateful to be a part of this community. I hope it will not increase traffic to the scope it proposes on the alleyway nor Kipling St., as both of these junctures are unique in the downtown area in their ratio of square footage of space vs traffic they are designed to handle.

Thank you very much for your consideration. I have attached a pdf version of this letter for your records.

Lisa Haley
Owner
Be Yoga
440 Kipling St.

650-644-8749
lisamariehaley@gmail.com

It is not your role to make others happy; it is your role to keep yourself in balance. When you pay attention to how you feel and practice self-empowering thoughts that align with who-you-really-are, you will offer an example of thriving that will be of tremendous value to those who have the benefit of observing you. --Abraham

Fong, Christy

From: Linda Fenney <lfenney@yahoo.com>
Sent: Saturday, August 30, 2014 5:28 PM
To: Fong, Christy
Subject: Proposed development of 425 and 429 University Ave

Dear Ms Fong,
As a resident of Palo Alto and a tax payer I am writing to give my opinion of the proposed development of the buildings at 425 and 429 University Ave. I do not approve of the proposed development feeling the planned structure it is too high, will change the character of the street, reduce sunlight, increase traffic and in my opinion reduce the aesthetic appeal of University Ave. As I know from my recent remodel, the City of Palo Alto is stringent in following its building codes to retain the character of the City. If the planned development is allowed to go ahead why would building codes for the commercial properties not be similarly followed? Why would light planes be ignored to the detriment of tree growing? Even if current building codes would allow the development, the issue of retaining the character of the City remains. I make an appeal to deny approval of the proposed development.
Linda Fenney
545 Ruthven Ave, Palo Alto, 94301

Fong, Christy

From: Elizabeth L <laskyea@gmail.com>
Sent: Saturday, August 30, 2014 9:19 PM
To: Fong, Christy
Subject: 425 and 429 University Ave

I approve of this project and hope to see more like it, maybe even larger. Palo Alto desperately needs more residential units!

(and that skyscraper in the middle of downtown looks kinda silly by itself; it would look better with equally tall companions)

Fong, Christy

From: caryl carr <carylc@gmail.com>
Sent: Monday, September 01, 2014 8:16 AM
To: Fong, Christy
Subject: 425 & 429 University Ave.

The proposal to replace the existing one-story commercial structures on these parcels with a four-story building has several problems. Esthetically, a four-story building is out of place and too high. Secondly (and perhap more importantly), downtown Palo Alto is stressed for parking and traffic is a nightmare - too many cars trying to be in much too small an area. New office spacel development needs to be done where there is parking and big enough roads - either along El Camino, Alma, or close to 101, not downtown. University Avenue has developed into a very pleasant place to walk, shop, and eat. Putting in a new four-story will block light and add to car congestion - not what University Avenue needs. People want to live in the area because it's fun to walk and shop and eat along University Avenue. Let's maintain that wonderful experience!

--caryl carr
730 Webster Street

Fong, Christy

From: Larry and Zongqi Alton <lalton@pacbell.net>
Sent: Tuesday, September 02, 2014 12:28 PM
To: Fong, Christy
Subject: 425 429 university avenue

Hi Christy,
This project must be stopped.
Kipling Street is very narrow and dangerous already. When large trucks are moving thru it or unloading it is a one way street if passable at all. Often you have to wait for traffic to clear to pass thru.
This project is basically a high rise residential property on University Avenue; a bad idea and dangerous precedent. Parking is already very bad in downtown neighborhoods.
Please keep downtown Palo Alto sunny and prevent University Avenue from becoming a congested canyon.
I would like to be informed of any events related to this development.
Thanks,
Larry Alton

Fong, Christy

From: Fong, Christy
Sent: Tuesday, September 02, 2014 1:59 PM
To: Sallyann Rudd
Subject: RE: 429 University Ave

Hi Sally,

The applicant has resubmitted their proposal on August 26, 2014, which you can find at this link. (http://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?BlobID=37684)

In drawing number A0.1, you can find the parking calculation in a summary table.

The proposed building comprises of 22,000 SF commercial space and 4 residential units.
For a 22,000 SF commercial space, it would require 88 stalls under the 1 stall / 250 SF ratio. Two spaces are required for each residential unit and one plus 10% of total number of units is required for guest parking (residential units required a total of 10 stalls). If there were no assessments or transferred area associated with parking exceptions for the site, a total of 98 spaces would be required. The zoning code exempts parking requirement for up to 5,000 SF (equivalent to 20 stalls) provided via Transferrable Development Rights and the project is located within the University Ave. Area Off-street Parking Assessment District with 21 assessed parking spaces (429 University Ave) plus 16 assessed parking spaces (425 University Ave) not to provide on the site. With these exemptions, the site would have to provide a total of 41 parking stalls.

The applicant is requested to prepare a focused traffic impact analysis. Along with the environmental review document, this analysis will be made available once it is completed.

Should you have further questions, please do not hesitate to contact me directly.

Regards,

Christy Fong | Planner| P&CE Department

250 Hamilton Avenue | Palo Alto, CA 94301

T: 650.838.2996 |E: Christy.fong@cityofpaloalto.org

Please think of the environment before printing this email – Thank you!

-----Original Message-----
From: Lee, Elena
Sent: Tuesday, September 02, 2014 8:56 AM
To: Sallyann Rudd
Cc: Fong, Christy
Subject: RE: 429 University Ave

Hi Sally,

Thank you for your email. Christy Fong is now the assigned planner for this project. She has been copied on this message and will respond to your request. (Thanks Christy.)

Elena

-----Original Message-----
From: Sallyann Rudd [mailto:sallyann_r@yahoo.com]
Sent: Sunday, August 31, 2014 7:17 AM
To: Lee, Elena
Subject: 429 University Ave

Hi Elena

I just found out about this new project through our neighborhood Nextdoor list.

Can you please tell me how many parking spaces this building requires, how many are mitigated by other factors such as downtown parking distrcit and proximity to transit, and how much square footage will be devoted to commercial, retail and residential?

Also, if there is a traffic plan, I'd like a copy, since there appear to be more pages in the plans devoted to tree protection than neighborhood traffic and parking mitigation.

Thank you

Sally-Ann Rudd
354 Pole St
Palo Alto

Fong, Christy

From: Julie Siegert <overdew@pacbell.net>
Sent: Tuesday, September 02, 2014 3:15 PM
To: Fong, Christy
Subject: 429 University

I wanted to express my concern and disapproval of the project plan for 429 University. Another project too big for our city. Too much traffic on Kipling, too much parking spillover into Downtown North, and too tall. We are creating a tunnel on University avenue of these tall structures ultimately good for developers not good for residents.

Please stop this madness before what is left of our beautiful city is completely destroyed.

Sincerely,

Julie Siegert

Fong, Christy

From: Stan Dirks <sjdirks@gmail.com>
Sent: Thursday, September 04, 2014 8:18 PM
To: Fong, Christy
Subject: Proposed project at 425 and 429 University Avenue

Follow Up Flag: Follow up
Flag Status: Flagged

I strongly oppose the approval of this project and any other additional four story or taller buildings along University Avenue between El Camino and Middlefield Avenue, and I strongly oppose the approval of any building that does not provide its own parking for its maximum use.

We must retain the character of a friendly and welcoming downtown, with street level sunlight, open spaces, trees and restaurants (including outdoor seating), rather than creating a tunnel-like environment with tall buildings on both sides of the street, blocking the sun and destroying the ambience. There are already too many four story and taller buildings downtown. The fact that there is one across the street from this site does not mean that more must be allowed—it means the opposite.

Stan Dirks
545 Ruthven Avenue
Palo Alto, CA 94301

Fong, Christy

From: mwg1378@gmail.com on behalf of Mike Greenfield <mike@mikegreenfield.com>
Sent: Thursday, September 04, 2014 11:23 AM
To: Fong, Christy
Subject: 425/429 University Avenue

Hi Christy-

I wanted to send a quick note to let you know that I am a resident who lives on Kipling Street (at 321 Kipling) and am strongly supportive of new development at University and Kipling. Palo Alto is in dire need of both new office space and new housing, and I would love to see construction on that and other nearby projects start soon.

This is a blog post I wrote on a related topic: http://numeratechoir.com/how-to-bring-innovative-not-insanely-wealthy-people-back-to-palo-alto/

Thank you for your work in helping Palo Alto to grow and evolve.

-Mike

Fong, Christy

From: Lisa Rutherford <lrutherford@gmail.com>
Sent: Friday, September 05, 2014 10:53 AM
To: Fong, Christy
Subject: Re: Neighbor concerns about 429 University

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Christy,

I saw that the plans for 429 University were resubmitted with no real changes, and I wanted to once again document our concern over its impact on Kipling Street:
- increased traffic and parking on an already overloaded and narrow street (we frequently have people parking in front of our driveway
- increased noise level, both during construction and afterwards, due to the possibility of nighttime usage of the nonresidential portions of the building
- safety of the garage entrance
- safety and livability of Kipling Street - already an overly narrow street for its current traffic flow, let alone the increased traffic and hazards from the parking garage
- general safety and vagrancy around the parking garage. I would be devastated to have the increased crime and dirtiness that have plagued other downtown parking facilities just a few blocks away.

Lisa

On Aug 20, 2014, at 3:06 PM, Fong, Christy <Christy.Fong@CityofPaloAlto.org> wrote:

Hi Lisa,

Thank you for your comments. It will be documented in file and is subject for consideration during the review process. The applicant is currently revising the plan. Once we receive the revised plans, they will be posted at this link below:

http://www.cityofpaloalto.org/news/displaynews.asp?NewsID=2449&TargetID=319

Should you have further questions, please do not hesitate to contact me directly.

Regards,

<image001.jpg>

Christy Fong | Planner | P&CE Department
250 Hamilton Avenue | Palo Alto, CA 94301
T: 650.838.2996 | E:Christy.fong@cityofpaloalto.org

Please think of the environment before printing this email – Thank you!

From: Lisa Rutherford [mailto:lrutherford@gmail.com]
Sent: Tuesday, August 19, 2014 9:37 PM
To: Fong, Christy
Subject: Neighbor concerns about 429 University

Hi Christy,

I'm writing regarding the development project being proposed at 429 University Ave. My family (husband and 3.5 year old) has lived at 443 Kipling Street, the beautiful Victorian closest to the proposed garage entrance, for the past eight years. We LOVE our home and have considered ourselves lucky to have found a place that is both convenient to downtown, yet on a quiet, peaceful, and safe street.

When I saw the plans for the proposed development, my stomach dropped. I know that single family homes in downtown Palo Alto are becoming rare, so it would be easy to assume our home was also a converted business, but it's not -- It's our home. And the current plans look like they will detrimentally effect our lives. I am concerned about:

- increased noise level, both during construction and afterwards, due to the possibility of nighttime usage of the nonresidential portions of the building
- safety of the garage entrance -- My little guy loves to scooter around, so the traffic in and out of the garage is worrisome
- safety and livability of Kipling Street - already an overly narrow street for its current traffic flow, let alone the increased traffic and hazards from the parking garage
- general safety and vagrancy around the parking garage. I would be devastated to have the increased crime and dirtiness that have plagued other downtown parking facilities just a few blocks away.

Right now, we live on the most perfect street in the most perfect town. I hope the existing plans can be amended to help maintain our beautiful home.

Lisa

---

lisa rutherford
lrutherford@gmail.com
650.380.2812

Fong, Christy

From: Jeff Svoboda <doctorjeffs@aol.com>
Sent: Friday, September 05, 2014 7:58 PM
To: Fong, Christy
Subject: City need to grow, develop

Ms Fong, Palo Alto needs to see the need for new devlopment, area of more business and taller buildings and areas for neighborhoods. We arena thriving community based on attracting
New ideas, new business. Room for smart ideas to percolate. This includes new devlopment on University avenue. Do no agree with the short sided "no" devlopment mindset. Parking can be addressed.

Let broaden the discussion. Jeff Svoboda Palo Alto resident Sent from my IPad

Fong, Christy

From: Brett Caviness <brett@levettproperties.com>
Sent: Monday, September 08, 2014 4:03 PM
To: Fong, Christy
Subject: 429 University Ave Development Project

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Christy,

As Director of LeVett Properties, property management company I wanted to reach out to you with our position with regard to the proposed project at 429 University Ave in Palo Alto. LeVett Properties strongly opposes the current plans for the proposed project at 429 University Ave. LeVett Properties works to look out for the best interests of both our properties and our residents. With this in mind, we feel that the project as proposes poses serious adverse affects to current and future residents of one of our properties specifically located at 405 Kipling St. Traffic is a primary concern to our resident's parking needs as well as safety. Being in a small downtown area like Palo Alto, perspective residents frequently make decisions on the basis of parking options for both them and their guests. The proposed project would greatly impact our ability to draw the highest income potential from our units as residents look to properties were the density may be less and therefore more accommodating for their needs. The increased traffic demanded of Kipling will also mean our residents and perspective residents will be considering increases in road noise, pedestrian traffic and a heightened potential for accidents and other nuisances. We do not feel the current plans meet the true needs of the neighboring properties surrounding the project.

Thank you for taking the time to understand our concerns.

Sincerely,

Brett Caviness
Director

LEVETT PROPERTIES

502 Waverley St Suite 304 | Palo Alto, CA 94301
Phone. (650)321 0440 | Fax. (650)328 4859
www.LeVettProperties.com
Follow us on Facebook and Twitter!

What our Residents say:
"I can't say enough good things about either Brett or Galina, truly outstanding Service." -Emud, Palo Alto

Fong, Christy

From: Linda Anderson/Bert Page <b-l-page@pacbell.net>
Sent: Thursday, September 18, 2014 10:38 AM
To: Fong, Christy
Subject: University and Kipling Project

Christy,

As a resident of Downtown North, I strongly oppose this development as proposed. It is one more assault on the DTN quality of life that already has been seriously eroded by development "exceptions" causing what may or may not be "unintended consequences."

The issues are many. Among them are building height, parking, square foot calculation used for parking needs, etc. I look forward to the day Palo Alto enters the real world and changes is 250 sq. ft./person to something resembling current actual.

I hope my comments are not too late. I have been out of town.

Thank you,

Linda Anderson
267 Bryant Street

Fong, Christy

From: Becky Baer <becky_baer@yahoo.com>
Sent: Monday, September 29, 2014 1:10 PM
To: Fong, Christy
Subject: New building at 425 & 429 Univ Ave

Dear Ms. Font,

I am writing as a youngish (69) senior citizen and homeowner on Lytton Ave. My husband and I and three children moved into our house in 1972. Our fourth child was born here in 1975. Our children grew up within walking, bicycling and skateboarding distance of downtown. Currently, both my husband and I walk downtown several times a week. Always on Saturdays to attend the Farmers' Market. Other times to stop at the post office, or pick up prescriptions. Over the years we have witnessed an alarming transformation of our beloved downtown area. The first offense was the hideous Cheescake Factory building, which in no way reflects the style of the area. The current proposal to tear down and replace the building at 425 & 429 University is another nail in the coffin. Already, there is inadequate parking for the buildings in existence. Please reconsider this proposal.

As for choices in shopping for my demographic, Los Altos and Menlo Park are much more appealing. It seems short sited of our city to focus only on attracting the young techies, while ignoring what may be attractive to an older generation.

Thank you for your time and for the opportunity to air my grievances about what is happening to the city I fell in love with 42 years ago.

Becky Baer
851 Lytton Ave.

Http://www.beckybaer.com

sent from my iPad

Fong, Christy

From: ssmofa@cwnet.com
Sent: Wednesday, October 08, 2014 10:01 AM
To: Fong, Christy
Subject: demolition of 425 University and 429 University

Dear Ms. Fong:

We are very concerned about the demolition of these two parcels and replacing them with a 4 story 33,000 s.f. mixed use building.
We feel this is not a good fit for that block on University for several important reasons.

First of all, parking. I understand that the developer wants to put in two layers of a parking structure under the current space behind the current building. I don't see that there will be enough room for cars to go in and out in that place. Street trees will have to be removed. Traffic is already dense in that area and will be blocked for the comings and goings related to the parking.

Second point is water use. Bringing more workers into downtown Palo Alto without increasing water use is something requiring much thought. The area is already in severe drought and increasing office space with cubicles will bring in more workers who must park and who will be using increasing amounts of water & sewers

Thirdly, this street has a lovely feel to it as it is. There are street trees and the street gets sun all year round. With 4 story buildings going in, there is likely to be a wind tunnel created and the trees will have to be removed. They will no longer receive enough sunlight to keep them alive. Birds sing all year in this area. That will end as well.

We shop on this street and we dine on this street. Without businesses like the small, local retailers we frequent, there is nothing to bring us down to Palo Alto & University Avenue. We love the character of downtown Palo Alto. We come down a few times each month to shop and dine although we live in the east bay. We bring out of town visitors, too.

We were shocked to hear about this and we hope that you will consider beyond the profit making involved in this short sighted project. Palo Alto draws visitors and students and their families, researchers and is a world class destination. A bunch of offices and chain businesses will not be the draw that a lovely, tree lined street with interesting chains and independent retail stores is and has always been for Palo Alto. Please vote against this unsightly and impractical project.

Thank you for your kind attention

Mr. & Mrs. N. K. Farrell
Oakland CA

Fong, Christy

From: Carol Lamont <carol@lamont.com>
Sent: Wednesday, October 29, 2014 12:11 AM
To: Fong, Christy
Subject: Proposed Development Plans Submitted for 425 and 429 University Avenue

Christy,
I would like more information on the plan submitted for the proposed new development at 425 and 429 University Avenue.

1) Is the plan as submitted consistent with current zoning for these properties? If not, is the developer seeking PC zoning or specific amendments?
2) Do the existing buildings have any historical significance or protection? The buildings at the following addresses are identified as works of Birge Clark built in 1927: 423, 425, 427, 429, 433, and 437 University Avenue per the website at http://www.pastheritage.org/Birge.html
3) What is the current status of the proposed project and what additional steps are set for the review and decision whether to approve the plan? What opportunity is there for public input?
4) What concerns and objections to the plan have been submitted by staff or the public to date? How can I access reports and minutes of meetings at which the proposed plan was considered.

Thank you for any information you can provide about this project that would seriously degrade the character of downtown Palo Alto.

Sincerely,

Carol
Carol Lamont
618 Kingsley Avenue
Palo Alto, CA 94301

Fong, Christy

From: John Hanna <jhanna@hanvan.com>
Sent: Friday, November 07, 2014 6:41 PM
To: Fong, Christy
Subject: 429 University avenue

The new project proposed for the corner of University avenue and Kipling is exactly what we need more of in Downtown Palo Alto. We need more residential downtown to make it possible for people to live and work in town (as opposed to commuting), and we need more parking downtown. This project fulfills both of those needs, and addition adds to the tax base and improves the aesthetics of that corner considerably. The project meets zoning and parking requirements and need no special favors or exceptions.
What's not to like?

John Paul Hanna, Esq.
Hanna & Van Atta
525 University Avenue, Suite 600
Palo Alto, CA 94301
Telephone: (650) 321-5700
Facsimile: (650) 321-5639
E-mail: jhanna@hanvan.com

Fong, Christy

From: K. Fong <ksfongdna@yahoo.com>
Sent: Friday, November 07, 2014 7:16 PM
To: Fong, Christy
Cc: Kenneth Fong
Subject: 429 university new building project

Dear Ms Fong,

I am writing to support Elizabeth Wong's building at 429 University Ave, Palo Alto because it is a mixed use facility that we need in this great city of ours.

I have been a biotech entrepreneur/investor in Palo Alto-Mt View since 1984 and am also owner of several downtown commercial buildings for some time. I love this city and I believe this new building and its design would bring vitality and greater tax base to our city for a long time to come. We should not let this window of opportunity to build such a vibrant facility pass without the city carefully examining its merits.

Thank you for your attention.

Respectfully,

Kenneth Fong

Kenneth Fong
Chairman, KENSON Ventures, LLC

400 Hamilton Avenue, #410, Palo Alto, CA 94301
Phone : 650 330-0322 Fax : 650 330-0577

Fong, Christy

From: Elizabeth L <laskyea@gmail.com>
Sent: Sunday, November 09, 2014 4:34 PM
To: Fong, Christy
Cc: elizabethwong2009@gmail.com
Subject: 429 University

Ms. Fong,

I support the Wongs' project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Elizabeth Lasky

Fong, Christy

From: Beverly Fields <beverly.fields@prprop.com>
Sent: Monday, November 10, 2014 9:51 AM
To: Fong, Christy
Subject: 429 University Avenue, Palo Alto

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Fong:

I have been working in Downtown Palo Alto since 1984 as a commercial property manager and have personally witnessed the Downtown's growth and development. I believe that the Wong's proposed project would be an asset to University Avenue, in addition to providing badly needed residential units and two levels of underground parking. I am very much in support of this project.

Sincerely,

Beverly Fields

Beverly Fields
Director of Property Management

25 years
Taking Pride in Palo Alto
PREMIER
PROPERTIES MANAGEMENT

Direct: 650.618.3004
Fax: 650.618.3009
beverly.fields@prprop.com

Premier Property Management
539 Alma Street
Palo Alto, CA 94301

www.prprop.com

Fong, Christy

From: James Lin <james@betterchinese.com>
Sent: Monday, November 10, 2014 10:06 AM
To: Fong, Christy
Cc: Elizabeth Wong
Subject: Support of Wong's Project at 429 University Avenue
Attachments: 11_SupportForEWongProject.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Please support Wong's Project. See attached letter.

Regards,

-James

--

James Lin
Founder & CEO
Better Chinese
2479 E Bayshore Rd, Suite 110
Palo Alto, CA 94303

T. +1-650-384-0902
F. +1-888-384-0901
E. james@betterchinese.com
W. www.BetterChinese.com

https://www.youtube.com/watch?v=3uGR9vHdog4

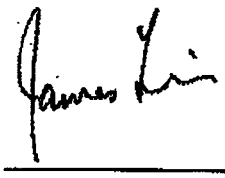
To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,



Name

Home: 675 Greer Road, Palo Alto, CA 94303
Business: 2479 E. Bayshore Road, 110, CA 94303

Home or business address in Palo Alto

Fong, Christy

From: kumikoyoshinari@gmail.com on behalf of Kumiko Yoshinari <yoshinari@princetonenergy.net>
Sent: Monday, November 10, 2014 12:38 PM
To: Fong, Christy
Subject: In support of the project at 429 University Avenue

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Fong

Mixed use buildings such as the one proposed for 429 University Avenue is precisely what we need in Palo Alto, to address housing, office and retail space shortage. Many more mixed use buildings will enable younger people to come work, live and raise a family in Palo Alto, ensuring that the City remains the center of innovation and a vibrant city.

Kumiko Yoshinari
Homeowner and Resident of Downtown North

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Serena Garcia

SERENA GARCIA
Name

534 Ramona Palo Alto
Home or business address in Palo Alto

Name

Home or business address in Palo Alto

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

RECEIVED

NOV 10 2014

Department of Planning & Community Environment

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Vernon Altman
Name

928 Laurel Glen Dr
Palo Alto
Home or business address in Palo Alto

Name

Home or business address in Palo Alto

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Zachery Jadrich
Name

429 University ave Palo Alto 94301
Home or business address in Palo Alto

Name

Home or business address in Palo Alto

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Connett & Ahart

Connett & Ahart
Name

955 Laurel Glen Dr 94304
Home or business address in Palo Alto
Palo Alto, CA 94304

Name

Home or business address in Palo Alto

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Clint Severson
Name

955 Laurel Glen Dr. 94304
Home or business address in Palo Alto
Palo Alto, CA

Name

Home or business address in Palo Alto

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Name	Home or business address in Palo Alto
Jon Goldman	539 ALMA ST, PALO ALTO, CA
Name	Home or business address in Palo Alto

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Name	Home or business address in Palo Alto
Avo Izmirlian	539 Alma St, Palo Alto, CA
Name	Home or business address in Palo Alto

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Brad Ehikian
Name

539 Alma St, Palo Alto
Home or business address in Palo Alto

Name

Home or business address in Palo Alto

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

PJ Gold
Name
Patrick J. Gold

425 University, Palo Alto, CA
Home or business address in Palo Alto

Name

Home or business address in Palo Alto

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Name	Home or business address in Palo Alto
Gordon Friedman	425 University Ave
Name	Home or business address in Palo Alto

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Name	Home or business address in Palo Alto
Andrew Gold	425 University, Palo Alto, Ca
Name	Home or business address in Palo Alto

Fong, Christy

From: David Kleiman <dkleiman@d2realty.com>
Sent: Tuesday, November 11, 2014 11:19 AM
To: Fong, Christy
Subject: 429 University Ave, Palo Alto

Dear Ms. Fong:

I support the approval of the proposed project at 429 University Avenue.

Not only does is provide parking that meets the City's requirements, but it will provide much-needed residential units.

Sincerely,

David Kleiman
333 High Street
Palo Alto, CA

Fong, Christy

From: Stephen D. Pahl <Stephen@pahl-mccay.com>
Sent: Tuesday, November 11, 2014 1:21 PM
To: Fong, Christy
Cc: Elizabeth Wong (elizabethwong2009@gmail.com)
Subject: 429 University Avenue

Ms. Fong: Please permit this correspondence to serve as a strong letter of support to the project currently before the ARB at 429 University. Not only have the property owner expended serious time and money to design a project within the standards of Palo Alto's downtown standards, if completed, it will constitute a serious upgrade in the quality of the neighborhood. Our office has represented both developers and tenants on the Avenue, and I personally have engaged in projects for my own account within Palo Alto. This project clearly seeks to reach a middle ground between density and use and strikes a balance between retail, office and residential. I recently received a letter from a North Palo Alto resident complaining one of our represented projects would only serve to require the retail/office employees to further park in "their" neighborhood. This project substantially "self-parks" and with the residential portion of the project, perhaps can serve as a live/work unit.

Should you have any questions or comments, please do not hesitate to contact the undersigned.

PAHL&McCAY
A Professional Law Corporation

Stephen D. Pahl
Pahl & McCay, a Professional Law Corporation
225 West Santa Clara, Suite 1500, San Jose, California 95113
Telephone: (408) 286-5100 Direct: (408) 918-2826
Cell: (408) 210-0500 Facsimile: (408) 286-5722
Email: spahl@pahl-mccay.com

Fong, Christy

From: Sam Arsan <sam@arsanrealty.com>
Sent: Wednesday, November 12, 2014 10:58 PM
To: Fong, Christy
Subject: 429 University Avenue

Dear Ms. Fong

I have been leasing and managing properties in the downtown Palo Alto market for over twenty years. As one of the most active brokers in the downtown area I believe in supporting any and all efforts to preserve and continue to improve the vibrant nature of downtown.

I support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Sam

Sam Arsan
Arsan Realty
801 Woodside Road, Suite 11
Redwood City, CA 94061
650-322-3143
650-322-6028 Fax

Attachment F

Kipling Post LP
P. O. Box 204
Palo Alto, CA 94302

November 11, 2014

429 University Avenue
Response to Opposing Comments

Dear Ms. Gitelman:

E-mails and letters have been sent to your Department by residents and others expressing concerns and objections to the development proposal for the property at 429 University. They variously address fears due to building height, traffic, parking and aesthetic concerns, among others. Please allow me to present a different point of view.

TRAFFIC

You have in your possession a comprehensive Transportation Impact Analysis report ("Traffic Report") prepared for us following directives from the City of Palo Alto's Transportation Division by Hexagon Transportation Consultants, Inc. It estimates that, on the high side, the project would generate 166 net new trips daily with 21 of these occurring at AM peak hours and 21 at PM peak hours, and it concludes that all the intersections studied would continue to operate at levels acceptable to the City.

The report studied traffic impact at both ends of the 400 block of Kipling Street, at the intersections of Lytton Avenue with Alma Street and with Middlefield Road, and at the intersection of University Avenue and Middlefield Road. These were the locations where the City deemed impact would be greatest. The report studied six traffic condition scenarios: existing traffic conditions, existing plus project added, background, background plus project added, cumulative, and cumulative plus project added. For each of these scenarios, the conclusion is the same, these intersections would continue to operate at City-acceptable levels (pages 24, 28, 31 and 34). These conclusions are based on methodology and standards under the Transportation Research Board, 2000 Highway Capacity Manual; the 2010 California Manual on Uniform Traffic Control Devices and the City of Palo Alto's Level of Service Standards.

The Traffic Report further indicates that there will be no undue delays on Kipling Street (vehicle queuing) due to the traffic from the project, although there are pre-existing conditions that cause delays in turning from University westbound onto Kipling Street but that these delays are unrelated to the proposed project (page 38-39).

PARKING

The proposed project will include two levels of underground parking, providing 41 auto parking spaces. This is in addition to the 37 auto spaces for which the City has been receiving payment from us for years via the Downtown Parking Assessment District. Several of these spaces are accessible, van- accessible, clean-air/van pool, EVSE, and EVSE-ready as required by the newest regulations. Additionally, short-term and long-term bicycle parking is provided by the project in compliance with City requirements. Under current parking requirements, we have an excess of 6 parking spaces; no exceptions are requested.

BUILDING HEIGHT AND FACADE

In response the City's and neighbors' concerns expressed at the preliminary ARB earlier this year, we moved the rear perimeter of the building 4 feet in, giving a wider aspect to the alley, and we reduced the impact of apparent height and shadows by moving the fourth floor construction away from the perimeter of the property. From some vantage points, at or near street level, the fourth floor is all but invisible. We feel that it is important to establish an elegant presence at this visible corner as we enter the downtown core from University Avenue east. This building will do just that, and make a proud statement for Palo Alto.

We have nearly 20 years of retail leasing experience in Palo Alto and we know that, what retailers want and demand is a strong presence at the street level, with attractive windows, open and inviting. The Apple store farther along University Avenue is a prime example of a new construction with presence and sidewalk appeal. The smooth and continuous storefront was an important requirement from them. Incidentally, the Apple store generates around ten times the annual sales of other retailers; not even Apple could have achieved this level of sales with a tired and less visible storefront. We estimate that our project's visibility will significantly contribute to sales and therefore be a significant tax revenue source for Palo Alto.

The existing buildings are near the end of their physical life. They are energy-inefficient, and the water and sewer services which are embedded in the concrete walls and foundation slab are not accessible to maintain and repair.

AESTHETICS

Take a walk down University Avenue, or Lytton or Hamilton. What is striking about the downtown commercial core is the diversity of architectural styles. I'm sure Birge Clark, in his day, had detractors too. The beauty of downtown is that many different styles make for a welcoming panorama where there is something for everyone – different building shapes, heights, colors, ages. It's not Disneyland, with uniform and plastic facades. The different retail and restaurant storefronts, old and new, add to this multi-faceted welcoming tableau. That is why Palo Alto thrives while its neighbor cities have to try harder.

While we are taking a walk, check out the houses on the 400 block of Kipling, from where many of your letters originate. The block has one- and two-story houses, mostly used as dense commercial and multi-residential rentals, all vying for on-street parking since almost no off-street parking is provided in the respective properties. This is an existing parking and traffic problem in a congested area, and the occupants' frustration is misdirected toward our 429 University project.

FEAR

A few letters you have received cite fears about safety and crime, presumably brought about by the erection of a new building with underground parking. What I can't figure out is how this is different from what we have now? A well-managed building will keep its premises and its surroundings safe and crime-free; we have owned this property for decades and have been diligent in its management. Now, after investing millions in the new project, does anyone honestly believe we would abandon good practices and let this investment deteriorate?

A NEW PERSPECTIVE

Our family came to Palo Alto about twenty years ago. We decided to make this city our home. We bought a house, expensive as it was even then. We liked the downtown and invested in it. In these nearly two decades, we have seen, and possibly helped, Palo Alto become a destination for shopping, living and education; a crucible for new ideas and novel ways to live and work; a hotbed of retail and fine dining options. This would never have happened if we let our fears dominate how we see the future of our City.

We, too, have a dream. That one day, the great City of Palo Alto and its citizens will not oppose projects out of fear and naiveté; that we can all embrace progress and intelligent growth and use that to help the City and each of us become better than could otherwise be. This is our legacy to our family and to our City.

Thank you.

Jaime and Elizabeth Wong

Attachment G

429 UNIVERSITY AVENUE PROJECT

Initial Study

CITY OF PALO ALTO

NOVEMBER 2014

Printed on 30% post-consumer recycled material.

TABLE OF CONTENTS

FIGURES

I. PROJECT SUMMARY

1. PROJECT TITLE

429 University Avenue

2. LEAD AGENCY NAME AND ADDRESS

City of Palo Alto
Department of Planning and Community Environment
250 Hamilton Avenue
Palo Alto, California 94303

3. CONTACT PERSON AND PHONE NUMBER

Christy Fong, Planner
City of Palo Alto
650.838.2996

4. PROJECT SPONSOR'S NAME AND ADDRESS

Kipling Post LP
Contact: Elizabeth Wong
PO Box 204
Palo Alto, California 94302
650.323.5295

5. APPLICATION NUMBER

14PLN-00222

6. PROJECT LOCATION

429 University Avenue
Palo Alto, California
Assessor's Parcel Numbers (APNs): 120-15-029 and 120-15-028

The 0.25-acre project site is located in the northern section of the City of Palo Alto (City), in the northern part of Santa Clara County, east of State Route 82 (El Camino Real) and west of U.S. Highway 101 (Figure 1, Regional Map). The project site is located on the northwestern corner of University Avenue and Kipling Street, as shown on Figure 2, Vicinity Map, and Figure 3, Aerial Map. All figures are provided at the end of this document.

7. GENERAL PLAN DESIGNATION

The General Plan designation of the project site is Regional/Community Commercial, per the Palo Alto 1998–2010 Comprehensive Plan (Comprehensive Plan; City of Palo Alto 2007). This land use designation includes larger shopping centers and districts that have a wider variety of goods and services than the neighborhood shopping areas. They rely on larger trade areas and include such uses as department stores, bookstores, furniture stores, toy stores, apparel shops, restaurants, theaters, and non-retail services such as offices and banks. Non-residential floor area ratios (FAR) range from 0.35 to 2.0. The project site is part of a Regional/Community Commercial district that extends from Alma Avenue on the south to Webster Street on the north and between Lytton Avenue on the west and Hamilton and Forest Avenues on the east.

8. ZONING

The Zoning designation of the project site is Downtown Commercial (CD-C(P)(GF)). This zone's regulations are set forth in the Palo Alto Municipal Code (PAMC) Chapter 18.18. The CD district provides for a wide range of commercial uses serving city-wide and regional business and service needs, as well as residential uses and neighborhood service needs. The CD-C (community) subdistrict is intended to modify the site development regulations to allow specific variations to the uses and development requirements of the CD district. The project site is also within the pedestrian shopping (P) and ground floor (GF) combining districts. The pedestrian shopping combining district is intended to modify the regulations of the CD in locations where it is deemed essential to foster the continuity of retail stores and display windows and to avoid a monotonous pedestrian environment in order to establish and maintain an economically healthy retail district. The ground floor combining district is intended to modify the uses allowed in the CD district to allow only retail, eating and drinking, and other service-oriented commercial development uses on the ground floor.

9. PROJECT DESCRIPTION

The proposed project involves demolition of two one-story retail buildings located at 425 University Avenue (APN 120-15-029) and 429 University Avenue (APN 120-15-028) totaling 11,633 square feet (4,425 square feet and 7,208 square feet, respectively) on separate parcels, and construction of a new four-story mixed-use building with two levels of underground parking (Figure 4, Site Plan). The two parcels would be combined to create a single 11,000-square-foot parcel. The new building is proposed to be 31,407 square feet in gross floor area and would cover 9,478 square feet of the site in approximately the same location as the existing buildings. The total increase in gross floor area would be 19,774 square feet. The proposed building would provide 20,407 square feet of commercial space (an increase of 8,774 square feet) and 11,000 square feet of residential land uses. A total of four residential apartment units would be provided, for a residential density of 16 units per acre. The proposed building plans are provided in Appendix A.

The maximum proposed building height is 50 feet and the FAR would be 2.86 (Figure 5, Elevations). The base FAR in the CD-C district is 1.0; however, the FAR may be increased with transfers of development rights (TDRs) and/or bonuses for seismic and historic rehabilitation upgrades, not to exceed a total site FAR of 3.0. The proposed project FAR will be achieved through the transfer of 9,207 square feet of development rights from separate properties, of which 4,207 square feet require parking and 5,000 square feet are exempt from parking requirements. The project is also eligible for a one-time 200-square-foot bonus, which is subject to the City's parking requirements. Together, these TDRs and bonuses would allow the project to achieve the proposed 2.86 FAR.

Building design would include stone and crystalized glass panels around the University Avenue/Kipling Street corner to the concrete tower at the northern edge of the property. The third-floor residential units would be stepped back from the façade to create depth and visual interest, while also providing terraces for the residences. The fourth floor would be set back from the floors below and would provide a rooftop terrace. The project proposes retail entrances along University Avenue and Kipling Street. The entry lobby for the residential and office uses would be located on Kipling Street. The building would be set back approximately 4 to 6 feet from Lane 30 to allow for pedestrian accessibility in the rear of the building.

The proposed project would require 82 parking spaces for 20,407 square feet of commercial use and 10 parking spaces for 4 residential units, for a total of 92 parking spaces. However, the property was previously assessed and paid in lieu fees for 37 parking spaces in the University Avenue Parking Assessment District and is eligible to receive 5,000 square feet of TDRs exempted from parking (equivalent to 20 parking spaces). Based on these adjustments, the project is required to provide a total of 35 vehicle parking spaces. The project proposes to include a total of 41 parking spaces, exceeding the parking requirement by six spaces. Forty parking spaces would be provided in the two-level underground parking garage and one space would be provided at-grade. Seven long-term bicycle parking spaces would also be provided within the underground parking garage, and six short-term bicycle parking spaces would be located near the building entrances on University Avenue and Kipling Street, for a total of 13 bicycle parking spaces.

The proposed project is designed in accordance with the City's Green Building Ordinance, which requires compliance with California Green Building Code Tier 1 and Green Point rater (for the residential portion) with Local Amendments. The project would use both conventional and sustainable building materials, including a concrete frame, high-efficiency glazing systems, cut stone, glass tile, plaster finishes, abundant day-lighting and sun-shading systems, and an energy-efficient cool roof. The project would also include facilities for carpool/clean air vehicles and electric vehicle charging stations.

The proposed project would involve the removal of four existing street trees on Kipling Street, and the replacement of these trees with four new street trees on Kipling Street. Both of the two existing street trees on University Avenue would be retained.

10. SURROUNDING LAND USES AND SETTING

As shown on Figures 2 and 3, the project site is located on University Avenue in Downtown Palo Alto. The project site is surrounded by primarily two-story buildings with ground floor retail and restaurant spaces on University Avenue and a mix of small-scale commercial/office as well as residential uses on Kipling Street. Located directly across University Avenue from the site is a modern four-story mixed-use office and retail building, with ground floor retail and upper story offices. Larger mixed-use and office buildings are located farther east along University Avenue, including a six-story building and a three-story building on the corner of University Avenue and Cowper Street. The surrounding uses on Kipling Street serve as a transition between the primarily commercial University Avenue and the primarily residential neighborhoods to the north. Lower-intensity commercial/office uses and single-family residential line both sides of Kipling Street. A yoga studio is located behind the project site, accessed from an alley off Kipling Street (the alley is referred to as Lane 30 E). A public surface parking lot is located on Kipling Street, less than a block north of University Avenue, which provides parking for nearby uses. Another public surface parking lot is located on Cowper Street, between University and Hamilton Avenues.

II. 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 second column in the checklist lists the source(s) for the answer to each question. The sources cited are identified at the end of the checklist. Discussions of the basis for each answer and a discussion of mitigation measures that are proposed to reduce potential significant impacts are included.

A. AESTHETICS

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially degrade the existing visual character or quality of the site and its surroundings?	1, 2, 3			**X**	
b) Have a substantial adverse effect on a public view or view corridor?	1, 3 (Map L4)			**X**	
c) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	1, 3 (Map L4)				**X**
d) Violate existing Comprehensive Plan policies regarding visual resources?	1, 2, 3			**X**	
e) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	1, 2			**X**	
f) Substantially shadow public open space (other than public streets and adjacent sidewalks) between 9:00 a.m. and 3:00 p.m. from September 21 to March 21?	1, 2				**X**

DISCUSSION

The proposed project includes replacing two existing one-story retail buildings with a new four-story mixed-use building. While the proposed project would result in a change in the existing visual character of the site, the project design will be reviewed by the City's Architectural Review Board to ensure that compatibility concerns are addressed and it does not degrade the existing visual character or quality of the site and its surroundings.

The project site is surrounded by primarily mixed-use and commercial buildings along University Avenue, ranging in height from one to six stories. As shown on Figure 5, Elevations, and Figure 6, Perspective Renderings, the proposed building would be larger in scale and mass than some of the adjacent buildings; however, the project would be similar in scale and mass to other buildings in the vicinity along University Avenue in the Downtown area. In addition, the project would not exceed the allowable height (50 feet) for the site.

The design of the building's Kipling Street façade would reflect the smaller scale of the existing development along Kipling Street. The façade would be divided into 25-foot sections consisting of the solid stair element, the glass entry element with recessed residential terrace, and the secondary grid inside the main building form. The fourth floor of the building would set back 10 feet from the alley property line and 7 feet from the Kipling Street property line resulting in a street façade that would appear as a three-story building. Although the proposed stair element would be taller, anchoring the corner of the alley, it would be similar in style to vertical accents in the façades of existing homes along Kipling Street.

The University Avenue façade is designed to respond not only to the buildings immediately adjacent and west of the subject property but to the taller, higher density development of the University Avenue Commercial District, including the four-story Lululemon Athletica/Accel Partners building located directly across University Avenue. The University Avenue façade would appear to be three stories tall. The fourth floor would be set back 30 feet from the front of the building creating a terrace for use by building occupants and guests. The fourth-floor terrace would extend along the length of the building as would the main three-story building block, giving definition to the street edge and presence to

the building when seen in the context of the street. The main rectangular mass of the building would be elevated so the bottom aligns with the first floor openings of the adjacent buildings along University Avenue. Frameless glass would create display windows and entries that would activate the sidewalk through visual and physical connections. Retention of existing trees along the project site's University Avenue frontage and the planting of new trees along the Kipling Street frontage would soften the views of the new building from public roadways and adjacent uses.

The building would be built within the buildable area of the property and no public views or view corridors would be affected by the proposed building.

The project site is located in a developed area of the City, is not within a state scenic highway; therefore, it would not damage any scenic resources within a state scenic highway.

The Land Use and Community Design Element of the City's Comprehensive Plan includes several policies related to visual resources, including the following:

- Policy L-5: Maintain the scale and character of the City. Avoid land uses that are overwhelming and unacceptable due to their size and scale.
- Policy L-6: Where possible, avoid abrupt changes in scale and density between residential and non-residential areas and between residential areas of different densities. To promote compatibility and gradual transitions between land uses, place zoning district boundaries at mid-block locations rather than along streets wherever possible.
- Policy L-20: Encourage street frontages that contribute to retail vitality in all Centers. Reinforce street corners with buildings that come up to the sidewalk or that form corner plazas.
- Policy L-23: Maintain and enhance the University Avenue/Downtown area as the central business district of the City, with a mix of commercial, civic, cultural, recreational and residential uses. Promote quality design that recognizes the regional and historical importance of the area and reinforces its pedestrian character.
- Policy L-48: Promote high quality, creative design and site planning that is compatible with surrounding development and public spaces.
- Policy L-49: Design buildings to revitalize streets and public spaces and to enhance a sense of community and personal safety. Provide an ordered variety of entries, porches, windows, bays and balconies along public ways where it is consistent with neighborhood character; avoid blank or solid walls at street level; and include human-scale details and massing.

As described above, the proposed project would comply with the height and setback requirements for the project site. In addition, the project has been designed to blend into the existing development on both Kipling Street and University Avenue. The proposed building design recognizes that the uses along Kipling Street are smaller in scale and lower in intensity than those on University Avenue, and the project design responds to the adjacent uses by minimizing the appearance of an abrupt change in scale between the two areas. The University Avenue frontage would create an inviting retail environment and provide a pleasant pedestrian experience, thereby enhancing the University Avenue/Downtown area as the City's central business district. In addition, as described above, the proposed building design would activate the sidewalk through the use of human-scale architectural details and frameless glass windows on the ground floor.

The project site is currently developed with retail uses, which include sources of light and glare. Uses associated with the proposed structure would not create a substantial amount of additional lighting and glare. Glare is defined as a light source in the field of vision that is brighter than the eye can comfortably accept. Squinting or turning away from a light source is an indication of glare. Glare can result from sunlight or from artificial light

reflecting off building exteriors, such as glass windows or other highly reflective surface materials. Glare is particularly associated with high light intensity. It can be reduced by design features that block direct line of sight to the light source and that direct light downward, with little or no light emitted at high (near horizontal) angles, since this light would travel long distances. Cutoff-type light fixtures minimize glare because they emit relatively low-intensity light at these angles. Glare resulting from sunlight reflecting off building exteriors can be reduced with design features that use low-reflective glass and exterior materials and colors that absorb rather than reflect light.

The proposed building would increase the number and surface area of windows compared to the existing building. The Kipling Street frontage faces northeast and has limited direct sunlight exposure, while the University Avenue frontage faces southeast and receives more sunlight exposure. At the street level along these frontages, the project proposes a series of storefront system windows with canopies over the entrances. On the second floor, windows would also be provided on these frontages and would be shaded by canopies to reduce glare. The third floor would be set back from the building façade on the University Avenue frontage and Lane 30 E, creating a large overhang that would shade windows along this side. The fourth floor would be set back even farther along University Avenue, such that glare from windows would not be visible from the street. The Kipling Street frontage would receive less sunlight exposure and the windows on this side of the building are not anticipated to create substantial glare.

The primary use of exterior building lighting would be to ensure safety at building entrances. Exterior building lighting is proposed at the rear entrance of the building on Lane 30, as well as within the ramp to the underground parking level. This lighting would be controlled to minimize spillover beyond the project site property lines. The project is also required to meet the City's lighting standards, including PAMC Section 18.23.030, which establishes that "Exterior lighting in parking areas, pathways and common open space shall be designed to achieve the following: (1) provide for safe and secure access on the site, (2) achieve maximum energy efficiency, and (3) reduce impacts or visual intrusions on abutting or nearby properties from spillover and architectural lighting that projects upward." PAMC Section 18.23.030 also requires that "lighting of the building exterior, parking areas and pedestrian ways should be of the lowest intensity and energy use adequate for its purpose, and be designed to focus illumination downward to avoid excessive illumination above the light fixture."

Although the project would result in increased building height compared to the existing buildings, which could increase shading, there are no adjacent public spaces other than streets and sidewalks that would be affected by additional shadows. Specifically, the proposed building would increase shading on Kipling Street and Lane 30 E, which are public streets.

The project is subject to design review and approval by the City through the Architectural Review process, which ensures compliance with City standards to promote visual environments that are of high aesthetic quality and variety and which, at the same time, are considerate of each other. Therefore, for the reasons described above, aesthetic impacts would be less than significant.

Mitigation Measures
None required.

B. AGRICULTURAL RESOURCES

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

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	1, 3				**X**
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	1, 3 (Map L9), 4				**X**
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)[1]) or timberland (as defined in Public Resources Code section 4526[2])?	1, 4				**X**
d) Result in the loss of forest land or conversion of forest land to non-forest use?	1				**X**
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	1				**X** **X**

DISCUSSION

As reflected in the Comprehensive Plan, the project site is located in a developed urban area in Downtown Palo Alto and does not contain and land designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the Santa Clara County Important Farmland map prepared for the Farmland Mapping and Monitoring Program of the California Department of Conservation (2011). The site is not zoned for agricultural use, and is not subject to any Williamson Act contracts. The project site is within a fully developed urban area and does not support forest or timberland. No impacts to agricultural and forestry resources would occur.

Mitigation Measures

None required.

[1] California Public Resources Code 12220(g): "Forest land" is land that can support 10% native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources**,** including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.

[2] California Public Resources Code 4526: "Timberland" means land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees. Commercial species shall be determined by the board on a district basis after consultation with the district committees and others.

C. AIR QUALITY

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct with implementation of the applicable air quality plan?	1, 2, 6				**X**
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation indicated by the following:					
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})?	1, 2, 6			**X**	
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)?	1, 2, 6, 17			**X**	
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)?	1, 2, 6			**X**	
d) Expose sensitive receptors to substantial levels of toxic air contaminants?	1, 2				**X**
i. Probability of contracting cancer for the Maximally Exposed Individual (MEI) exceeds 10 in one million?	1, 2				**X**
ii. Ground-level concentrations of non-carcinogenic TACs would result in a hazard index greater than one (1) for the MEI?	1, 2				**X**

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Create objectionable odors affecting a substantial number of people?	1, 2				**X**
f) Not implement all applicable construction emission control measures recommended in the *Bay Area Air Quality Management District CEQA Guidelines*?	1, 2			**X**	

DISCUSSION

The project site is located in the Santa Clara Valley, which is part of the San Francisco Bay Area Air Basin. The Bay Area Air Quality Management District (BAAQMD) has the primary responsibility for ensuring that the San Francisco Bay Area Air Basin attains and maintains compliance with federal and state ambient air quality standards. The BAAQMD regulates air quality through its permit authority over most types of stationary emissions sources and through its planning and review process. The California ambient air quality standards are generally more stringent than federal standards.

The federal and state Clean Air Acts define allowable concentrations of six air pollutants, which are referred to as "criteria air pollutants." When monitoring indicates that a region regularly experiences air pollutant concentrations that exceed those limits, the region is designated as nonattainment and is required to develop an air quality plan that describes air pollution control strategies to be implemented to reduce air pollutant emissions and concentrations.

The San Francisco Bay Area Air Basin is designated nonattainment for the federal 8-hour ozone (O_3) standard. The area is in attainment or unclassified for all other federal standards. The area is designated nonattainment for state standards for 1-hour and 8-hour O_3, 24-hour coarse particulate matter (PM_{10}), annual PM_{10}, and annual fine particulate matter ($PM_{2.5}$). To address the region's nonattainment status, the BAAQMD adopted the *Bay Area 2005 Ozone Strategy* (BAAQMD 2006) and the *Bay Area 2010 Clean Air Plan* (BAAQMD 2010a), which is an update to the 2005 document and provides "an integrated, multi-pollutant strategy to improve air quality, protect public health, and protect the climate." The 2010 plan addresses O_3, $PM_{2.5}$ and PM_{10}, air toxics, and greenhouse gases (GHGs). The 2010 plan identifies a number of control measures to be adopted or implemented to reduce emissions of these pollutants. As the proposed project is consistent with the land use and zoning designations for the project site, it is consistent with the *Bay Area 2010 Clean Air Plan*.

The BAAQMD has adopted California Environmental Quality Act (CEQA) air quality guidelines (2010 BAAQMD Guidelines; BAAQMD 2010b) that establish air pollutant emission thresholds that identify whether a project would violate any applicable air quality standards or contribute substantially to an existing or projected air quality violation. Compared with the previous set of guidelines adopted in 1999, the 2010 BAAQMD Guidelines lower the level of pollutant emissions and health risk impacts that are considered a significant environmental impact. The BAAQMD's adoption of the thresholds has been challenged in court. However, the litigation is procedural in nature and does not assert that the BAAQMD failed to provide substantial evidence to support its adoption of these thresholds. Because the 2010 thresholds are more conservative than the BAAQMD's prior thresholds, this impact analysis is based on the 2010 BAAQMD Guidelines.

The 2010 BAAQMD Guidelines also establish screening criteria based on the size of a project to determine whether detailed modeling to estimate air pollutant emissions is necessary. Table 1 lists several examples of screening levels set by the 2010 BAAQMD Guidelines.

Table 1
BAAQMD Screening Criteria

Land Use Type	Construction Related Screening Size	Operational Criteria Air Pollutant Emissions Screening Size*
General office building	277,000 sf (ROG)	346,000 sf (NO_x)
Office park	277,000 sf (ROG)	323,000 sf (NO_x)
Regional shopping center or strip mall	277,000 sf (ROG)	99,000 sf (NO_x)
Quality restaurant	277,000 sf (ROG)	47,000 sf (NO_x)
Single-family residential	114 du (ROG)	325 du (ROG)
Apartment, low-rise, or condo/townhouse, general	240 du (ROG)	451 du (ROG)
City park	67 acres (PM_{10})	2,613 acres (ROG)
Daycare center	277,000 sf (ROG)	53,000 sf (NO_x)

Source: BAAQMD 2010b, Table 3-1.
Notes: sf = square feet; ROG = reactive organic gas; NO_x = oxides of nitrogen; PM_{10} = coarse particulate matter; du = dwelling units.
* If the project size is less than the screening size, the project would have less than significant impacts. If the project size is greater than the screening size, detailed project-specific modeling is required.

Construction Emissions
The project would result in a net increase of 8,774 square feet of commercial and office space and four new dwelling units; this is substantially below the screening thresholds of 277,000 square feet (office or regional shopping center/strip mall space) and 240 dwelling units (apartment, low-rise or condo/townhouse, general) for construction emissions. While the project size is less than the screening criteria size for construction, the project would require demolition of existing buildings. The BAAQMD 2010 Guidelines recommend that the screening criteria should not be applied to projects that include demolition. Therefore, project-specific modeling of construction emissions has been completed using the California Emissions Estimator Model (CalEEMod) Version 2013.2.2. Table 2 presents the estimated air pollutant emissions for each construction phase; the CalEEMod output results are included as Appendix B.

As shown in Table 2, emissions during each construction phase would remain below the BAAQMD threshold, which is 54 pounds per day. Further, the project would implement all of the construction emission control measures as identified in Table 8-2 of the BAAQMD 2010 Guidelines recommended for all proposed projects, as required by the City of Palo Alto standard conditions of approval. Therefore, impacts would be less than significant.

Table 2
Proposed Project Construction Emissions by Phase

Phase	ROG	NO_x	CO	PM_{10}	$PM_{2.5}$
	(maximum pounds per day)				
Demolition	1.62	14.21	10.98	2.56	1.94
Excavation	2.95	35.30	23.50	3.15	1.86
Building construction	1.62	15.25	10.26	1.22	0.99
Parking structure paving	1.29	11.64	8.50	0.90	0.72
Architectural coatings	28.48	2.59	2.11	0.25	0.22

Source: Air Quality Modeling Results (see Appendix B).
Notes: ROG = reactive organic gas; NO_x = oxides of nitrogen; CO = carbon monoxide; PM_{10} = coarse particulate matter; $PM_{2.5}$ = fine particulate matter.

Operational Emissions
The project would result in a total of 20,407 square feet of retail and office space, which is a net increase of 8,774 square feet compared to the existing conditions. In addition, four new dwelling units would be constructed. This total increase in development is substantially below the screening thresholds of 346,000 square feet (office space), 99,000 square feet (regional shopping center or strip mall), and 451 dwelling units (apartment, low rise or condo/townhouse, general) for operational emissions (see Table 1). As the project is substantially smaller than the screening criteria size, emissions of criteria air pollutants associated with operation of the proposed project would remain below the BAAQMD thresholds. Project operation would not result in emissions that violate any applicable air quality standards, contribute substantially to an existing or projected air quality violation, or conflict with the air quality plan; impacts would remain less than significant.

Cumulative Impacts
As discussed above, the San Francisco Bay Area Air Basin is currently designated as a nonattainment area for state and national O_3 standards and state PM_{10} and $PM_{2.5}$ ambient air quality standards. The San Francisco Bay Area Air Basin's nonattainment status is attributed to the region's development history. Past, present, and future development projects contribute to the region's adverse air quality impacts on a cumulative basis. As described in the BAAQMD 2010 Guidelines, "by its very nature, air pollution is largely a cumulative impact. No single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. If a project's contribution to the cumulative impact is considerable, then the project's impact on air quality would be considered significant" (BAAQMD 2010b). Because operation of the proposed project would not result in emissions that violate any applicable air quality standards or contribute substantially to an existing or projected air quality violation, the project would result in a less than significant cumulative impact.

Mitigation Measures
None required.

D. BIOLOGICAL RESOURCES

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	1, 2, 3 (Map N1), 11				**X**
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?	1, 2, 3 (Map N1)				**X**
c) Interfere substantially with the movement of any native resident or migratory fish or	1, 2				**X**

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?					
d) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or as defined by the City of Palo Alto's Tree Preservation Ordinance (Municipal Code Section 8.10)?	1, 2, 3, 5		**X**		
e) Conflict with any applicable Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	1				**X**

DISCUSSION

The proposed project is located on a parcel that is almost entirely developed with existing buildings and paved parking, which would be removed to accommodate the project. Due to its developed nature, the site does not support sensitive habitats and has a very low potential to support candidate, sensitive, and special-status species. The site is not subject to any habitat conservation plans.

The project site supports trees protected by Palo Alto's Tree Preservation and Management Regulations. The PAMC 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. Three categories within the status of regulated trees include protected trees, street trees, and designated trees. As documented in the Tree Survey Report prepared for the site by Davey Resource Group (provided in Appendix A), the site includes six street trees, two in bulb-outs into the parking area along University Avenue and four in the sidewalk along Kipling Street. These trees were determined to be in poor to fair condition. The proposed project includes the retention of the two existing street trees on University Avenue (London plane trees (*Platanus x acerifolia*)), removal of four existing street trees on Kipling Street (two ornamental pears (*Pyrus calleryana*) and two carob trees (*Ceratonia siliqua*)), and the replacement of these trees with four new street trees. Construction of the project could impact the two trees to be retained on University Avenue if the trees are not properly protected. In addition, removal of the four street trees on Kipling Street would result in a significant impact if not completed in accordance with requirements for tree removal and replacement; therefore, mitigation is provided to ensure that these potential impacts remain below a level of significance.

Mitigation Measures

Mitigation Measure BIO-1: The following measures shall be implemented to reduce impacts to protected trees:

- City of Palo Alto (City)-approved Modified Type III fencing shall be installed for the two street trees to be retained along University Avenue. City-approved tree protection signs shall be posted on all fencing.
- Soil conditions for the four new trees to be planted along Kipling Street shall be improved by preparing a planting area at least 6 feet square for each tree and installing Silva Cells to reduce compaction. The Silva Cells shall be filled with proper soil amendments and growing medium as determined by the City Arborist.
- Unless otherwise approved, each new tree shall be provided with 1,200 cubic feet of rootable soil area, utilizing Standard Drawing #604/513. Rootable soil is defined as compaction less than 90% over the area, not including sidewalk base areas.

- Two bubbler drip irrigation units shall be installed for each new tree to adequately water the new planting area.
- New sidewalk shall be installed such that the final planting space opening is at least 5 feet by 5 feet for each new tree.
- Kiva tree grates shall be used around each new tree.
- Replacement tree size shall be a 36-inch box, properly structured nursery stock.
- Based on growth habit and proven performance, *Ginkgo biloba* "Autumn Gold" is highly recommended for the replacement trees. Other tree species may be approved by the City Arborist.
- All work within the Tree Protection Zone, including canopy pruning of protected trees, shall be supervised by a Certified Arborist approved by the City.

Significance after Mitigation
Less than significant.

E CULTURAL RESOURCES

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Directly or indirectly destroy a local cultural resource that is recognized by City Council resolution?	1, 7			**X**	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?	1, 3 (Map L8), 7		**X**		
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	1, 3 (Map L8)				**X**
d) Disturb any human remains, including those interred outside of formal cemeteries?	1, 3 (Map L8), 7		**X**		
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?	1, 3 (Map L7), 8				**X**
f) Eliminate important examples of major periods of California history or prehistory?	1, 7, 8				**X**

DISCUSSION

The proposed project involves excavation and construction activities within a fully developed and previously disturbed site. The Palo Alto Comprehensive Plan map of archaeologically sensitive areas (Figure L-8, Archaeological Resource Areas) indicates that the project site falls within an area of "Moderate Sensitivity" based on topographic setting, including proximity to major drainages, and potential to encounter undocumented subsurface archaeological deposits. A Northwest Information Center (NWIC) records search records search was conducted by Dudek on September 25, 2014 and found that no cultural resources have been recorded in the project site (see Appendix C). The only archaeological site identified within the 0.5-mile radius of the project site as a result of the records search is CA-SCL-598. This site was first identified in 1922 and was described as a

"mine" of bones encountered 10 feet below the surface, including the skeleton of one adult human. Because no associated artifacts were reported and no additional details about the find were reported, the context of the find is not clear. An extended history of past disturbance suggests that there is a very low potential for encountering intact subsurface cultural deposits. Based on these findings, potential for the inadvertent discovery of subsurface archaeological or historical resources at the project site is very low. However, there is the potential to discover unknown cultural resources during site excavation. In the event any archaeological or human remains are discovered on the site, impacts would be potentially significant. Implementation of Mitigation Measure CUL-1 would ensure that impacts remain less than significant by ensuring appropriate evaluation, recordation, and protection procedures are undertaken.

Historical architectural evaluations were prepared by Preservation Architecture for the existing buildings located on the project site to determine the potential for listing on the California Register of Historical Resources (CRHR) (see Appendix D). The existing building at 429 University Avenue, which was built in 1927, has not been identified as a potential historical resource by the City or the state, nor is the building included in a historic district. Moreover, no architect, engineer, designer or builder of the original building has been identified. The exterior of the building has been extensively altered over time, such that the original façade and storefronts are entirely lost, and the architectural building form has lost its characteristic design and material integrity. The historical evaluation determined that the building does not have historical architectural or historical resource potential and is therefore not eligible for listing on the CRHR.

The existing building at 425 University Avenue was constructed circa 1937 and has since been used for office and commercial uses. The original architects of the building at 425 University Avenue, Birge M. Clark and David B. Clark of Palo Alto, are recognized as local masters. However, the exterior of the building has been extensively altered over time, including the complete loss of the original façade and storefront. The building was evaluated for historical resource eligibility and although the building has the potential for significance under the CRHR, the loss of integrity of the structure renders it ineligible for listing on the CRHR.

Since the project site does not include any eligible historical resources or examples of major periods of California history or prehistory, no impacts to historical resources would occur.

Mitigation Measures

Mitigation Measure CUL-1: Prior to commencement of site clearing and project grading, the project applicant shall retain a qualified archaeologist to train construction personnel regarding how to recognize cultural resources (such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains) that could be encountered during construction activities. If artifacts or unusual amounts of shell or bone or other items indicative of buried archaeological resources or human remains are encountered during earth disturbance associated with the proposed project, the on-site contractor shall immediately notify the City of Palo Alto (City) and the Native American Heritage Commission as appropriate. All soil-disturbing work shall be halted within 100 feet of the discovery until a qualified archaeologist, as defined by the California Environmental Quality Act (CEQA) Guidelines (14 CCR 15000 et seq.) and the City, completes a significance evaluation of the finds pursuant to Section 106 of the National Historic Preservation Act. Any human remains unearthed shall be treated in accordance with California Health and Safety Code, Section 7050.5, and California Public Resources Code, Sections 5097.94, 5097.98, and 5097.99, which include requirements to notify the Santa Clara County Medical Examiner's office and consult with Native American representatives determined to be the Most Likely Descendants, as appointed by the Native American Heritage Commission. Identified cultural resources shall be recorded on State Department of Parks and Recreation Form 523 (archaeological sites). Mitigation measures prescribed by the Native American Heritage Commission, the Santa Clara County Medical Examiner's office, and any Native American representatives determined to be the Most Likely Descendants and required by the City shall be undertaken before construction activities are resumed. If disturbance of a project area cultural resource cannot be avoided, a mitigation program, including measures set forth in the City's Cultural Resources Management Program and in compliance with Sections 15064.5 and 15126.4 of the CEQA Guidelines, shall be implemented.

Significance after Mitigation
Less than significant.

F. GEOLOGY, SOILS, AND SEISMICITY

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
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?	9				**X**
ii) Strong seismic ground shaking?	3 (Map N-10), 9			**X**	
iii) Seismic-related ground failure, including liquefaction?	3 (Map N5), 12				**X**
iv) Landslides?	3 (Map N5)				**X**
b) Result in substantial soil erosion or the loss of topsoil?	1, 9			**X**	
c) Result in substantial siltation?	1				**X**
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?	3 (Map N5), 9				**X**
e) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	3 (Map N5), 9				**X**
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				**X**
g) Expose people or property to major geologic hazards that cannot be mitigated through the use of standard engineering design and seismic safety techniques?	2, 9				**X**

DISCUSSION

Murray Engineers Inc. (Murray Engineers) prepared a geotechnical investigation report for the project site in September 2013 (see Appendix E). The geotechnical report identifies potential geologic hazards that may affect the project site and presents recommendations for design and construction of the project. Given the project site's location in a seismically active area, there is potential for severe ground shaking during an earthquake. High levels of ground shaking during potential future earthquakes and soil conditions that may be unsuitable to support construction-related excavations and site improvements are typical issues of concern related to development in seismically active areas. These issues are routinely encountered in California, and there is no evidence that unique or unusual geologic hazards are present on site (e.g., mapped landslide, collapsible soils, lateral spread) that would require additional mitigation beyond what is already required as part of the City's standard development approval processes.

Seismic ground shaking and the presence of adverse soil conditions would be addressed through required compliance with the California Building Code (and local amendments) as well as incorporation of geotechnical recommendations into the project's construction and design plans. The geotechnical report indicates the project site is located in an area where there have been historical occurrences of earthquake-induced liquefaction and there is the potential for "permanent earthquake-induced ground displacement." The Association of Bay Area Governments indicates the site is in an area with a moderate chance of liquefaction. However, there are no active or potentially active faults that cross the project site, and the project site is not located within an Alquist-Priolo Fault Zone (USGS 2013). The closest active fault is the San Andreas Fault, which is located approximately 5.7 miles southwest of the site. It is the opinion of Murray Engineers that the potential for fault rupture at the site is very low. The project site is flat and is not located in an area susceptible to landslides. The geotechnical report did not indicate that there are expansive soils, corrosive soils, and/or soils subject to settlement present.

Soils found on the project site consist of layers of fine- and coarse-grained alluvium to a depth of 45 feet. The upper approximately 5 to 8 feet consist of very stiff to hard surficial silty clay, underlain by 4 to 6 feet of medium dense to very dense gravelly to silty sand, and then underlain by 20 to 25 feet of very stiff silty clay. The clay is underlain by medium dense to very dense clayey to silty sand to a depth of 45 feet. Murray Engineers conducted additional soil testing to determine the likelihood of liquefaction occurring. Based on their analysis, the silty sand was determined to be very dense and therefore likely too dense to be considered liquefiable. In addition, the report concluded the "site should have a sufficiently thick and relatively dense, non-liquefiable layer above the groundwater table capping the potentially liquefiable layers at greater depths to mitigate the potential for sand boils or surface venting during an earthquake."

All new construction is subject to the earthquake design parameters contained in Chapter 16, Section 1613, of the 2013 California Building Code, directed at minimizing seismic risk and preventing loss of life and property in the event of an earthquake. In addition, the City's standard conditions of approval will ensure that potential impacts on erosion and soil remain less than significant. These conditions require the applicant to submit a final grading and drainage plan subject to review by the Department of Public Works prior to issuance of any grading and building permits. Requirements and standards of adequacy for the grading and drainage plans are contained in the PAMC.

The project site would be connected to the City's sewer system and would not involve use of septic tanks. Impacts to geologic resources and soils and impacts associated with geologic hazards would be less than significant.

Mitigation Measures

None required.

G. GREENHOUSE GAS EMISSIONS

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Impacts	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	2, 6			X	
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	2, 6			X	

DISCUSSION

In 2006, the State of California enacted Assembly Bill (AB) 32, the Global Warming Solutions Act. AB 32 requires reducing statewide GHG emissions to 1990 levels by 2020. The state's plan for meeting the reduction target is outlined in the California Air Resources Board (CARB) *Climate Change Scoping Plan* (2008 Scoping Plan; CARB 2008).

CARB's 2008 Scoping Plan fact sheet states, "This plan calls for an ambitious but achievable reduction in California's carbon footprint—toward a clean energy future. Reducing greenhouse gas emissions to 1990 levels means cutting approximately 30% from business-as-usual emissions levels projected for 2020, or about 15% from today's levels. On a per-capita basis, that means reducing annual emissions of 14 tons of carbon dioxide for every man, woman and child in California down to about 10 tons per person by 2020." CARB's GHG emissions inventory report found the total statewide GHG emissions in 2011 were equivalent to 448.1 million tons of CO_2 (CARB 2013). Compared with the emissions in 2001, this is a 6% decrease.

As described in Section C, Air Quality, the BAAQMD adopted the BAAQMD 2010 Guidelines, which establish screening criteria based on the size of a project to determine whether detailed modeling to estimate GHG emissions is necessary (BAAQMD 2010b). Projects that are smaller than the GHG screening criteria size are considered to have less than significant GHG emissions and would not conflict with existing California legislation adopted to reduce statewide GHG emissions. Table 3 presents GHG screening level examples taken from the BAAQMD 2010 Guidelines.

Table 3
BAAQMD Operational GHG Screening Criteria

Land Use Type	Operational GHG Screening Size*
Single-family residential	56 du
Apartment, low-rise or condo/townhouse, general	78 du
Apartment, mid-rise	87 du
Condo/townhouse, general	78 du
Regional shopping center	19 ksf
Strip mall	19 ksf
Hardware/paint store	16 ksf
Daycare center	11,000 sf
General office building	53,000 sf
Medical office building	22,000 sf
Office park	50,000 sf
Quality restaurant	9,000 sf

Source: BAAQMD 2010b, Table 3-1, Operational-Related Criteria Air Pollutant and Precursor Screening Level Sizes.
Notes: GHG = greenhouse gas; du = dwelling unit; sf = square feet.
* If the project size is less than the screening size, the project would have less than significant impacts. If the project is greater than the screening size, detailed project-specific modeling is required.

The project would result in a net increase of 8,774 square feet of commercial and office space along with four new dwelling units; this is substantially below the BAAQMD screening thresholds of 53,000 square feet (office space), 19,000 square feet (commercial space) and 78 dwelling units (condo/townhouse) for operational GHG emissions. As the project is substantially smaller than the screening criteria size, GHG emissions associated with operation of the proposed project would remain below the BAAQMD thresholds. In addition, the project would comply with the green building requirements identified in Chapter 16.14 of the PAMC, including attainment of a minimum Build It Green score of 70 for the residential portion of the project. Project operation would not result in GHG emissions that would significantly affect the environment or conflict with applicable plans, policies, or regulations adopted for the purpose of reducing GHG emissions. The project would have less than significant impacts related to GHG emissions.

Mitigation Measures
None required.

H. HAZARDS AND HAZARDOUS MATERIALS

Note: Some of the thresholds can also be dealt with under a topic heading of ***Public Health and Safety*** *if the primary issues are related to a subject other than hazardous material use*.

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routing transport, use, or disposal of hazardous materials?	1, 2, 10, 11, 12		**X**		
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?	1, 2, 10, 11, 12		**X**		
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	1, 2				**X**
d) Construct a school on a property that is subject to hazards from hazardous materials contamination, emissions or accidental release?	1				**X**
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?	1, 2, 10, 11, 12				**X**
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?	1				**X**

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
g) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working the project area?	1				**X**
h) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	1, 3 (Map N7)				**X**
i) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	3 (Map N7)				**X**
j) Create a significant hazard to the public or the environment from existing hazardous materials contamination by exposing future occupants or users of the site to contamination in excess of soil and ground water cleanup goals developed for the site?	1, 2, 10, 11, 12				**X**

DISCUSSION

Phase I environmental site assessments (ESAs) were prepared for the project site and include a general assessment of the nature and extent of past activities, if any, on the site that could have used hazardous materials, and whether the site appears to have evidence of soils or groundwater contamination. A Phase I ESA was prepared for the commercial buildings located at 429, 435, 441, and 447 University Avenue by Professional Service Industries Inc. in August 1999. In June 2010 an environmental transaction screen (ETS) for buildings located at 429–447 University Avenue was prepared by AEI to identify any potential environmental issues associated with past and present activities in the handling, storage, or disposal of hazardous materials. In addition, a follow-up Phase I ESA was prepared for 425 University Avenue and 450 Kipling Street[3] by Transaction Management Corporation (TMC) in April 2014. The Phase I ESAs and ETS are included in Appendix F. Both of the Phase I ESAs and the ETS report indicate that due to the age of the buildings there is the potential for asbestos-containing materials (ACMs) and lead-based paint to be present. TMC recommends preparation of an operations and maintenance plan for ACMs given the potential for occurrence in the 425 University Avenue building. The 2014 Phase I ESA indicates that the property at 425 University Avenue is not on any state or federal list of potentially hazardous sites. In addition, the 2010 ETS and the 1999 Phase I ESA indicate that the project site does not contain a recognized environmental condition, as defined by the American Society for Testing and Materials (ASTM). Both reports conclude there also is no evidence of a recognized environmental condition off site that could impact the project site. In addition, the project site is not listed on the Spills, Leaks, Investigations, and Cleanups database and there was no evidence of soil or groundwater contamination.

The project involves the demolition of two buildings and construction of a new building. Demolition activities could release hazardous building materials into the air. Construction equipment accessing the site would use hazardous and/or flammable materials including diesel fuel, gasoline, and other oils and lubricants. During project construction, there is the potential for the short-term use of hazardous materials/fuels; however, the use, storage, transport, and disposal of these materials would be required to comply with all existing local, state, and federal regulations. Operation of the proposed project would not include any uses that would require the transport, handling, or disposal of hazardous materials, other than typical household and landscaping materials. The types

[3] 450 Kipling Street is not part of the project.

and quantities of these common household chemicals would not be substantial and would not pose a health risk to residents of the project or any adjacent uses.

Groundwater was identified in the geotechnical investigation at depth of approximately 33.5 to 35 feet below existing grade level. It is not anticipated that construction of the subsurface garage would require dewatering due to the depth of groundwater; however, if required, the project applicant would comply with standard conditions of the City's architectural review process, which require special procedures for dewatering. Specifically, the City's Public Works Department, Water Quality Control Plan section, would require that prior to discharge of any water from construction dewatering, the water be tested for volatile organic compounds (VOCs; including ROGs) using U.S. Environmental Protection Agency Method 601/602. The analytical results of the VOC testing shall be transmitted to the San Francisco Bay Regional Water Quality Control Board (RWQCB). If the concentration of any VOC exceeds 5 micrograms per liter (5 parts per billion), the water may not be discharged to the storm drain system and an Exceptional Discharge Permit for discharge to the sanitary sewer must be obtained from the RWQCB prior to discharge. Additionally, any water discharged to the storm drain system is required to be free of sediment.

Based on the construction date of the existing buildings (1927), it appears that the buildings may contain ACMs and may contain lead-based paints. Lead-based paints could also be present and the light ballasts may be a source of polychlorinated biphenyls (PCBs). Therefore, demolition of the existing buildings could result in hazards related to the release or disposal of these hazardous materials. Mitigation Measure HAZ-1 would require surveys and proper disposal methods to ensure that impacts remain less than significant.

There are no existing or proposed schools within one-quarter mile of the project site. The nearest school, Addison Elementary School, is located approximately 0.7 mile southwest of the project site. Therefore, no impacts to schools associated with hazardous materials at the project site would occur.

There are no airports within 2 miles of the project site. The nearest airport is the Palo Alto Airport, which is located approximately 3.3 miles northeast of the site. Therefore, no impact related to safety hazards associated with aircraft would occur.

The proposed project would not impair or interfere with the City's Emergency Operations Plan. The nearest evacuation route to the project site is University Avenue. The project would not result in any changes to this evacuation route, would not substantially increase traffic or roadway congestion such that use of the evacuation route would be hindered, and would not otherwise impair implementation of the City's Emergency Operations Plan. Therefore, no impact related to emergency response or evacuation would occur.

The project site is located in a developed urban area that is not identified as a high or medium fire hazard area in the City's Comprehensive Plan. Therefore, no impact related to fire risks would occur.

Mitigation Measures

Mitigation Measure HAZ-1: Prior to building demolition, the project applicant shall demonstrate to the satisfaction of the City of Palo Alto that a survey of the existing buildings has been conducted by a qualified environmental specialist who meets the requirements of the current U.S. Environmental Protection Agency regulations for suspected lead-containing materials (LCMs), including lead-based paint/coatings; asbestos containing materials (ACMs); and the presence of polychlorinated biphenyls (PCBs). Any demolition activities likely to disturb LCMs or ACMs shall be carried out by a contractor trained and qualified to conduct lead- or asbestos-related construction work. If found, LCMs and ACMs shall be disposed of in accordance with state and federal regulations, including the EPA's Asbestos National Emissions Standards for Hazardous Air Pollutants, the Cal-OSHA Construction Lead Standard (CCR Title 8, Section 1432.1), and California Department of Toxic Substances Control and EPA requirements for disposal of hazardous waste. If PCBs are found, these materials shall be managed in accordance with the Metallic Discards Act of 1991 (California Public Resources Code, Sections 42160–42185) and other state and federal guidelines and regulations. Demolition plans and contract specifications shall incorporate any necessary abatement measures in compliance with the Metallic Discards Act,

particularly Section 42175, Materials Requiring Special Handling, for the removal of mercury switches, PCB-containing ballasts, and refrigerants.

Level of Significance after Mitigation
Less than significant.

I. HYDROLOGY AND WATER QUALITY

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	1, 2, 3, 13, 14			**X**	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	1, 2, 3 (Map N2), 13, 14			**X**	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	1, 2, 13, 14			**X**	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	1, 2, 13, 14			**X**	
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	1, 2, 13, 14			**X**	
f) Otherwise substantially degrade water quality?	1, 2, 13, 14			**X**	
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	1, 3 (Map N6)				**X**
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	1, 3 (Map N6)				**X**
i) Expose people or structures to a significant risk of loss, injury or death involve flooding, including flooding as a result of the failure of a levee or dam or being located within a 100-year flood hazard area?	1, 3 (Map N8)				**X**
j) Inundation by seiche, tsunami, or mudflow?	1, 3 (Map N6)				**X**

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
k) Result in stream bank instability?	1, 2				**X**

DISCUSSION

The project site is fully developed, and the proposed project would not substantially change the amount of impervious surface area on the project site, nor would the project rely on groundwater for its water supply. With the exception of some street trees on University Avenue and Kipling Street, the existing site is composed of buildings and paved surface parking lots and thus is largely impervious. According to the Impervious Area Worksheet for Land Developments (included as Appendix G to this document) prepared for the project, the project site currently contains 11,000 square feet of impervious surface with the existing buildings and parking lot area. The project is proposing to maintain the same development footprint (0.252 acre). The project would not alter existing grades in the area and would not change drainage patterns or lead to increased erosion or sedimentation of nearby waterways. Groundwater was identified at a depth of approximately 33.5 to 35 feet below existing grade level.

In addition, stormwater runoff water quality is regulated by the National Pollutant Discharge Elimination System (NPDES) Program to control and reduce pollutants to water bodies from surface water discharge. Locally, the NPDES project is administered by the Bay Area Regional Water Quality Control Board (RWQCB). The RWQCB worked with cities and counties throughout the region to prepare and adopt a Regional Municipal Stormwater Permit. This Regional Permit identifies minimum standards and provisions that the City of Palo Alto, as a permitee, must require of new development and redevelopment projects within the city limits. Compliance with the NPDES Permit is mandated by state and federal statutes. The proposed project would be required to comply with all city, state, and federal standards pertaining to stormwater run-off and water quality.

Under the Regional Municipal Stormwater Permit, the San Francisco Bay RWQCB generally requires new development projects to implement Low Impact Design (LID) techniques to treat stormwater runoff. However, the regional permit also allows LID treatment reduction credits for three categories of "smart growth" projects – urban infill, high-density, and transit oriented development projects. These are called "Special Projects" in the regional permit, and are approved for reductions in the requirements for LID treatment in recognition of the fact that smart growth development projects can either reduce existing impervious surfaces or create less "accessory" impervious areas and automobile-related pollutant impacts. The RWCQB recognizes that these types of projects have inherent water quality and other environmental benefits. The project applicant has applied for and obtained a *C.3 Special Project Category A* determination based on the following: the project would preserve or enhance a pedestrian-oriented type of urban design, would be located in a Commercial downtown zone, would replace less than 0.5 acre of impervious surface area, would have minimal surface parking, and more than 85% of the site would be covered by the proposed building. Due to the small project site and its location in a developed urban commercial corridor, it would not be feasible to construct grassy swales or other LID features to treat stormwater. There is not sufficient space to accommodate biotreatment facilities or to route runoff to an appropriate discharge point.

Since the project meets the criteria listed above, the project would receive 100% LID treatment reduction credit and be allowed to treat 100% of the amount of storm water runoff with non-LID treatment measures. Stormwater runoff from the site would be collected and piped to a mechanical device (manufactured by Contech Stormwater Solutions) which is an accepted storm filter treatment facility. The mechanical device would be located onsite and stormwater runoff would be treated prior to flowing by gravity into the street and ultimately into the City's storm drain system. The applicant would also be required to enter into a maintenance agreement with the City to guarantee that the project provide the required maintenance and/or replacement of the device for the life of the project. By providing approved and appropriate stormwater runoff collection and conveyance, and ensuring long-

term maintenance of the collection and conveyance infrastructure, the project would have less than significant impacts related to violating water quality standards or contributing substantial additional sources of polluted runoff.

The proposed project includes a subsurface garage with a maximum depth of 27 feet below grade. Reducing the number of exposed parking spaces also reduces the potential for stormwater to carry pollutants such as litter and/or leaking motor fluids. Due to the depth of groundwater, dewatering is not anticipated; however, due to fluctuations in groundwater it is possible that construction activities could encounter groundwater. Since the garage would be designed to be watertight and no permanent dewatering system would be required, it is expected that the impact to groundwater flow would be less than significant.

The nearest surface water in the vicinity of the project site is San Francisquito Creek, located approximately 0.5 mile west of the site. Stormwater runoff is directed toward storm drain grates located in one covered parking space and in the adjacent alleyway that parallels the northwest boundary of the project site.

The project site is located within Zone X on the Flood Insurance Rate Map Panel No. 06085C0010H (FEMA 2009). This indicates that the project site is not in a zone expected to be subject to inundation in a 100-year flood event. Additionally, the project site is not located within an area identified as a dam failure inundation area as shown on maps available from the Association of Bay Area Governments (ABAG 2003). The project site is not subject to flooding or inundation and construction of the project would result in no impacts associated with exposure of people to flood-related hazards.

The project site is located in Downtown Palo Alto on relatively flat ground and is not near an open body of water or near a hillside; therefore, there is no risk for seiche, tsunami, or mudflow hazards. No impacts related to these hazards would result from implementation of the proposed project. Additionally, there are no streams within or adjacent to the site, and the project would have no impacts related to streambank stability.

Mitigation Measures
None required.

J. LAND USE AND PLANNING

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	1, 2				**X**
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?	1, 2, 3, 4				**X**
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	1, 2				**X**
d) Substantially adversely change the type or intensity of existing or planned land use in the area?	1, 2, 3, 4				**X**
e) Be incompatible with adjacent land uses or with the general character of the surrounding	1, 2			**X**	

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
area, including density and building height?					
f) Conflict with established residential, recreational, educational, religious, or scientific uses of an area?	1, 2				**X**
g) Convert prime farmland, unique farmland, or farmland of statewide importance (farmland) to non-agricultural use?	1, 3				**X**

DISCUSSION

The proposed project, a 31,407-square-foot, four-story commercial, office, and residential building, is an allowed use as regulated by the City's Zoning Ordinance and Comprehensive Plan (PAMC; City of Palo Alto 2007). The project would replace two single-story buildings currently used for retail with the proposed mixed-use building. The increase from one story to four stories on the site would change the existing scale; however, buildings in the surrounding area include a modern four-story mixed-use office and retail building across the street, with ground floor retail and upper story offices. Larger mixed-use and office buildings are located farther east along University Avenue, including a six-story building and a three-story building on the corner of University Avenue and Cowper Street.

The project would increase the existing retail, office, and residential land uses in the immediate vicinity and would not introduce any incompatible land uses. The Comprehensive Plan land use designation of the project site is Regional/Community Commercial, per the Comprehensive Plan. The Comprehensive Plan encourages mixed-use development in the project area through the following policies:

- Policy L-4: Maintain Palo Alto's varied residential neighborhoods while sustaining the vitality of its commercial areas and public facilities. Use the Zoning Ordinance as a tool to enhance Palo Alto's desirable qualities.
- Policy L-9: Enhance desirable characteristics in mixed use areas. Use the planning and zoning process to create opportunities for new mixed use development.
- Policy L-19: Encourage a mix of land uses in all Centers, including housing and an appropriate mix of small-scale local businesses.
- Policy L-23: Maintain and enhance the University Avenue/Downtown area as the central business district of the City, with a mix of commercial, civic, cultural, recreational and residential uses. Promote quality design that recognizes the regional and historical importance of the area and reinforces its pedestrian character.

Since the project proposes a mixed-use development in an area where mixed-uses are encouraged and the project design reflects a pedestrian scale, the project would be consistent with the policies listed above.

The zoning designation is Downtown Commercial with Pedestrian and Ground Floor Combining Districts (CD-C(P)(GF)). This zone's regulations are set forth in PAMC Chapters 18.18 and 18.30. The CD district provides for a wide range of commercial uses serving City-wide and regional business and service needs, as well as residential uses and neighborhood service needs. The project would also include construction of two levels of underground parking and installation of new landscaping. The project is in compliance with the applicable CD-C (community) subdistrict zoning and parking regulations. The maximum proposed building height is 50 feet and the FAR would be 2.86. The maximum building height in this district is 50 feet. The base FAR in the CD-C district is 1.0; however, the FAR may be increased with TDRs and/or bonuses for seismic and historical rehabilitation upgrades, not to exceed a total site FAR of 3.0. The proposed project includes TDRs and bonuses to achieve the maximum

allowable FAR of 2.86. The project would not conflict with existing zoning. In addition, the Pedestrian Shopping (P) and Ground Floor (GF) combining district regulations that apply to this site are intended to enhance the pedestrian environment through the continuity of retail stores and design windows in retail districts and allow only service-oriented commercial uses on the ground floor. The proposed project is designed to comply with the combining district regulations with ground-floor retail and façade details to enhance the pedestrian experience. In addition, the project would be consistent with the Context-Based Design Criteria for development in a commercial district, which promotes pedestrian oriented design that is compatible with adjacent development.

The project site is surrounded by primarily mixed-use and commercial buildings along University Avenue, ranging in height from one to six stories. As described in Section A., Aesthetics, the proposed building would be larger in scale and mass than some of the adjacent buildings along Kipling Street; however, the project would be similar in scale and mass to other buildings in the vicinity along University Avenue in the Downtown area. In addition, the design of the building's Kipling Street façade would reflect the smaller scale of the existing development along Kipling Street. The fourth floor of the building would be set back 10 feet from the alley property line and 7 feet from the Kipling Street property line resulting in a street façade that would appear as a three-story building. The University Avenue façade is designed to respond not only to the buildings immediately adjacent and west of the subject property but to the taller, higher density development of the University Avenue Commercial District. The design of the proposed building is intended to minimize the potential for incompatibility with surrounding uses. In addition, as described in Section A., Aesthetics, the project design will be reviewed by the City's Architectural Review Board to ensure that compatibility concerns are addressed and it does not degrade the existing visual character or quality of the site and its surroundings.

The project would comply with all plans for conservation of biological resources, and would not impact farmland. See Sections B and D for further discussion of these topics.

Mitigation Measures
None required.

K. MINERAL RESOURCES

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	1, 3				**X**
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?	1, 3				**X**

DISCUSSION

The City has been classified by the California Department of Conservation, Division of Mines and Geology, as a Mineral Resource Zone 1 (MRZ-1). This designation signifies that there are no aggregate resources in the area. The Division of Mines and Geology has not classified the City for other resources. There is no indication in the Comprehensive Plan that there are locally or regionally valuable mineral resources within the City. Therefore, construction and operation of the proposed mixed-use building on the currently developed project site would result in no impacts related to mineral resources.

Mitigation Measures
None required.

L. NOISE

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	1, 2, 3, 15		**X**		
b) Exposure of persons to or generation of excessive ground-borne vibrations or ground-borne noise levels?	1, 2, 15			**X**	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	1, 2, 15			**X**	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	1, 15			**X**	
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?	1, 2				**X**
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?	1, 2				**X**
g) Cause the average 24-hour noise level (L_{dn}) to increase by 5.0 decibels (dB) or more in an existing residential area, even if the L_{dn} would remain below 60 dB?	1, 2, 15				**X**
h) Cause the L_{dn} to increase by 3.0 dB or more in an existing residential area, thereby causing the L_{dn} in the area to exceed 60 dB?	1, 2, 15				**X**
i) Cause an increase of 3.0 dB or more in an existing residential area where the L_{dn} currently exceeds 60 dB?	1, 2, 15			**X**	
j) Result in indoor noise levels for residential development to exceed an L_{dn} of 45 dB?	1, 2, 15		**X**		
k) Result in instantaneous noise levels of greater than 50 dB in bedrooms or 55 dB in other rooms in areas with an exterior L_{dn} of 60 dB or greater?	1, 2, 15		**X**		
l) Generate construction noise exceeding the daytime background L_{eq} at sensitive receptors by 10 dBA or more?	1, 2			**X**	

DISCUSSION

Noise would be generated during the proposed demolition of the existing building and construction of the proposed mixed-use project. The magnitude of the construction noise would depend on the type of construction activity, the noise level generated by various pieces of construction equipment, site geometry (i.e., shielding from intervening structures), and the distance between the noise source and receiver. Construction noise levels are

based on a U.S. Environmental Protection Agency study (EPA 1971), which measured average noise levels during construction stages for a variety of typical projects.

Sound is measured in decibels (dB), with 0 dB corresponding roughly to the threshold of hearing and 60 dB corresponding roughly to the noise level of a typical conversation. Typically, a weighting system is applied to sound levels to more closely correlate sound levels with human perception, recognizing that humans are less sensitive to sounds in frequency ranges below 1,000 hertz (Hz) and above 5,000 Hz. This system is called the A-weighted sound level, and is abbreviated as dBA.

As shown in Table 4, average noise levels generated on a construction site could be as high as 89 dBA L_{eq} at a distance of 50 feet during the loudest phases of construction. Typically, construction noise is cyclical in nature and noise levels vary throughout the day.

All development in the City, including the proposed construction activities, must 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 temporary construction that complies with the Noise Ordinance would result in less-than-significant impacts to nearby land uses and sensitive receptors. The project is located in a busy commercial district with an active train station in the vicinity. Although there are residential uses in the project vicinity, the existing noise conditions are not quiet and the temporary construction activities will not create any new significant noise impacts.

Table 4
Typical Noise Levels from Construction Activities

Construction Activity	Average Sound Level at 50 feet (dBA L_{eq}) [1]	Standard Deviation (dB)
Ground Clearing	84	7
Excavation	89	6
Foundations	78	3
Erection	87	6
Finishing	89	7

Source: EPA 1971
[1] Sound level with all pertinent equipment operating.

The proposed project would be located on a site that is currently developed with two one-story retail buildings and is surrounded by primarily two-story buildings with ground floor retail and restaurant spaces on University Avenue and a mix of small-scale commercial/office as well as residential uses on Kipling Street. Residential land uses are located approximately 60 feet to the north and northwest. The proposed office building is not anticipated to result in significant levels of on-site noise or traffic noise because of the nature of the proposed land use and the relatively small size (which would generate a less than significant increase in traffic as discussed in Section P., below).

The *Environmental Noise Study* for the project was prepared by Charles M. Salter Associates Inc. (Appendix H). This assessment found that existing noise levels in the project area range from 64 dB to 70 dB during the peak traffic hours and between 63 dB and 73 dB when measured as a day-night-level (DNL), which assigns a penalty to noises generated during nighttime hours to reflect heightened sensitivity to noise in those hours.

Policy N-39 of the Palo Alto Comprehensive Plan requires that the average interior noise level in multi-family dwellings be limited to DNL 45 dB. However, the City also states that residences exposed to a DNL of 60 dB or greater should limit maximum instantaneous noise levels to 50 dB in bedrooms and 55 dB in other rooms. Since

the existing noise levels in the project area exceed 60 dB, architectural upgrades (as detailed in Mitigation Measures NOI-1 and NOI-2) would be required to meet interior noise standards. Additionally, rooftop mechanical equipment noise from exhaust fans was analyzed, as shown in Table 5, to assess whether the equipment noise would comply with Section 9.19.040 of the City's Noise Ordinance, which states:

> *"No person shall produce, suffer, or allow to be produced by any machine or device, or any combination of same, on commercial or industrial property, a noise level more than eight decibels above the local ambient at any point outside of the property plane."*

Table 5
Predicted Mechanical Equipment Noise Levels

Property Line	Predicted Noise Level (dB)		Criteria (dB)
	At Nearest Receiver	At Property Plane	
North	49	65	57
East	47	58	56
South	48	69	54
West	49	68	54

Currently there are no adjacent receivers at or near the property plane that are 50 feet in height; therefore, adjacent receivers would not be exposed to noise levels in excess of the City's standard due to rooftop mechanical equipment noise, as shown in Table 5. However, as shown in Table 5, noise levels at the property plane would be above the criteria; therefore, Mitigation Measure NOI-3 is required to reduce this potential impact to below a level of significance.

Potential project-related noise effects from traffic were analyzed by comparing existing, future (existing plus cumulative growth), and estimated project-related traffic volumes, as provided by the traffic impact analysis prepared for the project by Hexagon Transportation Consultants (Appendix I). It was determined that the "future with project" traffic noise levels would increase by approximately 1 dBA along University Avenue and 2 dBA along Kipling Street. Based on the Federal Transit Administration noise impact criteria, a 2 dB increase in noise levels due to a project would result in a significant noise impact where the ambient noise levels without the project are in excess of 76 dB. Where noise levels are less than 76 dB, a project-generated noise level increase of more than 2 dB is required for a finding of significant noise impact. Since the ambient noise levels in the project area are less than 76 dB without the project, the maximum noise increase of 2 dBA would result in a less-than-significant impact to noise levels as a result of project generated traffic.

The project site is not located within an airport land use plan or in the vicinity of a private airstrip. The closest airport is the Palo Alto Airport, which is located approximately 3.3 miles northeast of the site. There would be no impact associated with noise from planes.

Mitigation Measures
Mitigation Measure NOI-1: *Residential Uses:* Window and exterior door assemblies with Sound Transmission Class (STC) rating up to 45 and upgraded exterior walls shall be used in the residential portion of the proposed building to achieve the City's maximum instantaneous noise guideline for residential uses. The City of Palo Alto shall ensure that these standards are met through review of building plans as a condition of project approval.

Commercial Uses: Window and exterior door assemblies for the commercial portions of the building shall have a minimum STC rating of 32 at the corner of University Avenue and Kipling Street, and a minimum STC of 28 at all other commercial locations within the proposed building to comply with the State of California CalGreen noise

standards (maximum interior noise level of 50 dB during the peak hour of traffic). The City of Palo Alto shall ensure that these standards are met through review of building plans as a condition of project approval.

Mitigation Measure NOI-2: The residential portion of the proposed building shall have a ventilation or air-conditioning system to provide a habitable interior environment when windows are closed.

Mitigation Measure NOI-3: Noise levels from rooftop equipment shall be reduced to meet the City of Palo Alto Noise Ordinance requirements. An enclosure or other sound-attenuation measures at the exhaust fans shall be provided to reduce rooftop equipment noise is no greater than 8 dB above the existing ambient level at potential future neighboring buildings to meet the property plane noise limit. Use of quieter equipment than assumed in this analysis may support reduced mitigation, which shall be evaluated by a qualified acoustical consultant.

Significance after Mitigation
Less than significant.

M. POPULATION AND HOUSING

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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)?	1, 2, 3			**X**	
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	1, 2				**X**
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	1, 2				**X**
d) Create a substantial imbalance between employed residents and jobs?	1, 2				**X**
e) Cumulatively exceed regional or local population projections?	1, 2				**X**

DISCUSSION

The project would replace two existing one-story retail buildings with a four-story mixed-use building that would include a net increase of 8,774 square feet of commercial and office space and four residential dwelling units. The increase of four residential units would not add substantial population, nor is the increased commercial or office space expected to induce substantial population growth. The addition of four dwelling units in the University Avenue/Downtown area would provide a small amount of housing in the Downtown area, thereby improving the jobs-housing balance in this employment center.

The project would not displace any housing or people. Standard conditions of approval require fees to cover any increased need for housing. The City addresses the community's cumulative affordable housing needs through the Affordable Housing Fund, which is a local housing trust fund that provides financial assistance for the development of housing affordable to very low, low, and moderate-income households within the City. The Affordable Housing Fund is made up primarily of two sub-funds composed of local sources of housing monies: the Commercial Housing Fund and the Residential Housing Fund. The Commercial Housing Fund is funded

through fees paid under the requirements of Chapter 16.47 of the PAMC. Under this requirement, the project applicant would be required to pay into the City's Affordable Housing Fund at the time that building permits are issued. This fee is currently set at $18.44 per square foot for nonresidential development and would be applied only to the new gross square footage of commercial space proposed to be constructed at the site.

The Residential Housing Fund is funded through the City's Below-Market-Rate (BMR) Program, as expressed in Policy H-36 of the Housing Element and Chapter 18.14 of the PAMC. The BMR Program is intended to meet the City's goal of retaining an economically balanced community. Specifically, residential projects with four or fewer dwelling units are exempt from the City's BMR Program ordinance based on the City's determination that construction of four or fewer units would not have a significant effect on affordable housing in the City, even in a cumulative context. As the project proposes construction of four residential units, it is exempt from the BMR program.

With compliance with the PAMC and standard conditions of approval regarding payment of the Affordable Housing Fee, impacts would be less than significant and no mitigation is required.

Mitigation Measures
None required.

N. PUBLIC SERVICES

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
Fire protection?	1, 2				**X**
Police protection?	1, 2				**X**
Schools?	1, 2				**X**
Parks?	1, 2				**X**
Other public facilities?	1, 2				**X**

DISCUSSION

The proposed project is located in an urban area that is currently served by the City Police and Fire Departments and the four proposed residential units would not cause a substantial increase in population that would demand additional services. In addition, the conditions of approval for the project contain requirements to address all fire prevention measures. Standard conditions of approval require fees to address any increased need for community

facilities, schools, and housing. With payment of development impact fees for community facilities, schools, libraries, and parks, the project's impact would be less than significant and no mitigation is required.

Mitigation Measures
None required.

O. RECREATION

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	1, 2				**X**
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?	1, 2				**X**

DISCUSSION

The proposed project would construct a new mixed-use building with commercial and office space and four residential units replacing two existing retail buildings. The 8,774-square-foot increase in commercial and office space and the addition of four residential units are not expected to have a significant effect on existing recreational facilities. Development impact fees for parks and community facilities for the increase in floor area and residential units are required per City ordinance. Therefore, no impact would occur and no mitigation is required.

Mitigation Measures
None required.

P. TRANSPORTATION AND TRAFFIC

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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)?	1, 2, 17			**X**	
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	1, 2, 17				**X**
c) Result in change in air traffic patterns, including either an increase in traffic levels	1, 2				**X**

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
or a change in location that results in substantial safety risks?					
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	1, 2		**X**		
e) Result in inadequate emergency access?	1, 2				**X**
f) Result in inadequate parking capacity?	1, 2				**X**
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian, transit & bicycle facilities)?	1, 2, 3				**X**
h) Cause a local (City of Palo Alto) intersection to deteriorate below Level of Service (LOS) D and cause an increase in the average stopped delay for the critical movements by four seconds or more and the critical volume/capacity ratio (V/C) value to increase by 0.01 or more?	1, 2, 17			**X**	
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?	1, 2, 17				**X**
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?	1, 2, 17				**X**
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?	1, 2, 17				**X**
l) Cause any change in traffic that would increase the Traffic Infusion on Residential Environment (TIRE) index by 0.1 or more?	1, 2, 17				**X**
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.	1, 2, 17			**X**	
n) Impede the development or function of	1, 2, 3				**X**

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
planned pedestrian or bicycle facilities?					
o) Impede the operation of a transit system as a result of congestion?	1, 2, 17				**X**
p) Create an operational safety hazard?	1, 2				**X**

DISCUSSION

Hexagon Transportation Consultants, Inc. prepared the *Transportation Impact Analysis for 429 University Avenue Mixed-Use* (Transportation Impact Analysis; Hexagon 2014, included in Appendix I). The analysis was completed in a manner consistent with other transportation impact studies in the City of Palo Alto and the Santa Clara Valley Transportation Authority (VTA) Traffic Impact Analysis guidelines. This includes use of the level of service (LOS) methodology described in Chapter 16 of the *2000 Highway Capacity Manual* (2000 HCM; TRB 2000) for signalized intersections, use of the LOS methodology described in Chapter 17 of the 2000 HCM for unsignalized intersections, and use of the methodologies and standards described in the VTA *2013 Congestion Management Plan* (CMP) for intersections included in the CMP (VTA 2013).

The magnitude of traffic generated by the proposed project was estimated by Hexagon by applying applicable trip generation rates to the existing and proposed building. These calculations (see Table 6) are based on the trip generation rates published in the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, ninth edition (ITE 2012). The project would replace existing retail/restaurant space of the same size; therefore, trip generation from the first floor retail/restaurant space is excluded from the analysis. In addition, the rooftop office/lunchroom is intended for use by office employees and it therefore included in the office space calculation for trip generation purposes only. The trip generation estimates do not reflect potential reductions from the robust transit, bicycle, and pedestrian access at the project location. In this respect, the project trip generation estimates are conservative.

Table 6
Project Trip Generation

Land Use Type	Size	Daily Rate	Daily Trips	AM Peak Hour				PM Peak Hour			
				Rate[1]	*In*	*Out*	*Total*	*Rate*[1]	*In*	*Out*	*Total*
General Office	12.603 ksf	6.65	139	1.56	17	2	20	1.49	3	16	19
Apartment	4 du	11.03	27	0.51	0	2	2	0.62	1	1	2
Net Project Trips			**166**		**17**	**4**	**21**		**4**	**17**	**21**

Source: Hexagon 2014.
[1] Trip rates based on ITE 2012, Office (710), Apartment (230).
ksf = 1,000 square feet; du = dwelling units

The proposed project is calculated to cause 21 new AM peak hour trips and 21 new PM peak hour trips. Hexagon applied the project's trip generation and trip distribution estimates to each of the study intersections to determine whether the project would result in a significant change in LOS at any location. The Transportation Impact Analysis evaluated the following five intersections:

1. University Avenue and Kipling Street
2. Lytton Avenue and Kipling Street
3. University Avenue and Middlefield Road
4. Lytton Avenue and Middlefield Road

5. Lytton Avenue and Alma Street

The project would create a significant adverse impact on traffic conditions at a signalized intersection in the City of Palo Alto if for either peak hour:

1. The level of service at the intersection degrades from an acceptable LOS D or better under no project conditions to an unacceptable LOS E or F under project conditions, or

2. The level of service at the intersection is an unacceptable LOS E or F under no project conditions and the addition of project trips causes both the critical-movement delay at the intersection to increase by 4 seconds or more and the critical-movement volume-to-capacity ratio (V/C) to increase by .01 or more.

An exception to this rule applies when the addition of project traffic reduces the amount of average delay for critical movements (i.e. the change in average delay for critical movements is negative). In this case, the threshold of significance is an increase in the critical V/C value by .01 or more. The results of the LOS analysis are shown in Table 7.

Table 7
Project Effects on LOS and Delay

Intersection (control)	Peak Hour	Average Delay (in seconds) and LOS							
		Existing	***Existing Plus Project***	**Δ *Critical Delay***	**Δ *Critical V/C***	***Cumulative No Project***	***Cumulative Plus Project***	**Δ *Critical Delay***	**Δ *Critical V/C***
1. University Avenue and Kipling Street (Signal)	AM	9.5 A	9.7 A	0.1	0.003	10.6 B	10.7 B	0.2	0.004
	PM	9.9 A	10.6 B	0.1	0.006	10.7 B	11.4 B	0.2	0.008
2. Lytton Avenue and Kipling Street (TWSC)	AM	17.6 C	17.7 C	--	--	22.9 C	23.0 C	--	--
	PM	15.0 B	15.1 C	--	--	18.6 C	19.1 C	--	--
3. University Avenue and Middlefield Road (Signal)	AM	28.2 C	28.2 C	0.0	0.001	28.6 C	28.6 C	0.0	0.001
	PM	31.3 C	31.3 C	0.0	0.000	**260.5 F**	**260.3 F**	0.0	0.000
4. Lytton Avenue and Middlefield Road (Signal)	AM	30.6 C	30.6 C	0.0	0.001	36.1 D	36.1 D	0.1	0.001
	PM	37.0 D	37.0 D	0.0	0.001	**158.5 F**	**158.8 F**	0.1	0.001
5. Lytton Avenue and Alma Street (Signal)	AM	18.0 B	18.1 B	0.2	0.002	18.6 B	18.7 B	0.2	0.003
	PM	20.9 C	21.0 C	0.2	0.002	23.6 C	23.8 C	0.2	0.002

TWSC = two-way stop control
Bold indicates a substandard level of service.

The results in Table 7 show that all of the intersections would continue to operate at acceptable levels of service (LOS D or better) during both the AM and PM peak hours of traffic under existing plus project conditions.

The results in Table 7 also show that two of the signalized study intersections (University Avenue & Kipling Street and Lytton Avenue & Alma Street) would continue to operate adequately (LOS D or better) under cumulative plus project conditions. Two other signalized intersections (University Avenue & Middlefield Road and Lytton Avenue & Middlefield Road) are expected to operate at unacceptable levels of service (LOS F) under cumulative conditions both with and without the project. The project traffic would not cause a significant impact on the operation of these intersections, based on the significance criteria described above. As shown in Table 7, project traffic would only increase the critical delay by 0.1 second and the critical V/C value by 0.001, which are less than the significance thresholds of 4 seconds and 0.01, respectively.

Pedestrian, Bicycle, and Transit Facilities

The Transportation Impact Analysis conducted by Hexagon also considered impacts to pedestrian, bicycle, and transit facilities. The project location is approximately 0.5 miles from the Caltrain station and transit center and in a pedestrian and bicycle friendly downtown area, and the underground parking garage is proposed to include bike lockers and a shower room for employees. It is reasonable to assume that some employees would utilize transit or bicycles. Due to the project size, it is unlikely to produce significant bicycle trips or pedestrian trips or impact the nearby trains and buses. It is expected that these additional trips could easily be accommodated by the existing bicycle, pedestrian, and transit facilities.

Site Access and Onsite Circulation

Access to the alley adjacent to the site (Lane 30) would be assisted by breaks in traffic on Waverly Street created by the nearby traffic signals at Lytton Avenue and University Avenue. In the event that a vehicle making a right turn out of the alley onto Kipling Street encountered a significant queue, the driver might choose to make a left turn onto Kipling Street and then onto Lytton Avenue to circle around the block. Such maneuvers are common in downtown settings during commute periods. Based on the estimated traffic generated during the peak periods, it is anticipated that the project's garage access to and from Lane 30 at Waverly and Kipling Streets, respectively, would operate acceptably and would be typical of a development in an urban setting with underground parking. To ensure safety for vehicles using the parking garage, Mitigation Measure TRANS-1 requires that mirrors and/or a warning light be installed at garage entrance/exit.

Truck access and loading would be provided adjacent to the project site via the alley (Lane 30). The alley is 20 feet in width and truck loading requires a width of 10 feet, which leaves the remaining 10 feet available for vehicles to pass in this one-way alley. The alley currently provides adequate truck access for other adjacent businesses, and it is expected that it would provide adequate access for the proposed project as well since the width of the alley would remain the same.

Adequate corner sight distance is required at the exit of the alley to ensure that drivers can see approaching vehicles on Kipling Street. Sight distance is typically measured approximately 10 feet back from the traveled way. The proposed project would provide a 4-foot setback from the edge of the alley. The project would also replace the large street tree nearest this corner which would improve the visibility of the roadway. The combination of the setback and the tree removal is expected to provide adequate visibility of other vehicles and pedestrians.

The onsite circulation was reviewed in accordance with generally accepted traffic engineering standards. Generally, the proposed plan would provide one main drive aisle that would lead to an underground parking structure. Parking is shown at 90 degrees to the main drive aisle. This drive aisle makes several 90 degree turns to spiral down to the farthest parking spaces. The City parking facility design standards specify a minimum width of 16 feet for two-way underground ramps; 25 feet for two-way drive aisles lined with 8.5 foot wide, 90 degree spaces; and maximum slope of 2% adjacent to accessible parking spaces. Additionally, bike lockers require a five foot aisle in front of the door openings. The proposed parking plan meets these minimum specifications, as well as providing the minimum dimensions for standard, accessible, and van-accessible spaces. However, due to the

limited footprint of the underground parking, vehicles are required to navigate tight 90 degree turns near the ends of both ramps and the middle of the lower ramp, where sight lines may be restricted. To ensure safety for vehicles using the parking garage, Mitigation Measure TRANS-2 requires that mirrors be installed in the parking garage to provide adequate site distance.

Parking

The project was also found to meet the applicable parking requirements of the PAMC. Specifically, the PAMC requires that the project provide one parking space for every 250 square feet of new commercial space and two spaces for each of the residential units plus guest spaces (one space plus 10%). The proposed project would require 82 parking spaces for 20,407 square feet of commercial use and 10 parking spaces for four residential units, for a total of 92 parking spaces. However, the property was previously assessed and paid in-lieu fees for 37 parking spaces in the University Avenue Parking Assessment District and is eligible to receive 5,000 square feet of TDRs exempted from parking (equivalent to 20 parking spaces). Based on these adjustments, the project is required to provide a total of 35 vehicle parking spaces. The project proposes to include a total of 41 parking spaces, exceeding the parking requirement by six spaces. Forty parking spaces would be provided in the two-level underground parking garage and one space would be provided at-grade.

The project would also meet the applicable bicycle parking requirements. PAMC Section 18.52.040 requires 1 bicycle space per 2,500 square feet of gross floor area, with a mix of 80% for long-term parking and 20% for short-term parking. In addition, 4 long-term bicycle spaces (1 per unit) are required for the residential units. The project is required to provide 13 total bicycle parking spaces. As reflected in the site plans, the project proposes to provide 7 long-term bicycle parking spaces within the underground parking garage and 6 short-term bicycle parking spaces near the entrances of the building on University Avenue and Kipling Street. The bicycle parking spaces provided on the project site meet the requirements of Ordinance 18.52.040 and follow layout requirements of PAMC Section 18.54.060.

While this project does not include an explicit transportation demand management (TDM) plan, several elements common to TDM are present. Most importantly, the project is located in a transit-rich and pedestrian friendly location. Second, the project proposes to include both bicycle lockers and a restroom with a shower. Both of these features should result in some reduction in automobile trips generated by the project and reduce the amount of parking needed by employees. In addition, the project is in a good location for transit-related TDM strategies that may be implemented by future tenants, such as Caltrain and VTA Go Passes or reimbursement of transit fares. However, due to the small project trip generation, a TDM plan is not necessary to reduce peak hour trips.

Mitigation Measures
Mitigation Measure-TRANS-1: Mirrors shall be installed at the parking garage driveway to allow drivers to see when a pedestrian or vehicle is approaching in Lane 30.

Mitigation Measure-TRANS-2: Mirrors shall be installed at each turn within the parking garage to provide adequate sight distance.

Significance after Mitigation
Less than significant.

Q. UTILITIES AND SERVICE SYSTEMS

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	1, 2				**X**
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?	1, 2				**X**
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?	1, 2			**X**	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	1, 2				**X**
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?	1, 2				**X**
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	1, 2				**X**
g) Comply with federal, state, and local statutes and regulations related to solid waste?	1, 2				**X**
h) Result in a substantial physical deterioration of a public facility due to increased use as a result of the project?	1, 2				**X**

DISCUSSION

The proposed project would not significantly increase the demand on existing utilities and service systems, or use resources in a wasteful or inefficient manner. Standard conditions of approval require the applicant to submit calculations by a registered civil engineer to show that the on-site and off-site water, sewer, and fire systems are capable of serving the needs of the development and adjacent properties during peak flow demands. The project would tie into the City's existing water, wastewater, and storm drain infrastructure and would not require the construction of new water or wastewater treatment facilities. In addition, the project would comply with the green building requirements set forth in the California Green Building Code and the City's Build It Green program. This would ensure that water conservation and solid waste reduction measures are included in the project to reduce demands for utility services. The project's impacts on utility services would be less than significant and no mitigation is required.

Mitigation Measures

None required.

R. MANDATORY FINDINGS OF SIGNIFICANCE

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	1, 2			**X**	
b) Does the project have impacts that are individually limited, but cumulatively considerable ("cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	1, 2			**X**	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	1, 2		**X**		

DISCUSSION

The proposed project would not have an impact on fish or wildlife habitat, nor would it impact cultural or historic resources with mitigation as described in Sections D and E. As described in Section A, Aesthetics, the proposed use is appropriate for the site and although the project would alter the visual character of the site, the building has been designed to ensure that it does not result in an adverse visual impact. The project's impacts would all be reduced to below a level of significance through implementation of the mitigation measures described in the previous sections. The project would therefore not result in any cumulatively considerable impacts. There is nothing in the nature of the proposed development and property improvements that would have a substantial adverse effect on human beings, or other life or environmental impacts once mitigation is implemented to reduce potential impacts from hazardous materials and noise as described in Sections H and L.

III SOURCE REFERENCES

SOURCES (CHECKLIST KEY)

1. Project Planner's knowledge of the site and the proposed project.
2. Project Plans (Appendix A)
3. Palo Alto Comprehensive Plan 1998–2010 (City of Palo Alto 2007)
4. Palo Alto Municipal Code, Title 18, Zoning Ordinance
5. Palo Alto Municipal Code, Section 8.10.030, Tree Technical Manual
6. Air Quality Modeling Results, 2014 (Appendix B)
7. Cultural Resources Memorandum (Appendix C)
8. Historic Architectural Evaluations, 2014 (Appendix D)
9. Geotechnical Investigation, 2013 (Appendix E)
10. Phase I ESA 425 University Avenue and 450 Kipling Street, 2014 (Appendix F)
11. Phase I ESA for the Commercial Buildings, 1999 (Appendix F)
12. Environmental Transaction Screen, 429–447 University Avenue, 2010 (Appendix F)
13. Impervious Area Worksheet for Land Developments, 2014 (Appendix G)
14. Special Projects Worksheet, 2014 (Appendix G)
15. Environmental Noise Study, 2014 (Appendix H)
16. Palo Alto Municipal Code, Section 9.10, Noise Ordinance
17. Traffic Impact Analysis, 2014 (Appendix I)

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14 CCR 15000–15387 and Appendices A–L. Guidelines for Implementation of the California Environmental Quality Act, as amended.

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California Public Resources Code, Article 3, Definitions, Section 12220(g), "Forest land."

California Public Resources Code, Sections 42160–42185. Metallic Discards Act of 1991.

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EPA (U.S. Environmental Protection Agency). 1971. *Noise from Construction Equipment and Operations, Building Equipment and Home Appliances.* Prepared by Bolt, et.al., Bolt, Beranek & Newman, Boston, MA.

FEMA (Federal Emergency Management Agency). 2009. Flood Insurance Rate Map, Santa Clara County, California. Map Number 06085C0010H. May 18, 2009.

PAMC (Palo Alto Municipal Code). http://www.cityofpaloalto.org/gov/depts/clk/municode.asp.

USGS (U.S. Geological Survey). 2013. USGS Geologic Hazards Science Center – U.S. Seismic Design Maps webpage with seismic design value application. Accessed September 25, 2013. http://geohazards.usgs.gov/designmaps/us/application.php.

REPORT PREPARERS

DUDEK
465 Magnolia Avenue
Larkspur, California 94939

Heather Martinelli, AICP
Katherine Waugh, AICP
Christine Kronenberg, AICP

IV DETERMINATION

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	
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.	**X**
I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.	
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.	
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.	

Chitra Moitra (signature)
Project Planner

Nov 17, 2014
Date

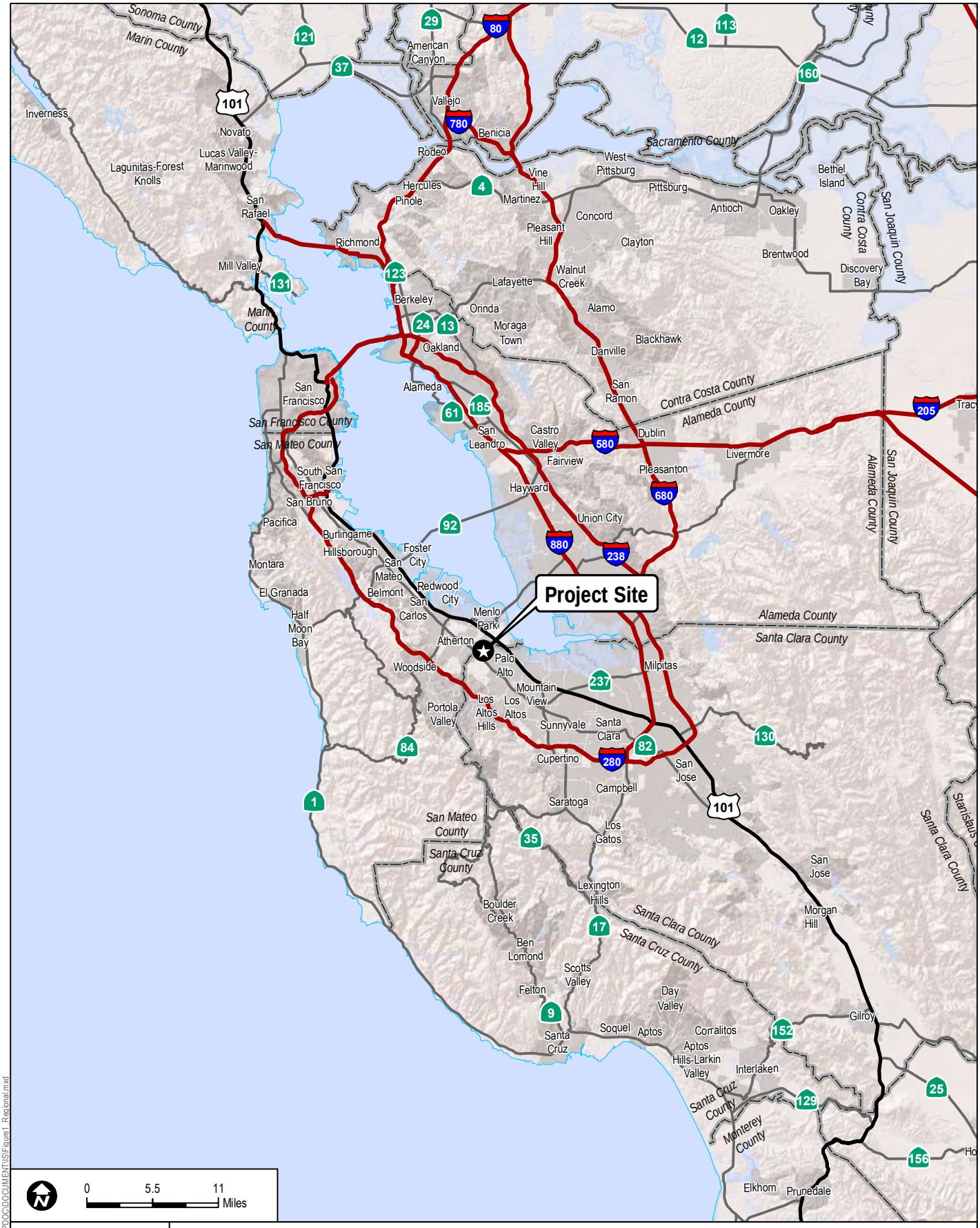

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FIGURE 1

Regional Map

429 UNIVERSITY AVENUE INITIAL STUDY

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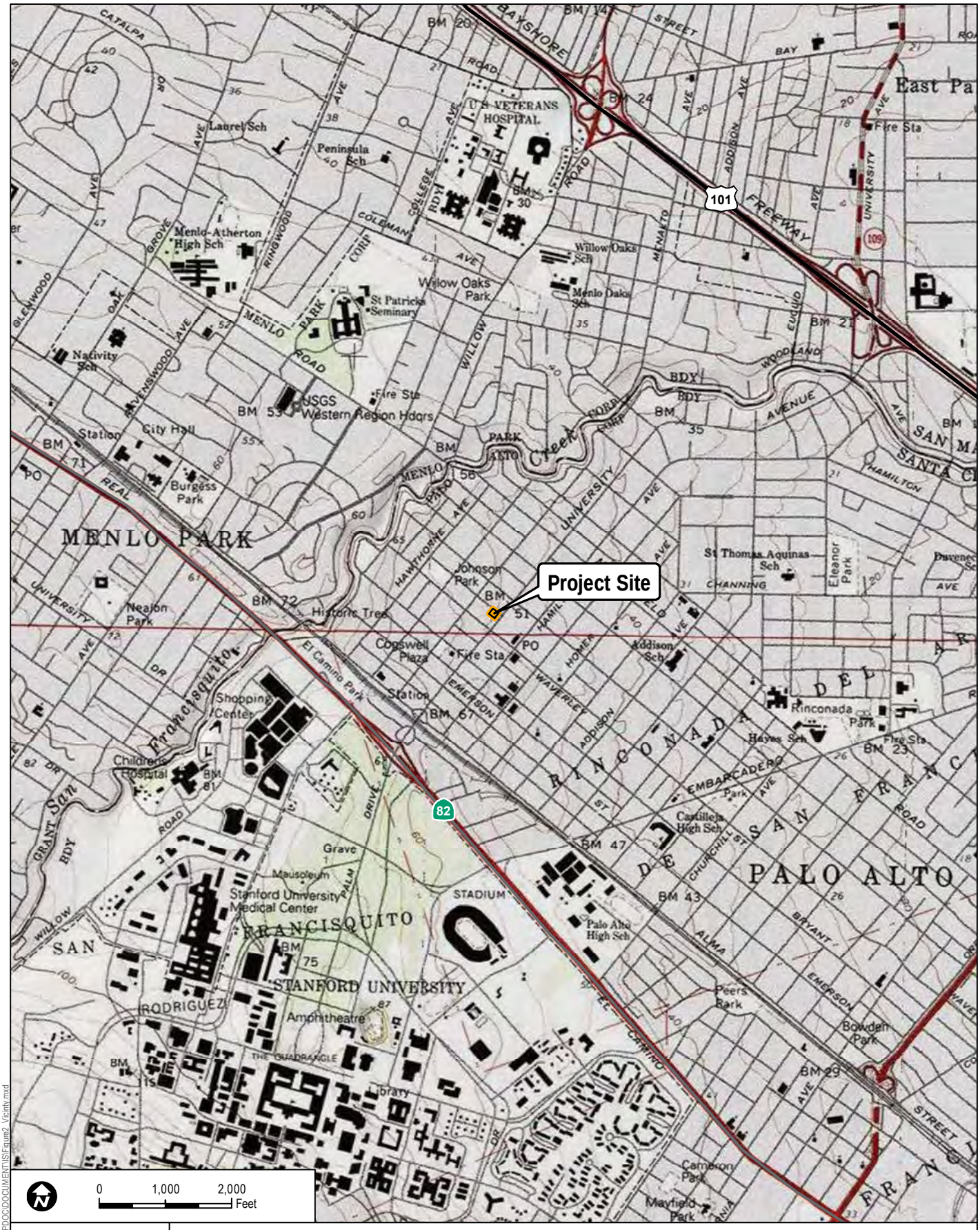

DUDEK

SOURCE: USGS 7.5-Minute Series Palo Alto Quadrangle.

FIGURE 2
Vicinity Map

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429 UNIVERSITY AVENUE INITIAL STUDY

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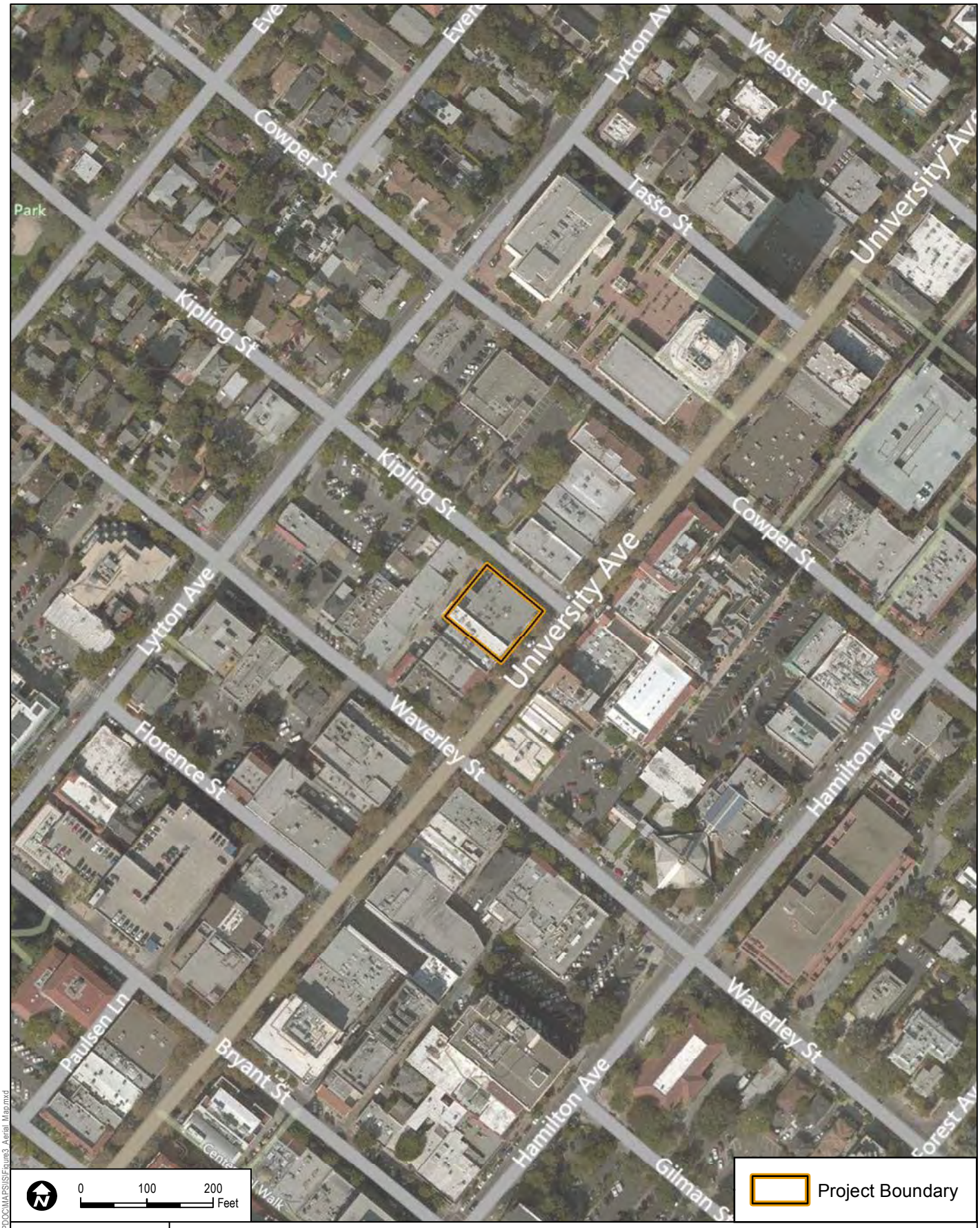

DUDEK

SOURCE: BING 2014

FIGURE 3
Aerial Map

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429 UNIVERSITY AVENUE INITIAL STUDY

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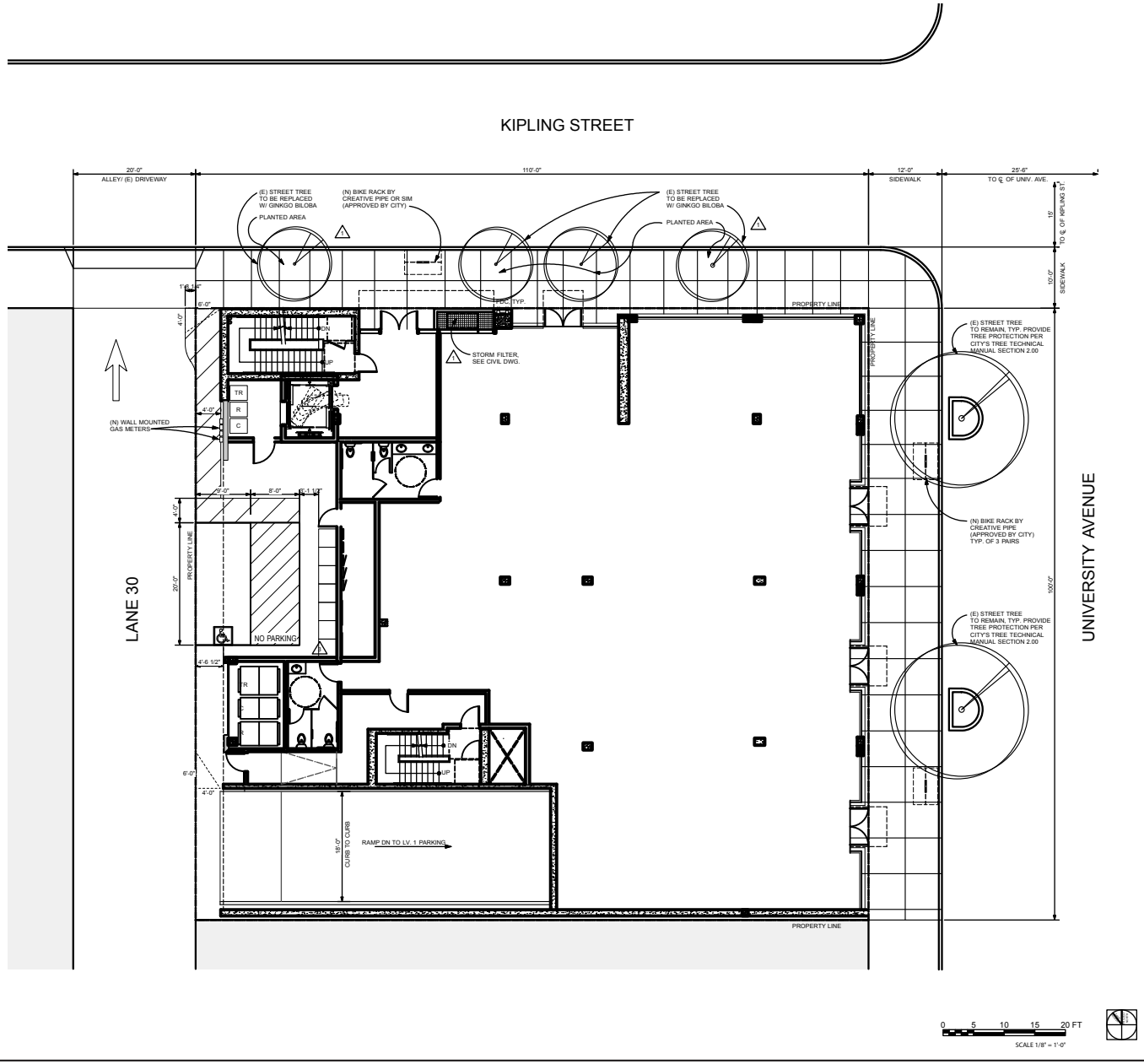

SOURCE: Hayes Group Architects, Inc. 2014

FIGURE 4
Site Plan

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429 University Avenue Initial Study

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KIPLING ST. STREETSCAPE 2
SCALE 1/16" = 1'-0"

UNIVERSITY AVE. STREETSCAPE ELEVATION 1
SCALE 1/16" = 1'-0"

SOURCE: Hayes Group Architects, Inc. 2014

FIGURE 5
Elevations

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429 University Avenue Initial Study

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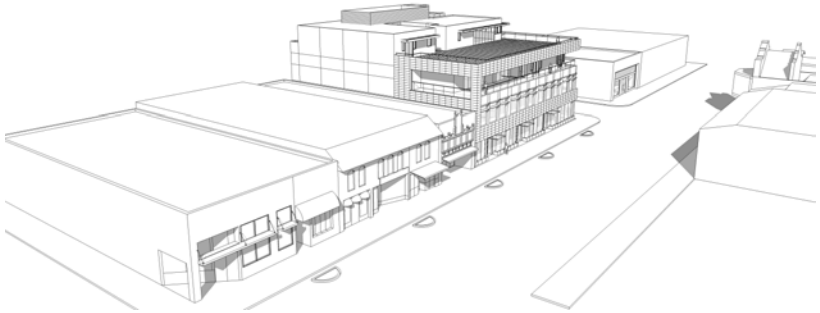
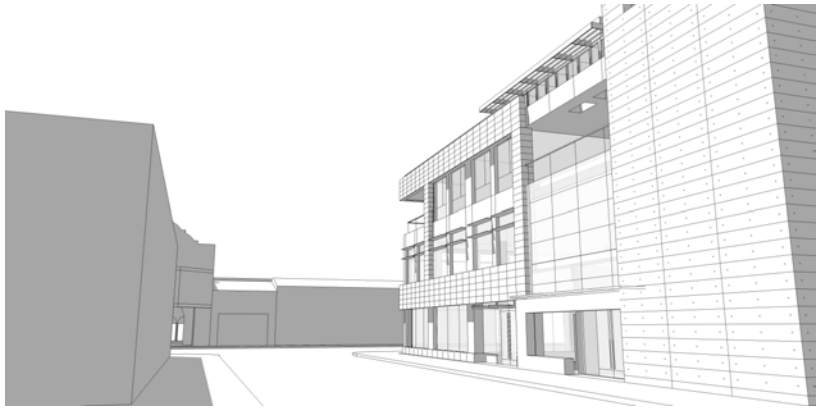
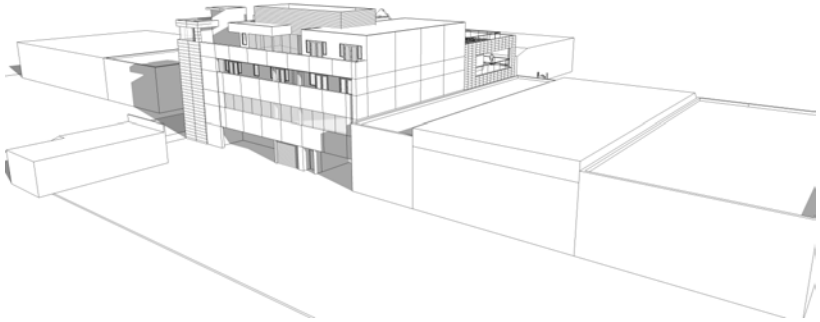


UNIVERSITY AERIAL PERSPECTIVE 4
N.T.S.



KIPLING ST. PERSPECTIVE 2
N.T.S.



ALLEY AERIAL PERSPECTIVE 3
N.T.S.

UNIVERSITY AVE. PERSPECTIVE 1
N.T.S.

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SOURCE: Hayes Group Architects, Inc. 2014

FIGURE 6
Perspective Renderings

429 University Avenue Initial Study

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DRAFT ADOPTED ON: _____

City of Palo Alto
Department of Planning and Community Environment
California Environmental Quality Act
DRAFT MITIGATED NEGATIVE DECLARATION

I. DESCRIPTION OF PROJECT

Date: November 17, 2014

Project Name: 429 University Avenue

Project Location: The 0.25-acre project site is located in the northern section of the City of Palo Alto, in the northern part of Santa Clara County, east of State Route 82 (El Camino Real) and west of U.S. Highway 101. The project site is located on the northwestern corner of University Avenue and Kipling Street.

Project Proponent: Elizabeth Wong for Kipling Post LP

City Contact: Christy Fong
Planner, Department of Planning and Community Environment
City of Palo Alto
250 Hamilton Avenue
Palo Alto, CA 94301

Project Description:

The proposed project involves demolition of two one-story retail buildings located at 425 University Avenue (APN 120-15-029) and 429 University Avenue (APN 120-15-028) totaling 11,633 square feet (4,425 square feet and 7,208 square feet, respectively) on separate parcels, and construction of a new four-story mixed-use building with two levels of underground parking (Figure 4, Site Plan). The two parcels would be combined to create a single 11,000-square-foot parcel. The new building is proposed to be 31,407 square feet in gross floor area and would cover 9,478 square feet of the site in approximately the same location as the existing buildings. The total increase in gross floor area would be 19,774 square feet. The proposed building would provide 20,407 square feet of commercial space (an increase of 8,774 square feet) and 11,000 square feet of residential land uses. A total of four residential apartment units would be provided, for a residential density of 16 units per acre.

The maximum proposed building height is 50 feet and the FAR would be 2.86. The base FAR in the CD-C district is 1.0; however, the FAR may be increased with transfers of development rights (TDRs) and/or bonuses for seismic and historic rehabilitation upgrades, not to exceed a total site FAR of 3.0. The proposed project FAR is achieved through the transfer of 4,207 square feet that requires parking, 5,000 square feet that is exempt from parking, TDR from separate properties, and a one-time 200-square-foot parked bonus for the project.

Building design would include stone and crystalized glass panels around the University Avenue/Kipling Street corner to the concrete tower at the northern edge of the property. The third-floor residential units would be stepped back from the façade to create depth and visual interest, while also providing terraces for the residences. The fourth floor would be set back from the floors below and would provide a rooftop terrace. The project proposes retail entrances along University Avenue and Kipling Street. The entry

lobby for the residential and office uses would be located on Kipling Street. The building would be set back approximately 4 to 6 feet from Lane 30 to allow for pedestrian accessibility in the rear of the building.

The proposed project would require 82 parking spaces for 20,407 square feet of commercial use and 10 parking spaces for 4 residential units, for a total of 92 parking spaces. However, the property was previously assessed and paid in lieu fees for 37 parking spaces in the University Avenue Parking Assessment District and is eligible to receive 5,000 square feet of TDRs exempted from parking (equivalent to 20 parking spaces). Based on these adjustments, the project is required to provide a total of 35 vehicle parking spaces. The project proposes to include a total of 41 parking spaces, exceeding the parking requirement by six spaces. Forty parking spaces would be provided in the two-level underground parking garage and one space would be provided at-grade. Seven long-term bicycle parking spaces would also be provided within the underground parking garage, and six short-term bicycle parking spaces would be located near the building entrances on University Avenue and Kipling Street, for a total of 13 bicycle parking spaces.

The proposed project is designed in accordance with the City's Green Building Ordinance, which requires compliance with California Green Building Code Tier 1 and Green Point rater (for the residential portion) with Local Amendments. The project would use both conventional and sustainable building materials, including a concrete frame, high-efficiency glazing systems, cut stone, glass tile, plaster finishes, abundant day-lighting and sun-shading systems, and an energy-efficient cool roof. The project would also include facilities for carpool/clean air vehicles and electric vehicle charging stations.

The proposed project would involve the removal of four existing street trees on Kipling Street, and the replacement of these trees with four new street trees on Kipling Street. Both of the two existing street trees on University Avenue would be retained.

II. DETERMINATION

In accordance with the City of Palo Alto's procedures for compliance with the California Environmental Quality Act (CEQA), the City has conducted an Initial Study to determine whether the proposed project could have a significant effect on the environment. On the basis of that study, the City makes the following determination:

_____ **The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION is hereby adopted.**

__X__ **Although the project, as proposed, could have a significant effect on the environment, there will not be a significant effect on the environment in this case because mitigation measures have been added to the project and, therefore, a MITIGATED NEGATIVE DECLARATION is hereby adopted.**

The attached initial study prepared for this project incorporates all relevant information regarding the potential environmental effects of the project and confirms the determination that an EIR is not required for the project.

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

Mitigation Measure BIO-1: The following measures shall be implemented to reduce impacts to protected trees:

- City of Palo Alto (City)-approved Modified Type III fencing shall be installed for the two street trees to be retained along University Avenue. City-approved tree protection signs shall be posted on all fencing.
- Soil conditions for the four new trees to be planted along Kipling Street shall be improved by preparing a planting area at least 6 feet square for each tree and installing Silva Cells to reduce compaction. The Silva Cells shall be filled with proper soil amendments and growing medium as determined by the City Arborist.
- Unless otherwise approved, each new tree shall be provided with 1,200 cubic feet of rootable soil area, utilizing Standard Drawing #604/513. Rootable soil is defined as compaction less than 90% over the area, not including sidewalk base areas.
- Two bubbler drip irrigation units shall be installed for each new tree to adequately water the new planting area.
- New sidewalk shall be installed such that the final planting space opening is at least 5 feet by 5 feet for each new tree.
- Kiva tree grates shall be used around each new tree.
- Replacement tree size shall be a 36-inch box, properly structured nursery stock.
- Based on growth habit and proven performance, *Ginkgo biloba* "Autumn Gold" is highly recommended for the replacement trees. Other tree species may be approved by the City Arborist.
- All work within the Tree Protection Zone, including canopy pruning of protected trees, shall be supervised by a Certified Arborist approved by the City.

Mitigation Measure CUL-1: Prior to commencement of site clearing and project grading, the project applicant shall retain a qualified archaeologist to train construction personnel regarding how to recognize cultural resources (such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains) that could be encountered during construction activities. If artifacts or unusual amounts of shell or bone or other items indicative of buried archaeological resources or human remains are encountered during earth disturbance associated with the proposed project, the on-site contractor shall immediately notify the City of Palo Alto (City) and the Native American Heritage Commission as appropriate. All soil-disturbing work shall be halted within 100 feet of the discovery until a qualified archaeologist, as defined by the California Environmental Quality Act (CEQA) Guidelines (14 CCR 15000 et seq.) and the City, completes a significance evaluation of the finds pursuant to Section 106 of the National Historic Preservation Act. Any human remains unearthed shall be treated in accordance with California Health and Safety Code, Section 7050.5, and California Public Resources Code, Sections 5097.94, 5097.98, and 5097.99, which include requirements to notify the Santa Clara County Medical Examiner's office and consult with Native American representatives determined to be the Most Likely Descendants, as appointed by the Native American Heritage Commission. Identified cultural resources shall be recorded on State Department of Parks and Recreation Form 523 (archaeological sites). Mitigation measures prescribed by the Native American Heritage Commission, the Santa Clara County Medical Examiner's office, and any Native American representatives determined to be the Most Likely Descendants and required by the City shall be undertaken before construction activities are resumed. If disturbance of a project area cultural resource cannot be avoided, a mitigation program, including measures set forth in the City's Cultural Resources Management Program and in compliance with Sections 15064.5 and 15126.4 of the CEQA Guidelines, shall be implemented.

Mitigation Measure HAZ-1: Prior to building demolition, the project applicant shall demonstrate to the satisfaction of the City of Palo Alto that a survey of the existing buildings has been conducted by a qualified environmental specialist who meets the requirements of the current U.S. Environmental Protection Agency regulations for suspected lead-containing materials (LCMs), including lead-based paint/coatings; asbestos containing materials (ACMs); and the presence of polychlorinated biphenyls

(PCBs). Any demolition activities likely to disturb LCMs or ACMs shall be carried out by a contractor trained and qualified to conduct lead- or asbestos-related construction work. If found, LCMs and ACMs shall be disposed of in accordance with state and federal regulations, including the EPA's Asbestos National Emissions Standards for Hazardous Air Pollutants, the Cal-OSHA Construction Lead Standard (CCR Title 8, Section 1432.1), and California Department of Toxic Substances Control and EPA requirements for disposal of hazardous waste. If PCBs are found, these materials shall be managed in accordance with the Metallic Discards Act of 1991 (California Public Resources Code, Sections 42160–42185) and other state and federal guidelines and regulations. Demolition plans and contract specifications shall incorporate any necessary abatement measures in compliance with the Metallic Discards Act, particularly Section 42175, Materials Requiring Special Handling, for the removal of mercury switches, PCB-containing ballasts, and refrigerants.

Mitigation Measure NOI-1: *Residential Uses:* Window and exterior door assemblies with Sound Transmission Class (STC) rating up to 45 and upgraded exterior walls shall be used in the residential portion of the proposed building to achieve the City's maximum instantaneous noise guideline for residential uses. The City of Palo Alto shall ensure that these standards are met through review of building plans as a condition of project approval.

Commercial Uses: Window and exterior door assemblies for the commercial portions of the building shall have a minimum STC rating of 32 at the corner of University Avenue and Kipling Street, and a minimum STC of 28 at all other commercial locations within the proposed building to comply with the State of California CalGreen noise standards (maximum interior noise level of 50 dB during the peak hour of traffic). The City of Palo Alto shall ensure that these standards are met through review of building plans as a condition of project approval.

Mitigation Measure NOI-2: The residential portion of the proposed building shall have a ventilation or air-conditioning system to provide a habitable interior environment when windows are closed.

Mitigation Measure NOI-3: Noise levels from rooftop equipment shall be reduced to meet the City of Palo Alto Noise Ordinance requirements. An enclosure or other sound-attenuation measures at the exhaust fans shall be provided to reduce rooftop equipment noise is no greater than 8 dB above the existing ambient level at potential future neighboring buildings to meet the property plane noise limit. Use of quieter equipment than assumed in this analysis may support reduced mitigation, which shall be evaluated by a qualified acoustical consultant.

Mitigation Measure-TRANS-1: Mirrors shall be installed at the parking garage driveway to allow drivers to see when a pedestrian or vehicle is approaching in Lane 30.

Mitigation Measure-TRANS-2: Mirrors shall be installed at each turn within the parking garage to provide adequate sight distance.

Christy Fong

Prepared by Project Planner

NOV 17, 2014

Date

Adopted by
Director of Planning and Community Environment
Signed after the Mitigated Negative Declaration has been approved

Date

WE, THE UNDERSIGNED, HEREBY ATTEST THAT WE HAVE REVIEWED THE INITIAL STUDY AND DRAFT MITIGATED NEGATIVE DECLARATION FOR THE PROJECT DESCRIBED ABOVE AND AGREE TO IMPLEMENT ALL MITIGATION MEASURES CONTAINED THEREIN.

Project Applicant's Signature **Date**

Attachment H: Project Plans – delivered to ARB Board Members only

Also available online at:
http://www.cityofpaloalto.org/news/displaynews.asp?NewsID=2449&TargetID=319

Carnahan, David

From: John Hanna <jhanna@hanvan.com>
Sent: Friday, March 20, 2015 2:38 PM
To: Council, City
Subject: 429 University Avenue appeal

Dear Mayor and Council members:
The 429 University Avenue project is a good project. We need more of that type of project, bringing more residential into the downtown area and improving old buildings that have outlived their usefulness. The opposition to this project is probably from the same segment of our community that opposed affordable housing for seniors, (Maybell), opposes any kind of affordable housing in their neighborhood, opposes rental units in residential zones, opposes any kind of office development, and would like to see Palo Alto more like it may have been 20 or more years ago. They fail to understand the dynamics that have made Palo Alto what it is today (they don't like It that way), would like to turn back the clock, and if you allow that type of political agenda to control the future of our community, you risk killing the goose that laid the golden egg. If traffic is the concern, the way to control traffic is not to stop building, but rather to control traffic. We have the technology available to computerize all of the traffic signals in the entire City to make each intersection efficient so that lights are regulated constantly in relation to the number of vehicles at each intersection so that traffic keeps moving, no wasted time and wasted gas waiting for red lights to turn green when there are no other vehicles waiting to cross in front of you. We could also think of exchanging those giant articulated busses that roam around half empty with a fleet of smaller vehicles that will take people to where they need to go rather than set stations that may be farther from where they need to go than they are willing or able to walk.
But I digress from my main message which is, at the moment, a request that you approve the 429 University Ave. project without further delay.

John Paul Hanna, Esq.
Hanna & Van Atta
525 University Avenue, Suite 600
Palo Alto, CA 94301
Telephone: (650) 321-5700
Facsimile: (650) 321-5639
E-mail: jhanna@hanvan.com

Carnahan, David

From: Elizabeth L <laskyea@gmail.com>
Sent: Friday, March 20, 2015 3:31 PM
To: Council, City
Cc: Elizabeth Wong
Subject: 429 University

Please stop the appeal of 429 University Avenue, Palo Alto, and approve the project.

Thank you.

- Elizabeth Lasky
Waverley St, Palo Alto

Carnahan, David

From: Avo Izmirlian <avo.izmirlian@prprop.com>
Sent: Friday, March 20, 2015 4:10 PM
To: city.council@cityofpaloalto.org.
Subject: 429 University Ave Appeal
Attachments: Scanned from a Xerox multifunction device.pdf; ATT00001.htm; ATT00002.htm; ATT00003.htm

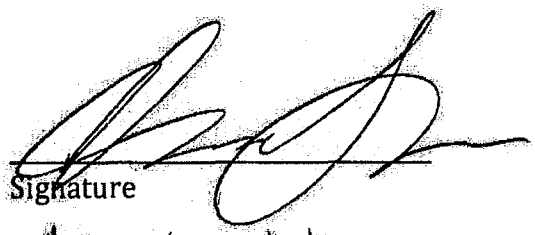
25 years
Taking Pride in Palo Alto
PREMIER
PROPERTIES MANAGEMENT

Consider the environment before printing this email

City Council Members
City of Palo Alto
Email: city.council@cityofpaloalto.org

Subject: 429 University Avenue Appeal

We urge you to stop the appeal of 429 University Avenue, Palo Alto, and to approve the project.



Signature

Avo Izmirlian

Print Name

539 Alma Street, Palo Alto, CA

Palo Alto Address

Carnahan, David

From: Kenneth Fong <ksfongdna@gmail.com>
Sent: Friday, March 20, 2015 8:30 PM
To: Council, City
Subject: 429 university ave

Dear City Council members,

I am writing to support the approval of the building project at 429 university ave that was originally approved by the Planning committee but was appealed by Michael Harbour. I read the argument of Mr. Harbour from the local newspaper and it seems his points are mostly opinions of his own and indeed rather arbitrary.

I believe this building would add both charm and value to our city for the foreseeable future.

Kenneth Fong

Kenson Ventures LLC
400 Hamilton ave., PA

Sent from my iPhone

Carnahan, David

From: Kumiko Yoshinari <kumikoyoshinari@gmail.com>
Sent: Sunday, March 22, 2015 9:58 PM
To: Council, City; Elizabeth Wong
Subject: Stop the appeal on 429 University Avenue

Dear City Council members

The proposed building at 429 University Avenue is precisely the kind of buildings we need more of, in Palo Alto. It is mixed use, with parking, retail, office and housing. It is at a scale appropriate for the downtown area. As a homeowner in downtown Palo Alto, I am dismayed by the nay-sayers who wish to stop any development, even this type of reasonable development. Our City can not move forward if we are hostage to these nay sayers. Please stop the appeal.

Kumiko Yoshinari

Carnahan, David

From: Altman, Vernon <Vernon.Altman@Bain.com>
Sent: Saturday, March 21, 2015 1:54 PM
To: Council, City
Cc: Elizabeth Wong
Subject: Please Stop Appeal on 429 University Avenue - Please see Attached Letter
Attachments: 429 University Appeal.pdf

Vernon E. Altman

Bain & Company, Inc. | 2 Palo Alto Square, 10th Floor | Palo Alto, CA 94306 | United States
Tel: +1 650 845 3666 | Mobile: 650-575-7777
Web: www.bain.com | Email: Vernon.Altman@Bain.com

City Council Members
City of Palo Alto
Email: city.council@cityofpaloalto.org

Subject: 429 University Avenue Appeal

We urge you to stop the appeal of 429 University Avenue, Palo Alto, and to approve the project.

Signature

Vernon E. Altman

Print Name

Palo Alto Address

928 Laurel Glen Dr.

3/22/15

TO: Christy Fong
Palo Alto Planning Dept

DATE: June 25, 2014

RE: 429 University Ave.

I write in regards to the proposed project at 429 University Ave as I own a business adjacent to this project: Be Yoga at 440 Kipling St.

I am thrilled at the idea of a new building and I love being a part of the continued growth and progress on in the downtown area. There have been many changes on University Ave and in the surrounding area recently, and I am in support of all of these improvement. I have two concerns about traffic flow given the proposal for 429 University Ave.

First, the alleyway off of Kipling St. is currently overly congested with delivery trucks stacked double wide delivering to the Footwear Etc., Design Within Reach, Shady Lane, Marine Layer, The Giants Dugout, and the four cafes, and eye glass store on the alley. There area also cars driving on the alley from these businesses that already push the limits of its given width with parking spaces as extra space for delivery vans to drive around each other. The alley is currently stopped up at least 3-5 times per day. I have witnessed this first hand as my building has four doors with access to this volume of traffic. Any abatement of the width at the juncture of the mouth of the alley should be at least a small a consideration given the volume of traffic that goes through the alley.

Second, Kipling St. itself is a narrow street. To my knowledge it is unique in its narrowness, as only one car can fit down in one direction at a time. I have witnessed on several occasions cars causing mirror damage to othsr cars trying to navigate this narrow street in both directions at the same time. The larger concern is where Kipling St. meets University Ave. At present, if a car wants to turn right from University Ave. onto Kipling St. and one or more cars are waiting to turn from Kipling St. onto University Ave., there is simply not enough space for the cars turning off of University Ave. onto Kipling St. and the cars from Kipling St onto University Ave. It seems this is a systemic problem with the street itself as you continue down Kipling St. toward Lytton there is really no extended space where two cars can drive in opposite directions at the same time. I would imagine that the existing project would increase the numbar of vehicles on this street to something that the city should be aware of and it may be worthwhile to investigate to make sure the flow of traffic is viable for the overall well being of the downtown district.

In closing, I am excited about this development, and I am grateful to be a part of this community. I hope it will not increase traffic to the scope it proposes on the alleyway nor Kipling St., as both of these junctures are unique in the downtown area in their ratio of square footage of space vs traffic they are designed to handle.

Thank you very much for your consideration.

Lisa Haley
Owner
Be Yoga
440 Kipling St.
650-644-8749
lisamariehaley@gmail.com

Fong, Christy

From: lisa marie <lisamariehaley@gmail.com>
Sent: Monday, August 25, 2014 12:27 PM
To: Fong, Christy
Subject: 429 University
Attachments: 429 University.pdf

Good Afternoon Christy,

I write in regards to the proposed project at 429 University Ave as I own a business adjacent to this project: Be Yoga at 440 Kipling St.

I am thrilled at the idea of a new building and I love being a part of the continued growth and progress on in the downtown area. There have been many changes on University Ave and in the surrounding area recently, and I am in support of all of these improvement. I have two concerns about traffic flow given the proposal for 429 University Ave.

First, the alleyway off of Kipling St. is currently overly congested with delivery trucks stacked double wide delivering to the Footwear Etc., Design Within Reach, Shady Lane, Marine Layer, The Giants Dugout, and the four cafes, and eye glass store on the alley. There area also cars driving on the alley from these businesses that already push the limits of its given width with parking spaces as extra space for delivery vans to drive around each other. The alley is currently stopped up at least 3-5 times per day. I have witnessed this first hand as my building has four doors with access to this volume of traffic. Any abatement of the width at the juncture of the mouth of the alley should be at least a small a consideration given the volume of traffic that goes through the alley.

Second, Kipling St. itself is a narrow street. To my knowledge it is unique in its narrowness, as only one car can fit down in one direction at a time. I have witnessed on several occasions cars causing mirror damage to other cars trying to navigate this narrow street in both directions at the same time. The larger concern is where Kipling St. meets University Ave. At present, if a car wants to turn right from University Ave. onto Kipling St. and one or more cars are waiting to turn from Kipling St. onto University Ave., there is simply not enough space for the cars turning off of University Ave. onto Kipling St. and the cars from Kipling St onto University Ave. It seems this is a systemic problem with the street itself as you continue down Kipling St. toward Lytton there is really no extended space where two cars can drive in opposite directions at the same time. I would imagine that the existing project would increase the number of vehicles on this street to something that the city should be aware of and it may be worthwhile to investigate to make sure the flow of traffic is viable for the overall well being of the downtown district.

In closing, I am excited about this development, and I am grateful to be a part of this community. I hope it will not increase traffic to the scope it proposes on the alleyway nor Kipling St., as both of these junctures are unique in the downtown area in their ratio of square footage of space vs traffic they are designed to handle.

Thank you very much for your consideration. I have attached a pdf version of this letter for your records.

Lisa Haley
Owner
Be Yoga
440 Kipling St.

650-644-8749
lisamariehaley@gmail.com

It is not your role to make others happy; it is your role to keep yourself in balance. When you pay attention to how you feel and practice self-empowering thoughts that align with who-you-really-are, you will offer an example of thriving that will be of tremendous value to those who have the benefit of observing you. --Abraham

Fong, Christy

From: Linda Fenney <lfenney@yahoo.com>
Sent: Saturday, August 30, 2014 5:28 PM
To: Fong, Christy
Subject: Proposed development of 425 and 429 University Ave

Dear Ms Fong,
As a resident of Palo Alto and a tax payer I am writing to give my opinion of the proposed development of the buildings at 425 and 429 University Ave. I do not approve of the proposed development feeling the planned structure it is too high, will change the character of the street, reduce sunlight, increase traffic and in my opinion reduce the aesthetic appeal of University Ave. As I know from my recent remodel, the City of Palo Alto is stringent in following its building codes to retain the character of the City. If the planned development is allowed to go ahead why would building codes for the commercial properties not be similarly followed? Why would light planes be ignored to the detriment of tree growing? Even if current building codes would allow the development, the issue of retaining the character of the City remains. I make an appeal to deny approval of the proposed development.
Linda Fenney
545 Ruthven Ave, Palo Alto, 94301

Fong, Christy

From: Elizabeth L <laskyea@gmail.com>
Sent: Saturday, August 30, 2014 9:19 PM
To: Fong, Christy
Subject: 425 and 429 University Ave

I approve of this project and hope to see more like it, maybe even larger. Palo Alto desperately needs more residential units!

(and that skyscraper in the middle of downtown looks kinda silly by itself; it would look better with equally tall companions)

Fong, Christy

From: caryl carr <carylc@gmail.com>
Sent: Monday, September 01, 2014 8:16 AM
To: Fong, Christy
Subject: 425 & 429 University Ave.

The proposal to replace the existing one-story commercial structures on these parcels with a four-story building has several problems. Esthetically, a four-story building is out of place and too high. Secondly (and perhap more importantly), downtown Palo Alto is stressed for parking and traffic is a nightmare - too many cars trying to be in much too small an area. New office spacel development needs to be done where there is parking and big enough roads - either along El Camino, Alma, or close to 101, not downtown. University Avenue has developed into a very pleasant place to walk, shop, and eat. Putting in a new four-story will block light and add to car congestion - not what University Avenue needs. People want to live in the area because it's fun to walk and shop and eat along University Avenue. Let's maintain that wonderful experience!

--caryl carr
730 Webster Street

Fong, Christy

From: Larry and Zongqi Alton <lalton@pacbell.net>
Sent: Tuesday, September 02, 2014 12:28 PM
To: Fong, Christy
Subject: 425 429 university avenue

Hi Christy,
This project must be stopped.
Kipling Street is very narrow and dangerous already. When large trucks are moving thru it or unloading it is a one way street if passable at all. Often you have to wait for traffic to clear to pass thru.
This project is basically a high rise residential property on University Avenue; a bad idea and dangerous precedent. Parking is already very bad in downtown neighborhoods.
Please keep downtown Palo Alto sunny and prevent University Avenue from becoming a congested canyon.
I would like to be informed of any events related to this development.
Thanks,
Larry Alton

Fong, Christy

From: Fong, Christy
Sent: Tuesday, September 02, 2014 1:59 PM
To: Sallyann Rudd
Subject: RE: 429 University Ave

Hi Sally,

The applicant has resubmitted their proposal on August 26, 2014, which you can find at this link. (http://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?BlobID=37684)

In drawing number A0.1, you can find the parking calculation in a summary table.

The proposed building comprises of 22,000 SF commercial space and 4 residential units.
For a 22,000 SF commercial space, it would require 88 stalls under the 1 stall / 250 SF ratio. Two spaces are required for each residential unit and one plus 10% of total number of units is required for guest parking (residential units required a total of 10 stalls). If there were no assessments or transferred area associated with parking exceptions for the site, a total of 98 spaces would be required. The zoning code exempts parking requirement for up to 5,000 SF (equivalent to 20 stalls) provided via Transferrable Development Rights and the project is located within the University Ave. Area Off-street Parking Assessment District with 21 assessed parking spaces (429 University Ave) plus 16 assessed parking spaces (425 University Ave) not to provide on the site. With these exemptions, the site would have to provide a total of 41 parking stalls.

The applicant is requested to prepare a focused traffic impact analysis. Along with the environmental review document, this analysis will be made available once it is completed.

Should you have further questions, please do not hesitate to contact me directly.

Regards,

Christy Fong | Planner| P&CE Department

250 Hamilton Avenue | Palo Alto, CA 94301

T: 650.838.2996 |E: Christy.fong@cityofpaloalto.org

Please think of the environment before printing this email – Thank you!

-----Original Message-----
From: Lee, Elena
Sent: Tuesday, September 02, 2014 8:56 AM
To: Sallyann Rudd
Cc: Fong, Christy
Subject: RE: 429 University Ave

Hi Sally,

Thank you for your email. Christy Fong is now the assigned planner for this project. She has been copied on this message and will respond to your request. (Thanks Christy.)

Elena

-----Original Message-----
From: Sallyann Rudd [mailto:sallyann_r@yahoo.com]
Sent: Sunday, August 31, 2014 7:17 AM
To: Lee, Elena
Subject: 429 University Ave

Hi Elena

I just found out about this new project through our neighborhood Nextdoor list.

Can you please tell me how many parking spaces this building requires, how many are mitigated by other factors such as downtown parking distrcit and proximity to transit, and how much square footage will be devoted to commercial, retail and residential?

Also, if there is a traffic plan, I'd like a copy, since there appear to be more pages in the plans devoted to tree protection than neighborhood traffic and parking mitigation.

Thank you

Sally-Ann Rudd
354 Pole St
Palo Alto

Fong, Christy

From: Julie Siegert <overdew@pacbell.net>
Sent: Tuesday, September 02, 2014 3:15 PM
To: Fong, Christy
Subject: 429 University

I wanted to express my concern and disapproval of the project plan for 429 University. Another project too big for our city. Too much traffic on Kipling, too much parking spillover into Downtown North, and too tall. We are creating a tunnel on University avenue of these tall structures ultimately good for developers not good for residents.

Please stop this madness before what is left of our beautiful city is completely destroyed.

Sincerely,

Julie Siegert

Fong, Christy

From: Stan Dirks <sjdirks@gmail.com>
Sent: Thursday, September 04, 2014 8:18 PM
To: Fong, Christy
Subject: Proposed project at 425 and 429 University Avenue

Follow Up Flag: Follow up
Flag Status: Flagged

I strongly oppose the approval of this project and any other additional four story or taller buildings along University Avenue between El Camino and Middlefield Avenue, and I strongly oppose the approval of any building that does not provide its own parking for its maximum use.

We must retain the character of a friendly and welcoming downtown, with street level sunlight, open spaces, trees and restaurants (including outdoor seating), rather than creating a tunnel-like environment with tall buildings on both sides of the street, blocking the sun and destroying the ambience. There are already too many four story and taller buildings downtown. The fact that there is one across the street from this site does not mean that more must be allowed—it means the opposite.

Stan Dirks
545 Ruthven Avenue
Palo Alto, CA 94301

Fong, Christy

From: mwg1378@gmail.com on behalf of Mike Greenfield <mike@mikegreenfield.com>
Sent: Thursday, September 04, 2014 11:23 AM
To: Fong, Christy
Subject: 425/429 University Avenue

Hi Christy-

I wanted to send a quick note to let you know that I am a resident who lives on Kipling Street (at 321 Kipling) and am strongly supportive of new development at University and Kipling. Palo Alto is in dire need of both new office space and new housing, and I would love to see construction on that and other nearby projects start soon.

This is a blog post I wrote on a related topic: http://numeratechoir.com/how-to-bring-innovative-not-insanely-wealthy-people-back-to-palo-alto/

Thank you for your work in helping Palo Alto to grow and evolve.

-Mike

Fong, Christy

From: Lisa Rutherford <lrutherford@gmail.com>
Sent: Friday, September 05, 2014 10:53 AM
To: Fong, Christy
Subject: Re: Neighbor concerns about 429 University

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Christy,

I saw that the plans for 429 University were resubmitted with no real changes, and I wanted to once again document our concern over its impact on Kipling Street:
- increased traffic and parking on an already overloaded and narrow street (we frequently have people parking in front of our driveway
- increased noise level, both during construction and afterwards, due to the possibility of nighttime usage of the nonresidential portions of the building
- safety of the garage entrance
- safety and livability of Kipling Street - already an overly narrow street for its current traffic flow, let alone the increased traffic and hazards from the parking garage
- general safety and vagrancy around the parking garage. I would be devastated to have the increased crime and dirtiness that have plagued other downtown parking facilities just a few blocks away.

Lisa

On Aug 20, 2014, at 3:06 PM, Fong, Christy <Christy.Fong@CityofPaloAlto.org> wrote:

Hi Lisa,

Thank you for your comments. It will be documented in file and is subject for consideration during the review process. The applicant is currently revising the plan. Once we receive the revised plans, they will be posted at this link below:

http://www.cityofpaloalto.org/news/displaynews.asp?NewsID=2449&TargetID=319

Should you have further questions, please do not hesitate to contact me directly.

Regards,

<image001.jpg>

Christy Fong | Planner | P&CE Department
250 Hamilton Avenue | Palo Alto, CA 94301
T: 650.838.2996 | E:Christy.fong@cityofpaloalto.org

Please think of the environment before printing this email – Thank you!

From: Lisa Rutherford [mailto:lrutherford@gmail.com]
Sent: Tuesday, August 19, 2014 9:37 PM
To: Fong, Christy
Subject: Neighbor concerns about 429 University

Hi Christy,

I'm writing regarding the development project being proposed at 429 University Ave. My family (husband and 3.5 year old) has lived at 443 Kipling Street, the beautiful Victorian closest to the proposed garage entrance, for the past eight years. We LOVE our home and have considered ourselves lucky to have found a place that is both convenient to downtown, yet on a quiet, peaceful, and safe street.

When I saw the plans for the proposed development, my stomach dropped. I know that single family homes in downtown Palo Alto are becoming rare, so it would be easy to assume our home was also a converted business, but it's not -- It's our home. And the current plans look like they will detrimentally effect our lives. I am concerned about:

- increased noise level, both during construction and afterwards, due to the possibility of nighttime usage of the nonresidential portions of the building
- safety of the garage entrance -- My little guy loves to scooter around, so the traffic in and out of the garage is worrisome
- safety and livability of Kipling Street - already an overly narrow street for its current traffic flow, let alone the increased traffic and hazards from the parking garage
- general safety and vagrancy around the parking garage. I would be devastated to have the increased crime and dirtiness that have plagued other downtown parking facilities just a few blocks away.

Right now, we live on the most perfect street in the most perfect town. I hope the existing plans can be amended to help maintain our beautiful home.

Lisa

---

lisa rutherford
lrutherford@gmail.com
650.380.2812

Fong, Christy

From: Jeff Svoboda <doctorjeffs@aol.com>
Sent: Friday, September 05, 2014 7:58 PM
To: Fong, Christy
Subject: City need to grow, develop

Ms Fong, Palo Alto needs to see the need for new devlopment, area of more business and taller buildings and areas for neighborhoods. We arena thriving community based on attracting
New ideas, new business. Room for smart ideas to percolate. This includes new devlopment on University avenue. Do no agree with the short sided "no" devlopment mindset. Parking can be addressed.

Let broaden the discussion. Jeff Svoboda Palo Alto resident Sent from my IPad

Fong, Christy

From: Brett Caviness <brett@levettproperties.com>
Sent: Monday, September 08, 2014 4:03 PM
To: Fong, Christy
Subject: 429 University Ave Development Project

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Christy,

As Director of LeVett Properties, property management company I wanted to reach out to you with our position with regard to the proposed project at 429 University Ave in Palo Alto. LeVett Properties strongly opposes the current plans for the proposed project at 429 University Ave. LeVett Properties works to look out for the best interests of both our properties and our residents. With this in mind, we feel that the project as proposes poses serious adverse affects to current and future residents of one of our properties specifically located at 405 Kipling St. Traffic is a primary concern to our resident's parking needs as well as safety. Being in a small downtown area like Palo Alto, perspective residents frequently make decisions on the basis of parking options for both them and their guests. The proposed project would greatly impact our ability to draw the highest income potential from our units as residents look to properties were the density may be less and therefore more accommodating for their needs. The increased traffic demanded of Kipling will also mean our residents and perspective residents will be considering increases in road noise, pedestrian traffic and a heightened potential for accidents and other nuisances. We do not feel the current plans meet the true needs of the neighboring properties surrounding the project.

Thank you for taking the time to understand our concerns.

Sincerely,

Brett Caviness
Director

LEVETT PROPERTIES

502 Waverley St Suite 304 | Palo Alto, CA 94301
Phone. (650)321 0440 | Fax. (650)328 4859
www.LeVettProperties.com
Follow us on Facebook and Twitter!

What our Residents say:
"I can't say enough good things about either Brett or Galina, truly outstanding Service." -Emud, Palo Alto

Fong, Christy

From: Linda Anderson/Bert Page <b-l-page@pacbell.net>
Sent: Thursday, September 18, 2014 10:38 AM
To: Fong, Christy
Subject: University and Kipling Project

Christy,

As a resident of Downtown North, I strongly oppose this development as proposed. It is one more assault on the DTN quality of life that already has been seriously eroded by development "exceptions" causing what may or may not be "unintended consequences."

The issues are many. Among them are building height, parking, square foot calculation used for parking needs, etc. I look forward to the day Palo Alto enters the real world and changes is 250 sq. ft./person to something resembling current actual.

I hope my comments are not too late. I have been out of town.

Thank you,

Linda Anderson
267 Bryant Street

Fong, Christy

From: Becky Baer <becky_baer@yahoo.com>
Sent: Monday, September 29, 2014 1:10 PM
To: Fong, Christy
Subject: New building at 425 & 429 Univ Ave

Dear Ms. Font,

I am writing as a youngish (69) senior citizen and homeowner on Lytton Ave. My husband and I and three children moved into our house in 1972. Our fourth child was born here in 1975. Our children grew up within walking, bicycling and skateboarding distance of downtown. Currently, both my husband and I walk downtown several times a week. Always on Saturdays to attend the Farmers' Market. Other times to stop at the post office, or pick up prescriptions. Over the years we have witnessed an alarming transformation of our beloved downtown area. The first offense was the hideous Cheescake Factory building, which in no way reflects the style of the area. The current proposal to tear down and replace the building at 425 & 429 University is another nail in the coffin. Already, there is inadequate parking for the buildings in existence. Please reconsider this proposal.

As for choices in shopping for my demographic, Los Altos and Menlo Park are much more appealing. It seems short sited of our city to focus only on attracting the young techies, while ignoring what may be attractive to an older generation.

Thank you for your time and for the opportunity to air my grievances about what is happening to the city I fell in love with 42 years ago.

Becky Baer
851 Lytton Ave.

Http://www.beckybaer.com

sent from my iPad

Fong, Christy

From: ssmofa@cwnet.com
Sent: Wednesday, October 08, 2014 10:01 AM
To: Fong, Christy
Subject: demolition of 425 University and 429 University

Dear Ms. Fong:

We are very concerned about the demolition of these two parcels and replacing them with a 4 story 33,000 s.f. mixed use building.
We feel this is not a good fit for that block on University for several important reasons.

First of all, parking. I understand that the developer wants to put in two layers of a parking structure under the current space behind the current building. I don't see that there will be enough room for cars to go in and out in that place. Street trees will have to be removed. Traffic is already dense in that area and will be blocked for the comings and goings related to the parking.

Second point is water use. Bringing more workers into downtown Palo Alto without increasing water use is something requiring much thought. The area is already in severe drought and increasing office space with cubicles will bring in more workers who must park and who will be using increasing amounts of water & sewers

Thirdly, this street has a lovely feel to it as it is. There are street trees and the street gets sun all year round. With 4 story buildings going in, there is likely to be a wind tunnel created and the trees will have to be removed. They will no longer receive enough sunlight to keep them alive. Birds sing all year in this area. That will end as well.

We shop on this street and we dine on this street. Without businesses like the small, local retailers we frequent, there is nothing to bring us down to Palo Alto & University Avenue. We love the character of downtown Palo Alto. We come down a few times each month to shop and dine although we live in the east bay. We bring out of town visitors, too.

We were shocked to hear about this and we hope that you will consider beyond the profit making involved in this short sighted project. Palo Alto draws visitors and students and their families, researchers and is a world class destination. A bunch of offices and chain businesses will not be the draw that a lovely, tree lined street with interesting chains and independent retail stores is and has always been for Palo Alto. Please vote against this unsightly and impractical project.

Thank you for your kind attention

Mr. & Mrs. N. K. Farrell
Oakland CA

Fong, Christy

From: Carol Lamont <carol@lamont.com>
Sent: Wednesday, October 29, 2014 12:11 AM
To: Fong, Christy
Subject: Proposed Development Plans Submitted for 425 and 429 University Avenue

Christy,
I would like more information on the plan submitted for the proposed new development at 425 and 429 University Avenue.

1) Is the plan as submitted consistent with current zoning for these properties? If not, is the developer seeking PC zoning or specific amendments?
2) Do the existing buildings have any historical significance or protection? The buildings at the following addresses are identified as works of Birge Clark built in 1927: 423, 425, 427, 429, 433, and 437 University Avenue per the website at http://www.pastheritage.org/Birge.html
3) What is the current status of the proposed project and what additional steps are set for the review and decision whether to approve the plan? What opportunity is there for public input?
4) What concerns and objections to the plan have been submitted by staff or the public to date? How can I access reports and minutes of meetings at which the proposed plan was considered.

Thank you for any information you can provide about this project that would seriously degrade the character of downtown Palo Alto.

Sincerely,

Carol
Carol Lamont
618 Kingsley Avenue
Palo Alto, CA 94301

Fong, Christy

From: John Hanna <jhanna@hanvan.com>
Sent: Friday, November 07, 2014 6:41 PM
To: Fong, Christy
Subject: 429 University avenue

The new project proposed for the corner of University avenue and Kipling is exactly what we need more of in Downtown Palo Alto. We need more residential downtown to make it possible for people to live and work in town (as opposed to commuting), and we need more parking downtown. This project fulfills both of those needs, and addition adds to the tax base and improves the aesthetics of that corner considerably. The project meets zoning and parking requirements and need no special favors or exceptions.
What's not to like?

John Paul Hanna, Esq.
Hanna & Van Atta
525 University Avenue, Suite 600
Palo Alto, CA 94301
Telephone: (650) 321-5700
Facsimile: (650) 321-5639
E-mail: jhanna@hanvan.com

Fong, Christy

From: K. Fong <ksfongdna@yahoo.com>
Sent: Friday, November 07, 2014 7:16 PM
To: Fong, Christy
Cc: Kenneth Fong
Subject: 429 university new building project

Dear Ms Fong,

I am writing to support Elizabeth Wong's building at 429 University Ave, Palo Alto because it is a mixed use facility that we need in this great city of ours.

I have been a biotech entrepreneur/investor in Palo Alto-Mt View since 1984 and am also owner of several downtown commercial buildings for some time. I love this city and I believe this new building and its design would bring vitality and greater tax base to our city for a long time to come. We should not let this window of opportunity to build such a vibrant facility pass without the city carefully examining its merits.

Thank you for your attention.

Respectfully,

Kenneth Fong

Kenneth Fong
Chairman, KENSON Ventures, LLC

400 Hamilton Avenue, #410, Palo Alto, CA 94301
Phone : 650 330-0322 Fax : 650 330-0577

Fong, Christy

From: Elizabeth L <laskyea@gmail.com>
Sent: Sunday, November 09, 2014 4:34 PM
To: Fong, Christy
Cc: elizabethwong2009@gmail.com
Subject: 429 University

Ms. Fong,

I support the Wongs' project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Elizabeth Lasky

Fong, Christy

From: Beverly Fields <beverly.fields@prprop.com>
Sent: Monday, November 10, 2014 9:51 AM
To: Fong, Christy
Subject: 429 University Avenue, Palo Alto

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Fong:

I have been working in Downtown Palo Alto since 1984 as a commercial property manager and have personally witnessed the Downtown's growth and development. I believe that the Wong's proposed project would be an asset to University Avenue, in addition to providing badly needed residential units and two levels of underground parking. I am very much in support of this project.

Sincerely,

Beverly Fields

Beverly Fields
Director of Property Management

25 years
Taking Pride in Palo Alto
PREMIER
PROPERTIES MANAGEMENT

Direct: 650.618.3004
Fax: 650.618.3009
beverly.fields@prprop.com

Premier Property Management
539 Alma Street
Palo Alto, CA 94301

www.prprop.com

Fong, Christy

From: James Lin <james@betterchinese.com>
Sent: Monday, November 10, 2014 10:06 AM
To: Fong, Christy
Cc: Elizabeth Wong
Subject: Support of Wong's Project at 429 University Avenue
Attachments: 11_SupportForEWongProject.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Please support Wong's Project. See attached letter.

Regards,

-James

--

James Lin
Founder & CEO
Better Chinese
2479 E Bayshore Rd, Suite 110
Palo Alto, CA 94303

T. +1-650-384-0902
F. +1-888-384-0901
E. james@betterchinese.com
W. www.BetterChinese.com

https://www.youtube.com/watch?v=3uGR9vHdog4

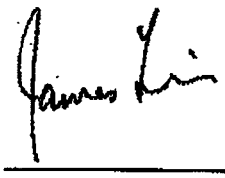
To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,



Name

Home: 675 Greer Road, Palo Alto, CA 94303
Business: 2479 E. Bayshore Road, 110, CA 94303

Home or business address in Palo Alto

Fong, Christy

From: kumikoyoshinari@gmail.com on behalf of Kumiko Yoshinari <yoshinari@princetonenergy.net>
Sent: Monday, November 10, 2014 12:38 PM
To: Fong, Christy
Subject: In support of the project at 429 University Avenue

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Fong

Mixed use buildings such as the one proposed for 429 University Avenue is precisely what we need in Palo Alto, to address housing, office and retail space shortage. Many more mixed use buildings will enable younger people to come work, live and raise a family in Palo Alto, ensuring that the City remains the center of innovation and a vibrant city.

Kumiko Yoshinari
Homeowner and Resident of Downtown North

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Serena Garcia

SERENA GARCIA
Name

534 Ramona Palo Alto
Home or business address in Palo Alto

Name

Home or business address in Palo Alto

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

RECEIVED

NOV 10 2014

Department of Planning &
Community Environment

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Vernon Altman

Name

928 Laurel Glen Dr
Palo Alto

Home or business address in Palo Alto

Name

Home or business address in Palo Alto

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Zachery Jadrich
Name

429 University ave Palo Alto 94301
Home or business address in Palo Alto

Name

Home or business address in Palo Alto

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

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Sincerely,

Connett & Ahart

Connett & Ahart
Name

955 Laurel Glen Dr 94304
Home or business address in Palo Alto
Palo Alto, CA 94304

Name

Home or business address in Palo Alto

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Clint Severson
Name

955 Laurel Glen Dr. 94304
Home or business address in Palo Alto
Palo Alto, CA

Name

Home or business address in Palo Alto

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

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I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Name	Home or business address in Palo Alto
Jon Goldman	539 ALMA ST, PALO ALTO, CA
Name	Home or business address in Palo Alto

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Name	Home or business address in Palo Alto
Avo Izmirlian	539 Alma St, Palo Alto, CA
Name	Home or business address in Palo Alto

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Brad Ehikian
Name

539 Alma St, Palo Alto
Home or business address in Palo Alto

Name

Home or business address in Palo Alto

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

PJ Gold
Name
Patrick J. Gold

425 University, Palo Alto, CA
Home or business address in Palo Alto

Name

Home or business address in Palo Alto

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Name	Home or business address in Palo Alto
Gordon Friedman	425 University Ave
Name	Home or business address in Palo Alto

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Name	Home or business address in Palo Alto
Andrew Gold	425 University, Palo Alto, Ca
Name	Home or business address in Palo Alto

Fong, Christy

From: David Kleiman <dkleiman@d2realty.com>
Sent: Tuesday, November 11, 2014 11:19 AM
To: Fong, Christy
Subject: 429 University Ave, Palo Alto

Dear Ms. Fong:

I support the approval of the proposed project at 429 University Avenue.

Not only does is provide parking that meets the City's requirements, but it will provide much-needed residential units.

Sincerely,

David Kleiman
333 High Street
Palo Alto, CA

Fong, Christy

From: Stephen D. Pahl <Stephen@pahl-mccay.com>
Sent: Tuesday, November 11, 2014 1:21 PM
To: Fong, Christy
Cc: Elizabeth Wong (elizabethwong2009@gmail.com)
Subject: 429 University Avenue

Ms. Fong: Please permit this correspondence to serve as a strong letter of support to the project currently before the ARB at 429 University. Not only have the property owner expended serious time and money to design a project within the standards of Palo Alto's downtown standards, if completed, it will constitute a serious upgrade in the quality of the neighborhood. Our office has represented both developers and tenants on the Avenue, and I personally have engaged in projects for my own account within Palo Alto. This project clearly seeks to reach a middle ground between density and use and strikes a balance between retail, office and residential. I recently received a letter from a North Palo Alto resident complaining one of our represented projects would only serve to require the retail/office employees to further park in "their" neighborhood. This project substantially "self-parks" and with the residential portion of the project, perhaps can serve as a live/work unit.

Should you have any questions or comments, please do not hesitate to contact the undersigned.

PAHL&McCAY
A Professional Law Corporation

Stephen D. Pahl
Pahl & McCay, a Professional Law Corporation
225 West Santa Clara, Suite 1500, San Jose, California 95113
Telephone: (408) 286-5100 Direct: (408) 918-2826
Cell: (408) 210-0500 Facsimile: (408) 286-5722
Email: spahl@pahl-mccay.com

Fong, Christy

From: Sam Arsan <sam@arsanrealty.com>
Sent: Wednesday, November 12, 2014 10:58 PM
To: Fong, Christy
Subject: 429 University Avenue

Dear Ms. Fong

I have been leasing and managing properties in the downtown Palo Alto market for over twenty years. As one of the most active brokers in the downtown area I believe in supporting any and all efforts to preserve and continue to improve the vibrant nature of downtown.

I support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Sam

Sam Arsan
Arsan Realty
801 Woodside Road, Suite 11
Redwood City, CA 94061
650-322-3143
650-322-6028 Fax

LEVETT
PROPERTIES

November 18, 2014

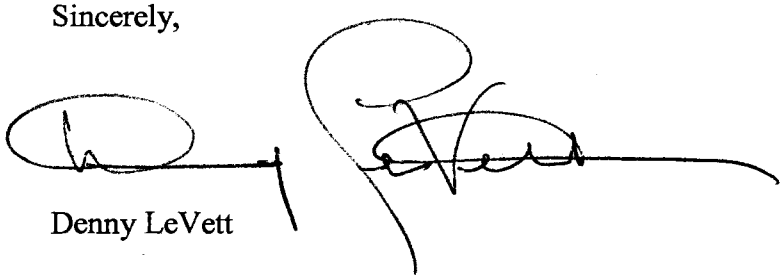
To Whom It May Concern,

I, Denny LeVett hereby express my complete and total support of Mrs. Elizabeth Wong's building project located at 429 University Ave in Palo Alto.

I have reviewed the plans and believe that the building is absolutely stunning and enhances the charm of the Palo Alto landscape.

I believe the building would be a great asset to Palo Alto and the Downtown community.

Sincerely,



Denny LeVett

502 Waverley St Suite 304 | Palo Alto, CA 94301 | ph (650)321-0440 | fax (650)328-4859 | www.levettproperties.com

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Thank you !

[signature]	#401 400 Hamilton Ave, Palo Alto, CA 94301
Name: Kenneth Fong	Home or business address in Palo Alto
Name	Home or business address in Palo Alto

Gmail

Follow-up to Proposed Project at 429 University Ave Palo Alto

Brett Caviness <brett@levettproperties.com> Wed, Nov 19, 2014 at 4:06 PM
To: Christy.fong@cityofpaloalto.org
Cc: elizabethwong2009@gmail.com

Dear Christy,

As Director of LeVett Properties, property management company I wanted to reach out to you as our position on the proposed development at 429 University Ave in Palo Alto has evolved. Through our meeting with the Developer and Owner of the project, we have come to understand the positive impacts the project can have on Downtown Palo Alto and thus the desirability of our real estate assets and rental abilities. We have moved our position to be in favor of the proposed project. Thank you for your attention in this matter. We are comfortable with both the design and function of the property including parking and traffic potential impacts. Please consider our office in support of the project.

Sincerely,

Brett Caviness

Director

LEVETT

502 Waverley St Suite 304 | Palo Alto, CA 94301

Phone. (650)321 0440 | Fax. (650)328 4859

www.LeVettProperties.com

Follow us on Facebook and Twitter!

What our Residents say:

Fong, Christy

From: Steve Dow <sdow@srfunds.com>
Sent: Wednesday, January 14, 2015 4:10 PM
To: Fong, Christy
Subject: comments vis a vis proposed building at corner of University and Kipling

Dear Ms Fong:

My name is Steve Dow.
I'm a tenant at 421 Kipling St (have been for the last 8 years) and have had an office on or near University Avenue since 1992.
I've lived in or near Palo Alto since 1972. I believe I have a good feel for Palo Alto and have been generally supportive of many of the projects that have been built in the last 40 years.

The most important thing when considering the appropriateness of a new project is its fit to the specific site: meaning the same project on a different site might make sense. In this case, it DOES NOT fit.
Kipling is a very narrow street — much narrower than most streets that intersect with University Avenue. As it is, it is generally impossible for two cars, traveling in opposite directions on Kipling, to pass without one or the other pulling over into a driveway or parking space. When this happens near the intersection at University or Lytton, it can have an impact on the traffic flow on University or Lytton. A large building, with a two story underground parking garage whose ingress and egress is on Kipling would create a traffic disaster. Put this same proposed building on Waverly, or Bryant, or most other streets, and it would not cause a huge problem.
But it is on Kipling.

I URGE YOU TO NOT ALLOW THIS PROJECT, as currently construed, to proceed. It does not fit.
If it were built without the underground garage, then its impact would be "only" aesthetic (ie impacting the surrounding buildings, casting shadow on the houses across the street on Kipling). Aesthetics are a very subjective measure, and while I might prefer a lower building, I appreciate that is a debate one can have.
However, traffic is not subjective. The addition of inflow and outflow from the proposed parking onto Kipling is not consistent with Palo Alto's desire to improve traffic in the downtown area. It would make it worse.

Regards,
Steve

Steve Dow
Sevin Rosen Funds
421 Kipling Street
Palo Alto, CA 94301
cell: 650-619-6365

#2a

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

FABIO SANGIORGI
Name

2/5/15

165 CAMBRIDGE AVE # 612 44
Home or business address in Palo Alto
PALO ALTO CA 94306

FABIO SANGIORGI

Name

Home or business address in Palo Alto

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

Carlos Ruiz — 350 Grant Ave, Palo Alto

Name: CARLOS Ruiz — Home or business address in Palo Alto

Name — Home or business address in Palo Alto

To: Christy Fong, Planner
City of Palo Alto Planning Department
Email: christy.fong@cityofpaloalto.org

Subject: 429 University Avenue
Palo Alto, CA

Ms. Fong,

I/we support the Wong's project at 429 University Avenue. It provides two levels of underground parking, which fulfills the City's parking requirements. It adds four much-needed residential units and it will upgrade the existing retail space at the property.

Sincerely,

JOHN KURZ
Name

935 ADDISON PALO ALTO
Home or business address in Palo Alto

JOHN KURZ

Name

Home or business address in Palo Alto

FEB 12 2015

Department of Planning
& Community Environment

February 12, 2015

To The Members of the Architectural Review Board
City of Palo Alto

Re: Wong Project – 425 University, Palo Alto

Dear ARB Members:

I began working in Downtown Palo Alto in 1984 as a commercial property manager for a local developer who also owned a commercial property management company. I have personally witnessed the transformation of the Downtown from an unattractive corridor with old, badly maintained, buildings – mainly housing financial institutions, a few restaurants and very little office and retail.

The Downtown was virtually dead, mostly catering to the Stanford students. It did not attract residents from neighboring communites, or any potential tenants. From what I remember there were a lot of vacant buildings.

It was the vision of local developers at that time to transform the Downtown to another "Santa Barbara," and were designing and building "Spanish Style" buildings in order to revitalize the Downtown. Then some young architects emerged on the scene, one of them being Ken Hayes, who became involved in designing and building some different projects. Ken Hayes' buildings were modern, sleek, simple and beautiful, and really brought diversity to the Downtown corridor.

Because of this architectural diversity, Palo Alto began to attract unique and upscale restaurants, retailers and office users. The Downtown began showing its own unique identity.

I do not feel that Palo Alto would have the economic stability it has today without the diversity that the Downtown offers to its users, which has made Palo Alto a destination for the entire Bay Area.

I believe that the Wongs' proposed building is unique, beautiful and timeless, and will contribute to the uniqueness of this important corridor.

It is my hope that the Board will approve this project. Thank you.

Sincerely,

Beverly Fields
539 Alma Street
Palo Alto, CA 94301

Kipling Post LP
P. O. Box 204
Palo Alto, CA 94302

November 11, 2014

429 University Avenue
Response to Opposing Comments

Dear Ms. Gitelman:

E-mails and letters have been sent to your Department by residents and others expressing concerns and objections to the development proposal for the property at 429 University. They variously address fears due to building height, traffic, parking and aesthetic concerns, among others. Please allow me to present a different point of view.

TRAFFIC

You have in your possession a comprehensive Transportation Impact Analysis report ("Traffic Report") prepared for us following directives from the City of Palo Alto's Transportation Division by Hexagon Transportation Consultants, Inc. It estimates that, on the high side, the project would generate 166 net new trips daily with 21 of these occurring at AM peak hours and 21 at PM peak hours, and it concludes that all the intersections studied would continue to operate at levels acceptable to the City.

The report studied traffic impact at both ends of the 400 block of Kipling Street, at the intersections of Lytton Avenue with Alma Street and with Middlefield Road, and at the intersection of University Avenue and Middlefield Road. These were the locations where the City deemed impact would be greatest. The report studied six traffic condition scenarios: existing traffic conditions, existing plus project added, background, background plus project added, cumulative, and cumulative plus project added. For each of these scenarios, the conclusion is the same, these intersections would continue to operate at City-acceptable levels (pages 24, 28, 31 and 34). These conclusions are based on methodology and standards under the Transportation Research Board, 2000 Highway Capacity Manual; the 2010 California Manual on Uniform Traffic Control Devices and the City of Palo Alto's Level of Service Standards.

The Traffic Report further indicates that there will be no undue delays on Kipling Street (vehicle queuing) due to the traffic from the project, although there are pre-existing conditions that cause delays in turning from University westbound onto Kipling Street but that these delays are unrelated to the proposed project (page 38-39).

PARKING

The proposed project will include two levels of underground parking, providing 41 auto parking spaces. This is in addition to the 37 auto spaces for which the City has been receiving payment from us for years via the Downtown Parking Assessment District. Several of these spaces are accessible, van- accessible, clean-air/van pool, EVSE, and EVSE-ready as required by the newest regulations. Additionally, short-term and long-term bicycle parking is provided by the project in compliance with City requirements. Under current parking requirements, we have an excess of 6 parking spaces; no exceptions are requested.

BUILDING HEIGHT AND FACADE

In response the City's and neighbors' concerns expressed at the preliminary ARB earlier this year, we moved the rear perimeter of the building 4 feet in, giving a wider aspect to the alley, and we reduced the impact of apparent height and shadows by moving the fourth floor construction away from the perimeter of the property. From some vantage points, at or near street level, the fourth floor is all but invisible. We feel that it is important to establish an elegant presence at this visible corner as we enter the downtown core from University Avenue east. This building will do just that, and make a proud statement for Palo Alto.

We have nearly 20 years of retail leasing experience in Palo Alto and we know that, what retailers want and demand is a strong presence at the street level, with attractive windows, open and inviting. The Apple store farther along University Avenue is a prime example of a new construction with presence and sidewalk appeal. The smooth and continuous storefront was an important requirement from them. Incidentally, the Apple store generates around ten times the annual sales of other retailers; not even Apple could have achieved this level of sales with a tired and less visible storefront. We estimate that our project's visibility will significantly contribute to sales and therefore be a significant tax revenue source for Palo Alto.

The existing buildings are near the end of their physical life. They are energy-inefficient, and the water and sewer services which are embedded in the concrete walls and foundation slab are not accessible to maintain and repair.

AESTHETICS

Take a walk down University Avenue, or Lytton or Hamilton. What is striking about the downtown commercial core is the diversity of architectural styles. I'm sure Birge Clark, in his day, had detractors too. The beauty of downtown is that many different styles make for a welcoming panorama where there is something for everyone – different building shapes, heights, colors, ages. It's not Disneyland, with uniform and plastic facades. The different retail and restaurant storefronts, old and new, add to this multi-faceted welcoming tableau. That is why Palo Alto thrives while its neighbor cities have to try harder.

While we are taking a walk, check out the houses on the 400 block of Kipling, from where many of your letters originate. The block has one- and two-story houses, mostly used as dense commercial and multi-residential rentals, all vying for on-street parking since almost no off-street parking is provided in the respective properties. This is an existing parking and traffic problem in a congested area, and the occupants' frustration is misdirected toward our 429 University project.

FEAR

A few letters you have received cite fears about safety and crime, presumably brought about by the erection of a new building with underground parking. What I can't figure out is how this is different from what we have now? A well-managed building will keep its premises and its surroundings safe and crime-free; we have owned this property for decades and have been diligent in its management. Now, after investing millions in the new project, does anyone honestly believe we would abandon good practices and let this investment deteriorate?

A NEW PERSPECTIVE

Our family came to Palo Alto about twenty years ago. We decided to make this city our home. We bought a house, expensive as it was even then. We liked the downtown and invested in it. In these nearly two decades, we have seen, and possibly helped, Palo Alto become a destination for shopping, living and education; a crucible for new ideas and novel ways to live and work; a hotbed of retail and fine dining options. This would never have happened if we let our fears dominate how we see the future of our City.

We, too, have a dream. That one day, the great City of Palo Alto and its citizens will not oppose projects out of fear and naiveté; that we can all embrace progress and intelligent growth and use that to help the City and each of us become better than could otherwise be. This is our legacy to our family and to our City.

Thank you.

Jaime and Elizabeth Wong

Kipling Post LP
P. O. Box 204
Palo Alto, CA 94302

January 21, 2015

429 University Avenue
Response to Opposing Comments from Steve Dow

Dear Christy:

In the opposition letter from Steve Dow, one of the tenants in Mr. Michael Harbour's building on Kipling Street, Mr. Dow states: "If it were built without the underground garage, then its impact would be 'only' aesthetic ... Aesthetics are a very subjective measure".

Mr. Dow insists on doing away with the underground parking. As you know, the City has denied our request to have a smaller garage for as few as 8 cars on-site, and pay in lieu of parking for 27 spaces. In compliance with the City's Planning and Transportation requirements, 40 spaces are planned, 5 more than required by City ordinances. In addition, at the City's request, a transportation and parking study was commissioned and the professionals at Hexagon Transportation Consultants, Inc. indicated that any increased use of Kipling Street and the surrounding intersections due to our project do not unduly worsen traffic flow there or elsewhere.

Other than traffic, Mr. Dow concedes, his opposition is "only aesthetics", which indeed is a "subjective measure". What Mr. Dow fails to accept is that Palo Alto does not regulate aesthetics, cannot spot zone, and may not illegally discriminate against any individual project.

Our project complies with all City requirements regarding square footage and FAR, zoning, public works, transportation and parking. All these approvals have been legally obtained with complete transparency and without any exceptions requested.

This project will bring to the City updated retail and much-needed housing, in a structure that meets the latest demands of energy efficiency, earthquake safety and environmental needs.

Please issue a prompt approval.

Elizabeth and Jaime Wong

ITEM #1

Tamale, Diana

From: Neilson Buchanan <cnsbuchanan@yahoo.com>
Sent: Monday, February 16, 2015 1:41 PM
To: Architectural Review Board
Cc: Planning Commission
Subject: 429 University
Attachments: Parking Space Pipeline Analysis v 0216.pdf

Here are 4 issues serially raised by residents who live adjacent to the University Avenue Commercial Core. I look forward to your architectural perspective later this week. I urge you to think and act beyond the formal responsibilities assigned to the ARB.

- The report clearly states a deficit and avoids a remedy for that deficit. It does not disclose or even suggest specific parking alternatives for tenants, residents, visitors and customers who cannot or who may choose not to park onsite.
- Developments with undeniable parking space deficits create negative spillover parking impact. This negative impact does not discriminate. It impacts other University Avenue tenants, customers, property owners and adjacent residential neighborhoods.
- ARB has an obligation, perhaps only a moral obligation, to evaluate and comment on the project in the context of the larger business and residential community's stressed parking and traffic environment.
- 429 University is just one symptom of failed development and parking policy. The solution is an expanded, forward looking Planning Department and/or a temporary development moratorium for University Avenue Commercial Core.

I sincerely hope this email creates a productive context for your stewardship....ie, beyond the project footprint.

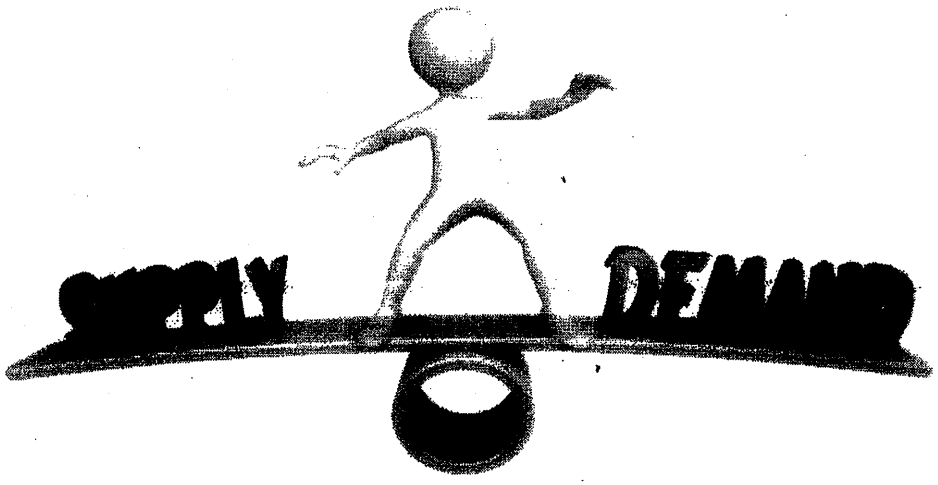
BTW: The attached analysis is a work in process and will be updated every 1-2 months. It admittedly needs polish and will be professionally edited/formatted with new graphics as funding becomes available.

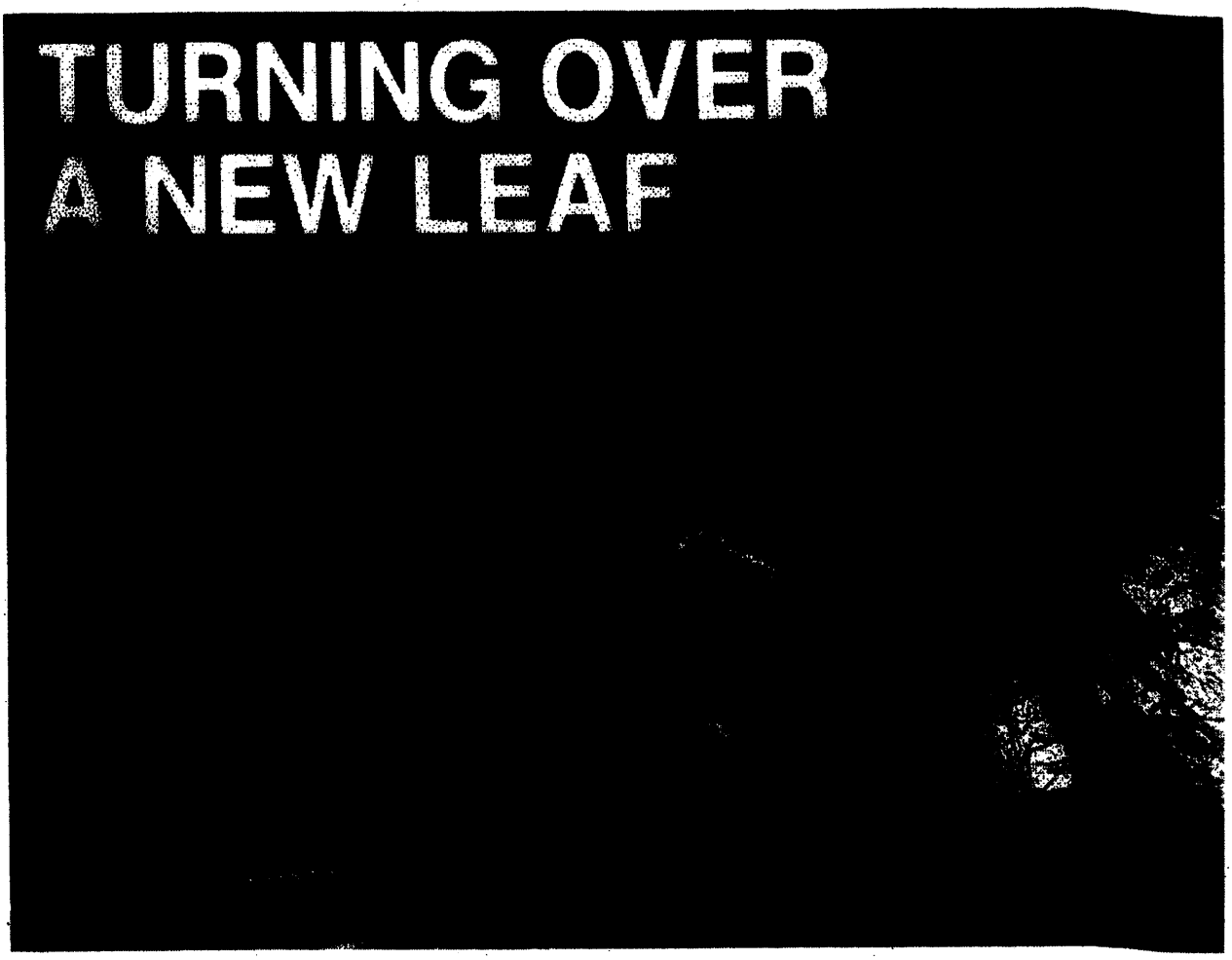
Neilson Buchanan
155 Bryant Street
Palo Alto, CA 94301

650 329-0484
650 537-9611 cell
cnsbuchanan@yahoo.com

Analysis of Permit Parking Pipeline in the University Avenue Commercial Core

(Discussion Draft Feb 16. Contact: N. Buchanan 537-9611)



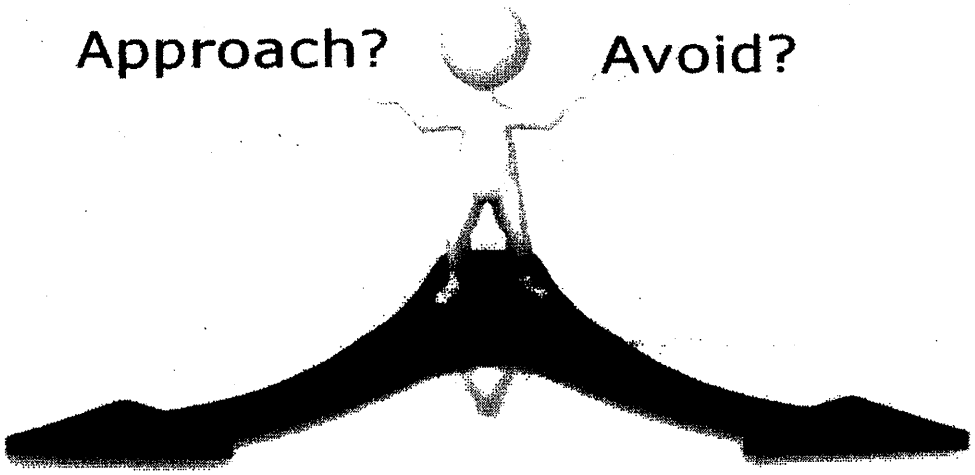


OBJECTIVE STANDARDS ARE ESSENTIAL FOR NEIGHBORHOOD QUALITY

- **MEASURABLE BIKING AND PEDESTRIAN SAFETY**
- **LIMITS FOR NON-RESIDENT PARKING INSTRUSION**
- **EQUITABLE DISTRIBUTION OF NON-RESIDENT PARKED VEHCILES**
- **SPILLOVER TRAFFIC AT RUSH HOUR**
- **REGULAR MONITORING OF AT RISK INTERSECTION**
- **SENSIBLE ZONING FOR NEW HOUSING**
- **ENFORCEMENT AND COMPLIANCE**
- **FORWARD LOOKING *CITY-GENERATED* DATA TO MANAGE QUALITY**
- **DESIGNATED CITY STAFF FOR QUALITY CONTROL**

CITY COUNCIL CONUNDRUM

[need rising tide image?]



CUMMULATIVE NEGATIVE IMPACT IS *REAL NOT HYPOTHETICAL*

Parking Supply Shortages Will Accelerate When Tenants Assume Occupancy in the Near Future

TWO CASE EXAMPLES

OR

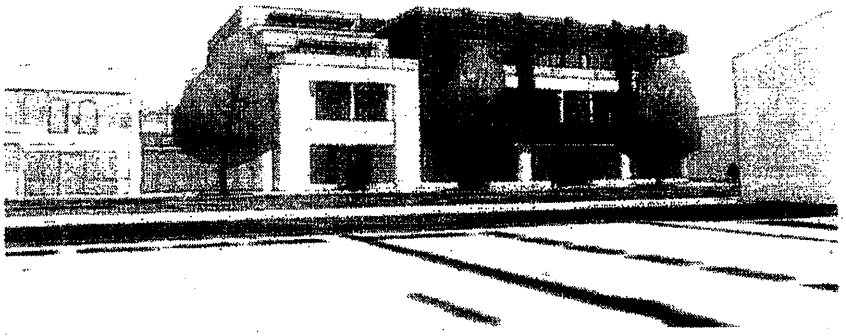
A TALE OF TWO CITIES
WITHIN THE UNIV AVE CORE

At least 2 other University Avenue pipeline projects are in formal review process. Other projects could be in private discussions with city staff.

Now is the time to connect housing, safety, traffic and parking policies to commercial developments in the Palo Alto's two commercial cores. It is evident to any casual observer that Palo Alto's development policy subsidizes developers via parking policies and gives inappropriate weight to commerce at the expense of residential neighborhood quality. This is in clear violation of Palo Alto's Comprehensive Plan.

429 UNIVERSITY AVENUE
PALO ALTO, CA

REVISION 5 : 02.19.15



CASE STUDY #1 WITHIN THE PARKING ASSESSMENT DISTRICT

- **OUTDATED PARKING ENTITLEMENTS AND PARKING EXEMPTIONS, aka scary assumptions for ghost parking space in Parking Assessment Districts**
- **UNLIMITED ENTITLEMENTS TO PARKING IN RESIDENTIAL NEIGHBORHOODS**

429 University Avenue (office and 4 penthouses in Project Review Process)

20,407 SF commercial; 11,000+ sf residential
One parking place per 250 sq ft per parking space= 82 parking spaces required
11,000 residential sf requires 10 parking spaces
ONLY 40 onsite parking spaces to be built by developer; 10 of the 40 spaces must be dedicated to penthouse owners.
Offsite parking demand is 92-40= 52 spaces deficit in unknown location
https://www.cityofpaloalto.org/civicax/filebank/documents/45512

POLCIY QUESTIONS TOO LONG UNANSWERED

This project requires a higher level of professional review to address its impact within the commercial core and upon adjacent residential neighborhoods. This is the time for the Council to demand common sense analysis of negative impacts, especially parking upon residential neighborhoods and within the commercial core. Listed below are components of staff reports that must be addressed by project developer and city staff.

1. Will the staff report include mitigation of known negative impacts?
2. Will staff anticipate community reactions and avoid appeal throughout the review process?

3. Where will tenants find parking if the commercial core parking capacity cannot accommodate tenants and customers short and long term parking?
4. Will City Staff and Developers demonstrate location of off-stie parking spaces?
5. What is the legal basis for a developer to be entitled to **exisiting** assessment district parking spaces which may be fully utilized when tenants occupy this building in 2017?
6. IS THE MORAL BASIS FOR CITY POLICY TO SERIALLY ENCOURAGE COMMERCE (AKA COMMERCIAL PARKING DEFICITS) AT THE CLEAR EXPENSE OF RESIDENTIAL NEIGHBORHOODS.

#1 TRANSFER DEVELOPMENT RIGHTS **20 SPACE EXEMPTION!**

#2 PARKING ASSESSMENT DISTRICT GHOST SPACES AND "IN LIEU' FEES **37 SPACE EXEMPTION!**

7. Do current "in lieu" fees reflect proper value to developer and Palo Alto citizens?
8. Does City Policy require market dynamic pricing for "in lieu" fees?
9. Are accumulated "in lieu" fees properly placed in escrow and reported annually to City Council?
10. What is the market mechanism for TDRs?
11. Are TDR values actually free market driven by knowledgeable sellers vs very savvy buyers?
12. In the absence of highly effective neighborhood permit parking program, what mechanism (such as ironclad CUPs) protect nearby residential neighborhoods from escalating commercial parking intrusion? Downtown cap study clearly shows driver preference for neighborhood parking location over commercial spaces, especially underground and top floors of garages.
13. Since an effective Residential Parking Permit program will be implemented "soon" in 2015, what measures can be placed on all new developments to preclude in perpetuity tenant and customer intrusion? For example, 429 University residential owners, tenants and visitors should not be eligible for non-resident permit parking in any residential neighborhood.
14. City development and parking policy is encumbered with unclear nexus between the Parking Assessment District(PAD) officials and City Staff. Now is the time for aN open study session for citizens, City Council and leaders of the PAD. Rational policy will not develop without clarity of who sets parking[especially permits] policy, pricing and mitigation within and outside the two commercial cores.
15. When will City Staff and Council link new downtown developments to the TMA process? Now is the time for this new project to be financially committed any future TMA. Are Conditional Use Permits the best mechanism? CUPs will not be effective without clearly written language, stiff penalties for non-performance and formal annual Council review.
16. Does CEQA or OSHA require study of reflected engine noise and sirens sound bouncing from the taller and taller buildings, especially those with almost sheer glass fronts. Children often cover their ears where fire and ambulances vehicles rush by on University Avenue. How many decibels are generated and what is the safety standard?

RECOMMENDATION:
STAFF REPORTS ON EVERY DEVELOLPMENT APPLICATION MUST ANTICIPATE AND ADDRESS REASONABLE QUESTIONS FROM COMMERCIAL CORE STAKEHOLDERS AND ADJACENT NEIGHBORS. ESCALATING PARKING DEFICITS DO NOT DISCRIMINATE. DEFICITS IMPACT RESIDENTS, TENANTS AND PROPERTY OWNERS.

411 & 437 LYTTON AVE.
PALO ALTO, CA 94301

CASE STUDY #2 JUST OUTSIDE THE PARKING ASSESSMENT DISTRICT

- **OUTDATED DEVELOPMENT ENTITLEMENTS ESPECIALLY PARKING EXEMPTIONS**
- **UNLIMITED ENTITLEMENTS TO PARK IN RESIDENTIAL NEIGHBORHOODS**

411-437 Lytton Avenue (office, historic home and penthouse in Project Review Process)

13.310 sf commercial; 6,305 sf residential
One parking space per 250 sq ft commercial = 53 parking spaces required
Two residential units = 4 parking spaces required.
45 onsite parking spaces proposed plus 10 tandem with attendant. Tandem may not be valid.
Offsite permit parking demand is 53+ 4 - 55 = ONLY 2 space deficit in unknown location
https://www.cityofpaloalto.org/civicax/filebank/documents/42694

POLCIY ISSUES LEFT UNANSWERED TOO LONG

THIS DEVELOPMENT IS IMMEDIATELY ADJACENT TO OVER 1600 RESIDENCES IN THE DOWNTOWN NORTH RESIDENTIAL NEIGHBORHOOD. THE ECONOMIC BOOM IS CREATING UNLIMITED DEMAND FOR OFFICE SPACE. HOW DOES THE CITY STAFF AND COUNCIL EXERCISE WORLD-CLASS STEWARDSHIP WHEN THE COMPREHENSIVE PLAN CLEARLY STATES A POLICY TO ENCOURAGE COMMERCE BUT NOT AT THE EXPENSE OF RESIDENTIAL NEIGHBORHOODS?

1. Commercial and retail tenants and their employees must be ineligible for non-resident parking permits to park on residential streets because the developer is committing to 53 parking spaces to "fully" park this development.
2. Should a CUP be placed on this property to require reporting of any future parking demand that exceeds supply on the site?
3. NOW IS THE TIME TO ADOPT AND ENFORCE PROJECT SPECIFIC CONDITIONAL USE PERMITS TO MITIGATE ANY POTENTIAL NEGATIVE NEIGHBORHOOD PARKING IMPACT FROM DEVLEOPMENTS SUCH AS 411-437 UNIVERSITY.

RECOMMENDATION:
STAFF REPORTS ON EVERY DEVELOLPMENT APPLICATION MUST ANTICIPATE AND ADDRESS REASONABLE QUESTIONS FROM COMMERCIAL CORE STAKEHOLDERS AND ADJACENT NEIGHBORS. ESCALATING PARKING DEFICITS IMPACT RESIDENTS, TENANTS AND PROPERTY OWNERS.

OPEN INVITATION TO ANYONE CONCERNED ABOUT NEIGHBORHOOD QUALITY

PLEASE CHALLENGE THE CONTENTS AND "LOGIC" OF THIS REPORT. SEND YOUR SUGGESTIONS AND CONTACT INFORMATION TO: cnsbuchanan@gmail.com

BIG PICTURE "SNAPSHOT"

BASED ON RESIDENTS'

PARKED VEHICLES SURVEY CONDUCTED ON

JANUARY 28, 2015

(February 12 survey results to follow soon)

University Avenue

Permit Parking Space

Supply Vs Demand

(excludes 2 & 3 hr parking)

February 12, 2015 draft

Analysis Prepared by Neighborhood Residents

Review with Planning Department Requested

On Jan 28, 2015 (midday) top floors of the three main garages had capacity to accommodate more vehicles with permit parking stickers.

High Street	38 vehicles were parked at 100% capacity: no capacity for additional all-day permit parking without valet parking
	Sixteen (16) valet parked vehicles, at least 14 additional spaces could be filled with the existing valet program
	The High Street valet parking program expanded "capacity" by 16 vehicles thus achieving 142% de facto load on top floor.
Bryant St	30 vehicles parked at only 36% capacity, 54 unused parking spaces, valet parking not provided
Cowper St	30 vehicles parked at only 38% capacity, 48 unused parking space on top (6^{th}) floor. Very few vacant parking spaces on the 5^{th} floor; valet parking not provided

Bryant and Cowper St garages had at least 102 unused parking spaces [on top levels] and this is a typical, chronic situation. It is impossible to obtain 100% efficiency without electronic signage. However, if 90% efficiency could be obtained without electronic signage and wayfinding, then **90 more downtown workers with permits could park** in these two commercial core garages rather than residential neighborhoods.

IMMEDIATE POTENTIAL TO INCREASE PERMIT PARKING SUPPLY: 90 DOWNTOWN WORKERS COULD IMMEDIATELY PARK IN THE COMMERCIAL CORE GARAGES INSTEAD OF RESIDENTIAL NEIGHBORHOODS WITH IMPROVED PARKING PERMIT POLICY*

***This report will be updated and reissued monthly with new counts of parked vehicles in the three garages**

GOOD NEWS!

Valet Parking Increases Supply!

City and Parking Assessment District Must Invest in Downtown's Future

Benefit of Valet Parking

The High Street valet parking program is almost one year old. There have been short periods with 20-25 additional valet parked cars on the top two levels. If the valet program were extended to Cowper and Bryant Street Garages, there would be substantial increase in permit parking capacity and non-resident vehicle intrusion could be reduced in Professorville, University South, Crescent Park and Downtown North neighborhoods.

Untapped Valet Parking Benefits on Jan 28, 2015

High Garage	20-25 additional spaces via existing valet program
Bryant Garage	54 additional spaces on the top level plus
	30-35 additional vehicles via the valet program
Cowper Garage	48 additional vehicles on the 6th floor and
	3? additional vehicles on the 5th floor plus
	20-25 additional vehicles via the valet program

[insert graph to illustrate benefit of valet parking]

PERMIT PARKING SUPPLY CAN BE INCREASED WITH VALET PARKING: 175-190 DOWNTOWN WORKERS COULD IMMEDIATELY PARK IN THE COMMERCIAL CORE INSTEAD OF RESIDENTIAL NEIGHBORHOODS*

***ELECTRONIC SIGNAGE AND WAYFINDING WOULD BE VERY BENEFICIAL BUT NOT NECESSARY TO ACHIEVE THESE RESULTS.**

DISTURBING NEWS!

Permit Parking Demand Will Outpace Supply

WHY?

- **Increasing Density of Workers in Existing Buildings**
- **New, Larger Buildings in the Pipeline**
- **Remodeling/Upgrading of Existing Buildings**
- **Conversion from Retail to Office Use**
- **Misallocated Funding: Additional Garages Vs Under-funded TMA, a Systemic Solution Which Mitigates Demand**

Pipeline projects will require 498-847 parking spaces off-site. The primary analysis is based on 1 parking space required per 250 sf office space (ie, the accepted Palo Alto standard of 4 parking spaces per 1000 sf of commercial space). A second analysis is presented with parking space demand estimated at 1 parking space required per 300 sf. A third analysis assumes 1 parking space required per 200 sf.

Future Demand	**498 or 641 or 847 vehicles**
High, Bryant &Cowper Garage Future Supply	**175 or 190 vehicles**
MOST OPTIMISTIC SCENARIO	*498-190 = 308 PARKING SPACE DEFICIT*
LEAST OPTIMISTIC SCENARIO	***847-175 = 672 PARKING SPACE DEFICIT***

$64,000 QUESTION!

WHERE WILL 308-672 WORKERS FIND ALL-DAY PARKING SPACES?

8 HONEST QUESTIONS AND ANSWERS

1. Scattered Public And Private Parking in the Commercial Core? Yes, but marginal gain of spaces
2. Electronic Signage and Wayfinding? Essential! Need it yesterday
3. Residential Neighborhoods? Unlikely if Council adheres to its permit parking pledge ***and schedule***
4. TMA Solutions? No substantial mitigations are on the 12-18 month horizon
5. Shuttle Lots? No financially viable, politically probable program has been identified; large, efficient shuttle lot(s) and shuttle(s) could evolve from TMA in 2-3 years
6. NEW PUBLICLY FINANCED, PAY GARAGE ON PARKING LOT D? Yes, any new capacity must relieve 1200-1500 non-resident parked vehicles in the neighborhoods. Housing above an existing surface lot may be higher priority than parking.

7. NEW PUBLIC/PRIVATE GARAGE ON PUBLIC PROPERTY? Yes, only if ANY new capacity is fully dedicated to relief of commercial parking intrusion in the neighborhoods
8. VACATED SPACES BY CALTRAIN COMMUTER AND STANFORD EMPLOYEE VEHICLES NOW PARKED IN THE RESIDENTIAL NEIGHBORHOODS? TERRIBLE OUTCOME FOR RESIDENTS. ELIMINATION OF CALTRAIN AND STANFORD COMMUTERS WAS INTENDED TO REDUCE NON-RESIDENT INTRUSION AND RAISE NEIGHBORHOOD QUALITY.

SCENARIO PLANNING

Medium Scenario: Permit parking for tenants, visitors and customers is based on 1 parking space/250 sf and 2 parking spaces per residential unit. This analysis excludes demand for 2- and 3-hour parking. Note: Very low permit parking demand assumptions for restaurants.

Low Scenario: A second analysis assumes permit parking demand based on 1 parking space/300 sf and 2 parking spaces per residential unit. This analysis excludes demand for 2- and 3-hour parking.

High Scenario: Parking demand based on 1 parking space/200 sf and 2 spaces per residential unit. 2- and 3- hour parking excluded.

Scenarios for Upcoming Pipeline Demand for Offsite Permit Parking

	Medium	Low	High
135 Hamilton	61	48	81
240 Hamiton	48	40	60
261 Hamilton	168	140	210
380 Hamilton	50	39	67
537 Hamilton	39	30	54
140 University	8	6	10
451 University	23	18	28
456 University	49	41	61
500 University	42	24	69
531 Cowper	16	13	20
611 Cowper	55	36	83
420 Ramona	11	9	13
405 Waverley	3	2	5
636 Waverley	4	0	8
430 Kipling	64	53	80
TOTAL	641	498	847*

*High scenario is unlikely, but POSSIBLE!

Onsite Parking Spaces per 1000 Square feet

	Square Feet	On Site Parking Spaces	On-site Parking Spaces per 1000 sq ft
140 University	3,375	0	0.0
261 Hamilton	41,900	0	0.0
420 Ramona	4,500	0	0.0
430 Kipling	16,000	0	0.0
451 University	9,132	0	0.0
456 University	12,205	0	0.0
531 Cowper	4,000	0	0.0
240 Hamilton	11,500	2	0.2
380 Hamilton	17,500	18	0.4
135 Hamilton	19,960	23	1.2
537 Hamilton	14,567	19	1.3
405 Waverley	1,500	3	2.0
611 Cowper	28,165	58	2.1
636 Waverley	10,204	21	2.1
500 University	26,806	65	2.4

Each of these properties could be occupied in 2015-2017.
On-site parking is well-below city standard of 4 spaces per 1000sf.
Where will tenants in each of these properties find all-day parking?
What is the impact if the Parking Assessment District cannot provide parking?

CAN PALO ALTO'S PARKING ENTITLEMENTS CONTINUE TO DEFY THE LAWS OF PHYSICS?

THE BOTTOM LINE:

INABILABILTY
TO DIFFERENTIATE BETWEEN
A PROBLEM AND A SYMPTOM

ESCALATING NON-RESIDENT PARKING INTO RESIDENTIAL NEIGHBORHOODS IS A SYMPTOM OF FAILED DEVELOPMENT POLICIES.

AND IT IS A SYMPTOM OF UNDER-PRICED PARKING POLICY.

OPEN INVITATION TO ANYONE CONCERNED ABOUT NEIGHBORHOOD QUALITY AT RISK

PLEASE CHALLENGE THE CONTENTS AND "LOGIC" OF THIS REPORT.
SEND YOUR SUGGESTIONS AND CONTACT INFORMATION TO:
cnsbuchanan@gmail.com

SOURCES AND METHODOLOGY

- **PARTIAL LISTING OF PIPELINE PROJECTS WHICH WILL IMPACT PERMIT PARKING SUPPLY AND DEMAND WHEN TENANTS ASSUME OCCUPANCY IN NEAR FUTURE.**
- **PLEASE NOTE THAT THIS ANALYSIS IS BASED ON A SNAPSHOT OF PARKING DEMAND AND ACTUAL SUPPLY AVAILABLE AT A SPECIFIC DATE AND TIME: MID-DAY JANUARY 28, 2015**
- **FUTURE ANALYSES WILL BE PRESENTED TO THE PUBLIC ON AN ALMOST MONTHLY BASIS**

135 Hamilton Avenue (Offices and 2 penthouses under construction)
19,960 sf commercial, 4913 sf residential
One parking space per 250 sq ft = 80 parking spaces required for commercial; 4 for residential
23 onsite parking spaces provided including lifts
Offsite permit parking demand will be 84-23 = 61 spaces in unknown location
http://www.cityofpaloalto.org/civicax/filebank/documents/32657

240 Hamilton Avenue (Offices and 2 penthouses. Ground breaking soon.)
11,500 sf commercial, 3,500 sf residential
One parking space per 250 sq ft = 46 parking spaces required for commercial + 4 for residential
4 onsite parking spaces provided. *Loss of 2 street parking spaces.* In lieu fees possible up to $668,251
Offsite permit parking demand will be 46 + 2 = 48 spaces in unknown location
http://www.cityofpaloalto.org/civicax/filebank/documents/38104

261 Hamilton Avenue (Offices being remodeled)
41,900 sf commercial
One parking space per 250 sq ft = 168 parking spaces required.
0 onsite parking spaces provided (project is credited with 7? parking spaces at another property and 144 parking spaces created by the Parking Assessment District. Unknown in lieu fees may apply). ***If a future tenant reduces parking demand to 2 vehicles per 1000 sf, then parking demand would drop to 84 parking spaces in unknown location,***
Offsite permit parking demand will be 168 spaces in unknown location.
https://www.cityofpaloalto.org/civicax/filebank/documents/39929
http://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?BlobID=45540

380 Hamilton Avenue (conversion of Post Office to offices. Pending purchase from USPS)
17,500? sf to be converted to commercial and reduced Post Office service
Unknown space on probable second floor "loft"
5,000? square feet in basement

One parking space per 250 sq ft = 68? parking spaces required for commercial + Post Office
18 onsite parking spaces
Note: Downtown Parking Assessment District based on 1 parking space/250 sf for 11,631 sf footprint. City of Palo Alto [instead of Federal Government] paid $140,364.28 to Parking Assessment District
Offsite permit parking demand will be 68 – 18 = 50 spaces in unknown location.
http://www.cityofpaloalto.org/civicax/filebank/documents/41498

537 Hamilton Avenue (Offices soon to be occupied.)
14,567 sf commercial
One parking space per250 sq ft = 58 parking spaces required.
19 onsite parking spaces provided
Offsite permit parking demand will be 58 -19 = 39 spaces in unknown location.
http://www.cityofpaloalto.org/civicax/filebank/documents/35475

140 University (restaurant being remodeled, formerly Alchymist)
3,375? square feet restaurant
One parking space per 400 sf = 8 parking spaces required (residents' guess)
0 onsite parking spaces provided due to location within the parking assessment district
Will require approximately 8 permit parking spaces for employees when opened
Offsite permit parking demand estimate will be 8? spaces in unknown location

451 University (proposed restaurant at vacant retail store, formerly Apple Store)
9,132 square feet restaurant
One parking space per 400 sf = 23 parking spaces required (residents' guess)
0 onsite parking spaces provided due to location within the parking assessment district
Will require approximately 23 permit parking space for employees when opened
Offsite permit parking demand will be 23? spaces in unknown location
http://www.cityofpaloalto.org/civicax/filebank/documents/37952
also email exchange between Sheldon Ah Sing, Project Leader and Neilson Buchanan

456 University-HanaHaus (1st Floor office currently vacant; 2nd Floor occupied (former Borders/Varsity Theater)
Upper Floor 10,641 square feet, currently occupied
Ground Floor, 12,205 square feet commercial and restaurant, currently vacant, patio space not validated
0 onsite parking places
1st Floor Café and HanaHaus employees require 16 permit parking spaces (estimated employees in application)
1st Floor Patrons, collaborators, guests and visitors may require 25-50 permit parking spaces(residents' guess)
Offsite permit parking demand guess: 41-66 spaces in unknown location
http://www.cityofpaloalto.org/news/displaynews.asp?NewsID=2711&TargetID=319

https://www.cityofpaloalto.org/civicax/filebank/documents/43277

500 University(Offices and Retail. Groundbreaking soon)
20,506 sf commercial, 6,300 sf retail
One parking space per 250 sf = 107 or **108?** actual parking spaces required
65 onsite parking spaces provided
Offsite permit parking demand will be 107- 65 = 42 spaces in unknown location
http://www.cityofpaloalto.org/news/displaynews.asp?NewsID=2424&TargetID=319

531 Cowper (restaurant California Pizza Kitchen being converted to office)
4,000? sf commercial
One parking space per /250 sq ft = 20 actual parking spaces required
0 onsite parking spaces provided
Offsite permit parking demand will be 20 spaces in unknown location

611 Cowper (office and one 6,538sf luxury penthouse. Under construction)
28,165 sf commerical, 6,538 sf penthouse
One parking space per 250 sq ft = 113 parking spaces required.
6,539 penthouse = 2 parking spaces required
60 onsite parking spaces provided (or 62 spaces with lifts?)
Offsite permit parking demand : 113 + 2 – 60 = 55 spaces in unknown location
http://www.cityofpaloalto.org/civicax/filebank/documents/35258

420 Ramona (restaurant being remodeled, formerly Mandarin Gourmet)
4,500? sf restaurant
One parking space per 400 sf = 11 parking spaces required (residents' guess)
0 onsite parking spaces provided
Offsite permit parking demand estimate: 11 spaces in unknown location

405 Waverly (coin operated laundry being converted to office)
1500? sf commercial
One parking space per 250 sf = 6 estimated parking spaces required
3? onsite parking spaces provided
Offsite permit parking demand estimate: 3? spaces in unknown location

636 Waverly Street(Office and 2 penthouses. Under construction)
5,050 sf commercial; 5,144 sf residential square feet
One parking space per 250sf commercial = 21 spaces
Two spaces per residence = 4 spaces
25 parkings spaces required with 4 spaces exempted for housing bonus
25-4= 21 onsite parking spaces provided including five 4-car stack lifts
Offsite permit parking demand is 25-21= 4 spaces in unknown location
http://www.cityofpaloalto.org/civicax/filebank/documents/35476

430 Kipling (American Express Ventures: 200? employees @ former Zibibbo Restaurant. Ready for occupancy)
16,000+? sf commercial
One parking space per 250 sq ft = 64? parking spaces required.
0 onsite parking spaces provided
Offsite permit parking demand estimate: 64 spaces in unknown location

OTHER VACANT DOWNTOWN PROECTS
WILL BE ADDED IN THE NEXT ANALYSIS

LAST PAGE

Fong, Christy

From: Michael Harbour <dr.mharbour@gmail.com>
Sent: Tuesday, February 17, 2015 11:33 PM
To: Council, City
Cc: dr.mharbour@gmail.com
Subject: 429 University Ave Project
Attachments: 429_University_Ave.pdf

Importance: High

Dear City Council,
This Thursday February 19 at 8 AM, the Architectural Review Board will review the final version of the proposed building at 429 University Ave at Kipling St. Although the architect and owner have made some design modifications to the exterior of the building, they have NOT changed the size or scope of the project as requested by residents. It is still a large 4 story, 31,400 sq. foot building with two levels of underground parking. I have attached the front page story from the Palo Alto Post from Monday February 16 in which the project is called "massive."
The project plans can been seen
here: http://www.cityofpaloalto.org/news/displaynews.asp?NewsID=2449&TargetID=319

I have three concerns regarding the project. First, it is too large and tall for the space. It will create a massive canyon-like effect along narrow Kipling Street which is only 29 feet wide. It is being built at the same height as buildings on wider streets like Bryant St. (49 feet). Second, the building's in/out congestion at the corner will be horrendous. The entrance/exit from this parking garage is proposed to empty out onto the alley at Kipling St. Because of its narrowness, left hand turns onto Kipling from University Ave are not allowed. With cars parked on both sides of Kipling St, there is barely sufficient room for opposite traveling cars to squeeze by one another. I've personally been hit twice over the years by cars who misjudge the space between cars. It will only get worse after the project is completed. Third, Kipling St is an unique street for downtown Palo Alto as it contains a row of Victorian houses which are being used as residences and businesses. I believe that this uniqueness should be preserved by creating a special Victorian zone that isn't besieged with traffic congestion and resultant accidents.

I want to see the corner redeveloped, but as it currently is proposed, it is still too large and needs further refinement. I urge you to consider an appeal of the project based on size, parking congestion and the unique neighborhood location.

Thanks,
Michael Harbour, MD
Owner
421-423 Kipling Street

MONDAY

No. 1 in Palo Alto and the Mid-Peninsula

Daily Post

Locally owned, independent

Motorcyclist killed, driver held for DUI

A 22-year-old Redwood City man has been arrested on suspicion of DUI in a collision that killed a motorcyclist on Highway 84 near La Honda, the CHP said.

Officers responded to a report of a collision on Highway 84 near Sylvan Way outside of La Honda shortly before 3 p.m. Saturday, CHP officials said.

Marco Antonio Franco Cuevas was driving

[See DUI, page 18]

2nd chance for 'massive' building

Architect returns to city with four-story development to replace Shady Lane

BY JEN NOWELL
Daily Post Staff Writer

A proposed four-story building that would replace several shops on University Avenue including Shady Lane is returning to the Palo Alto Architectural Review Board [illegible] plans for a [illegible]

[illegible] Review Board members [illegible] November to discuss the project and were in agreement that the proposed project was "too massive" for the corner of University Avenue and Kipling Street.

Architect Ken Hayes, who is working with property owner Elizabeth Wong, will return to the board this Thursday with new plans that have scaled back the top two floors of the project, creating "a stronger relationship of the building to the context of the facades next door and extending down University Avenue," Hayes wrote in a letter to the city.

[illegible] complaints of the proposed building at 429 University Ave. being too big, the new plans show the building would be 50 feet tall — exactly the city's height limit.

The proposed project would demolish the two existing one-story retail buildings to build a 37,407-square-foot four-story building with two levels of underground parking, according to a re-

[See BUILDING, page 18]

BUILDING

port by the city's Planning Manager Amy French. The building would be a mix of retail stores and apartments on the top levels.

Upper floors scaled back

Along University Avenue, the third and fourth floors have been pushed back from the perimeter of the building to create terraces for residents, Hayes said. This also makes the building look less massive from the front.

And along Kipling Street, the fourth floor terrace has been pushed into the building six feet to reduce the perceived height of the building, Hayes said.

A building of this size would normally have to provide 92 parking spaces according to a city parking formula. But Wong has reduced the number of spaces needed a couple of ways.

Parking requirements

First, Wong has paid enough into the parking fund over the years to eliminate the need for 37 spaces. Then, she used the city's transferrable development rights program to gain another 20 spaces. That program rewards those who do seismic upgrades or historic renovations of buildings with parking spaces and those spaces can be used on other projects.

That brings the number of spaces necessary to [illegible] and 40 spots are being proposed.

The project is not currently scheduled to go before the City Council, however, unless it is appealed, as other downtown projects by architect Ken Hayes have been. Hayes' buildings have a modern design that some compare to glass boxes. Two of his downtown projects have been appealed to the council.

[illegible] — An aerial view from University Avenue and Kipling Street of the building proposed for [illegible] University, sketch submitted to the city by architect Ken Hayes.

Fong, Christy

From: Michael Harbour <dr.mharbour@gmail.com>
Sent: Tuesday, February 17, 2015 11:39 PM
To: Fong, Christy
Subject: 429 University Ave Project
Attachments: 429_University_Ave.pdf

Importance: High

Follow Up Flag: Follow up
Flag Status: Completed

Dear Ms. Fong,
This Thursday February 19 at 8 AM, the ARB will review the final version of the proposed building at 429 University Ave at Kipling St. Although the architect and owner have made some design modifications to the exterior of the building, they have NOT changed the size or scope of the project as requested by residents. It is still a large 4 story, 31,400 sq. foot building with two levels of underground parking. I have attached the front page story from the Palo Alto Post from Monday February 16 in which the project is called "massive."

I have three concerns regarding the project. First, it is too large and tall for the space. It will create a massive canyon-like effect along narrow Kipling Street which is only 29 feet wide. It is being built at the same height as buildings on wider streets like Bryant St. (49 feet). Second, the building's in/out congestion at the corner will be horrendous. The entrance/exit from this parking garage is proposed to empty out onto the alley at Kipling St. Because of its narrowness, left hand turns onto Kipling from University Ave are not allowed. With cars parked on both sides of Kipling St, there is barely sufficient room for opposite traveling cars to squeeze by one another. I've personally been hit twice over the years by cars who misjudge the space between cars. It will only get worse after the project is completed. Third, Kipling St is an unique street for downtown Palo Alto as it contains a row of Victorian houses which are being used as residences and businesses. I believe that this uniqueness should be preserved by creating a special Victorian zone that isn't besieged with traffic congestion and resultant accidents.

I want to see the corner redeveloped, but as it currently is proposed, it is still too large and needs further refinement. I urge the ARB and city council to make further modifications of the project based on size, parking congestion and the unique neighborhood location.

Thanks,
Michael Harbour, MD
Owner
421-423 Kipling Street

Tamale, Diana

From: Amy Keohane <amykeohane@hotmail.com>
Sent: Wednesday, February 18, 2015 11:09 AM
To: Architectural Review Board
Subject: FW: 429 University

Dear ARB,
I am copying on the note I sent to the council. I am not sure if your backgrounds are in architecture but I find it crazy that you keep allowing glass building to go up all over. Hayes is no Birge Clark. The new apple bldg and survey monkey really don't fit into the original scheme of downtown. I urge you stop allowing the smaller bldgs to be torn down and rebuilt with a 4 story monstrosity. Our infrastructure can not handle all the new bldgs that people want to put up just to make more money. You must not live downtown as you would feel the pain of all the closed streets and blind spots that happen when all the fencing goes up and the huge lack of parking. Stop the madness
amy

From: amykeohane@hotmail.com
To: city.council@cityofpaloalto.org; christy.fong@cityofpaloalto.com
Subject: 429 University
Date: Wed, 18 Feb 2015 10:33:46 -0800

Dear ALL,
I have a real problem with the scale of the new project. I actually have a real problem that the city council and ARB are allowing all of the buildings in downtown to be torn down and then rebuilt 2 to 3 times the size of what was originally built. Our infrastructure hasn't changed but yet you are allowing these grossly over sized bldgs to go up. You are losing all the charm of the downtown buildings by allowing the glass buildings to go up. There is no charm in Hayes architecture. He is no Birge Clark but yet he is hired. By allowing all the owners to tear down and rebuild you are allowing the greed to continue. I have lived all my life in PA and the last 20 in downtown. Just the project on 429 will shut down access to Kipling which is already a narrow street. All the construction with survey monkey rearranging the flow of traffic was horrible and dangerous. Then put people living there is just not the correct area and space. We have no parking but yet you allow buildings to go up that don't' provide adequate parking. You think having a permit process will solve things it won't. I will just shift the parking further out. I truly don't know understand how you keep allowing the monstrosities. You all must live in south Palo Alto because if you lived in downtown north you would feel the pain of walking and parking around town.

Amy Keohane
650-346-5306

Fong, Christy

From: John Perry <perryjw5@gmail.com>
Sent: Wednesday, February 18, 2015 12:37 AM
To: Fong, Christy
Cc: perryjw5
Subject: The proposed new complex at University and Kipling.

Ms. Fong,

As a longtime resident of Palo Alto, I have been sadly stunned at the transformations I've seen in the last 15 years on University Avenue. It no longer has a music store, a bookstore, an art supply store, or a decent stationery store. Lately, we lost our laundromat next to Seven Eleven and a dry cleaner down the street.

Now, to add insult to injury, the city wants to put up some glass monstrosities on University near Kipling where the worst traffic snarls in Palo Alto occur due to the narrowness of Kipling Street.
I have personally seen too many fender-benders to remember in that area. The City has fallen down on the job in keeping business diversity up to par on University (God forbid that we actually build a music venue or a youth center) and now the aesthetics are going to Hell in a handbasket as well.

Walgreens is hideous as is that row of glass boxes on Alma. I keep hoping that the City will show some sanity SOMEWHERE about how to make a town great. We've got a sterile boomtown where useful businesses are going under, fluff businesses are proliferating, and ugly is the new beautiful. And they wonder why we've got a teen suicide epidemic?

I've lived in Palo Alto for thirty-six years and now I go to OTHER towns for recreation because University Avenue is pretty a giant cafeteria with some venture capitalists and a surfeit of cell phone stores. Will someone, perhaps YOU, take the first halting steps toward making this town a place where something other than greed and ugliness proliferates?

Sincerely,

John W. Perry

Fong, Christy

From: Julie Siegert <overdew@pacbell.net>
Sent: Wednesday, February 18, 2015 4:42 AM
To: Fong, Christy
Subject: 429 Kipling too large

I wanted to express my concern about the proposed project for 429 Kipling. While i appreciate the need for re development on that site the size and scope are too large given the congestion already on University and the size of Kipling. I thought the results of the November vote were clear we want to stop the development of our beautiful downtown into an office park! We want to stop this type of selfish development and preserve our retail businesses before all we have left if a bedroom community for tech workers who commute here everyday and a plenty of quick office lunch spots.

Please send a message and stop this project, it has to start somewhere why not here.

Julie Siegert

Sent from my iPad

Fong, Christy

From: Julian Ashton <corkhead@pacbell.net>
Sent: Wednesday, February 18, 2015 7:19 AM
To: Fong, Christy
Subject: Kipling project

This project is one more example of over building, poor design , and lack of preservation of Palo Alto's charm. Parking, traffic and business uses of these mega building seem to be immune of building codes.
From what I see there have been no changes in scale/ size of this project which is on one of the narrowest streets downtown

Julian Ashton USGB

Fong, Christy

From: Amberlin Tannehill <amberlin7@gmail.com>
Sent: Wednesday, February 18, 2015 8:07 AM
To: Fong, Christy
Subject: 429 University

Good Morning

I'm writing to express my concern with the proposed building at 429 University. In advance of the ARB meeting on Thursday morning, please note that I live in Downtown North and work on Kipling between University and Lytton.

This project is outsized and would cause an enormous traffic burden. Kipling and Waverley cannot accommodate the extra cars and traffic. The alleyway behind the project would become a nightmare of epic proportions. These are extremely narrow streets as it is.

Please do not allow developers to make our shopping district a business hub.

Thank you for considering my comments,
Amberlin Tannehill

Fong, Christy

From: Elisabeth Rubinfien <erubinfien@gmail.com>
Sent: Wednesday, February 18, 2015 8:49 AM
To: Fong, Christy
Cc: dsneider@stanford.edu dsneider@stanford.edu; Elisabeth Rubinfien
Subject: Re: 429 UNIVERSITY AVENUE building plan

Follow Up Flag: Follow up
Flag Status: Completed

Ms. Christy Fong, Project Planner

Dear Ms. Fong,

We are writing to register our objection to the scale of the project currently being proposed for the property at 429 University Ave., at the corner of Kipling.

That corner is unique in that part of downtown Palo Alto, in that Kipling is an exceptionally narrow street that doesn't run across University. It is not a location that can accommodate a large building with many people coming in and out of the street to access parking. Also, keeping the height of buildings lower on that side of University helps to keep the street from feeling like a canyon.

Please use your offices to insist that the developers/architects re-design the building so as not to cause so many negative impacts to our downtown. From a scale point of view, they could set back the third and fourth stories rather than creating a big 4-story block. From a street-access point of view, perhaps Kipling needs to be widened at that end if a large building is to go into that space.

Better yet: keep Kipling small-scale!!!!

Thank you for your consideration.

Sincerely,
Elisabeth Rubinfien and Daniel Sneider
residents, University South

Fong, Christy

From: Lora Roberts <myslora@pacbell.net>
Sent: Wednesday, February 18, 2015 8:54 AM
To: Fong, Christy
Subject: 429 University

Follow Up Flag: Follow up
Flag Status: Completed

Hi, Christy. I paid my last visit to Shady Lane, a favorite for many years, and one of the last of the little shops that made Palo Alto a shopping destination. So sad to see the plans for the immense, ugly, underparked, overdeveloped replacement. When did we aspire to become San Mateo, or even San Jose? You never hear anyone talk about San Mateo's quaint downtown. Well, you won't be hearing that kind of talk any more about Palo Alto either, after the developers have destroyed it in the name of wringing every last dime out of it. When the next downturn comes and all the office space we're building goes vacant, all the restaurants will close, and the whole downtown will be a ghost town full of tall buildings creating dark wind tunnels. I live near downtown, and have enjoyed walking there when I needed something, but now there's nothing I need down there. Sad.

Lora

Fong, Christy

From: Andres Mediavilla <andres.mediavilla@gmail.com>
Sent: Wednesday, February 18, 2015 11:08 AM
To: Fong, Christy
Subject: 429 University Ave project

Dear Ms. Fong,

I already wrote my concerns about the project on 429 University Ave before the last architectural review. I have reviewed the "new" design of the project that is to be reviewed in the next architectural review, and I still have the same concerns as before. I don't believe there have been any improvements. I think the architectural review board needs to establish that just because the city enforces certain limits (such in height) does not mean that every single project is allowed to go that high. The surrounding area should be a limiting factor regardless of the city limits.

Kipling street has been able to keep its neighborly and friendly look with its Victorian houses, trees, and by avoiding multistory structures. It is a pleasure to walk that street. I'm afraid that the proposed height in 429 University Ave will create a corridor in Kipling St, making this beautiful street look like an unwelcoming city alley. It will create a constant shade on both Kipling St and University Ave. This unfortunately happened to Florence Street, another narrow street that completely lost any charm with the construction of multistory structures on both sides of the street.

I live in Downtown North and walk often to town. Unfortunately, I'm seeing more and more of these side streets converted into street alleys leading to University. This is creating a series of dead corridors leading to University Ave and giving Palo Alto a big-city feeling. I don't think residents living close to downtown want that at all.

The underground parking is another big problem. Kipling street already has traffic issues because of its narrow width (only one car can go through at a time) and the parking lot in the corner of Kipling St and Lytton Ave. The underground parking will worsen the situation without adding any benefits. This will bring another big-city feeling and problem to the town. I don't think residents living close to downtown want that at all.

I think the development of 429 University should have 2 floors + 1 receding floor, maximum!. It should allow sun light for most of the day into both streets, and give the street an open feeling (without solid walls raising 4 floors!). The city should request the developer to put the money for the underground parking towards another general public parking structure SOMEWHERE ELSE. I hope consideration is made for the overall look of the building, so we don't end up with another concrete/glass office space (which is what this project looks like now).

There are many buildings in Palo Alto that have been developed in a very tasteful manner, with adequate height with respect to its surroundings, and visual considerations. This type of developments improve the overall quality of life in Palo Alto as they are a pleasure to look at and walk by. The City should require this in every development.

I would ask the architectural board and city council to respect the residents living close to downtown who will directly suffer the negative consequences of this project as is designed right now. I sincerely doubt the proponents and supporters of this development walk or drive through Kipling St. I do in a daily basis.

I hope you will take these concerns into account.

Thank you and best regards,
Andres Mediavilla
Palo Alto Ave

Fong, Christy

From: Marion Odell <marionodell7@gmail.com>
Sent: Wednesday, February 18, 2015 12:41 PM
To: Fong, Christy
Subject: 429 Kipling

Follow Up Flag: Follow up
Flag Status: Flagged

I have lived at Cowper and Everett for over 25 years and am so sorry that the development at 429 Kipling might be approved soon. It is too massive for the narrow street, plus will impede traffic even more than it already is. I'm also concerned about available parking which again is impacted in this area of Downtown North. I know because I help count cars every month for the data we present to the transportation dept.
Please limit the size of the building or cancel it all together.
I will miss Shady Lane, one of the few existing interesting retail shops on University Ave.
Marion Odell

Fong, Christy

From: Tamale, Diana on behalf of Architectural Review Board
Sent: Wednesday, February 18, 2015 1:09 PM
To: Fong, Christy
Cc: French, Amy
Subject: FW: 429 University and Neighborhood Quality
Attachments: Parking Space Pipeline Analysis v Feb 18 2015.docx

FYI.

From: Neilson Buchanan [mailto:cnsbuchanan@yahoo.com]
Sent: Wednesday, February 18, 2015 11:04 AM
To: Architectural Review Board
Cc: Planning Commission
Subject: 429 University and Neighborhood Quality

I apologize for a late submission to your meeting tomorrow. Last night citizen collaborating on neighborhood quality sent me a new question about loss of retail space.

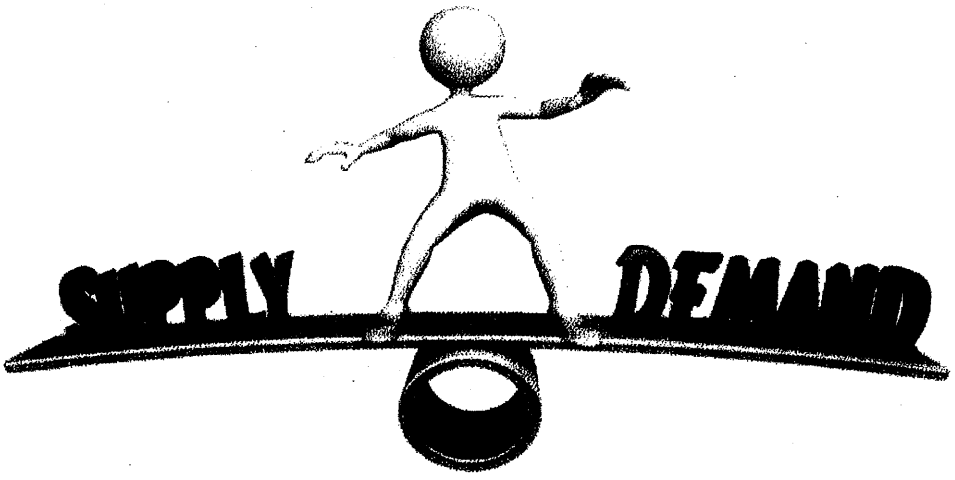
An analysis on retail space attrition is on page 7, issue #17. It seems reasonably accurate to me and deserves serious consideration by City Staff and the ARB. Thank you on behalf of residents living adjacent to the University Avenue Commercial Core.

Neilson Buchanan
155 Bryant Street
Palo Alto, CA 94301

650 329-0484
650 537-9611 cell
cnsbuchanan@yahoo.com

Analysis of Permit Parking Pipeline in the University Avenue Commercial Core

(Discussion Draft Feb 16. Contact: N. Buchanan 537-9611)

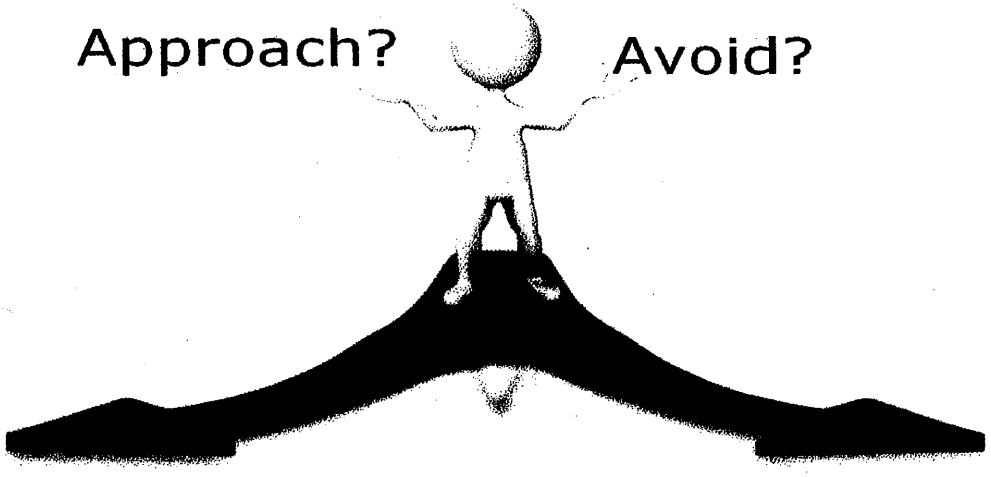


OBJECTIVE STANDARDS ARE ESSENTIAL FOR NEIGHBORHOOD QUALITY

- **MEASURABLE BIKING AND PEDESTRIAN SAFETY**
- **LIMITS FOR NON-RESIDENT PARKING INSTRUSION**
- **EQUITABLE DISTRIBUTION OF NON-RESIDENT PARKED VEHCILES**
- **SPILLOVER TRAFFIC AT RUSH HOUR**
- **REGULAR MONITORING OF AT RISK INTERSECTIONS**
- **SENSIBLE ZONING FOR NEW HOUSING**
- **ENFORCEMENT AND COMPLIANCE**
- **FORWARD LOOKING *CITY-GENERATED* DATA TO MANAGE QUALITY**
- **DESIGNATED CITY STAFF FOR QUALITY CONTROL**

CITY COUNCIL CONUNDRUM

[need rising tide image?]



CUMMULATIVE NEGATIVE IMPACT IS *REAL NOT HYPOTHETICAL*

Parking Supply Shortages Will Accelerate When Tenants Assume Occupancy in the Near Future

TWO CASE EXAMPLES

OR

A TALE OF TWO CITIES
WITHIN THE UNIV AVE CORE

At least 2 other University Avenue pipeline projects are in formal review process. Other projects could be in private discussions with city staff.

Now is the time to connect housing, safety, traffic and parking policies to commercial developments in the Palo Alto's two commercial cores. It is evident to any casual observer that Palo Alto's development policy subsidizes developers via parking policies and gives inappropriate weight to commerce at the expense of residential neighborhood quality. This is in clear violation of Palo Alto's Comprehensive Plan.

429 UNIVERSITY AVENUE
PALO ALTO, CA

REVISION 5 : 02.19.15

CASE STUDY #1 WITHIN THE PARKING ASSESSMENT DISTRICT

- **OUTDATED PARKING ENTITLEMENTS AND PARKING EXEMPTIONS, aka scary assumptions for ghost parking space in Parking Assessment Districts**
- **UNLIMITED ENTITLEMENTS TO PARKING IN RESIDENTIAL NEIGHBORHOODS**
- **LOSS OF RETAIL SPACE**

429 University Avenue (office and 4 penthouses in Project Review Process)

20,407 SF commercial; 11,000+ sf residential
One parking place per 250 sq ft per parking space= 82 parking spaces required
11,000 residential sf requires 10 parking spaces
ONLY 40 onsite parking spaces to be built by developer; 10 of the 40 spaces must be dedicated to penthouse owners.
Offsite parking demand is 92-40= 52 spaces deficit in unknown location
https://www.cityofpaloalto.org/civicax/filebank/documents/45512

POLCIY QUESTIONS TOO LONG UNANSWERED

This project requires a higher level of professional review to address impact within the commercial core and upon adjacent residential neighborhoods. This is the time for the Council to demand common sense analysis of negative impacts, especially parking upon residential neighborhoods and within the commercial core. Listed below are components of staff reports that must be addressed by project developer and city staff.

1. Will the staff report include mitigation of known negative impacts?
2. Will staff anticipate community reactions and avoid appeal throughout the review process?

3. Where will tenants find parking if the commercial core parking capacity cannot accommodate tenants and customers short and long term parking?
4. Will City Staff and Developers be required to show plausible locations of off-site parking spaces?
5. What is the legal basis for a developer to be entitled to **exisiting** assessment district parking spaces which may be fully utilized when tenants occupy this building in 2017?
6. What is the moral basis for city policy to serially encourage commerce and parking deficits at the clear expense of residential neighborhoods?.

#1 TRANSFER DEVELOPMENT RIGHTS **20 SPACE EXEMPTION!**
#2 PARKING ASSESSMENT DISTRICT GHOST SPACES AND "IN LIEU' FEES **37 SPACE EXEMPTION!**

7. Do current "in lieu" fees reflect proper value to developer and Palo Alto citizens?
8. Does City Policy require market dynamic pricing for "in lieu" fees?
9. Are accumulated "in lieu" fees properly placed in escrow and reported annually to City Council?
10. What is the market mechanism for TDRs? Are public interests served by publicly created assets traded in the private market place?
11. Are TDR values actually free market driven by knowledgeable sellers vs very savvy buyers?
12. In the absence of highly effective neighborhood permit parking program, what mechanism (such as ironclad CUPs) protects nearby residential neighborhoods from escalating commercial parking intrusion? Downtown cap study clearly shows driver preference for neighborhood parking location over commercial spaces, especially underground and top floors of garages.
13. Since an effective Residential Parking Permit program will be implemented "soon" in 2015, what measures can be placed on all new developments to preclude tenant and customer intrusion in perpetuity? For example, 429 University residential owners, tenants and visitors should not be eligible for non-resident permit parking in any residential neighborhood.
14. City development and parking policy is encumbered with unclear nexus between the Parking Assessment District(PAD) officials and City Staff. Now is the time for an open study session for citizens, City Council and leaders of the PAD. Rational policy will not develop without clarity of who sets parking[especially permits] policy, pricing and mitigation within and outside the two commercial cores.
15. When will City Staff and Council link new downtown developments to the TMA process? Now is the time for this new project to be financially committed any future TMA. Are Conditional Use Permits the best mechanism? CUPs will not be effective without clearly written language, stiff penalties for non-performance and formal annual Council review.
16. Does CEQA or OSHA require study of reflected engine noise and sirens sound bouncing from the taller and taller buildings, especially those with almost sheer glass fronts. Children often cover their ears where fire and ambulances vehicles rush by on University Avenue. How many decibels are generated and what is the safety standard?

17. The current site provides 11,633 sq ft of retail space. How many "rentable" square feet of square feet will be available in the new building? How much square footage is lost from lobbies, stairwells, elevator and other public/mechanical spaces? Loss of retail space in the commercial core should be clearly stated in the ARB findings. Unrestrained loss of retail space is a high priority for our new City Council. Here is broader context.

    The proposed office building at 429 University (formerly Shady Lane, et. al.) will remove 4,477 sq. ft. of existing retail. Concerned residents, hardly experts, calculate a 38% loss of retail office space if this project is approved by City Council.

    The new building in plan check for 500 University (formerly House of Bagels, et. al.) will remove 11,174 sq. ft. of existing retail, which is estimated 70% reduction of retail space directly on University Avenue.

    In both cases, the reduction in retail is matched mostly by an increase in office space. This is unfortunately "legal", but the city policy therefore needs to be fixed. The Comprehensive Plan does not give definitive guidance; it is a permissive document. This project deserves immediate oversight by the Planning Commission and City Council. Similar patterns of retail loss in new projects are being studied by resident. The root causes of this problem are lack of information in staff reports and lack of precise plans to govern University Avenue Core and residential neighborhoods threatened by over-development.

RECOMMENDATION:
STAFF REPORTS ON EVERY DEVELOLPMENT APPLICATION MUST ANTICIPATE AND ADDRESS REASONABLE QUESTIONS FROM COMMERCIAL CORE STAKEHOLDERS AND ADJACENT NEIGHBORS. ESCALATING PARKING DEFICITS AND LOSS OF RETAIL DO NOT DISCRIMINATE. DEFICITS IMPACT RESIDENTS, TENANTS AND PROPERTY OWNERS.

411 & 437 LYTTON AVE.
PALO ALTO, CA 94301

CASE STUDY #2 JUST OUTSIDE THE PARKING ASSESSMENT DISTRICT

- **OUTDATED DEVELOPMENT ENTITLEMENTS ESPECIALLY PARKING EXEMPTIONS**
- **UNLIMITED ENTITLEMENTS TO PARK IN RESIDENTIAL NEIGHBORHOODS**

411-437 Lytton Avenue (office, historic home and penthouse in Project Review Process)

13.310 sf commercial; 6,305 sf residential
One parking space per 250 sq ft commercial = 53 parking spaces required
Two residential units = 4 parking spaces required.
45 onsite parking spaces proposed plus 10 tandem with attendant. Tandem may not be valid.
Offsite permit parking demand is 53+ 4 - 55 = ONLY 2 space deficit in unknown location
https://www.cityofpaloalto.org/civicax/filebank/documents/42694

POLCIY ISSUES LEFT UNANSWERED TOO LONG

THIS DEVELOPMENT IS IMMEDIATELY ADJACENT TO OVER 1600 RESIDENCES IN THE DOWNTOWN NORTH RESIDENTIAL NEIGHBORHOOD. THE ECONOMIC BOOM IS CREATING UNLIMITED DEMAND FOR OFFICE SPACE. HOW DOES THE CITY STAFF AND COUNCIL EXERCISE WORLD-CLASS STEWARDSHIP WHEN THE COMPREHENSIVE PLAN CLEARLY STATES A POLICY TO ENCOURAGE COMMERCE BUT NOT AT THE EXPENSE OF RESIDENTIAL NEIGHBORHOODS?

1. Commercial and retail tenants and their employees must be ineligible for non-resident parking permits to park on residential streets because the developer is committing to 53 parking spaces to "fully" park this development.
2. Should a CUP be placed on this property to require reporting of any future parking demand that exceeds supply on the site?
3. NOW IS THE TIME TO ADOPT AND ENFORCE PROJECT SPECIFIC CONDITIONAL USE PERMITS TO MITIGATE ANY POTENTIAL NEGATIVE NEIGHBORHOOD PARKING IMPACT FROM DEVLEOPMENTS SUCH AS 411-437 UNIVERSITY.

RECOMMENDATION:
STAFF REPORTS ON EVERY DEVELOLPMENT APPLICATION MUST ANTICIPATE AND ADDRESS REASONABLE QUESTIONS FROM COMMERCIAL CORE STAKEHOLDERS AND ADJACENT NEIGHBORS. ESCALATING PARKING DEFICITS IMPACT RESIDENTS, TENANTS AND PROPERTY OWNERS.

University Avenue
Permit Parking Space
Supply Vs Demand

(excludes 2 & 3 hr parking)

February 12, 2015 draft

Analysis Prepared by Neighborhood Residents
Review with Planning Department Requested

On Jan 28, 2015 (midday) top floors of the three main garages had capacity to accommodate more vehicles with permit parking stickers.

High Street	38 vehicles were parked at 100% capacity: no capacity for additional all-day permit parking without valet parking Sixteen (16) valet parked vehicles, at least 14 additional spaces could be filled with the existing valet program The High Street valet parking program expanded "capacity" by 16 vehicles thus achieving 142% de facto load on top floor.
Bryant St	30 vehicles parked at only 36% capacity, 54 unused parking spaces, valet parking not provided
Cowper St	30 vehicles parked at only 38% capacity, 48 unused parking space on top (6^{th}) floor. Very few vacant parking spaces on the 5^{th} floor; valet parking not provided

Bryant and Cowper St garages had at least 102 unused parking spaces [on top levels] and this is a typical, chronic situation. It is impossible to obtain 100% efficiency without electronic signage. However, if 90% efficiency could be obtained without electronic signage and wayfinding, then **90 more downtown workers with permits could park** in these two commercial core garages rather than residential neighborhoods.

IMMEDIATE POTENTIAL TO INCREASE PERMIT PARKING SUPPLY: 90 DOWNTOWN WORKERS COULD IMMEDIATELY PARK IN THE COMMERCIAL CORE GARAGES INSTEAD OF RESIDENTIAL NEIGHBORHOODS WITH IMPROVED PARKING PERMIT POLICY*

***This report will be updated and reissued monthly with new counts of parked vehicles in the three garages**

GOOD NEWS!

Valet Parking Increases Supply!

City and Parking Assessment District Must Invest in Downtown's Future

Benefit of Valet Parking

The High Street valet parking program is almost one year old. There have been short periods with 20-25 additional valet parked cars on the top two levels. If the valet program were extended to Cowper and Bryant Street Garages, there would be substantial increase in permit parking capacity and non-resident vehicle intrusion could be reduced in Professorville, University South, Crescent Park and Downtown North neighborhoods.

Untapped Valet Parking Benefits on Jan 28, 2015

High Garage	20-25 additional spaces via existing valet program
Bryant Garage	54 additional spaces on the top level **plus**
	30-35 additional vehicles via the valet program
Cowper Garage	48 additional vehicles on the 6th floor **and**
	3? additional vehicles on the 5th floor **plus**
	20-25 additional vehicles via the valet program

[insert graph to illustrate benefit of valet parking]

PERMIT PARKING SUPPLY CAN BE INCREASED WITH VALET PARKING: 175-190 DOWNTOWN WORKERS COULD IMMEDIATELY PARK IN THE COMMERCIAL CORE INSTEAD OF RESIDENTIAL NEIGHBORHOODS*

***ELECTRONIC SIGNAGE AND WAYFINDING WOULD BE VERY BENEFICIAL BUT NOT NECESSARY TO ACHIEVE THESE RESULTS.**

DISTURBING NEWS!

Permit Parking Demand Will Outpace Supply

WHY?

- **Increasing Density of Workers in Existing Buildings**
- **New, Larger Buildings in the Pipeline**
- **Remodeling/Upgrading of Existing Buildings**
- **Conversion from Retail to Office Use**
- **Misallocated Funding: Additional Garages Vs Under-funded TMA, a Systemic Solution Which Mitigates Demand**

Pipeline projects will require 498-847 parking spaces off-site. The primary analysis is based on 1 parking space required per 250 sf office space (ie, the accepted Palo Alto standard of 4 parking spaces per 1000 sf of commercial space). A second analysis is presented with parking space demand estimated at 1 parking space required per 300 sf. A third analysis assumes 1 parking space required per 200 sf.

Future Demand	**498 or 641 or 847 vehicles**
High, Bryant &Cowper Garage Future Supply	**175 or 190 vehicles**
MOST OPTIMISTIC SCENARIO	***498-190 = 308 PARKING SPACE DEFICIT***
LEAST OPTIMISTIC SCENARIO	***847-175 = 672 PARKING SPACE DEFICIT***

$64,000 QUESTION!

WHERE WILL 308-672 WORKERS FIND ALL-DAY PARKING SPACES?

8 HONEST QUESTIONS AND ANSWERS

1. Scattered Public And Private Parking in the Commercial Core? Yes, but marginal gain of spaces
2. Electronic Signage and Wayfinding? Essential! Need it yesterday
3. Residential Neighborhoods? Unlikely if Council adheres to its permit parking pledge ***and schedule***
4. TMA Solutions? No substantial mitigations are on the 12-18 month horizon
5. Shuttle Lots? No financially viable, politically probable program has been identified; large, efficient shuttle lot(s) and shuttle(s) could evolve from TMA in 2-3 years
6. NEW PUBLICLY FINANCED, PAY GARAGE ON PARKING LOT D? Yes, any new capacity must relieve 1200-1500 non-resident parked vehicles in the neighborhoods. Housing above an existing surface lot may be higher priority than parking.

7. NEW PUBLIC/PRIVATE GARAGE ON PUBLIC PROPERTY? Yes, only if ANY new capacity is fully dedicated to relief of commercial parking intrusion in the neighborhoods
8. VACATED SPACES BY CALTRAIN COMMUTER AND STANFORD EMPLOYEE VEHICLES NOW PARKED IN THE RESIDENTIAL NEIGHBORHOODS? TERRIBLE OUTCOME FOR RESIDENTS. ELIMINATION OF CALTRAIN AND STANFORD COMMUTERS WAS INTENDED TO REDUCE NON-RESIDENT INTRUSION AND RAISE NEIGHBORHOOD QUALITY.

SCENARIO PLANNING

Medium Scenario: Permit parking for tenants, visitors and customers is based on 1 parking space/250 sf and 2 parking spaces per residential unit. This analysis excludes demand for 2- and 3-hour parking. Note: Very low permit parking demand assumptions for restaurants.

Low Scenario: A second analysis assumes permit parking demand based on 1 parking space/300 sf and 2 parking spaces per residential unit. This analysis excludes demand for 2- and 3-hour parking.

High Scenario: Parking demand based on 1 parking space/200 sf and 2 spaces per residential unit. 2- and 3- hour parking excluded.

Scenarios for Upcoming Pipeline Demand for Offsite Permit Parking

	Medium	Low	High
135 Hamilton	61	48	81
240 Hamiton	48	40	60
261 Hamilton	168	140	210
380 Hamilton	50	39	67
537 Hamilton	39	30	54
140 University	8	6	10
451 University	23	18	28
456 University	49	41	61
500 University	42	24	69
531 Cowper	16	13	20
611 Cowper	55	36	83
420 Ramona	11	9	13
405 Waverley	3	2	5
636 Waverley	4	0	8
430 Kipling	64	53	80
TOTAL	641	498	847*

*High scenario is unlikely, but POSSIBLE!

Onsite Parking Spaces per 1000 Square feet

	Square Feet	On Site Parking Spaces	On-site Parking Spaces per 1000 sq ft
140 University	3,375	0	0.0
261 Hamilton	41,900	0	0.0
420 Ramona	4,500	0	0.0
430 Kipling	16,000	0	0.0
451 University	9,132	0	0.0
456 University	12,205	0	0.0
531 Cowper	4,000	0	0.0
240 Hamilton	11,500	2	0.2
380 Hamilton	17,500	18	0.4
135 Hamilton	19,960	23	1.2
537 Hamilton	14,567	19	1.3
405 Waverley	1,500	3	2.0
611 Cowper	28,165	58	2.1
636 Waverley	10,204	21	2.1
500 University	26,806	65	2.4

Each of these properties could be occupied in 2015-2017.
On-site parking is well-below city standard of 4 spaces per 1000sf.
Where will tenants in each of these properties find all-day parking?
What is the impact if the Parking Assessment District cannot provide parking?

CAN PALO ALTO'S PARKING ENTITLEMENTS CONTINUE TO DEFY THE LAWS OF PHYSICS?

THE BOTTOM LINE:

INABILABILTY
TO DIFFERENTIATE BETWEEN
A PROBLEM AND A SYMPTOM

ESCALATING NON-RESIDENT PARKING INTO RESIDENTIAL NEIGHBORHOODS IS A SYMPTOM OF FAILED DEVELOPMENT POLICIES.

AND IT IS A SYMPTOM OF UNDER-PRICED PARKING POLICY.

OPEN INVITATION TO ANYONE CONCERNED ABOUT NEIGHBORHOOD QUALITY AT RISK

PLEASE CHALLENGE THE CONTENTS AND "LOGIC" OF THIS REPORT.
SEND YOUR SUGGESTIONS AND CONTACT INFORMATION TO:
cnsbuchanan@gmail.com

SOURCES AND METHODOLOGY

- **PARTIAL LISTING OF PIPELINE PROJECTS WHICH WILL IMPACT PERMIT PARKING SUPPLY AND DEMAND WHEN TENANTS ASSUME OCCUPANCY IN NEAR FUTURE.**
- **PLEASE NOTE THAT THIS ANALYSIS IS BASED ON A SNAPSHOT OF PARKING DEMAND AND ACTUAL SUPPLY AVAILABLE AT A SPECIFIC DATE AND TIME: MID-DAY JANUARY 28, 2015**
- **FUTURE ANALYSES WILL BE PRESENTED TO THE PUBLIC ON AN ALMOST MONTHLY BASIS**

135 Hamilton Avenue (Offices and 2 penthouses under construction)
19,960 sf commercial, 4913 sf residential
One parking space per 250 sq ft = 80 parking spaces required for commercial; 4 for residential
23 onsite parking spaces provided including lifts
Offsite permit parking demand will be 84-23 = 61 spaces in unknown location
http://www.cityofpaloalto.org/civicax/filebank/documents/32657

240 Hamilton Avenue (Offices and 2 penthouses. Ground breaking soon.)
11,500 sf commercial, 3,500 sf residential
One parking space per 250 sq ft = 46 parking spaces required for commercial + 4 for residential
4 onsite parking spaces provided. *Loss of 2 street parking spaces.* In lieu fees possible up to $668,251
Offsite permit parking demand will be 46 + 2 = 48 spaces in unknown location
http://www.cityofpaloalto.org/civicax/filebank/documents/38104

261 Hamilton Avenue (Offices being remodeled)
41,900 sf commercial
One parking space per 250 sq ft = 168 parking spaces required.
0 onsite parking spaces provided (project is credited with 7? parking spaces at another property and 144 parking spaces created by the Parking Assessment District. Unknown in lieu fees may apply). ***If a future tenant reduces parking demand to 2 vehicles per 1000 sf, then parking demand would drop to 84 parking spaces in unknown location,***
Offsite permit parking demand will be 168 spaces in unknown location.
https://www.cityofpaloalto.org/civicax/filebank/documents/39929
http://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?BlobID=45540

380 Hamilton Avenue (conversion of Post Office to offices. Pending purchase from USPS)
17,500? sf to be converted to commercial and reduced Post Office service
Unknown space on probable second floor "loft"
5,000? square feet in basement

One parking space per 250 sq ft = 68? parking spaces required for commercial + Post Office
18 onsite parking spaces
Note: Downtown Parking Assessment District based on 1 parking space/250 sf for 11,631 sf footprint. City of Palo Alto [instead of Federal Government] paid $140,364.28 to Parking Assessment District
Offsite permit parking demand will be 68 – 18 = 50 spaces in unknown location.
http://www.cityofpaloalto.org/civicax/filebank/documents/41498

537 Hamilton Avenue (Offices soon to be occupied.)
14,567 sf commercial
One parking space per250 sq ft = 58 parking spaces required.
19 onsite parking spaces provided
Offsite permit parking demand will be 58 -19 = 39 spaces in unknown location.
http://www.cityofpaloalto.org/civicax/filebank/documents/35475

140 University (restaurant being remodeled, formerly Alchymist)
3,375? square feet restaurant
One parking space per 400 sf = 8 parking spaces required (residents' guess)
0 onsite parking spaces provided due to location within the parking assessment district
Will require approximately 8 permit parking spaces for employees when opened
Offsite permit parking demand estimate will be 8? spaces in unknown location

451 University (proposed restaurant at vacant retail store, formerly Apple Store)
9,132 square feet restaurant
One parking space per 400 sf = 23 parking spaces required (residents' guess)
0 onsite parking spaces provided due to location within the parking assessment district
Will require approximately 23 permit parking space for employees when opened
Offsite permit parking demand will be 23? spaces in unknown location
http://www.cityofpaloalto.org/civicax/filebank/documents/37952
also email exchange between Sheldon Ah Sing, Project Leader and Neilson Buchanan

456 University-HanaHaus (1st Floor office currently vacant; 2nd Floor occupied (former Borders/Varsity Theater)
Upper Floor 10,641 square feet, currently occupied
Ground Floor, 12,205 square feet commercial and restaurant, currently vacant, patio space not validated
0 onsite parking places
1st Floor Café and HanaHaus employees require 16 permit parking spaces (estimated employees in application)
1st Floor Patrons, collaborators, guests and visitors may require 25-50 permit parking spaces(residents' guess)
Offsite permit parking demand guess: 41-66 spaces in unknown location
http://www.cityofpaloalto.org/news/displaynews.asp?NewsID=2711&TargetID=319

https://www.cityofpaloalto.org/civicax/filebank/documents/43277

500 University(Offices and Retail. Groundbreaking soon)
20,506 sf commercial, 6,300 sf retail
One parking space per 250 sf = 107 or **108?** actual parking spaces required
65 onsite parking spaces provided
Offsite permit parking demand will be 107- 65 = 42 spaces in unknown location
http://www.cityofpaloalto.org/news/displaynews.asp?NewsID=2424&TargetID=319

531 Cowper (restaurant California Pizza Kitchen being converted to office)
4,000? sf commercial
One parking space per /250 sq ft = 20 actual parking spaces required
0 onsite parking spaces provided
Offsite permit parking demand will be 20 spaces in unknown location

611 Cowper (office and one 6,538sf luxury penthouse. Under construction)
28,165 sf commerical, 6,538 sf penthouse
One parking space per 250 sq ft = 113 parking spaces required.
6,539 penthouse = 2 parking spaces required
60 onsite parking spaces provided (or 62 spaces with lifts?)
Offsite permit parking demand : 113 + 2 – 60 = 55 spaces in unknown location
http://www.cityofpaloalto.org/civicax/filebank/documents/35258

420 Ramona (restaurant being remodeled, formerly Mandarin Gourmet)
4,500? sf restaurant
One parking space per 400 sf = 11 parking spaces required (residents' guess)
0 onsite parking spaces provided
Offsite permit parking demand estimate: 11 spaces in unknown location

405 Waverly (coin operated laundry being converted to office)
1500? sf commercial
One parking space per 250 sf = 6 estimated parking spaces required
3? onsite parking spaces provided
Offsite permit parking demand estimate: 3? spaces in unknown location

636 Waverly Street(Office and 2 penthouses. Under construction)
5,050 sf commercial; 5,144 sf residential square feet
One parking space per 250sf commercial = 21 spaces
Two spaces per residence = 4 spaces
25 parkings spaces required with 4 spaces exempted for housing bonus
25-4= 21 onsite parking spaces provided including five 4-car stack lifts
Offsite permit parking demand is 25-21= 4 spaces in unknown location
http://www.cityofpaloalto.org/civicax/filebank/documents/35476

430 Kipling (American Express Ventures: 200? employees @ former Zibibbo Restaurant. Ready for occupancy)
16,000+? sf commercial
One parking space per 250 sq ft = 64? parking spaces required.
0 onsite parking spaces provided
Offsite permit parking demand estimate: 64 spaces in unknown location

OTHER DOWNTOWN PROECTS
WILL BE ADDED IN THE NEXT ANALYSIS

LAST PAGE

Fong, Christy

From: Michael Harbour <dr.mharbour@gmail.com>
Sent: Wednesday, February 18, 2015 2:10 PM
To: Fong, Christy
Cc: Architectural Review Board; Council, City
Subject: CONCERN: 429 University Ave Project site access and operations analysis

Importance: High

Dear Christy,
I have thoroughly read the Hexagon Transpiration Consultants report dated 10/20/14 for analysis of the traffic impact of the proposed building on the corner of University Avenue and Kipling Street. The consultants estimate that there will be a NET 166 new auto visits to the proposed building. Traffic entering the underground parking structure will be routed Eastwardly from Waverly Street along Alley 30 and into the garage. Cars exiting the garage will exit the garage by turning right into the alleyway and then either turn left or right onto Kipling Street. My main concern is that Kipling Street is a very narrow two lane road (29 feet across) and can't accommodate this increased traffic. It is not currently possible for two cars to pass each other while cars are parked along the street so the street in fact serves as a one-way street as times. Drivers are required to "take turns" and allow one car to pass each other at a time. An additional 166 cars entering and exiting the building's garage will significantly impact this traffic circulation as they try to turn right and left onto Kipling Street. Left hand turns from University Avenue are not allowed onto Kipling Street due to this narrowness. Cars that are turning right (north) onto Kipling Street from University Ave often have difficulty going thru this intersection. The Hexagon report calls attention to the fact that "that a queue of more than a single vehicle in the southbound direction could prevent other vehicles from turning right from westbound University Avenue onto Kipling Street, due to the extremely narrow roadway width and presence of parked vehicles" (p. 39). Indeed, I've personally been hit twice over the years by cars who misjudge the space between cars. The report also states "in the event that a vehicle making a right turn out of the alley onto Kipling Street encountered a significant queue, the driver might choose to make a left turn onto Kipling Street and then onto Lytton Avenue to circle around the block" (p. 47). This traffic increase will greatly impact the residents and those currently working on Kipling Street and will make life unpleasant. It will ruin the peaceful and pleasant ambience of the Victorian lined street.

I URGE the Architectural Review Board, Planning Director, and the City Council to thoroughly consider this traffic report before approving this project and make specific recommendation about how to mitigate this increase in traffic and congestion and chances for collisions.

Thanks,
Michael Harbour, MD
Owner
421 Kipling Street.

Fong, Christy

From: Steve Levy <slevy@ccsce.com>
Sent: Wednesday, February 18, 2015 2:16 PM
To: Architectural Review Board
Cc: Fong, Christy; Elizabeth Wong
Subject: 429 University project

Hi,

I spent lunch reading the packet for tomorrow's meeting,

Based on the original plans and the modifications, I am excited to support the project andhope for its speedy approval.

Three items in the packet caught my eye especially.

First, the statement from the Comp Plan about encouraging renewal of older existing properties.

"The Comprehensive Plan encourages owners to upgrade or replace existing commercial properties so that these commercial areas are more competitive and better serve the community."

Second, the many references to the desire in Palo Alto for mixed use projects, which the proposal plans for and

Third, the ability of the project to incorporate green planning components.

"This finding can be made in the affirmative in that the project would comply with the City's green building ordinance, and the design includes overhangs, recesses, and other shading devices and techniques to reduce the solar heat gain and energy consumption related to the cooling of the building. The design is easy for pedestrian, bicycle and transit access. The project incorporates high efficiency LED light fixtures, low-flow plumbing fixtures and high efficiency HVAC equipment for efficiency energy and water use. Green building features will be incorporated to achieve CalGreen Tier 2 standards for the commercial portion and Green Point rated standards for the residential portion;"

I am told by people who know more about this that incorporating green design in new or replacement projects such as this is much more cost effective than retrofitting older existing buildings.

I live downtown and have worked downtown since 1969. This project will enhance our downtown and the fact that the residential units are apartments is an added plus.

Stephen Levy
365 Forest Avenue 5 A
Palo Alto 94301

Fong, Christy

From: Filipe Fortes <fil@fortes.com>
Sent: Wednesday, February 18, 2015 2:29 PM
To: Fong, Christy
Subject: Palo Alto Needs More Density

Ms Fong,

I'm sure you're getting a lot of notes from anti-growth people regarding the 429 University Ave project. I just want to make sure there are other voices represented. Palo Alto is the best city in the peninsula because the density along the University Ave corridor creates a walkable environment with compelling retail and dining. I, and many others, fully support any project that increases the density of this area, especially any that add desperately needed residential capacity.

Best,
Filipe Fortes
Crescent Park Resident since 2012

Fong, Christy

From: Brian Bulkowski <brian@bulkowski.org>
Sent: Wednesday, February 18, 2015 2:35 PM
To: Fong, Christy
Subject: Support for 429 University

Ms Fong,

I would like to register my SUPPORT for the 429 University project.

Unlike naysayers within the "community", I am pro-growth, I am a local entrepreneur, I was born in Oakland, and have lived in the bay area (various spots between Oakland, SF, Mt View, PA, Menlo Park) since settling in the mid-peninsula 10 years ago.

Expansion of silicon valley is necessary, and doing so in a high-density transit-savvy way is imperative.

Thank you for continuing to support sensible planning for silicon valley.

-brian

Fong, Christy

From: Andrew Gottlieb <andrewjgottlieb@yahoo.com>
Sent: Wednesday, February 18, 2015 2:39 PM
To: Fong, Christy
Subject: Re: 429 University Ave @ Kipling St Project

Christy,

It appears that the architect and owners of this project have made some modest changes, but the size and scope of the project are the same. I still believe the project is too large and will have a detrimental impact on the neighborhood and character of downtown. I would like to reiterate my concerns outlined below.

Why do we need a project on a massive scale that will dwarf the surrounding buildings and as a result be out of place with the rest of downtown? Why can't the ARB insist on a project that is in keeping with the character of our neighborhood? Regardless of any retail on the bottom floor, why do we need another high rise that will start an office park-like atmosphere? The project just doesn't make any sense as currently designed and does not have to go forward. The ARB can insist on changes that will result in a project that makes sense for downtown or make a recommendation that the project not be approved as currently designed.

Thanks you.
Andrew Gottlieb

On Jan 14, 2015, at 10:09 AM, Fong, Christy <Christy.Fong@CityofPaloAlto.org> wrote:

Thank you for your comment, Andrew. Your email below will be shared with the Architectural Review Board (ARB) in the hearing tomorrow for consideration. Will you be able to attend to the meeting? The ARB meeting will start at 8:30 am in Council Chamber at City Hall. It is the second item on the agenda.

Regards,

<image001.jpg>

Christy Fong | Planner| P&CE Department
250 Hamilton Avenue | Palo Alto, CA 94301
T: 650.838.2996 |**E:** Christy.fong@cityofpaloalto.org

Please think of the environment before printing this email – Thank you!

From: Andrew Gottlieb [mailto:andrewjgottlieb@yahoo.com]
Sent: Wednesday, January 14, 2015 9:00 AM
To: Fong, Christy
Subject: 429 University Ave @ Kipling St Project

Dear Ms. Fong

I am writing to you to let you know my concern about this project. I am a Downtown North resident and I love our neighborhood. I am not opposed to development, but I want to see development that makes sense (e.g.,

provides for adequate parking, fits in with the general architecture and design of the neighborhood, minimal additional traffic burden).

The project, as I understand it, is a four story, 31,400 sq ft building which, appearing from drawings, looks like it will create a canyon-like effect along narrow Kipling Street which is only 29 feet wide. It is being built at the same height as buildings on wider streets like Bryant St. (49 feet wide), which doesn't make sense - the dimensions of the impacted street should be taken into account. In addition, the traffic concerns with two levels of underground parking and its resultant in/out congestion at the corner is a major concern. The entrance/exit from this parking garage is proposed to empty out onto the alley at Kipling St. There will also be garbage, delivery and service trucks using that area. Because of its narrowness, left hand turns onto Kipling from University Ave are not allowed. With cars parked on both sides of Kipling St, there is barely sufficient room for opposite traveling cars to squeeze by one another. There are frequent near-misses and accidents there because of the difficulty in judging distances between cars. As a result of the project - as designed - it is likely that this will get worse after the project is completed.

Kipling St is a special street in downtown Palo Alto because of its row of Victorian houses which are being used as residences and small businesses. I believe that the character of this street should be preserved by requiring changes to the project design that prevents the street from being congested with traffic, service vehicles and additional fender benders. I'm not opposed to redeveloping this corner, but as it currently is proposed, this project is still too big in my opinion and not in keeping with the general character of the downtown neighborhood. Please consider requiring changes to this project that will prevent permanent negative impacts to this unique area of downtown.

As it is, I am afraid that downtown is already being taken over by recent large development projects that have a negative impact on the character of our downtown, with the potential of turning it into a typical commercial district that is no different than any other downtown. As a resident and frequent shopper downtown, it is really great to support local businesses that occupy buildings with historic architectural design and other buildings that are developed in keeping with the neighborhood style. Let's try to preserve the unique nature of our downtown business district. Please take these concerns into account when considering massive projects such as this one.

Best regards,

Andrew Gottlieb
324 Emerson Street

Fong, Christy

From: Laura Hull <laura.vinolocale@gmail.com>
Sent: Wednesday, February 18, 2015 4:03 PM
To: Fong, Christy; info@vinolocale.com
Subject: 429 University - Effects on Local Business

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms Fong and the Palo Alto Architectural Review Board:

Vino Locale Restaurant & Wine Bar is located at 431 Kipling, just a half-block off University Avenue, and steps from the proposed new building at 429 University Avenue. Owned by three Palo Alto women, Vino Locale's core business is based on a friendly, relaxed and unique restaurant experience in Downtown Palo Alto.

We're located in an historic Victorian house, surrounded by other historic houses that are also currently used as small businesses, attracting clients and customers who are looking for a decidedly un-corporate look and feel.

VL relies on foot traffic streaming from University Avenue - the hulking 429 building would dominate tiny Kipling, creating a less-than-friendly path to our restaurant, driving that important foot traffic away, and ultimately squeezing sales - and this would be after construction is complete! We are indeed already very nervous about how the noisy, dusty dirty, time-consuming construction process will reduce our sales.

The proposed project, at a massive 31,400 sq.ft. and towering 4 stories with a risky parking scheme that dumps cars first into the alley, and then onto our diminutive street puts us all at risk - both from a safety standpoint and diminishing sales.

We are decidedly against the size of this project and heartily endorse a smaller footprint, especially reducing the height to create a friendlier feel. It is imperative that you mitigate our parking and traffic concerns.

We are happy to answer any questions and assist you in creating a wonderful Downtown Palo Alto

Sincerely
Debra Szecsei
Jocelyn Alexander
Emily Mathews
Owners, Vino Locale Restaurant, Wine Bar and Wine Shop

and
Laura Hull
Marketing Manager

--
Laura Hull
Marketing Manager
Vino Locale - Restaurant, Wine Bar & Wine Shop
www.vinolocale.com
(650) 328-0450

Question I continually return to: Is this the best possible building for that site?
Finding # 2
The design is not compatible with the immediate environment of the site.

Definition of "compatibility" from the Municipal Code [18.16.090: Context based Design criteria]
"Compatibility is achieved when apparent scale and mass of new buildings is consistent with the pattern of achieving a pedestrian oriented design, and when new construction shares general characteristics and established design linkages with the overall pattern of buildings so that the visual unity of the street is maintained."

While I would agree that staff has done a fine job carefully defining the context within which they find this affirmed, I submit that going from 4 stories to 1 on the Kipling side cannot be construed as "compatible" as defined by the MC. You have demonstrated the ability to step down the apparent scale and mass of the building on the University side. Why does the building still lack similar stepping down treatment on the Kipling side? Granted it may be incredibly difficult to coax the building to share general characteristics/established design linkages with Kipling but you are incredibly talented so why can we not achieve more visual unity along Kipling?

The rooted corner
As articulated on p. 5 of the staff report, that you have satisfied the specific letter of the law [PAMC Chapter 18.30(B)] regarding pedestrian arcades, looks to be true. However, the term "pedestrian friendliness" arises repeatedly throughout the Comprehensive Plan. In fact, in the visioning of Palo Alto, the verb used now is "Prioritize" as in "Prioritize pedestrian access" [T1.19 Draft Comp Plan]

Yet you state "...we believe that the positive corner is consistent with the downtown guidelines and with many retail corners in the downtown core"

I would like to remind all of us that in the case of the # of corners between Kipling and Alma on University, "many" positive corners actually means < 50%. You and I are fully aware that the rooted corner is only one of five options described by the downtown design guidelines. The other four are some version of open. As previously mentioned, over half of the existing corners btw. Kipling and Alma are open. So although I have to agree that this rooted corner is consistent with the downtown design guidelines, as I did months ago, I feel compelled to offer that I find this corner treatment to be far less pedestrian oriented than an open corner especially given the narrowness of Kipling. You might be surprised to learn that there is a small segment of our downtown community who regularly walk the N sidewalk of University Ave, arrive at that Kipling corner to catch their breath before turning around.

In light of the comp plan policy to "prioritize for pedestrians", I am left wondering if it right to marginalize this aspect of pedestrian friendliness for the sake of "strong

Question I continually return to: Is this the best possible building for that site? retail?"

Question I continually return to: Is this the best possible building for that site?
Finding #1
The design is admirably consistent and compatible with some but not all applicable elements of the Palo Alto Comprehensive Plan. A few important deviations:

- "Manage new non-residential development in the Downtown area to better balance traffic and parking impacts in the surrounding neighborhoods." [L5.12] Although you clearly have exceeded current parking requirements, it is important to also recognize for the record that our current policies allow this building to be adding parking impacts that may conceivably remain unmitigated for decades.
- "...Recognize the importance of an appropriate retail balance, including small local businesses, to the continued vitality of Downtown." [Policy B-20; B 2.1] With the loss of independent businesses like Shady Lane, this building is not helping to retain small local businesses.
- "Avoid abrupt changes in scale and density between residential and non-residential areas..." [Comp plan section that guides Private Development, L3.2, p. 30]
- "Preserve the character of residential neighborhoods by encouraging new or remodeled structures to be compatible with the neighborhood and adjacent structures." [L.3.3, p. 31]

Both of these last two articulated policies are designed to support the [L.3] Goal – "Guide growth, change and preservation of residential and business areas through planning policies that sustain their unique character." Whether or not you agree that Kipling is or isn't a residential neighborhood, certainly we could agree that there exists a unique character going on on Kipling that deserves to be better respected.

Conclusion
There are only 23 corners on University btw. Kipling and Alma. Is this the best building you can muster for that site context or might we stretch together to something better?

Corrections
Attachment A, Finding #2 "While the Downtown Urban Design Guide has not ~~specific~~ the desirable number of stories for this site"....should read "specified"

Fong, Christy

From: Gitelman, Hillary
Sent: Wednesday, February 18, 2015 5:33 PM
To: Fong, Christy
Cc: French, Amy; Lait, Jonathan
Subject: FW: Correction re 429 University

Follow Up Flag: Follow up
Flag Status: Flagged

For your use/file. HG

Hillary Gitelman | Planning Director | P&CE Department
250 Hamilton Avenue | Palo Alto, CA 94301
T: 650.329.2321 |**E:** hillary.gitelman@cityofpaloalto.org

CITY OF PALO ALTO

Please think of the environment before printing this email – Thank you!

From: Elaine Uang [mailto:elaine.uang@gmail.com]
Sent: Wednesday, February 18, 2015 5:12 PM
To: Architectural Review Board
Cc: steering@paloaltoforward.com; Sullivan, Jessica; Gitelman, Hillary; Friend, Gil
Subject: Correction re 429 University

Dear ARB,

It has come to my attention that my RPP Stakeholder group colleague, RIchard Brand, submitted a letter expressing his opinion about the 429 University project and signed my name to it. I would like to correct this - I do not share Richard's position in his note. I was an RPP Stakeholder member, am very concerned about parking impacts and agree with Richard that RPP is an important piece of solving the parking problem. But I differ in view from his letter to you about 429 University.

In general, new buildings are not the villain when it comes to increased parking demand. New buildings actually provide some parking for the commercial core. The crux of the downtown parking problem is finding parking or improving access to existing parking spaces for the 3,000,000 square feet of existing office space that has recently intensified in use. New office space has been increasing downtown by 20,000 sf per year over the last 5 years (per the downtown cap study) - that's 0.6% yearly increase in new office space. My neighbor Neilson Buchannan collects great weekly neighborhood parking data, and his data suggests that parking demand still continues to increase, at a greater rate than 0.6%.

The real problem is that the existing office space never had enough parking to begin with and just keeps getting intensified, not to mention all the retail and housing conversions under 10,000 sf that never get reported as office square footage (also per the downtown cap study). **Parking demand from the older buildings is several orders of magnitude greater than the parking demand generated by a new building and THAT is the problem that needs to be solved. Opposing new bldgs on the grounds of insufficient parking will do nothing to really solve the overall parking problem downtown.**

For new buildings, what can be done (and what I hope you as ARB members do) is to set the right development agreements, incentives and punishments so new buildings don't generate additional trips or additional parking demands beyond what parking they provide. This can be done through a variety of mechanisms, and requires strong enforcement, good incentives to comply and very very stiff penalties for violation . I acknowledge the city needs to beef up its current enforcement mechanisms, but once they do, they can apply the enforcement to other recently approved projects (ie Survey Monkey) and future projects. That will help us all keep better tabs on parking impacts of a building. I know the Planning staff is stretched, but this is an important problem to get right, and if we get the right carrots and sticks in place now, we develop the tools to better manage future parking and traffic challenges.

Longer term, through the Comprehensive Plan and the Sustainability/Climate Action Plan, I also hope a trips cap or similar performance measure for development impacts, may be a better way to manage current and future parking issues and encourage use of other transportation modes.

Regionally, I would prefer to have newer nicer buildings on University Ave, instead of out by the baylands or in a current low density neighborhood, which contributes more to the regional gridlock. University Avenue is probably the most transitable area on the Peninsula because it is the only place where VTA and SamTrans both serve. Along University, you have a much better chance of getting more people to need less parking and commute by train, bus, bike, foot than you do at Oregon & 101, East meadow & 101 or Page Mill & 280.

If we get new bldgs on University, I wish for each to create better urban design over time and that we could get a little more housing nearby (3-4 units on a project like this is ok, but what need more are mixed use projects that are residential over neighborhood serving retail) Urbanistically, I wish this project had a lower level public space, perhaps a recess at the ground level for a future cafe, or a nice open public corner. I also wish the bldg had a finer grained rhythm. What's nice about the existing retail space is the smaller scale shops, which offers a better rhythm at the street and more variety. The proposed single retail space and single curtain wall at street level retail destroys that rhythm and variety. When you walk along the Hotel President, you never notice the height of the HP and have no idea where the neighboring bldg stops and the six story Hotel President begins because at ground level the divided retail creates a nice syncopated rhythm of doors and columns that match the neighbors.. The bldg also looks like it has two main volumes: a narrower southern volume and a wider stone tile clad northern volume. Design wise, the building might feel less bulky and fit in better with the rhythm of bldgs along Univ if the bldg read like 3 or 4 volumes, similar to the southern element.

Thanks for your consideration of this project. Good luck!

Sincerely,
Elaine Uang
321 Kipling Street

Fong, Christy

From: nancylevy@aol.com
Sent: Wednesday, February 18, 2015 8:16 PM
To: Fong, Christy
Cc: Architectural Review Board; Council, City
Subject: Proposed building at 429 University Avenue

Dear Christy,

I read a note on Nextdoor by Dr. Michael Harbour encouraging neighbors to share with you our views. So I am sharing mine now. While I am sympathetic to some of the issues he raises, I support this project wholeheartedly.

This evening I walked to the corner of University and Kipling where the project will be located. I agree with Dr. Harbour that Kipling is a narrow street. Why doesn't the city make it a one way street? I would think that might help alleviate some of the tight traffic situations where cars going in both directions don't have enough room to navigate. It would then have parking on both sides of the street as it presently does but only one lane of traffic, rather than two.

University Avenue is precisely the right location for 4 story buildings. I think it is great to maximize the space. Everyone is saying we need more places for people to live. I believe the new building will include 4 apartments where there are presently none.

I sympathize with Dr. Harbour's desire to make Kipling a Victorian zone. However, I don't think it is fair to existing land owners to make such a drastic change. The building in question is definitely not Victorian now, why should any owner have to pay a tremendous amount of money to convert a building into a Victorian one? It makes no practical sense to me.

Lastly I believe that this project is a green one. It is often extremely expensive to retrofit old buildings to make them energy efficient. With this project the city will gain a more energy efficient building; more parking + a lot of money given to the city for parking offsets (ie why don't we build another parking garage?); 4 new apartments and more retail space. It is true there will also be additional office space which likely is what makes the building profitable for the landowner. No one is going to undertake an upgrade unless it is profitable. That should be self evident to all of us.

Thanks for your interest in the community's input,
Nancy Levy
365 Forest Ave 5A
Palo Alto, CA 94301

Fong, Christy

From: mwg1378@gmail.com on behalf of Mike Greenfield <mike@mikegreenfield.com>
Sent: Wednesday, February 18, 2015 10:37 PM
To: Fong, Christy
Subject: Re: 425/429 University Avenue

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Christy-

I gather that this project is being evaluated in slightly different form. I wanted to send a quick note to say that I'm still in favor of it. Also, I tweeted about what I thought was an absurd characterization of the project -- that four stories constitutes a "massive" building in downtown Palo Alto.

https://twitter.com/mike_greenfield/status/567377723517968387

The response was quite strong: it was by far the most popular thing I've ever posted on Twitter. I know that the local papers like to stir up controversy and anger among a small set of residents, but there's a very substantial piece of the population that's busy doing things like raising kids and building companies and (unfortunately) not following all of the details of specific projects. They are eager to see new buildings that will meet some of the need for additional space for both residents and workers.

Thank you

-Mike

On Thu, Sep 4, 2014 at 11:32 AM, Fong, Christy <Christy.Fong@cityofpaloalto.org> wrote:

Hi Mike,

Thank you for your comments. It will be documented in file and is subject for consideration during the review process.

Should you have further questions, please do not hesitate to contact me directly.

Regards,

Fong, Christy

From: Tamale, Diana on behalf of Architectural Review Board
Sent: Thursday, February 19, 2015 4:12 PM
To: Fong, Christy
Subject: FW: 429 University

This came last night.

Diana

From: irv_b [mailto:irv_b@pacbell.net]
Sent: Wednesday, February 18, 2015 7:04 PM
To: Architectural Review Board
Subject: 429 University

Dear Board Members:

I hope you will reject the current project design as inappropriate and incompatible with the Victorian architecture on that block of Kipling More importantly, it remains too massive for one of the narrowest streets in Palo Alto. Given that cars are always parked on both sides of the street, I cannot even bicycle safely on the 400 block of Kipling if even one car is approaching, It's a certainty that the extra traffic generated by the project will be especially hazardous on an already congested and dangerous street.

I have no problem with developing that site, but it should be appropriate both architecturally and in magnitude.

Respectfully,

Irv Brenner
250 Byron Street
PA 94301

Fong, Christy

From: Larry and Zongqi Alton <lalton@pacbell.net>
Sent: Tuesday, February 24, 2015 4:07 PM
To: Fong, Christy
Subject: 429 university avenue

Hi Christy,
This building is not what we want in downtown Palo Alto. It is too tall and will create traffic jams on Kipling. Also, there is not enough parking for a building of this size. Try driving down Kipling when another car is passing from the other direction. That will give you an idea of the problems that will develop if this building is approved as is.

This is an unreasonable request by a greedy developer. I know you care about Palo Alto. Please stop this building design from moving forward. Lets keep Palo Alto a beautiful and pleasant place to live and work. We do not want a dark congested canyon called University Avenue.

Thank You,
Larry Alton

DRAFT ADOPTED ON: Feb 25, 2015

City of Palo Alto
Department of Planning and Community Environment
California Environmental Quality Act
DRAFT MITIGATED NEGATIVE DECLARATION

I. DESCRIPTION OF PROJECT

Date: November 17, 2014

Project Name: 429 University Avenue

Project Location: The 0.25-acre project site is located in the northern section of the City of Palo Alto, in the northern part of Santa Clara County, east of State Route 82 (El Camino Real) and west of U.S. Highway 101. The project site is located on the northwestern corner of University Avenue and Kipling Street.

Project Proponent: Elizabeth Wong for Kipling Post LP

City Contact: Christy Fong
Planner, Department of Planning and Community Environment
City of Palo Alto
250 Hamilton Avenue
Palo Alto, CA 94301

Project Description:

The proposed project involves demolition of two one-story retail buildings located at 425 University Avenue (APN 120-15-029) and 429 University Avenue (APN 120-15-028) totaling 11,633 square feet (4,425 square feet and 7,208 square feet, respectively) on separate parcels, and construction of a new four-story mixed-use building with two levels of underground parking (Figure 4, Site Plan). The two parcels would be combined to create a single 11,000-square-foot parcel. The new building is proposed to be 31,407 square feet in gross floor area and would cover 9,478 square feet of the site in approximately the same location as the existing buildings. The total increase in gross floor area would be 19,774 square feet. The proposed building would provide 20,407 square feet of commercial space (an increase of 8,774 square feet) and 11,000 square feet of residential land uses. A total of four residential apartment units would be provided, for a residential density of 16 units per acre.

The maximum proposed building height is 50 feet and the FAR would be 2.86. The base FAR in the CD-C district is 1.0; however, the FAR may be increased with transfers of development rights (TDRs) and/or bonuses for seismic and historic rehabilitation upgrades, not to exceed a total site FAR of 3.0. The proposed project FAR is achieved through the transfer of 4,207 square feet that requires parking, 5,000 square feet that is exempt from parking, TDR from separate properties, and a one-time 200-square-foot parked bonus for the project.

Building design would include stone and crystalized glass panels around the University Avenue/Kipling Street corner. The stone framework would be divided into segments that reflect the pattern of facades along the street. The third and fourth floors would be stepped back from the façade to create depth and visual interest, while also providing terraces for residents and guests of the building. The project proposes retail entrances along University Avenue and Kipling Street. The entry lobby for the residential and office

uses would be located on Kipling Street. The building would be set back approximately 4 to 6 feet from Lane 30 to allow for pedestrian accessibility in the rear of the building and a raised planter would be located at the corner of the alley to provide a transition to the landscaped frontages along Kipling Street.

The proposed project would require 82 parking spaces for 20,407 square feet of commercial use and 10 parking spaces for 4 residential units, for a total of 92 parking spaces. However, the property was previously assessed and paid in lieu fees for 37 parking spaces in the University Avenue Parking Assessment District and is eligible to receive 5,000 square feet of TDRs exempted from parking (equivalent to 20 parking spaces). Based on these adjustments, the project is required to provide a total of 35 vehicle parking spaces. The project proposes to include a total of 40 parking spaces, exceeding the parking requirement by five spaces. The 40 parking spaces would be provided in the two-level underground parking garage. Seven long-term bicycle parking spaces would also be provided within the underground parking garage, and six short-term bicycle parking spaces would be located near the building entrances on University Avenue and Kipling Street, for a total of 13 bicycle parking spaces.

The proposed project is designed in accordance with the City's Green Building Ordinance, which requires compliance with California Green Building Code Tier 1 and Green Point rater (for the residential portion) with Local Amendments. The project would use both conventional and sustainable building materials, including a concrete frame, high-efficiency glazing systems, cut stone, glass tile, plaster finishes, abundant day-lighting and sun-shading systems, and an energy-efficient cool roof. The project would also include facilities for carpool/clean air vehicles and electric vehicle charging stations.

The proposed project would involve the removal of four existing street trees on Kipling Street, and the replacement of these trees with four new street trees on Kipling Street. Both of the two existing street trees on University Avenue would be retained.

II. DETERMINATION

In accordance with the City of Palo Alto's procedures for compliance with the California Environmental Quality Act (CEQA), the City has conducted an Initial Study to determine whether the proposed project could have a significant effect on the environment. On the basis of that study, the City makes the following determination:

_____ **The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION is hereby adopted.**

__X__ **Although the project, as proposed, could have a significant effect on the environment, there will not be a significant effect on the environment in this case because mitigation measures have been added to the project and, therefore, a MITIGATED NEGATIVE DECLARATION is hereby adopted.**

The attached initial study prepared for this project incorporates all relevant information regarding the potential environmental effects of the project and confirms the determination that an EIR is not required for the project.

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

Mitigation Measure BIO-1: The following measures shall be implemented to reduce impacts to protected trees:

WE, THE UNDERSIGNED, HEREBY ATTEST THAT WE HAVE REVIEWED THE INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION FOR THE PROJECT DESCRIBED ABOVE AND AGREE TO IMPLEMENT ALL MITIGATION MEASURES CONTAINED THEREIN.

Project Applicant's Signature **Date** 2/25/15

429 University Avenue Project
Mitigation Monitoring Program

INTRODUCTION

Section 15097 of the Guidelines for the California Environmental Quality Act (CEQA) requires that, whenever a public agency approves a project based on a Mitigated Negative Declaration (MND) or an Environmental Impact Report (EIR), the public agency shall establish a mitigation monitoring or reporting program to ensure that all adopted mitigation measures are implemented.

This Mitigation Monitoring Program (MMP) is intended to satisfy this requirement of the CEQA Guidelines as it relates to the 429 University Avenue project. This MMP would be used by City staff and mitigation monitoring personnel to ensure compliance with mitigation measures during project implementation. Mitigation measures identified in this MMP were developed in the Initial Study prepared for the proposed project.

As noted above, the intent of the MMP is to ensure the effective implementation and enforcement of all adopted mitigation measures. The MMP will provide for monitoring of construction activities, as necessary, and in the field identification and resolution of environmental concerns.

MITIGATION MONITORING PROGRAM DESCRIPTION

The City of Palo Alto will coordinate monitoring activities and ensure appropriate documentation of mitigation measure implementation. The table below identifies each mitigation measure for the 429 University Avenue Project and the associated implementation, monitoring, timing and performance requirements.

The MMP table presented on the following pages identifies:

1. the full text of each applicable mitigation measure;
2. the party or parties responsible for implementation and monitoring of each measure;
3. the timing of implementation of each mitigation measure including any ongoing monitoring requirements; and
4. performance criteria by which to ensure mitigation requirements have been met.

Following completion of the monitoring and documentation process, the final monitoring results will recorded and incorporated into the project file maintained by the City's Department of Planning and Community Environment.

It is noted that the mitigation measure numbering reflects the numbering used in the Initial Study prepared for the 429 University Avenue Project (Dudek 2014).

429 University Avenue Project
Mitigation Monitoring Program

No mitigation measures are required for the following resources:		
▪ Aesthetics ▪ Agricultural Resources ▪ Air Quality ▪ Geology, Soils, and Seismicity	▪ Greenhouse Gas Emissions ▪ Hydrology and Water Quality ▪ Land Use and Planning ▪ Mineral Resources	▪ Population and Housing ▪ Public Services ▪ Recreation ▪ Utilities and Service Systems

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing	Performance Evaluation Criteria
BIOLOGICAL RESOURCES				
Mitigation Measure BIO-1: The following measures shall be implemented to reduce impacts to protected trees: • City of Palo Alto (City)-approved Modified Type III fencing shall be installed for the two street trees to be retained along University Avenue. City-approved tree protection signs shall be posted on all fencing. • Soil conditions for the four new trees to be planted along Kipling Street shall be improved by preparing a planting area at least 6 feet square for each tree and installing Silva Cells to reduce compaction. The Silva Cells shall be filled with proper soil amendments and growing medium as determined by the City Arborist. • Unless otherwise approved, each new tree shall be provided with 1,200 cubic feet of rootable soil area, utilizing Standard Drawing #604/513. Rootable soil is defined as compaction less than 90% over the area, not including sidewalk base areas. • Two bubbler drip irrigation units shall be installed for each new tree to adequately water the new planting area. • New sidewalk shall be installed such that the final planting space opening is at least 5 feet by 5 feet for each new tree.	Applicant	City of Palo Alto Urban Forestry Group/Planning Division Arborist	• Prior to issuance of demolition, grading, and building permits • During demolition, excavation, and construction	• Approved site plans reflect applicable conditions • Field inspections conducted to verify adherence to conditions

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing	Performance Evaluation Criteria
• Kiva tree grates shall be used around each new tree. • Replacement tree size shall be a 36-inch box, properly structured nursery stock. • Based on growth habit and proven performance, *Ginkgo biloba* "Autumn Gold" is highly recommended for the replacement trees. Other tree species may be approved by the City Arborist. • All work within the Tree Protection Zone, including canopy pruning of protected trees, shall be supervised by a Certified Arborist approved by the City.				
CULTURAL RESOURCES				
Mitigation Measure CUL-1: Prior to commencement of site clearing and project grading, the project applicant shall retain a qualified archaeologist to train construction personnel regarding how to recognize cultural resources (such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains) that could be encountered during construction activities. If artifacts or unusual amounts of shell or bone or other items indicative of buried archaeological resources or human remains are encountered during earth disturbance associated with the proposed project, the on-site contractor shall immediately notify the City of Palo Alto (City) and the Native American Heritage Commission as appropriate. All soil-disturbing work shall be halted within 100 feet of the discovery until a qualified archaeologist, as defined by the California Environmental Quality Act (CEQA) Guidelines (14 CCR 15000 et seq.) and the City, completes a significance evaluation of the finds pursuant to Section 106 of the National Historic Preservation Act. Any human remains unearthed shall be treated in accordance with California Health and Safety Code, Section 7050.5, and California Public Resources Code, Sections 5097.94, 5097.98, and 5097.99, which include requirements to	Applicant	City of Palo Alto	Prior to and during earth disturbance	• Training materials provided to construction contractors • Field inspections conducted to verify compliance

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing	Performance Evaluation Criteria
notify the Santa Clara County Medical Examiner's office and consult with Native American representatives determined to be the Most Likely Descendants, as appointed by the Native American Heritage Commission. Identified cultural resources shall be recorded on State Department of Parks and Recreation Form 523 (archaeological sites). Mitigation measures prescribed by the Native American Heritage Commission, the Santa Clara County Medical Examiner's office, and any Native American representatives determined to be the Most Likely Descendants and required by the City shall be undertaken before construction activities are resumed. If disturbance of a project area cultural resource cannot be avoided, a mitigation program, including measures set forth in the City's Cultural Resources Management Program and in compliance with Sections 15064.5 and 15126.4 of the CEQA Guidelines, shall be implemented.				
HAZARDS AND HAZARDOUS MATERIALS				
Mitigation Measure HAZ-1: Prior to building demolition, the project applicant shall demonstrate to the satisfaction of the City of Palo Alto that a survey of the existing buildings has been conducted by a qualified environmental specialist who meets the requirements of the current U.S. Environmental Protection Agency regulations for suspected lead-containing materials (LCMs), including lead-based paint/coatings; asbestos containing materials (ACMs); and the presence of polychlorinated biphenyls (PCBs). Any demolition activities likely to disturb LCMs or ACMs shall be carried out by a contractor trained and qualified to conduct lead- or asbestos-related construction work. If found, LCMs and ACMs shall be disposed of in accordance with state and federal regulations, including the EPA's Asbestos National Emissions Standards for Hazardous Air Pollutants, the Cal-OSHA Construction Lead Standard (CCR Title 8, Section 1432.1), and California Department of Toxic Substances Control and EPA	Applicant	City of Palo Alto Department of Planning and Community Environment	Prior to issuance of demolition permit and during demolition	Building survey report submitted LCMs and ACMs handled by qualified contractor and disposed of in accordance with the U.S. Environmental Protection Agency's (EPA) Asbestos National Emissions Standards for Hazardous Air Pollutants, the California Occupational Health and Safety's

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing	Performance Evaluation Criteria
requirements for disposal of hazardous waste. If PCBs are found, these materials shall be managed in accordance with the Metallic Discards Act of 1991 (California Public Resources Code, Sections 42160–42185) and other state and federal guidelines and regulations. Demolition plans and contract specifications shall incorporate any necessary abatement measures in compliance with the Metallic Discards Act, particularly Section 42175, Materials Requiring Special Handling, for the removal of mercury switches, PCB-containing ballasts, and refrigerants.				Construction Lead Standard (CCR Title 8, Section 1432.1), and California Department of Toxic Substances Control and EPA requirements for disposal of hazardous waste. PCBs, mercury and other hazardous building materials handled by qualified contractor and disposed of in accordance with applicable regulations as identified.
NOISE				
Mitigation Measure NOI-1: Residential Uses: Window and exterior door assemblies with Sound Transmission Class (STC) rating up to 45 and upgraded exterior walls shall be used in the residential portion of the proposed building to achieve the City's maximum instantaneous noise guideline for residential uses. The City of Palo Alto shall ensure that these standards are met through review of building plans as a condition of project approval. Commercial Uses: Window and exterior door assemblies for the commercial portions of the building shall have a minimum STC rating of 32 at the corner of University Avenue and Kipling Street, and a minimum STC of 28 at all other commercial	Applicant	City of Palo Alto Department of Planning and Community Environment	Prior to issuance of building permit	Approved building plans shall include window sound transmission ratings and interior noise levels verification from a qualified acoustical consultant.

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing	Performance Evaluation Criteria
locations within the proposed building to comply with the State of California CalGreen noise standards (maximum interior noise level of 50 dB during the peak hour of traffic). The City of Palo Alto shall ensure that these standards are met through review of building plans as a condition of project approval.				
Mitigation Measure NOI-2: The residential portion of the proposed building shall have a ventilation or air-conditioning system to provide a habitable interior environment when windows are closed.	Applicant	City of Palo Alto Department of Planning and Community Environment	Prior to issuance of building permit	Approved building plans shall include details of the residential ventilation system.
Mitigation Measure NOI-3: Noise levels from rooftop equipment shall be reduced to meet the City of Palo Alto Noise Ordinance requirements. An enclosure or other sound-attenuation measures at the exhaust fans shall be provided to reduce rooftop equipment noise is no greater than 8 dB above the existing ambient level at potential future neighboring buildings to meet the property plane noise limit. Use of quieter equipment than assumed in this analysis may support reduced mitigation, which shall be evaluated by a qualified acoustical consultant.	Applicant	City of Palo Alto Department of Planning and Community Environment	Prior to issuance of building permit	Approved building plans shall include garage exhaust fan manufacturer's information regarding equipment noise levels and noise attenuation details
TRANSPORTATION AND TRAFFIC				
Mitigation Measure TRANS-1: Mirrors shall be installed at the parking garage driveway to allow drivers to see when a pedestrian or vehicle is approaching in Lane 30.	Applicant	City of Palo Alto Department of Planning and Community Environment	Prior to issuance of building permit	Approved building plans shall include parking garage mirrors
Mitigation Measure-TRANS-2: Mirrors shall be installed at each turn within the parking garage to provide adequate sight distance.	Applicant	City of Palo Alto Department of Planning and Community Environment	Prior to issuance of building permit	Approved building plans shall include parking garage mirrors

429 UNIVERSITY AVENUE PROJECT

Initial Study

CITY OF
PALO
ALTO

DRAFT RELEASED **NOVEMBER 2014**
UPDATED **JANUARY 2015**

TABLE OF CONTENTS

FIGURES

I. PROJECT SUMMARY

1. PROJECT TITLE

429 University Avenue

2. LEAD AGENCY NAME AND ADDRESS

City of Palo Alto
Department of Planning and Community Environment
250 Hamilton Avenue
Palo Alto, California 94303

3. CONTACT PERSON AND PHONE NUMBER

Christy Fong, Planner
City of Palo Alto
650.838.2996

4. PROJECT SPONSOR'S NAME AND ADDRESS

Kipling Post LP
Contact: Elizabeth Wong
PO Box 204
Palo Alto, California 94302
650.323.5295

5. APPLICATION NUMBER

14PLN-00222

6. PROJECT LOCATION

429 University Avenue
Palo Alto, California
Assessor's Parcel Numbers (APNs): 120-15-029 and 120-15-028

The 0.25-acre project site is located in the northern section of the City of Palo Alto (City), in the northern part of Santa Clara County, east of State Route 82 (El Camino Real) and west of U.S. Highway 101 (Figure 1, Regional Map). The project site is located on the northwestern corner of University Avenue and Kipling Street, as shown on Figure 2, Vicinity Map, and Figure 3, Aerial Map. All figures are provided at the end of this document.

7. GENERAL PLAN DESIGNATION

The General Plan designation of the project site is Regional/Community Commercial, per the Palo Alto 1998–2010 Comprehensive Plan (Comprehensive Plan; City of Palo Alto 2007). This land use designation includes larger shopping centers and districts that have a wider variety of goods and services than the neighborhood shopping areas. They rely on larger trade areas and include such uses as department stores, bookstores, furniture stores, toy stores, apparel shops, restaurants, theaters, and non-retail services such as offices and banks. Non-residential floor area ratios (FAR) range from 0.35 to 2.0. The project site is part of a Regional/Community Commercial district that extends from Alma Avenue on the south to Webster Street on the north and between Lytton Avenue on the west and Hamilton and Forest Avenues on the east.

8. ZONING

The Zoning designation of the project site is Downtown Commercial (CD-C(P)(GF)). This zone's regulations are set forth in the Palo Alto Municipal Code (PAMC) Chapter 18.18. The CD district provides for a wide range of commercial uses serving city-wide and regional business and service needs, as well as residential uses and neighborhood service needs. The CD-C (community) subdistrict is intended to modify the site development regulations to allow specific variations to the uses and development requirements of the CD district. The project site is also within the pedestrian shopping (P) and ground floor (GF) combining districts. The pedestrian shopping combining district is intended to modify the regulations of the CD in locations where it is deemed essential to foster the continuity of retail stores and display windows and to avoid a monotonous pedestrian environment in order to establish and maintain an economically healthy retail district. The ground floor combining district is intended to modify the uses allowed in the CD district to allow only retail, eating and drinking, and other service-oriented commercial development uses on the ground floor.

9. PROJECT DESCRIPTION

This Initial Study has been modified subsequent to public review of the Initial Study and Proposed Mitigated Negative Declaration to reflect revisions made to the project plans. These revisions provide clarifying information regarding the proposed project but none of the revisions to the Initial Study or project plans result in any new or increased environmental effects. The revisions to this Initial Study do not constitute "significant new information" that would require recirculation of the Initial Study and Proposed Mitigated Negative Declaration.

The proposed project involves demolition of two one-story retail buildings located at 425 University Avenue (APN 120-15-029) and 429 University Avenue (APN 120-15-028) totaling 11,633 square feet (4,425 square feet and 7,208 square feet, respectively) on separate parcels, and construction of a new four-story mixed-use building with two levels of underground parking (Figure 4, Site Plan). The two parcels would be combined to create a single 11,000-square-foot parcel. The new building is proposed to be 31,407 square feet in gross floor area and would cover 9,478 square feet of the site in approximately the same location as the existing buildings. The total increase in gross floor area would be 19,774 square feet. The proposed building would provide 20,407 square feet of commercial space (an increase of 8,774 square feet) and 11,000 square feet of residential land uses. A total of four residential apartment units would be provided, for a residential density of 16 units per acre. The proposed building plans are provided in Appendix A.

The maximum proposed building height is 50 feet and the FAR would be 2.86 (Figure 5, Elevations). The base FAR in the CD-C district is 1.0; however, the FAR may be increased with transfers of development rights (TDRs) and/or bonuses for seismic and historic rehabilitation upgrades, not to exceed a total site FAR of 3.0. The proposed project FAR will be achieved through the transfer of 9,207 square feet of

development rights from separate properties, of which 4,207 square feet require parking and 5,000 square feet are exempt from parking requirements. The project is also eligible for a one-time 200-square-foot bonus, which is subject to the City's parking requirements. Together, these TDRs and bonuses would allow the project to achieve the proposed 2.86 FAR.

Building design would include stone and crystalized glass panels around the University Avenue/Kipling Street corner. The stone framework would be divided into segments that reflect the pattern of facades along the street. The third and fourth floors would be stepped back from the façade to create depth and visual interest, while also providing terraces for residents and guests of the building. The project proposes retail entrances along University Avenue and Kipling Street. The entry lobby for the residential and office uses would be located on Kipling Street. The building would be set back approximately 4 to 6 feet from Lane 30 to allow for pedestrian accessibility in the rear of the building and a raised planter would be located at the corner of the alley to provide a transition to the landscaped frontages along Kipling Street.

The proposed project would require 82 parking spaces for 20,407 square feet of commercial use and 10 parking spaces for 4 residential units, for a total of 92 parking spaces. However, the property was previously assessed and paid in lieu fees for 37 parking spaces in the University Avenue Parking Assessment District and is eligible to receive 5,000 square feet of TDRs exempted from parking (equivalent to 20 parking spaces). Based on these adjustments, the project is required to provide a total of 35 vehicle parking spaces. The project proposes to include a total of 40 parking spaces, exceeding the parking requirement by five spaces. The 40 parking spaces would be provided in the two-level underground parking garage. Seven long-term bicycle parking spaces would also be provided within the underground parking garage, and six short-term bicycle parking spaces would be located near the building entrances on University Avenue and Kipling Street, for a total of 13 bicycle parking spaces.

The proposed project is designed in accordance with the City's Green Building Ordinance, which requires compliance with California Green Building Code Tier 1 and Green Point rater (for the residential portion) with Local Amendments. The project would use both conventional and sustainable building materials, including a concrete frame, high-efficiency glazing systems, cut stone, glass tile, plaster finishes, abundant day-lighting and sun-shading systems, and an energy-efficient cool roof. The project would also include facilities for carpool/clean air vehicles and electric vehicle charging stations.

The proposed project would involve the removal of four existing street trees on Kipling Street, and the replacement of these trees with four new street trees on Kipling Street. Both of the two existing street trees on University Avenue would be retained.

10. SURROUNDING LAND USES AND SETTING

As shown on Figures 2 and 3, the project site is located on University Avenue in Downtown Palo Alto. The project site is surrounded by primarily two-story buildings with ground floor retail and restaurant spaces on University Avenue and a mix of small-scale commercial/office as well as residential uses on Kipling Street. Located directly across University Avenue from the site is a modern four-story mixed-use office and retail building, with ground floor retail and upper story offices. Larger mixed-use and office buildings are located farther east along University Avenue, including a six-story building and a three-story building on the corner of University Avenue and Cowper Street. The surrounding uses on Kipling Street serve as a transition between the primarily commercial University Avenue and the primarily residential neighborhoods to the north. Lower-intensity commercial/office uses and single-family residential line both sides of Kipling Street. A yoga studio is located behind the project site, accessed from an alley off Kipling Street (the alley is referred to as Lane 30 E). A public surface parking lot is located on Kipling Street, less than a block north of University Avenue, which provides parking for

nearby uses. Another public surface parking lot is located on Cowper Street, between University and Hamilton Avenues.

II. 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 second column in the checklist lists the source(s) for the answer to each question. The sources cited are identified at the end of the checklist. Discussions of the basis for each answer and a discussion of mitigation measures that are proposed to reduce potential significant impacts are included.

A. AESTHETICS

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially degrade the existing visual character or quality of the site and its surroundings?	1, 2, 3			X	
b) Have a substantial adverse effect on a public view or view corridor?	1, 3 (Map L4)			X	
c) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	1, 3 (Map L4)				X
d) Violate existing Comprehensive Plan policies regarding visual resources?	1, 2, 3			X	
e) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	1, 2			X	
f) Substantially shadow public open space (other than public streets and adjacent sidewalks) between 9:00 a.m. and 3:00 p.m. from September 21 to March 21?	1, 2				X

DISCUSSION

The proposed project includes replacing two existing one-story retail buildings with a new four-story mixed-use building. While the proposed project would result in a change in the existing visual character of the site, the project design will be reviewed by the City's Architectural Review Board to ensure that compatibility concerns are addressed and it does not degrade the existing visual character or quality of the site and its surroundings.

The project site is surrounded by primarily mixed-use and commercial buildings along University Avenue, ranging in height from one to six stories. As shown on Figure 5, Elevations, and Figure 6, Perspective Renderings, the proposed building would be larger in scale and mass than some of the adjacent buildings; however, the project would be similar in scale and mass to other buildings in the vicinity along University Avenue in the Downtown area. In addition, the project would not exceed the allowable height (50 feet) for the site.

The design of the building's Kipling Street façade would reflect the smaller scale of the existing development along Kipling Street. The façade would be divided into 25-foot sections consisting of the solid stair element, the glass entry element with recessed residential terrace, and the secondary grid inside the main building form. The third and fourth floors of the building would set back from the alley property line and the Kipling Street property line resulting in a street façade that would appear as a two- to three-story building. The proposed stair element would be located east of the alley and would be buffered from the alley by a landscaped area near the ground-floor entrance adjacent to the alley.

The University Avenue façade is designed to respond not only to the buildings immediately adjacent and west of the subject property but to the taller, higher density development of the University Avenue Commercial District, including the four-story Lululemon Athletica/Accel Partners building located directly across University Avenue. The University Avenue façade would appear to be three stories tall. The fourth floor would be set back 30 feet from the front of the building creating a terrace for use by building occupants and guests. The fourth-floor terrace would extend along the length of the building as would the main three-story building block, giving definition to the street edge and presence to

the building when seen in the context of the street. The main rectangular mass of the building would be elevated so the bottom aligns with the first floor openings of the adjacent buildings along University Avenue. Frameless glass would create display windows and entries that would activate the sidewalk through visual and physical connections. Retention of existing trees along the project site's University Avenue frontage and the planting of new trees along the Kipling Street frontage would soften the views of the new building from public roadways and adjacent uses.

The building would be built within the buildable area of the property and no public views or view corridors would be affected by the proposed building.

The project site is located in a developed area of the City, is not within a state scenic highway; therefore, it would not damage any scenic resources within a state scenic highway.

The Land Use and Community Design Element of the City's Comprehensive Plan includes several policies related to visual resources, including the following:

- Policy L-5: Maintain the scale and character of the City. Avoid land uses that are overwhelming and unacceptable due to their size and scale.
- Policy L-6: Where possible, avoid abrupt changes in scale and density between residential and non-residential areas and between residential areas of different densities. To promote compatibility and gradual transitions between land uses, place zoning district boundaries at mid-block locations rather than along streets wherever possible.
- Policy L-20: Encourage street frontages that contribute to retail vitality in all Centers. Reinforce street corners with buildings that come up to the sidewalk or that form corner plazas.
- Policy L-23: Maintain and enhance the University Avenue/Downtown area as the central business district of the City, with a mix of commercial, civic, cultural, recreational and residential uses. Promote quality design that recognizes the regional and historical importance of the area and reinforces its pedestrian character.
- Policy L-48: Promote high quality, creative design and site planning that is compatible with surrounding development and public spaces.
- Policy L-49: Design buildings to revitalize streets and public spaces and to enhance a sense of community and personal safety. Provide an ordered variety of entries, porches, windows, bays and balconies along public ways where it is consistent with neighborhood character; avoid blank or solid walls at street level; and include human-scale details and massing.

As described above, the proposed project would comply with the height and setback requirements for the project site. In addition, the project has been designed to blend into the existing development on both Kipling Street and University Avenue. The proposed building design recognizes that the uses along Kipling Street are smaller in scale and lower in intensity than those on University Avenue, and the project design responds to the adjacent uses by minimizing the appearance of an abrupt change in scale between the two areas. The University Avenue frontage would create an inviting retail environment and provide a pleasant pedestrian experience, thereby enhancing the University Avenue/Downtown area as the City's central business district. In addition, as described above, the proposed building design would activate the sidewalk through the use of human-scale architectural details and frameless glass windows on the ground floor.

The project site is currently developed with retail uses, which include sources of light and glare. Uses associated with the proposed structure would not create a substantial amount of additional lighting and glare. Glare is defined as a light source in the field of vision that is brighter than the eye can comfortably accept. Squinting or turning away from a light source is an indication of glare. Glare can result from sunlight or from artificial light

reflecting off building exteriors, such as glass windows or other highly reflective surface materials. Glare is particularly associated with high light intensity. It can be reduced by design features that block direct line of sight to the light source and that direct light downward, with little or no light emitted at high (near horizontal) angles, since this light would travel long distances. Cutoff-type light fixtures minimize glare because they emit relatively low-intensity light at these angles. Glare resulting from sunlight reflecting off building exteriors can be reduced with design features that use low-reflective glass and exterior materials and colors that absorb rather than reflect light.

The proposed building would increase the number and surface area of windows compared to the existing building. The Kipling Street frontage faces northeast and has limited direct sunlight exposure, while the University Avenue frontage faces southeast and receives more sunlight exposure. At the street level along these frontages, the project proposes a series of storefront system windows with canopies over the entrances. On the second floor, windows would also be provided on these frontages and would be shaded by canopies to reduce glare. The third floor would be set back from the building façade on the University Avenue frontage and Lane 30 E, creating a large overhang that would shade windows along this side. The fourth floor would be set back even farther along University Avenue, such that glare from windows would not be visible from the street. The Kipling Street frontage would receive less sunlight exposure and the windows on this side of the building are not anticipated to create substantial glare.

The primary use of exterior building lighting would be to ensure safety at building entrances. Exterior building lighting is proposed at the rear entrance of the building on Lane 30, as well as within the ramp to the underground parking level. This lighting would be controlled to minimize spillover beyond the project site property lines. The project is also required to meet the City's lighting standards, including PAMC Section 18.23.030, which establishes that "Exterior lighting in parking areas, pathways and common open space shall be designed to achieve the following: (1) provide for safe and secure access on the site, (2) achieve maximum energy efficiency, and (3) reduce impacts or visual intrusions on abutting or nearby properties from spillover and architectural lighting that projects upward." PAMC Section 18.23.030 also requires that "lighting of the building exterior, parking areas and pedestrian ways should be of the lowest intensity and energy use adequate for its purpose, and be designed to focus illumination downward to avoid excessive illumination above the light fixture."

Although the project would result in increased building height compared to the existing buildings, which could increase shading, there are no adjacent public spaces other than streets and sidewalks that would be affected by additional shadows. Specifically, the proposed building would increase shading on Kipling Street and Lane 30 E, which are public streets.

The project is subject to design review and approval by the City through the Architectural Review process, which ensures compliance with City standards to promote visual environments that are of high aesthetic quality and variety and which, at the same time, are considerate of each other. Therefore, for the reasons described above, aesthetic impacts would be less than significant.

Mitigation Measures
None required.

B. AGRICULTURAL RESOURCES

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

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	1, 3				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	1, 3 (Map L9), 4				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)[1]) or timberland (as defined in Public Resources Code section 4526[2])?	1, 4				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?	1				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	1				X X

DISCUSSION

As reflected in the Comprehensive Plan, the project site is located in a developed urban area in Downtown Palo Alto and does not contain and land designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the Santa Clara County Important Farmland map prepared for the Farmland Mapping and Monitoring Program of the California Department of Conservation (2011). The site is not zoned for agricultural use, and is not subject to any Williamson Act contracts. The project site is within a fully developed urban area and does not support forest or timberland. No impacts to agricultural and forestry resources would occur.

Mitigation Measures
None required.

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1 California Public Resources Code 12220(g): "Forest land" is land that can support 10% native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.

2 California Public Resources Code 4526: "Timberland" means land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees. Commercial species shall be determined by the board on a district basis after consultation with the district committees and others.

C. AIR QUALITY

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct with implementation of the applicable air quality plan?	1, 2, 6				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation indicated by the following:					
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})?	1, 2, 6			X	
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)?	1, 2, 6, 17			X	
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)?	1, 2, 6			X	
d) Expose sensitive receptors to substantial levels of toxic air contaminants?	1, 2				X
i. Probability of contracting cancer for the Maximally Exposed Individual (MEI) exceeds 10 in one million?	1, 2				X
ii. Ground-level concentrations of non-carcinogenic TACs would result in a hazard index greater than one (1) for the MEI?	1, 2				X

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Create objectionable odors affecting a substantial number of people?	1, 2				X
f) Not implement all applicable construction emission control measures recommended in the *Bay Area Air Quality Management District CEQA Guidelines*?	1, 2			X	

DISCUSSION

The project site is located in the Santa Clara Valley, which is part of the San Francisco Bay Area Air Basin. The Bay Area Air Quality Management District (BAAQMD) has the primary responsibility for ensuring that the San Francisco Bay Area Air Basin attains and maintains compliance with federal and state ambient air quality standards. The BAAQMD regulates air quality through its permit authority over most types of stationary emissions sources and through its planning and review process. The California ambient air quality standards are generally more stringent than federal standards.

The federal and state Clean Air Acts define allowable concentrations of six air pollutants, which are referred to as "criteria air pollutants." When monitoring indicates that a region regularly experiences air pollutant concentrations that exceed those limits, the region is designated as nonattainment and is required to develop an air quality plan that describes air pollution control strategies to be implemented to reduce air pollutant emissions and concentrations.

The San Francisco Bay Area Air Basin is designated nonattainment for the federal 8-hour ozone (O_3) standard. The area is in attainment or unclassified for all other federal standards. The area is designated nonattainment for state standards for 1-hour and 8-hour O_3, 24-hour coarse particulate matter (PM_{10}), annual PM_{10}, and annual fine particulate matter ($PM_{2.5}$). To address the region's nonattainment status, the BAAQMD adopted the *Bay Area 2005 Ozone Strategy* (BAAQMD 2006) and the *Bay Area 2010 Clean Air Plan* (BAAQMD 2010a), which is an update to the 2005 document and provides "an integrated, multi-pollutant strategy to improve air quality, protect public health, and protect the climate." The 2010 plan addresses O_3, $PM_{2.5}$ and PM_{10}, air toxics, and greenhouse gases (GHGs). The 2010 plan identifies a number of control measures to be adopted or implemented to reduce emissions of these pollutants. As the proposed project is consistent with the land use and zoning designations for the project site, it is consistent with the *Bay Area 2010 Clean Air Plan*.

The BAAQMD has adopted California Environmental Quality Act (CEQA) air quality guidelines (2010 BAAQMD Guidelines; BAAQMD 2010b) that establish air pollutant emission thresholds that identify whether a project would violate any applicable air quality standards or contribute substantially to an existing or projected air quality violation. Compared with the previous set of guidelines adopted in 1999, the 2010 BAAQMD Guidelines lower the level of pollutant emissions and health risk impacts that are considered a significant environmental impact. The BAAQMD's adoption of the thresholds has been challenged in court. However, the litigation is procedural in nature and does not assert that the BAAQMD failed to provide substantial evidence to support its adoption of these thresholds. Because the 2010 thresholds are more conservative than the BAAQMD's prior thresholds, this impact analysis is based on the 2010 BAAQMD Guidelines.

The 2010 BAAQMD Guidelines also establish screening criteria based on the size of a project to determine whether detailed modeling to estimate air pollutant emissions is necessary. Table 1 lists several examples of screening levels set by the 2010 BAAQMD Guidelines.

Table 1
BAAQMD Screening Criteria

Land Use Type	Construction Related Screening Size	Operational Criteria Air Pollutant Emissions Screening Size*
General office building	277,000 sf (ROG)	346,000 sf (NO_x)
Office park	277,000 sf (ROG)	323,000 sf (NO_x)
Regional shopping center or strip mall	277,000 sf (ROG)	99,000 sf (NO_x)
Quality restaurant	277,000 sf (ROG)	47,000 sf (NO_x)
Single-family residential	114 du (ROG)	325 du (ROG)
Apartment, low-rise, or condo/townhouse, general	240 du (ROG)	451 du (ROG)
City park	67 acres (PM_{10})	2,613 acres (ROG)
Daycare center	277,000 sf (ROG)	53,000 sf (NO_x)

Source: BAAQMD 2010b, Table 3-1.
Notes: sf = square feet; ROG = reactive organic gas; NO_x = oxides of nitrogen; PM_{10} = coarse particulate matter; du = dwelling units.
* If the project size is less than the screening size, the project would have less than significant impacts. If the project size is greater than the screening size, detailed project-specific modeling is required.

Construction Emissions
The project would result in a net increase of 8,774 square feet of commercial and office space and four new dwelling units; this is substantially below the screening thresholds of 277,000 square feet (office or regional shopping center/strip mall space) and 240 dwelling units (apartment, low-rise or condo/townhouse, general) for construction emissions. While the project size is less than the screening criteria size for construction, the project would require demolition of existing buildings. The BAAQMD 2010 Guidelines recommend that the screening criteria should not be applied to projects that include demolition. Therefore, project-specific modeling of construction emissions has been completed using the California Emissions Estimator Model (CalEEMod) Version 2013.2.2. Table 2 presents the estimated air pollutant emissions for each construction phase; the CalEEMod output results are included as Appendix B.

As shown in Table 2, emissions during each construction phase would remain below the BAAQMD threshold, which is 54 pounds per day. Further, the project would implement all of the construction emission control measures as identified in Table 8-2 of the BAAQMD 2010 Guidelines recommended for all proposed projects, as required by the City of Palo Alto standard conditions of approval. Therefore, impacts would be less than significant.

Table 2
Proposed Project Construction Emissions by Phase

Phase	ROG	NO_x	CO	PM_{10}	$PM_{2.5}$
	(maximum pounds per day)				
Demolition	1.62	14.21	10.98	2.56	1.94
Excavation	2.95	35.30	23.50	3.15	1.86
Building construction	1.62	15.25	10.26	1.22	0.99
Parking structure paving	1.29	11.64	8.50	0.90	0.72
Architectural coatings	28.48	2.59	2.11	0.25	0.22

Source: Air Quality Modeling Results (see Appendix B).
Notes: ROG = reactive organic gas; NO_x = oxides of nitrogen; CO = carbon monoxide; PM_{10} = coarse particulate matter; $PM_{2.5}$ = fine particulate matter.

Operational Emissions
The project would result in a total of 20,407 square feet of retail and office space, which is a net increase of 8,774 square feet compared to the existing conditions. In addition, four new dwelling units would be constructed. This total increase in development is substantially below the screening thresholds of 346,000 square feet (office space), 99,000 square feet (regional shopping center or strip mall), and 451 dwelling units (apartment, low rise or condo/townhouse, general) for operational emissions (see Table 1). As the project is substantially smaller than the screening criteria size, emissions of criteria air pollutants associated with operation of the proposed project would remain below the BAAQMD thresholds. Project operation would not result in emissions that violate any applicable air quality standards, contribute substantially to an existing or projected air quality violation, or conflict with the air quality plan; impacts would remain less than significant.

Cumulative Impacts
As discussed above, the San Francisco Bay Area Air Basin is currently designated as a nonattainment area for state and national O_3 standards and state PM_{10} and $PM_{2.5}$ ambient air quality standards. The San Francisco Bay Area Air Basin's nonattainment status is attributed to the region's development history. Past, present, and future development projects contribute to the region's adverse air quality impacts on a cumulative basis. As described in the BAAQMD 2010 Guidelines, "by its very nature, air pollution is largely a cumulative impact. No single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. If a project's contribution to the cumulative impact is considerable, then the project's impact on air quality would be considered significant" (BAAQMD 2010b). Because operation of the proposed project would not result in emissions that violate any applicable air quality standards or contribute substantially to an existing or projected air quality violation, the project would result in a less than significant cumulative impact.

Mitigation Measures
None required.

D. BIOLOGICAL RESOURCES

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	1, 2, 3 (Map N1), 11				X
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?	1, 2, 3 (Map N1)				X
c) Interfere substantially with the movement of any native resident or migratory fish or	1, 2				X

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?					
d) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or as defined by the City of Palo Alto's Tree Preservation Ordinance (Municipal Code Section 8.10)?	1, 2, 3, 5		X		
e) Conflict with any applicable Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	1				X

DISCUSSION

The proposed project is located on a parcel that is almost entirely developed with existing buildings and paved parking, which would be removed to accommodate the project. Due to its developed nature, the site does not support sensitive habitats and has a very low potential to support candidate, sensitive, and special-status species. The site is not subject to any habitat conservation plans.

The project site supports trees protected by Palo Alto's Tree Preservation and Management Regulations. The PAMC 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. Three categories within the status of regulated trees include protected trees, street trees, and designated trees. As documented in the Tree Survey Report prepared for the site by Davey Resource Group (provided in Appendix A), the site includes six street trees, two in bulb-outs into the parking area along University Avenue and four in the sidewalk along Kipling Street. These trees were determined to be in poor to fair condition. The proposed project includes the retention of the two existing street trees on University Avenue (London plane trees (*Platanus x acerifolia*)), removal of four existing street trees on Kipling Street (two ornamental pears (*Pyrus calleryana*) and two carob trees (*Ceratonia siliqua*)), and the replacement of these trees with four new street trees. Construction of the project could impact the two trees to be retained on University Avenue if the trees are not properly protected. In addition, removal of the four street trees on Kipling Street would result in a significant impact if not completed in accordance with requirements for tree removal and replacement; therefore, mitigation is provided to ensure that these potential impacts remain below a level of significance.

Mitigation Measures

Mitigation Measure BIO-1: The following measures shall be implemented to reduce impacts to protected trees:

- City of Palo Alto (City)-approved Modified Type III fencing shall be installed for the two street trees to be retained along University Avenue. City-approved tree protection signs shall be posted on all fencing.
- Soil conditions for the four new trees to be planted along Kipling Street shall be improved by preparing a planting area at least 6 feet square for each tree and installing Silva Cells to reduce compaction. The Silva Cells shall be filled with proper soil amendments and growing medium as determined by the City Arborist.
- Unless otherwise approved, each new tree shall be provided with 1,200 cubic feet of rootable soil area, utilizing Standard Drawing #604/513. Rootable soil is defined as compaction less than 90% over the area, not including sidewalk base areas.

- Two bubbler drip irrigation units shall be installed for each new tree to adequately water the new planting area.
- New sidewalk shall be installed such that the final planting space opening is at least 5 feet by 5 feet for each new tree.
- Kiva tree grates shall be used around each new tree.
- Replacement tree size shall be a 36-inch box, properly structured nursery stock.
- Based on growth habit and proven performance, *Ginkgo biloba* "Autumn Gold" is highly recommended for the replacement trees. Other tree species may be approved by the City Arborist.
- All work within the Tree Protection Zone, including canopy pruning of protected trees, shall be supervised by a Certified Arborist approved by the City.

Significance after Mitigation
Less than significant.

E CULTURAL RESOURCES

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Directly or indirectly destroy a local cultural resource that is recognized by City Council resolution?	1, 7			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?	1, 3 (Map L8), 7		X		
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	1, 3 (Map L8)				X
d) Disturb any human remains, including those interred outside of formal cemeteries?	1, 3 (Map L8), 7		X		
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?	1, 3 (Map L7), 8				X
f) Eliminate important examples of major periods of California history or prehistory?	1, 7, 8				X

DISCUSSION

The proposed project involves excavation and construction activities within a fully developed and previously disturbed site. The Palo Alto Comprehensive Plan map of archaeologically sensitive areas (Figure L-8, Archaeological Resource Areas) indicates that the project site falls within an area of "Moderate Sensitivity" based on topographic setting, including proximity to major drainages, and potential to encounter undocumented subsurface archaeological deposits. A Northwest Information Center (NWIC) records search records search was conducted by Dudek on September 25, 2014 and found that no cultural resources have been recorded in the project site (see Appendix C). The only archaeological site identified within the 0.5-mile radius of the project site as a result of the records search is CA-SCL-598. This site was first identified in 1922 and was described as a

"mine" of bones encountered 10 feet below the surface, including the skeleton of one adult human. Because no associated artifacts were reported and no additional details about the find were reported, the context of the find is not clear. An extended history of past disturbance suggests that there is a very low potential for encountering intact subsurface cultural deposits. Based on these findings, potential for the inadvertent discovery of subsurface archaeological or historical resources at the project site is very low. However, there is the potential to discover unknown cultural resources during site excavation. In the event any archaeological or human remains are discovered on the site, impacts would be potentially significant. Implementation of Mitigation Measure CUL-1 would ensure that impacts remain less than significant by ensuring appropriate evaluation, recordation, and protection procedures are undertaken.

Historical architectural evaluations were prepared by Preservation Architecture for the existing buildings located on the project site to determine the potential for listing on the California Register of Historical Resources (CRHR) (see Appendix D). The existing building at 429 University Avenue, which was built in 1927, has not been identified as a potential historical resource by the City or the state, nor is the building included in a historic district. Moreover, no architect, engineer, designer or builder of the original building has been identified. The exterior of the building has been extensively altered over time, such that the original façade and storefronts are entirely lost, and the architectural building form has lost its characteristic design and material integrity. The historical evaluation determined that the building does not have historical architectural or historical resource potential and is therefore not eligible for listing on the CRHR.

The existing building at 425 University Avenue was constructed circa 1937 and has since been used for office and commercial uses. The original architects of the building at 425 University Avenue, Birge M. Clark and David B. Clark of Palo Alto, are recognized as local masters. However, the exterior of the building has been extensively altered over time, including the complete loss of the original façade and storefront. The building was evaluated for historical resource eligibility and although the building has the potential for significance under the CRHR, the loss of integrity of the structure renders it ineligible for listing on the CRHR.

Since the project site does not include any eligible historical resources or examples of major periods of California history or prehistory, no impacts to historical resources would occur.

Mitigation Measures

Mitigation Measure CUL-1: Prior to commencement of site clearing and project grading, the project applicant shall retain a qualified archaeologist to train construction personnel regarding how to recognize cultural resources (such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains) that could be encountered during construction activities. If artifacts or unusual amounts of shell or bone or other items indicative of buried archaeological resources or human remains are encountered during earth disturbance associated with the proposed project, the on-site contractor shall immediately notify the City of Palo Alto (City) and the Native American Heritage Commission as appropriate. All soil-disturbing work shall be halted within 100 feet of the discovery until a qualified archaeologist, as defined by the California Environmental Quality Act (CEQA) Guidelines (14 CCR 15000 et seq.) and the City, completes a significance evaluation of the finds pursuant to Section 106 of the National Historic Preservation Act. Any human remains unearthed shall be treated in accordance with California Health and Safety Code, Section 7050.5, and California Public Resources Code, Sections 5097.94, 5097.98, and 5097.99, which include requirements to notify the Santa Clara County Medical Examiner's office and consult with Native American representatives determined to be the Most Likely Descendants, as appointed by the Native American Heritage Commission. Identified cultural resources shall be recorded on State Department of Parks and Recreation Form 523 (archaeological sites). Mitigation measures prescribed by the Native American Heritage Commission, the Santa Clara County Medical Examiner's office, and any Native American representatives determined to be the Most Likely Descendants and required by the City shall be undertaken before construction activities are resumed. If disturbance of a project area cultural resource cannot be avoided, a mitigation program, including measures set forth in the City's Cultural Resources Management Program and in compliance with Sections 15064.5 and 15126.4 of the CEQA Guidelines, shall be implemented.

Significance after Mitigation
Less than significant.

F. GEOLOGY, SOILS, AND SEISMICITY

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
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?	9				X
ii) Strong seismic ground shaking?	3 (Map N-10), 9			X	
iii) Seismic-related ground failure, including liquefaction?	3 (Map N5), 12				X
iv) Landslides?	3 (Map N5)				X
b) Result in substantial soil erosion or the loss of topsoil?	1, 9			X	
c) Result in substantial siltation?	1				X
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?	3 (Map N5), 9				X
e) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	3 (Map N5), 9				X
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				X
g) Expose people or property to major geologic hazards that cannot be mitigated through the use of standard engineering design and seismic safety techniques?	2, 9				X

DISCUSSION

Murray Engineers Inc. (Murray Engineers) prepared a geotechnical investigation report for the project site in September 2013 (see Appendix E). The geotechnical report identifies potential geologic hazards that may affect the project site and presents recommendations for design and construction of the project. Given the project site's location in a seismically active area, there is potential for severe ground shaking during an earthquake. High levels of ground shaking during potential future earthquakes and soil conditions that may be unsuitable to support construction-related excavations and site improvements are typical issues of concern related to development in seismically active areas. These issues are routinely encountered in California, and there is no evidence that unique or unusual geologic hazards are present on site (e.g., mapped landslide, collapsible soils, lateral spread) that would require additional mitigation beyond what is already required as part of the City's standard development approval processes.

Seismic ground shaking and the presence of adverse soil conditions would be addressed through required compliance with the California Building Code (and local amendments) as well as incorporation of geotechnical recommendations into the project's construction and design plans. The geotechnical report indicates the project site is located in an area where there have been historical occurrences of earthquake-induced liquefaction and there is the potential for "permanent earthquake-induced ground displacement." The Association of Bay Area Governments indicates the site is in an area with a moderate chance of liquefaction. However, there are no active or potentially active faults that cross the project site, and the project site is not located within an Alquist-Priolo Fault Zone (USGS 2013). The closest active fault is the San Andreas Fault, which is located approximately 5.7 miles southwest of the site. It is the opinion of Murray Engineers that the potential for fault rupture at the site is very low. The project site is flat and is not located in an area susceptible to landslides. The geotechnical report did not indicate that there are expansive soils, corrosive soils, and/or soils subject to settlement present.

Soils found on the project site consist of layers of fine- and coarse-grained alluvium to a depth of 45 feet. The upper approximately 5 to 8 feet consist of very stiff to hard surficial silty clay, underlain by 4 to 6 feet of medium dense to very dense gravelly to silty sand, and then underlain by 20 to 25 feet of very stiff silty clay. The clay is underlain by medium dense to very dense clayey to silty sand to a depth of 45 feet. Murray Engineers conducted additional soil testing to determine the likelihood of liquefaction occurring. Based on their analysis, the silty sand was determined to be very dense and therefore likely too dense to be considered liquefiable. In addition, the report concluded the "site should have a sufficiently thick and relatively dense, non-liquefiable layer above the groundwater table capping the potentially liquefiable layers at greater depths to mitigate the potential for sand boils or surface venting during an earthquake."

All new construction is subject to the earthquake design parameters contained in Chapter 16, Section 1613, of the 2013 California Building Code, directed at minimizing seismic risk and preventing loss of life and property in the event of an earthquake. In addition, the City's standard conditions of approval will ensure that potential impacts on erosion and soil remain less than significant. These conditions require the applicant to submit a final grading and drainage plan subject to review by the Department of Public Works prior to issuance of any grading and building permits. Requirements and standards of adequacy for the grading and drainage plans are contained in the PAMC.

The project site would be connected to the City's sewer system and would not involve use of septic tanks. Impacts to geologic resources and soils and impacts associated with geologic hazards would be less than significant.

Mitigation Measures

None required.

G. GREENHOUSE GAS EMISSIONS

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Impacts	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	2, 6			X	
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	2, 6			X	

DISCUSSION

In 2006, the State of California enacted Assembly Bill (AB) 32, the Global Warming Solutions Act. AB 32 requires reducing statewide GHG emissions to 1990 levels by 2020. The state's plan for meeting the reduction target is outlined in the California Air Resources Board (CARB) *Climate Change Scoping Plan* (2008 Scoping Plan; CARB 2008).

CARB's 2008 Scoping Plan fact sheet states, "This plan calls for an ambitious but achievable reduction in California's carbon footprint—toward a clean energy future. Reducing greenhouse gas emissions to 1990 levels means cutting approximately 30% from business-as-usual emissions levels projected for 2020, or about 15% from today's levels. On a per-capita basis, that means reducing annual emissions of 14 tons of carbon dioxide for every man, woman and child in California down to about 10 tons per person by 2020." CARB's GHG emissions inventory report found the total statewide GHG emissions in 2011 were equivalent to 448.1 million tons of CO_2 (CARB 2013). Compared with the emissions in 2001, this is a 6% decrease.

As described in Section C, Air Quality, the BAAQMD adopted the BAAQMD 2010 Guidelines, which establish screening criteria based on the size of a project to determine whether detailed modeling to estimate GHG emissions is necessary (BAAQMD 2010b). Projects that are smaller than the GHG screening criteria size are considered to have less than significant GHG emissions and would not conflict with existing California legislation adopted to reduce statewide GHG emissions. Table 3 presents GHG screening level examples taken from the BAAQMD 2010 Guidelines.

Table 3
BAAQMD Operational GHG Screening Criteria

Land Use Type	Operational GHG Screening Size*
Single-family residential	56 du
Apartment, low-rise or condo/townhouse, general	78 du
Apartment, mid-rise	87 du
Condo/townhouse, general	78 du
Regional shopping center	19 ksf
Strip mall	19 ksf
Hardware/paint store	16 ksf
Daycare center	11,000 sf
General office building	53,000 sf
Medical office building	22,000 sf
Office park	50,000 sf
Quality restaurant	9,000 sf

Source: BAAQMD 2010b, Table 3-1, Operational-Related Criteria Air Pollutant and Precursor Screening Level Sizes.
Notes: GHG = greenhouse gas; du = dwelling unit; sf = square feet.
* If the project size is less than the screening size, the project would have less than significant impacts. If the project is greater than the screening size, detailed project-specific modeling is required.

The project would result in a net increase of 8,774 square feet of commercial and office space along with four new dwelling units; this is substantially below the BAAQMD screening thresholds of 53,000 square feet (office space), 19,000 square feet (commercial space) and 78 dwelling units (condo/townhouse) for operational GHG emissions. As the project is substantially smaller than the screening criteria size, GHG emissions associated with operation of the proposed project would remain below the BAAQMD thresholds. In addition, the project would comply with the green building requirements identified in Chapter 16.14 of the PAMC, including attainment of a minimum Build It Green score of 70 for the residential portion of the project. Project operation would not result in GHG emissions that would significantly affect the environment or conflict with applicable plans, policies, or regulations adopted for the purpose of reducing GHG emissions. The project would have less than significant impacts related to GHG emissions.

Mitigation Measures
None required.

H. HAZARDS AND HAZARDOUS MATERIALS

Note: Some of the thresholds can also be dealt with under a topic heading of ***Public Health and Safety*** *if the primary issues are related to a subject other than hazardous material use.*

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routing transport, use, or disposal of hazardous materials?	1, 2, 10, 11, 12		X		
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?	1, 2, 10, 11, 12		X		
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	1, 2				X
d) Construct a school on a property that is subject to hazards from hazardous materials contamination, emissions or accidental release?	1				X
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?	1, 2, 10, 11, 12				X
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?	1				X

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
g) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working the project area?	1				X
h) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	1, 3 (Map N7)				X
i) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	3 (Map N7)				X
j) Create a significant hazard to the public or the environment from existing hazardous materials contamination by exposing future occupants or users of the site to contamination in excess of soil and ground water cleanup goals developed for the site?	1, 2, 10, 11, 12				X

DISCUSSION

Phase I environmental site assessments (ESAs) were prepared for the project site and include a general assessment of the nature and extent of past activities, if any, on the site that could have used hazardous materials, and whether the site appears to have evidence of soils or groundwater contamination. A Phase I ESA was prepared for the commercial buildings located at 429, 435, 441, and 447 University Avenue by Professional Service Industries Inc. in August 1999. In June 2010 an environmental transaction screen (ETS) for buildings located at 429–447 University Avenue was prepared by AEI to identify any potential environmental issues associated with past and present activities in the handling, storage, or disposal of hazardous materials. In addition, a follow-up Phase I ESA was prepared for 425 University Avenue and 450 Kipling Street[3] by Transaction Management Corporation (TMC) in April 2014. The Phase I ESAs and ETS are included in Appendix F. Both of the Phase I ESAs and the ETS report indicate that due to the age of the buildings there is the potential for asbestos-containing materials (ACMs) and lead-based paint to be present. TMC recommends preparation of an operations and maintenance plan for ACMs given the potential for occurrence in the 425 University Avenue building. The 2014 Phase I ESA indicates that the property at 425 University Avenue is not on any state or federal list of potentially hazardous sites. In addition, the 2010 ETS and the 1999 Phase I ESA indicate that the project site does not contain a recognized environmental condition, as defined by the American Society for Testing and Materials (ASTM). Both reports conclude there also is no evidence of a recognized environmental condition off site that could impact the project site. In addition, the project site is not listed on the Spills, Leaks, Investigations, and Cleanups database and there was no evidence of soil or groundwater contamination.

The project involves the demolition of two buildings and construction of a new building. Demolition activities could release hazardous building materials into the air. Construction equipment accessing the site would use hazardous and/or flammable materials including diesel fuel, gasoline, and other oils and lubricants. During project construction, there is the potential for the short-term use of hazardous materials/fuels; however, the use, storage, transport, and disposal of these materials would be required to comply with all existing local, state, and federal regulations. Operation of the proposed project would not include any uses that would require the transport, handling, or disposal of hazardous materials, other than typical household and landscaping materials. The types

[3] 450 Kipling Street is not part of the project.

and quantities of these common household chemicals would not be substantial and would not pose a health risk to residents of the project or any adjacent uses.

Groundwater was identified in the geotechnical investigation at depth of approximately 33.5 to 35 feet below existing grade level. It is not anticipated that construction of the subsurface garage would require dewatering due to the depth of groundwater; however, if required, the project applicant would comply with standard conditions of the City's architectural review process, which require special procedures for dewatering. Specifically, the City's Public Works Department, Water Quality Control Plan section, would require that prior to discharge of any water from construction dewatering, the water be tested for volatile organic compounds (VOCs; including ROGs) using U.S. Environmental Protection Agency Method 601/602. The analytical results of the VOC testing shall be transmitted to the San Francisco Bay Regional Water Quality Control Board (RWQCB). If the concentration of any VOC exceeds 5 micrograms per liter (5 parts per billion), the water may not be discharged to the storm drain system and an Exceptional Discharge Permit for discharge to the sanitary sewer must be obtained from the RWQCB prior to discharge. Additionally, any water discharged to the storm drain system is required to be free of sediment.

Based on the construction date of the existing buildings (1927), it appears that the buildings may contain ACMs and may contain lead-based paints. Lead-based paints could also be present and the light ballasts may be a source of polychlorinated biphenyls (PCBs). Therefore, demolition of the existing buildings could result in hazards related to the release or disposal of these hazardous materials. Mitigation Measure HAZ-1 would require surveys and proper disposal methods to ensure that impacts remain less than significant.

There are no existing or proposed schools within one-quarter mile of the project site. The nearest school, Addison Elementary School, is located approximately 0.7 mile southwest of the project site. Therefore, no impacts to schools associated with hazardous materials at the project site would occur.

There are no airports within 2 miles of the project site. The nearest airport is the Palo Alto Airport, which is located approximately 3.3 miles northeast of the site. Therefore, no impact related to safety hazards associated with aircraft would occur.

The proposed project would not impair or interfere with the City's Emergency Operations Plan. The nearest evacuation route to the project site is University Avenue. The project would not result in any changes to this evacuation route, would not substantially increase traffic or roadway congestion such that use of the evacuation route would be hindered, and would not otherwise impair implementation of the City's Emergency Operations Plan. Therefore, no impact related to emergency response or evacuation would occur.

The project site is located in a developed urban area that is not identified as a high or medium fire hazard area in the City's Comprehensive Plan. Therefore, no impact related to fire risks would occur.

Mitigation Measures

Mitigation Measure HAZ-1: Prior to building demolition, the project applicant shall demonstrate to the satisfaction of the City of Palo Alto that a survey of the existing buildings has been conducted by a qualified environmental specialist who meets the requirements of the current U.S. Environmental Protection Agency regulations for suspected lead-containing materials (LCMs), including lead-based paint/coatings; asbestos containing materials (ACMs); and the presence of polychlorinated biphenyls (PCBs). Any demolition activities likely to disturb LCMs or ACMs shall be carried out by a contractor trained and qualified to conduct lead- or asbestos-related construction work. If found, LCMs and ACMs shall be disposed of in accordance with state and federal regulations, including the EPA's Asbestos National Emissions Standards for Hazardous Air Pollutants, the Cal-OSHA Construction Lead Standard (CCR Title 8, Section 1432.1), and California Department of Toxic Substances Control and EPA requirements for disposal of hazardous waste. If PCBs are found, these materials shall be managed in accordance with the Metallic Discards Act of 1991 (California Public Resources Code, Sections 42160–42185) and other state and federal guidelines and regulations. Demolition plans and contract specifications shall incorporate any necessary abatement measures in compliance with the Metallic Discards Act,

particularly Section 42175, Materials Requiring Special Handling, for the removal of mercury switches, PCB-containing ballasts, and refrigerants.

Level of Significance after Mitigation
Less than significant.

I. HYDROLOGY AND WATER QUALITY

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	1, 2, 3, 13, 14			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	1, 2, 3 (Map N2), 13, 14			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	1, 2, 13, 14			X	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	1, 2, 13, 14			X	
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	1, 2, 13, 14			X	
f) Otherwise substantially degrade water quality?	1, 2, 13, 14			X	
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	1, 3 (Map N6)				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	1, 3 (Map N6)				X
i) Expose people or structures to a significant risk of loss, injury or death involve flooding, including flooding as a result of the failure of a levee or dam or being located within a 100-year flood hazard area?	1, 3 (Map N8)				X
j) Inundation by seiche, tsunami, or mudflow?	1, 3 (Map N6)				X

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
k) Result in stream bank instability?	1, 2				X

DISCUSSION

The project site is fully developed, and the proposed project would not substantially change the amount of impervious surface area on the project site, nor would the project rely on groundwater for its water supply. With the exception of some street trees on University Avenue and Kipling Street, the existing site is composed of buildings and paved surface parking lots and thus is largely impervious. According to the Impervious Area Worksheet for Land Developments (included as Appendix G to this document) prepared for the project, the project site currently contains 11,000 square feet of impervious surface with the existing buildings and parking lot area. The project is proposing to maintain the same development footprint (0.252 acre). The project would not alter existing grades in the area and would not change drainage patterns or lead to increased erosion or sedimentation of nearby waterways. Groundwater was identified at a depth of approximately 33.5 to 35 feet below existing grade level.

In addition, stormwater runoff water quality is regulated by the National Pollutant Discharge Elimination System (NPDES) Program to control and reduce pollutants to water bodies from surface water discharge. Locally, the NPDES project is administered by the Bay Area Regional Water Quality Control Board (RWQCB). The RWQCB worked with cities and counties throughout the region to prepare and adopt a Regional Municipal Stormwater Permit. This Regional Permit identifies minimum standards and provisions that the City of Palo Alto, as a permitee, must require of new development and redevelopment projects within the city limits. Compliance with the NPDES Permit is mandated by state and federal statutes. The proposed project would be required to comply with all city, state, and federal standards pertaining to stormwater run-off and water quality.

Under the Regional Municipal Stormwater Permit, the San Francisco Bay RWQCB generally requires new development projects to implement Low Impact Design (LID) techniques to treat stormwater runoff. However, the regional permit also allows LID treatment reduction credits for three categories of "smart growth" projects – urban infill, high-density, and transit oriented development projects. These are called "Special Projects" in the regional permit, and are approved for reductions in the requirements for LID treatment in recognition of the fact that smart growth development projects can either reduce existing impervious surfaces or create less "accessory" impervious areas and automobile-related pollutant impacts. The RWCQB recognizes that these types of projects have inherent water quality and other environmental benefits. The project applicant has applied for and obtained a *C.3 Special Project Category A* determination based on the following: the project would preserve or enhance a pedestrian-oriented type of urban design, would be located in a Commercial downtown zone, would replace less than 0.5 acre of impervious surface area, would have minimal surface parking, and more than 85% of the site would be covered by the proposed building. Due to the small project site and its location in a developed urban commercial corridor, it would not be feasible to construct grassy swales or other LID features to treat stormwater. There is not sufficient space to accommodate biotreatment facilities or to route runoff to an appropriate discharge point.

Since the project meets the criteria listed above, the project would receive 100% LID treatment reduction credit and be allowed to treat 100% of the amount of storm water runoff with non-LID treatment measures. Stormwater runoff from the site would be collected and piped to a mechanical device (manufactured by Contech Stormwater Solutions) which is an accepted storm filter treatment facility. The mechanical device would be located onsite and stormwater runoff would be treated prior to flowing by gravity into the street and ultimately into the City's storm drain system. The applicant would also be required to enter into a maintenance agreement with the City to guarantee that the project provide the required maintenance and/or replacement of the device for the life of the project. By providing approved and appropriate stormwater runoff collection and conveyance, and ensuring long-

term maintenance of the collection and conveyance infrastructure, the project would have less than significant impacts related to violating water quality standards or contributing substantial additional sources of polluted runoff.

The proposed project includes a subsurface garage with a maximum depth of 27 feet below grade. Reducing the number of exposed parking spaces also reduces the potential for stormwater to carry pollutants such as litter and/or leaking motor fluids. Due to the depth of groundwater, dewatering is not anticipated; however, due to fluctuations in groundwater it is possible that construction activities could encounter groundwater. Since the garage would be designed to be watertight and no permanent dewatering system would be required, it is expected that the impact to groundwater flow would be less than significant.

The nearest surface water in the vicinity of the project site is San Francisquito Creek, located approximately 0.5 mile west of the site. Stormwater runoff is directed toward storm drain grates located in one covered parking space and in the adjacent alleyway that parallels the northwest boundary of the project site.

The project site is located within Zone X on the Flood Insurance Rate Map Panel No. 06085C0010H (FEMA 2009). This indicates that the project site is not in a zone expected to be subject to inundation in a 100-year flood event. Additionally, the project site is not located within an area identified as a dam failure inundation area as shown on maps available from the Association of Bay Area Governments (ABAG 2003). The project site is not subject to flooding or inundation and construction of the project would result in no impacts associated with exposure of people to flood-related hazards.

The project site is located in Downtown Palo Alto on relatively flat ground and is not near an open body of water or near a hillside; therefore, there is no risk for seiche, tsunami, or mudflow hazards. No impacts related to these hazards would result from implementation of the proposed project. Additionally, there are no streams within or adjacent to the site, and the project would have no impacts related to streambank stability.

Mitigation Measures
None required.

J. LAND USE AND PLANNING

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	1, 2				X
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?	1, 2, 3, 4				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	1, 2				X
d) Substantially adversely change the type or intensity of existing or planned land use in the area?	1, 2, 3, 4				X
e) Be incompatible with adjacent land uses or with the general character of the surrounding	1, 2			X	

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
area, including density and building height?					
f) Conflict with established residential, recreational, educational, religious, or scientific uses of an area?	1, 2				X
g) Convert prime farmland, unique farmland, or farmland of statewide importance (farmland) to non-agricultural use?	1, 3				X

DISCUSSION

The proposed project, a 31,407-square-foot, four-story commercial, office, and residential building, is an allowed use as regulated by the City's Zoning Ordinance and Comprehensive Plan (PAMC; City of Palo Alto 2007). The project would replace two single-story buildings currently used for retail with the proposed mixed-use building. The increase from one story to four stories on the site would change the existing scale; however, buildings in the surrounding area include a modern four-story mixed-use office and retail building across the street, with ground floor retail and upper story offices. Larger mixed-use and office buildings are located farther east along University Avenue, including a six-story building and a three-story building on the corner of University Avenue and Cowper Street.

The project would increase the existing retail, office, and residential land uses in the immediate vicinity and would not introduce any incompatible land uses. The Comprehensive Plan land use designation of the project site is Regional/Community Commercial, per the Comprehensive Plan. The Comprehensive Plan encourages mixed-use development in the project area through the following policies:

- Policy L-4: Maintain Palo Alto's varied residential neighborhoods while sustaining the vitality of its commercial areas and public facilities. Use the Zoning Ordinance as a tool to enhance Palo Alto's desirable qualities.
- Policy L-9: Enhance desirable characteristics in mixed use areas. Use the planning and zoning process to create opportunities for new mixed use development.
- Policy L-19: Encourage a mix of land uses in all Centers, including housing and an appropriate mix of small-scale local businesses.
- Policy L-23: Maintain and enhance the University Avenue/Downtown area as the central business district of the City, with a mix of commercial, civic, cultural, recreational and residential uses. Promote quality design that recognizes the regional and historical importance of the area and reinforces its pedestrian character.

Since the project proposes a mixed-use development in an area where mixed-uses are encouraged and the project design reflects a pedestrian scale, the project would be consistent with the policies listed above.

The zoning designation is Downtown Commercial with Pedestrian and Ground Floor Combining Districts (CD-C(P)(GF)). This zone's regulations are set forth in PAMC Chapters 18.18 and 18.30. The CD district provides for a wide range of commercial uses serving City-wide and regional business and service needs, as well as residential uses and neighborhood service needs. The project would also include construction of two levels of underground parking and installation of new landscaping. The project is in compliance with the applicable CD-C (community) subdistrict zoning and parking regulations. The maximum proposed building height is 50 feet and the FAR would be 2.86. The maximum building height in this district is 50 feet. The base FAR in the CD-C district is 1.0; however, the FAR may be increased with TDRs and/or bonuses for seismic and historical rehabilitation upgrades, not to exceed a total site FAR of 3.0. The proposed project includes TDRs and bonuses to achieve the maximum

allowable FAR of 2.86. The project would not conflict with existing zoning. In addition, the Pedestrian Shopping (P) and Ground Floor (GF) combining district regulations that apply to this site are intended to enhance the pedestrian environment through the continuity of retail stores and design windows in retail districts and allow only service-oriented commercial uses on the ground floor. The proposed project is designed to comply with the combining district regulations with ground-floor retail and façade details to enhance the pedestrian experience. In addition, the project would be consistent with the Context-Based Design Criteria for development in a commercial district, which promotes pedestrian oriented design that is compatible with adjacent development.

The project site is surrounded by primarily mixed-use and commercial buildings along University Avenue, ranging in height from one to six stories. As described in Section A., Aesthetics, the proposed building would be larger in scale and mass than some of the adjacent buildings along Kipling Street; however, the project would be similar in scale and mass to other buildings in the vicinity along University Avenue in the Downtown area. In addition, the design of the building's Kipling Street façade would reflect the smaller scale of the existing development along Kipling Street. The fourth floor of the building would be set back 10 feet from the alley property line and 7 feet from the Kipling Street property line resulting in a street façade that would appear as a three-story building. The University Avenue façade is designed to respond not only to the buildings immediately adjacent and west of the subject property but to the taller, higher density development of the University Avenue Commercial District. The design of the proposed building is intended to minimize the potential for incompatibility with surrounding uses. In addition, as described in Section A., Aesthetics, the project design will be reviewed by the City's Architectural Review Board to ensure that compatibility concerns are addressed and it does not degrade the existing visual character or quality of the site and its surroundings.

The project would comply with all plans for conservation of biological resources, and would not impact farmland. See Sections B and D for further discussion of these topics.

Mitigation Measures
None required.

K. MINERAL RESOURCES

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	1, 3				X
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?	1, 3				X

DISCUSSION

The City has been classified by the California Department of Conservation, Division of Mines and Geology, as a Mineral Resource Zone 1 (MRZ-1). This designation signifies that there are no aggregate resources in the area. The Division of Mines and Geology has not classified the City for other resources. There is no indication in the Comprehensive Plan that there are locally or regionally valuable mineral resources within the City. Therefore, construction and operation of the proposed mixed-use building on the currently developed project site would result in no impacts related to mineral resources.

Mitigation Measures
None required.

L. NOISE

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	1, 2, 3, 15		X		
b) Exposure of persons to or generation of excessive ground-borne vibrations or ground-borne noise levels?	1, 2, 15			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	1, 2, 15			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	1, 15			X	
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?	1, 2				X
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?	1, 2				X
g) Cause the average 24-hour noise level (L_{dn}) to increase by 5.0 decibels (dB) or more in an existing residential area, even if the L_{dn} would remain below 60 dB?	1, 2, 15				X
h) Cause the L_{dn} to increase by 3.0 dB or more in an existing residential area, thereby causing the L_{dn} in the area to exceed 60 dB?	1, 2, 15				X
i) Cause an increase of 3.0 dB or more in an existing residential area where the L_{dn} currently exceeds 60 dB?	1, 2, 15			X	
j) Result in indoor noise levels for residential development to exceed an L_{dn} of 45 dB?	1, 2, 15		X		
k) Result in instantaneous noise levels of greater than 50 dB in bedrooms or 55 dB in other rooms in areas with an exterior L_{dn} of 60 dB or greater?	1, 2, 15		X		
l) Generate construction noise exceeding the daytime background L_{eq} at sensitive receptors by 10 dBA or more?	1, 2			X	

DISCUSSION

Noise would be generated during the proposed demolition of the existing building and construction of the proposed mixed-use project. The magnitude of the construction noise would depend on the type of construction activity, the noise level generated by various pieces of construction equipment, site geometry (i.e., shielding from intervening structures), and the distance between the noise source and receiver. Construction noise levels are

based on a U.S. Environmental Protection Agency study (EPA 1971), which measured average noise levels during construction stages for a variety of typical projects.

Sound is measured in decibels (dB), with 0 dB corresponding roughly to the threshold of hearing and 60 dB corresponding roughly to the noise level of a typical conversation. Typically, a weighting system is applied to sound levels to more closely correlate sound levels with human perception, recognizing that humans are less sensitive to sounds in frequency ranges below 1,000 hertz (Hz) and above 5,000 Hz. This system is called the A-weighted sound level, and is abbreviated as dBA.

As shown in Table 4, average noise levels generated on a construction site could be as high as 89 dBA L_{eq} at a distance of 50 feet during the loudest phases of construction. Typically, construction noise is cyclical in nature and noise levels vary throughout the day.

All development in the City, including the proposed construction activities, must 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 temporary construction that complies with the Noise Ordinance would result in less-than-significant impacts to nearby land uses and sensitive receptors. The project is located in a busy commercial district with an active train station in the vicinity. Although there are residential uses in the project vicinity, the existing noise conditions are not quiet and the temporary construction activities will not create any new significant noise impacts.

Table 4
Typical Noise Levels from Construction Activities

Construction Activity	Average Sound Level at 50 feet (dBA L_{eq}) [1]	Standard Deviation (dB)
Ground Clearing	84	7
Excavation	89	6
Foundations	78	3
Erection	87	6
Finishing	89	7

Source: EPA 1971
[1] Sound level with all pertinent equipment operating.

The proposed project would be located on a site that is currently developed with two one-story retail buildings and is surrounded by primarily two-story buildings with ground floor retail and restaurant spaces on University Avenue and a mix of small-scale commercial/office as well as residential uses on Kipling Street. Residential land uses are located approximately 60 feet to the north and northwest. The proposed office building is not anticipated to result in significant levels of on-site noise or traffic noise because of the nature of the proposed land use and the relatively small size (which would generate a less than significant increase in traffic as discussed in Section P., below).

The *Environmental Noise Study* for the project was prepared by Charles M. Salter Associates Inc. (Appendix H). This assessment found that existing noise levels in the project area range from 64 dB to 70 dB during the peak traffic hours and between 63 dB and 73 dB when measured as a day-night-level (DNL), which assigns a penalty to noises generated during nighttime hours to reflect heightened sensitivity to noise in those hours.

Policy N-39 of the Palo Alto Comprehensive Plan requires that the average interior noise level in multi-family dwellings be limited to DNL 45 dB. However, the City also states that residences exposed to a DNL of 60 dB or greater should limit maximum instantaneous noise levels to 50 dB in bedrooms and 55 dB in other rooms. Since

the existing noise levels in the project area exceed 60 dB, architectural upgrades (as detailed in Mitigation Measures NOI-1 and NOI-2) would be required to meet interior noise standards. Additionally, rooftop mechanical equipment noise from exhaust fans was analyzed, as shown in Table 5, to assess whether the equipment noise would comply with Section 9.19.040 of the City's Noise Ordinance, which states:

> *"No person shall produce, suffer, or allow to be produced by any machine or device, or any combination of same, on commercial or industrial property, a noise level more than eight decibels above the local ambient at any point outside of the property plane."*

Table 5
Predicted Mechanical Equipment Noise Levels

Property Line	Predicted Noise Level (dB)		Criteria (dB)
	At Nearest Receiver	At Property Plane	
North	49	65	57
East	47	58	56
South	48	69	54
West	49	68	54

Currently there are no adjacent receivers at or near the property plane that are 50 feet in height; therefore, adjacent receivers would not be exposed to noise levels in excess of the City's standard due to rooftop mechanical equipment noise, as shown in Table 5. However, as shown in Table 5, noise levels at the property plane would be above the criteria; therefore, Mitigation Measure NOI-3 is required to reduce this potential impact to below a level of significance.

Potential project-related noise effects from traffic were analyzed by comparing existing, future (existing plus cumulative growth), and estimated project-related traffic volumes, as provided by the traffic impact analysis prepared for the project by Hexagon Transportation Consultants (Appendix I). It was determined that the "future with project" traffic noise levels would increase by approximately 1 dBA along University Avenue and 2 dBA along Kipling Street. Based on the Federal Transit Administration noise impact criteria, a 2 dB increase in noise levels due to a project would result in a significant noise impact where the ambient noise levels without the project are in excess of 76 dB. Where noise levels are less than 76 dB, a project-generated noise level increase of more than 2 dB is required for a finding of significant noise impact. Since the ambient noise levels in the project area are less than 76 dB without the project, the maximum noise increase of 2 dBA would result in a less-than-significant impact to noise levels as a result of project generated traffic.

The project site is not located within an airport land use plan or in the vicinity of a private airstrip. The closest airport is the Palo Alto Airport, which is located approximately 3.3 miles northeast of the site. There would be no impact associated with noise from planes.

Mitigation Measures

Mitigation Measure NOI-1: *Residential Uses:* Window and exterior door assemblies with Sound Transmission Class (STC) rating up to 45 and upgraded exterior walls shall be used in the residential portion of the proposed building to achieve the City's maximum instantaneous noise guideline for residential uses. The City of Palo Alto shall ensure that these standards are met through review of building plans as a condition of project approval.

Commercial Uses: Window and exterior door assemblies for the commercial portions of the building shall have a minimum STC rating of 32 at the corner of University Avenue and Kipling Street, and a minimum STC of 28 at all other commercial locations within the proposed building to comply with the State of California CalGreen noise

standards (maximum interior noise level of 50 dB during the peak hour of traffic). The City of Palo Alto shall ensure that these standards are met through review of building plans as a condition of project approval.

Mitigation Measure NOI-2: The residential portion of the proposed building shall have a ventilation or air-conditioning system to provide a habitable interior environment when windows are closed.

Mitigation Measure NOI-3: Noise levels from rooftop equipment shall be reduced to meet the City of Palo Alto Noise Ordinance requirements. An enclosure or other sound-attenuation measures at the exhaust fans shall be provided to reduce rooftop equipment noise is no greater than 8 dB above the existing ambient level at potential future neighboring buildings to meet the property plane noise limit. Use of quieter equipment than assumed in this analysis may support reduced mitigation, which shall be evaluated by a qualified acoustical consultant.

Significance after Mitigation
Less than significant.

M. POPULATION AND HOUSING

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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)?	1, 2, 3			X	
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	1, 2				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	1, 2				X
d) Create a substantial imbalance between employed residents and jobs?	1, 2				X
e) Cumulatively exceed regional or local population projections?	1, 2				X

DISCUSSION

The project would replace two existing one-story retail buildings with a four-story mixed-use building that would include a net increase of 8,774 square feet of commercial and office space and four residential dwelling units. The increase of four residential units would not add substantial population, nor is the increased commercial or office space expected to induce substantial population growth. The addition of four dwelling units in the University Avenue/Downtown area would provide a small amount of housing in the Downtown area, thereby improving the jobs-housing balance in this employment center.

The project would not displace any housing or people. Standard conditions of approval require fees to cover any increased need for housing. The City addresses the community's cumulative affordable housing needs through the Affordable Housing Fund, which is a local housing trust fund that provides financial assistance for the development of housing affordable to very low, low, and moderate-income households within the City. The Affordable Housing Fund is made up primarily of two sub-funds composed of local sources of housing monies: the Commercial Housing Fund and the Residential Housing Fund. The Commercial Housing Fund is funded

through fees paid under the requirements of Chapter 16.47 of the PAMC. Under this requirement, the project applicant would be required to pay into the City's Affordable Housing Fund at the time that building permits are issued. This fee is currently set at $18.44 per square foot for nonresidential development and would be applied only to the new gross square footage of commercial space proposed to be constructed at the site.

The Residential Housing Fund is funded through the City's Below-Market-Rate (BMR) Program, as expressed in Policy H-36 of the Housing Element and Chapter 18.14 of the PAMC. The BMR Program is intended to meet the City's goal of retaining an economically balanced community. Specifically, residential projects with four or fewer dwelling units are exempt from the City's BMR Program ordinance based on the City's determination that construction of four or fewer units would not have a significant effect on affordable housing in the City, even in a cumulative context. As the project proposes construction of four residential units, it is exempt from the BMR program.

With compliance with the PAMC and standard conditions of approval regarding payment of the Affordable Housing Fee, impacts would be less than significant and no mitigation is required.

Mitigation Measures
None required.

N. PUBLIC SERVICES

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
Fire protection?	1, 2				X
Police protection?	1, 2				X
Schools?	1, 2				X
Parks?	1, 2				X
Other public facilities?	1, 2				X

DISCUSSION

The proposed project is located in an urban area that is currently served by the City Police and Fire Departments and the four proposed residential units would not cause a substantial increase in population that would demand additional services. In addition, the conditions of approval for the project contain requirements to address all fire prevention measures. Standard conditions of approval require fees to address any increased need for community

facilities, schools, and housing. With payment of development impact fees for community facilities, schools, libraries, and parks, the project's impact would be less than significant and no mitigation is required.

Mitigation Measures
None required.

O. RECREATION

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	1, 2				X
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?	1, 2				X

DISCUSSION

The proposed project would construct a new mixed-use building with commercial and office space and four residential units replacing two existing retail buildings. The 8,774-square-foot increase in commercial and office space and the addition of four residential units are not expected to have a significant effect on existing recreational facilities. Development impact fees for parks and community facilities for the increase in floor area and residential units are required per City ordinance. Therefore, no impact would occur and no mitigation is required.

Mitigation Measures
None required.

P. TRANSPORTATION AND TRAFFIC

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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)?	1, 2, 17			X	
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	1, 2, 17				X
c) Result in change in air traffic patterns, including either an increase in traffic levels	1, 2				X

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
or a change in location that results in substantial safety risks?					
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	1, 2		X		
e) Result in inadequate emergency access?	1, 2				X
f) Result in inadequate parking capacity?	1, 2				X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian, transit & bicycle facilities)?	1, 2, 3				X
h) Cause a local (City of Palo Alto) intersection to deteriorate below Level of Service (LOS) D and cause an increase in the average stopped delay for the critical movements by four seconds or more and the critical volume/capacity ratio (V/C) value to increase by 0.01 or more?	1, 2, 17			X	
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?	1, 2, 17				X
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?	1, 2, 17				X
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?	1, 2, 17				X
l) Cause any change in traffic that would increase the Traffic Infusion on Residential Environment (TIRE) index by 0.1 or more?	1, 2, 17				X
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.	1, 2, 17			X	
n) Impede the development or function of	1, 2, 3				X

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
planned pedestrian or bicycle facilities?					
o) Impede the operation of a transit system as a result of congestion?	1, 2, 17				X
p) Create an operational safety hazard?	1, 2				X

DISCUSSION

Hexagon Transportation Consultants, Inc. prepared the *Transportation Impact Analysis for 429 University Avenue Mixed-Use* (Transportation Impact Analysis; Hexagon 2014, included in Appendix I). The analysis was completed in a manner consistent with other transportation impact studies in the City of Palo Alto and the Santa Clara Valley Transportation Authority (VTA) Traffic Impact Analysis guidelines. This includes use of the level of service (LOS) methodology described in Chapter 16 of the *2000 Highway Capacity Manual* (2000 HCM; TRB 2000) for signalized intersections, use of the LOS methodology described in Chapter 17 of the 2000 HCM for unsignalized intersections, and use of the methodologies and standards described in the VTA *2013 Congestion Management Plan* (CMP) for intersections included in the CMP (VTA 2013).

The magnitude of traffic generated by the proposed project was estimated by Hexagon by applying applicable trip generation rates to the existing and proposed building. These calculations (see Table 6) are based on the trip generation rates published in the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, ninth edition (ITE 2012). The project would replace existing retail/restaurant space of the same size; therefore, trip generation from the first floor retail/restaurant space is excluded from the analysis. In addition, the rooftop office/lunchroom is intended for use by office employees and it therefore included in the office space calculation for trip generation purposes only. The trip generation estimates do not reflect potential reductions from the robust transit, bicycle, and pedestrian access at the project location. In this respect, the project trip generation estimates are conservative.

Table 6
Project Trip Generation

Land Use Type	Size	Daily Rate	Daily Trips	AM Peak Hour				PM Peak Hour			
				Rate[1]	*In*	*Out*	*Total*	*Rate*[1]	*In*	*Out*	*Total*
General Office	12.603 ksf	6.65	139	1.56	17	2	20	1.49	3	16	19
Apartment	4 du	11.03	27	0.51	0	2	2	0.62	1	1	2
Net Project Trips			**166**		**17**	**4**	**22**		**4**	**17**	**21**

Source: Hexagon 2014.
[1] Trip rates based on ITE 2012, Office (710), Apartment (230).
ksf = 1,000 square feet; du = dwelling units

The proposed project is calculated to cause 22 new AM peak hour trips and 21 new PM peak hour trips. Hexagon applied the project's trip generation and trip distribution estimates to each of the study intersections to determine whether the project would result in a significant change in LOS at any location. The Transportation Impact Analysis evaluated the following five intersections:

1. University Avenue and Kipling Street
2. Lytton Avenue and Kipling Street
3. University Avenue and Middlefield Road
4. Lytton Avenue and Middlefield Road

5. Lytton Avenue and Alma Street

The project would create a significant adverse impact on traffic conditions at a signalized intersection in the City of Palo Alto if for either peak hour:

1. The level of service at the intersection degrades from an acceptable LOS D or better under no project conditions to an unacceptable LOS E or F under project conditions, or

2. The level of service at the intersection is an unacceptable LOS E or F under no project conditions and the addition of project trips causes both the critical-movement delay at the intersection to increase by 4 seconds or more and the critical-movement volume-to-capacity ratio (V/C) to increase by .01 or more.

An exception to this rule applies when the addition of project traffic reduces the amount of average delay for critical movements (i.e. the change in average delay for critical movements is negative). In this case, the threshold of significance is an increase in the critical V/C value by .01 or more. The results of the LOS analysis are shown in Table 7.

Table 7
Project Effects on LOS and Delay

Intersection (control)	Peak Hour	Average Delay (in seconds) and LOS							
		Existing	*Existing Plus Project*	Δ *Critical Delay*	Δ *Critical V/C*	*Cumulative No Project*	*Cumulative Plus Project*	Δ *Critical Delay*	Δ *Critical V/C*
1. University Avenue and Kipling Street (Signal)	AM	9.5 A	9.7 A	0.1	0.003	10.6 B	10.7 B	0.2	0.004
	PM	9.9 A	10.6 B	0.1	0.006	10.7 B	11.4 B	0.2	0.008
2. Lytton Avenue and Kipling Street (TWSC)	AM	17.6 C	17.7 C	--	--	22.9 C	23.0 C	--	--
	PM	15.0 B	15.1 C	--	--	18.6 C	19.1 C	--	--
3. University Avenue and Middlefield Road (Signal)	AM	28.2 C	28.2 C	0.0	0.001	28.6 C	28.6 C	0.0	0.001
	PM	31.3 C	31.3 C	0.0	0.000	**260.5 F**	**260.3 F**	0.0	0.000
4. Lytton Avenue and Middlefield Road (Signal)	AM	30.6 C	30.6 C	0.0	0.001	36.1 D	36.1 D	0.1	0.001
	PM	37.0 D	37.0 D	0.0	0.001	**158.5 F**	**158.8 F**	0.1	0.001
5. Lytton Avenue and Alma Street (Signal)	AM	18.0 B	18.1 B	0.2	0.002	18.6 B	18.7 B	0.2	0.003
	PM	20.9 C	21.0 C	0.2	0.002	23.6 C	23.8 C	0.2	0.002

TWSC = two-way stop control
Bold indicates a substandard level of service.

The results in Table 7 show that all of the intersections would continue to operate at acceptable levels of service (LOS D or better) during both the AM and PM peak hours of traffic under existing plus project conditions.

The results in Table 7 also show that two of the signalized study intersections (University Avenue & Kipling Street and Lytton Avenue & Alma Street) would continue to operate adequately (LOS D or better) under cumulative plus project conditions. Two other signalized intersections (University Avenue & Middlefield Road and Lytton Avenue & Middlefield Road) are expected to operate at unacceptable levels of service (LOS F) under cumulative conditions both with and without the project. The project traffic would not cause a significant impact on the operation of these intersections, based on the significance criteria described above. As shown in Table 7, project traffic would only increase the critical delay by 0.1 second and the critical V/C value by 0.001, which are less than the significance thresholds of 4 seconds and 0.01, respectively.

Pedestrian, Bicycle, and Transit Facilities

The Transportation Impact Analysis conducted by Hexagon also considered impacts to pedestrian, bicycle, and transit facilities. The project location is approximately 0.5 miles from the Caltrain station and transit center and in a pedestrian and bicycle friendly downtown area, and the underground parking garage is proposed to include bike lockers and a shower room for employees. It is reasonable to assume that some employees would utilize transit or bicycles. Due to the project size, it is unlikely to produce significant bicycle trips or pedestrian trips or impact the nearby trains and buses. It is expected that these additional trips could easily be accommodated by the existing bicycle, pedestrian, and transit facilities.

Site Access and Onsite Circulation

Access to the alley adjacent to the site (Lane 30) would be assisted by breaks in traffic on Waverly Street created by the nearby traffic signals at Lytton Avenue and University Avenue. In the event that a vehicle making a right turn out of the alley onto Kipling Street encountered a significant queue, the driver might choose to make a left turn onto Kipling Street and then onto Lytton Avenue to circle around the block. Such maneuvers are common in downtown settings during commute periods. Based on the estimated traffic generated during the peak periods, it is anticipated that the project's garage access to and from Lane 30 at Waverly and Kipling Streets, respectively, would operate acceptably and would be typical of a development in an urban setting with underground parking. To ensure safety for vehicles using the parking garage, Mitigation Measure TRANS-1 requires that mirrors and/or a warning light be installed at garage entrance/exit.

Truck access and loading would be provided adjacent to the project site via the alley (Lane 30). The alley is 20 feet in width and truck loading requires a width of 10 feet, which leaves the remaining 10 feet available for vehicles to pass in this one-way alley. The alley currently provides adequate truck access for other adjacent businesses, and it is expected that it would provide adequate access for the proposed project as well since the width of the alley would remain the same.

Adequate corner sight distance is required at the exit of the alley to ensure that drivers can see approaching vehicles on Kipling Street. Sight distance is typically measured approximately 10 feet back from the traveled way. The proposed project would provide a 4-foot setback from the edge of the alley. The project would also replace the large street tree nearest this corner which would improve the visibility of the roadway. The combination of the setback and the tree removal is expected to provide adequate visibility of other vehicles and pedestrians.

The onsite circulation was reviewed in accordance with generally accepted traffic engineering standards. Generally, the proposed plan would provide one main drive aisle that would lead to an underground parking structure. Parking is shown at 90 degrees to the main drive aisle. This drive aisle makes several 90 degree turns to spiral down to the farthest parking spaces. The City parking facility design standards specify a minimum width of 16 feet for two-way underground ramps; 25 feet for two-way drive aisles lined with 8.5 foot wide, 90 degree spaces; and maximum slope of 2% adjacent to accessible parking spaces. Additionally, bike lockers require a five foot aisle in front of the door openings. The proposed parking plan meets these minimum specifications, as well as providing the minimum dimensions for standard, accessible, and van-accessible spaces. However, due to the

limited footprint of the underground parking, vehicles are required to navigate tight 90 degree turns near the ends of both ramps and the middle of the lower ramp, where sight lines may be restricted. To ensure safety for vehicles using the parking garage, Mitigation Measure TRANS-2 requires that mirrors be installed in the parking garage to provide adequate site distance.

Parking

The project was also found to meet the applicable parking requirements of the PAMC. Specifically, the PAMC requires that the project provide one parking space for every 250 square feet of new commercial space and two spaces for each of the residential units plus guest spaces (one space plus 10%). The proposed project would require 82 parking spaces for 20,407 square feet of commercial use and 10 parking spaces for four residential units, for a total of 92 parking spaces. However, the property was previously assessed and paid in-lieu fees for 37 parking spaces in the University Avenue Parking Assessment District and is eligible to receive 5,000 square feet of TDRs exempted from parking (equivalent to 20 parking spaces). Based on these adjustments, the project is required to provide a total of 35 vehicle parking spaces. The project proposes to include a total of 40 parking spaces, exceeding the parking requirement by five spaces. The 40 parking spaces would be provided in the two-level underground parking garage.

The project would also meet the applicable bicycle parking requirements. PAMC Section 18.52.040 requires 1 bicycle space per 2,500 square feet of gross floor area, with a mix of 80% for long-term parking and 20% for short-term parking. In addition, 4 long-term bicycle spaces (1 per unit) are required for the residential units. The project is required to provide 13 total bicycle parking spaces. As reflected in the site plans, the project proposes to provide 7 long-term bicycle parking spaces within the underground parking garage and 6 short-term bicycle parking spaces near the entrances of the building on University Avenue and Kipling Street. The bicycle parking spaces provided on the project site meet the requirements of Ordinance 18.52.040 and follow layout requirements of PAMC Section 18.54.060.

While this project does not include an explicit transportation demand management (TDM) plan, several elements common to TDM are present. Most importantly, the project is located in a transit-rich and pedestrian friendly location. Second, the project proposes to include both bicycle lockers and a restroom with a shower. Both of these features should result in some reduction in automobile trips generated by the project and reduce the amount of parking needed by employees. In addition, the project is in a good location for transit-related TDM strategies that may be implemented by future tenants, such as Caltrain and VTA Go Passes or reimbursement of transit fares. However, due to the small project trip generation, a TDM plan is not necessary to reduce peak hour trips.

Mitigation Measures
Mitigation Measure-TRANS-1: Mirrors shall be installed at the parking garage driveway to allow drivers to see when a pedestrian or vehicle is approaching in Lane 30.

Mitigation Measure-TRANS-2: Mirrors shall be installed at each turn within the parking garage to provide adequate sight distance.

Significance after Mitigation
Less than significant.

Q. UTILITIES AND SERVICE SYSTEMS

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	1, 2				X
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?	1, 2				X
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?	1, 2			X	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	1, 2				X
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?	1, 2				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	1, 2				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?	1, 2				X
h) Result in a substantial physical deterioration of a public facility due to increased use as a result of the project?	1, 2				X

DISCUSSION

The proposed project would not significantly increase the demand on existing utilities and service systems, or use resources in a wasteful or inefficient manner. Standard conditions of approval require the applicant to submit calculations by a registered civil engineer to show that the on-site and off-site water, sewer, and fire systems are capable of serving the needs of the development and adjacent properties during peak flow demands. The project would tie into the City's existing water, wastewater, and storm drain infrastructure and would not require the construction of new water or wastewater treatment facilities. In addition, the project would comply with the green building requirements set forth in the California Green Building Code and the City's Build It Green program. This would ensure that water conservation and solid waste reduction measures are included in the project to reduce demands for utility services. The project's impacts on utility services would be less than significant and no mitigation is required.

Mitigation Measures

None required.

R. MANDATORY FINDINGS OF SIGNIFICANCE

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	1, 2			X	
b) Does the project have impacts that are individually limited, but cumulatively considerable ("cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	1, 2			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	1, 2		X		

DISCUSSION

The proposed project would not have an impact on fish or wildlife habitat, nor would it impact cultural or historic resources with mitigation as described in Sections D and E. As described in Section A, Aesthetics, the proposed use is appropriate for the site and although the project would alter the visual character of the site, the building has been designed to ensure that it does not result in an adverse visual impact. The project's impacts would all be reduced to below a level of significance through implementation of the mitigation measures described in the previous sections. The project would therefore not result in any cumulatively considerable impacts. There is nothing in the nature of the proposed development and property improvements that would have a substantial adverse effect on human beings, or other life or environmental impacts once mitigation is implemented to reduce potential impacts from hazardous materials and noise as described in Sections H and L.

III SOURCE REFERENCES

SOURCES (CHECKLIST KEY)

1. Project Planner's knowledge of the site and the proposed project.
2. Project Plans (Appendix A)
3. Palo Alto Comprehensive Plan 1998–2010 (City of Palo Alto 2007)
4. Palo Alto Municipal Code, Title 18, Zoning Ordinance
5. Palo Alto Municipal Code, Section 8.10.030, Tree Technical Manual
6. Air Quality Modeling Results, 2014 (Appendix B)
7. Cultural Resources Memorandum (Appendix C)
8. Historic Architectural Evaluations, 2014 (Appendix D)
9. Geotechnical Investigation, 2013 (Appendix E)
10. Phase I ESA 425 University Avenue and 450 Kipling Street, 2014 (Appendix F)
11. Phase I ESA for the Commercial Buildings, 1999 (Appendix F)
12. Environmental Transaction Screen, 429–447 University Avenue, 2010 (Appendix F)
13. Impervious Area Worksheet for Land Developments, 2014 (Appendix G)
14. Special Projects Worksheet, 2014 (Appendix G)
15. Environmental Noise Study, 2014 (Appendix H)
16. Palo Alto Municipal Code, Section 9.10, Noise Ordinance
17. Traffic Impact Analysis, 2014 (Appendix I)

REFERENCES CITED

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IV DETERMINATION

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	
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.	**X**
I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.	
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.	
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.	

Christy Fong
Project Planner

Feb. 24, 2015
Date

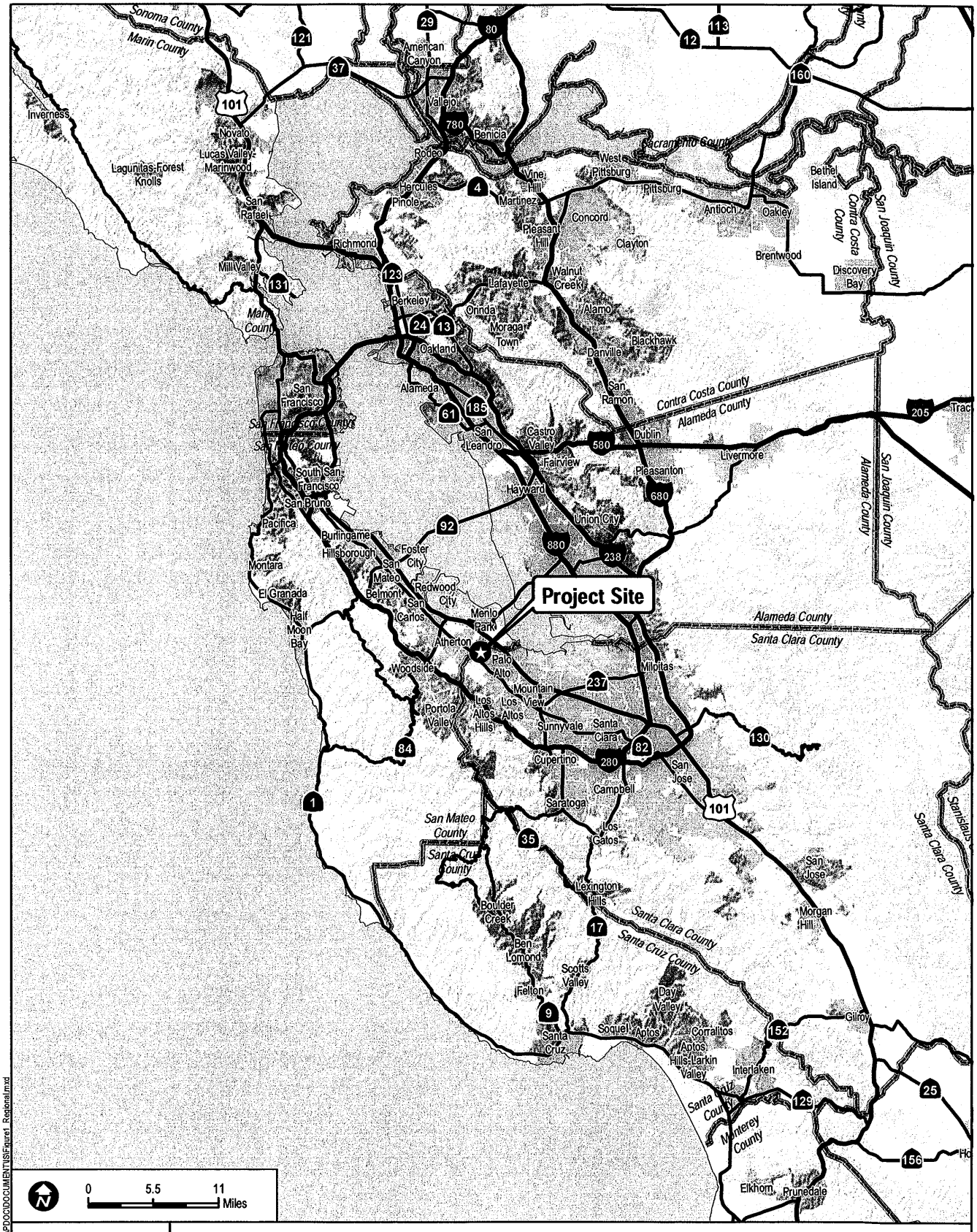

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FIGURE 1
Regional Map

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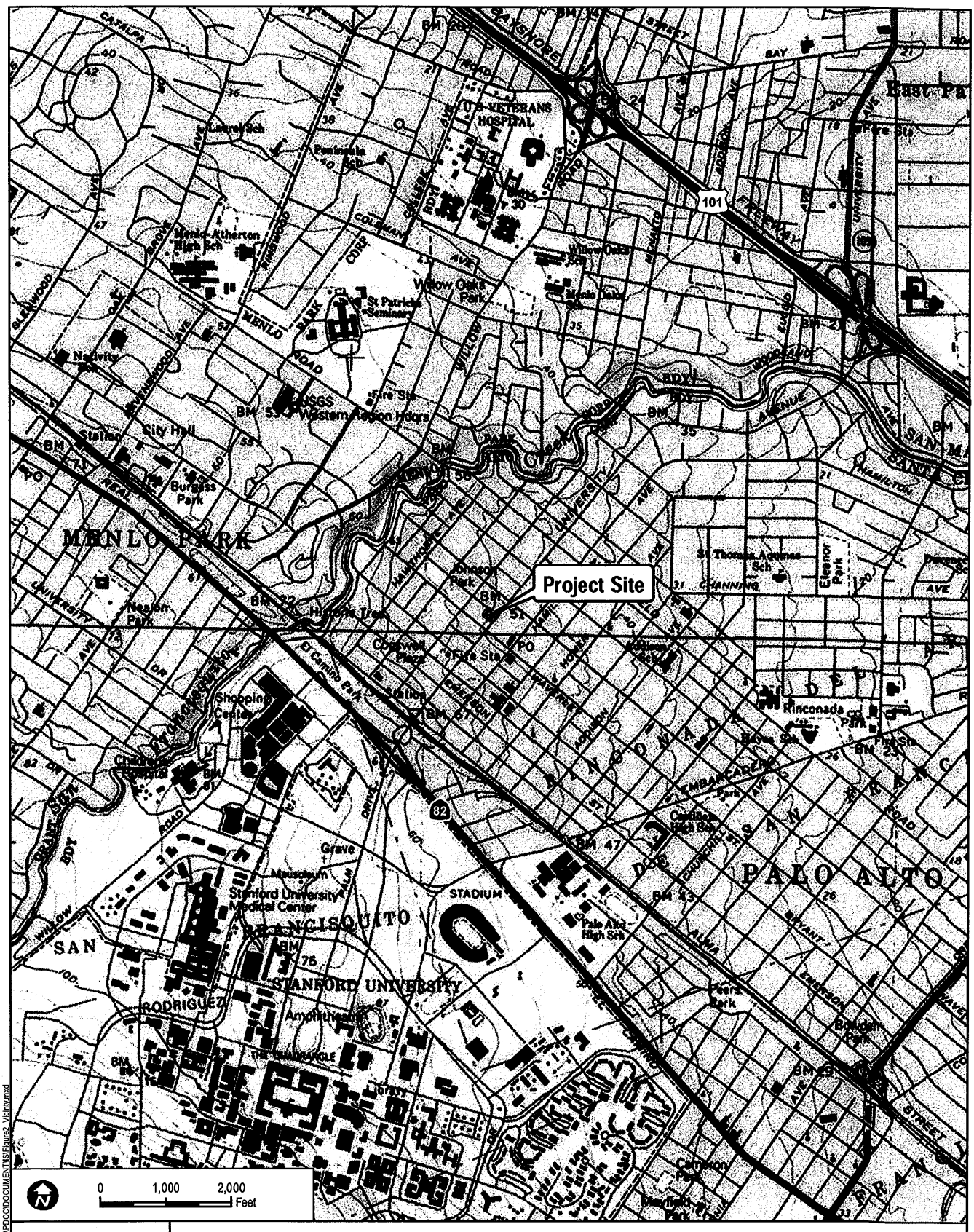

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SOURCE: USGS 7.5-Minute Series Palo Alto Quadrangle.

FIGURE 2
Vicinity Map

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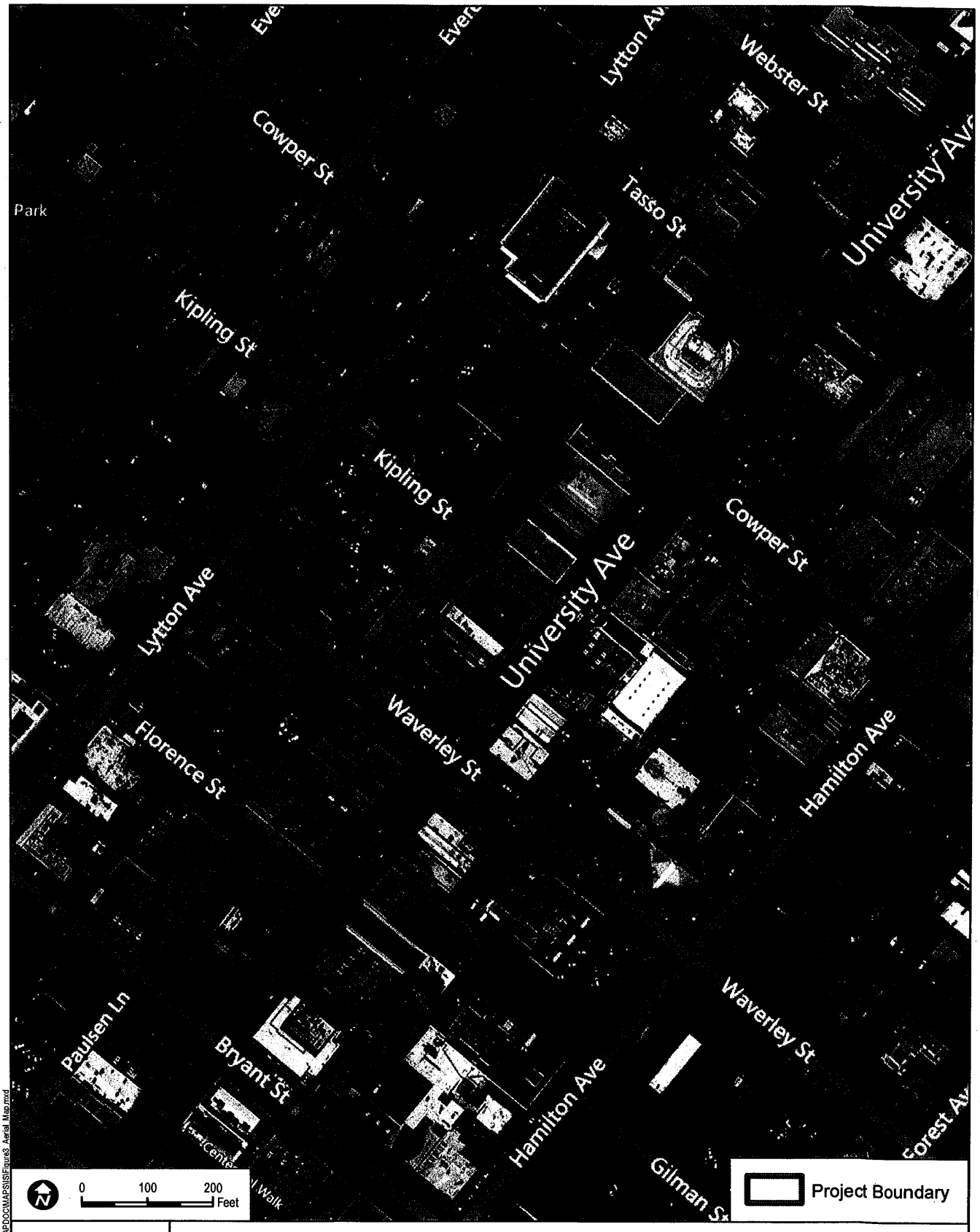

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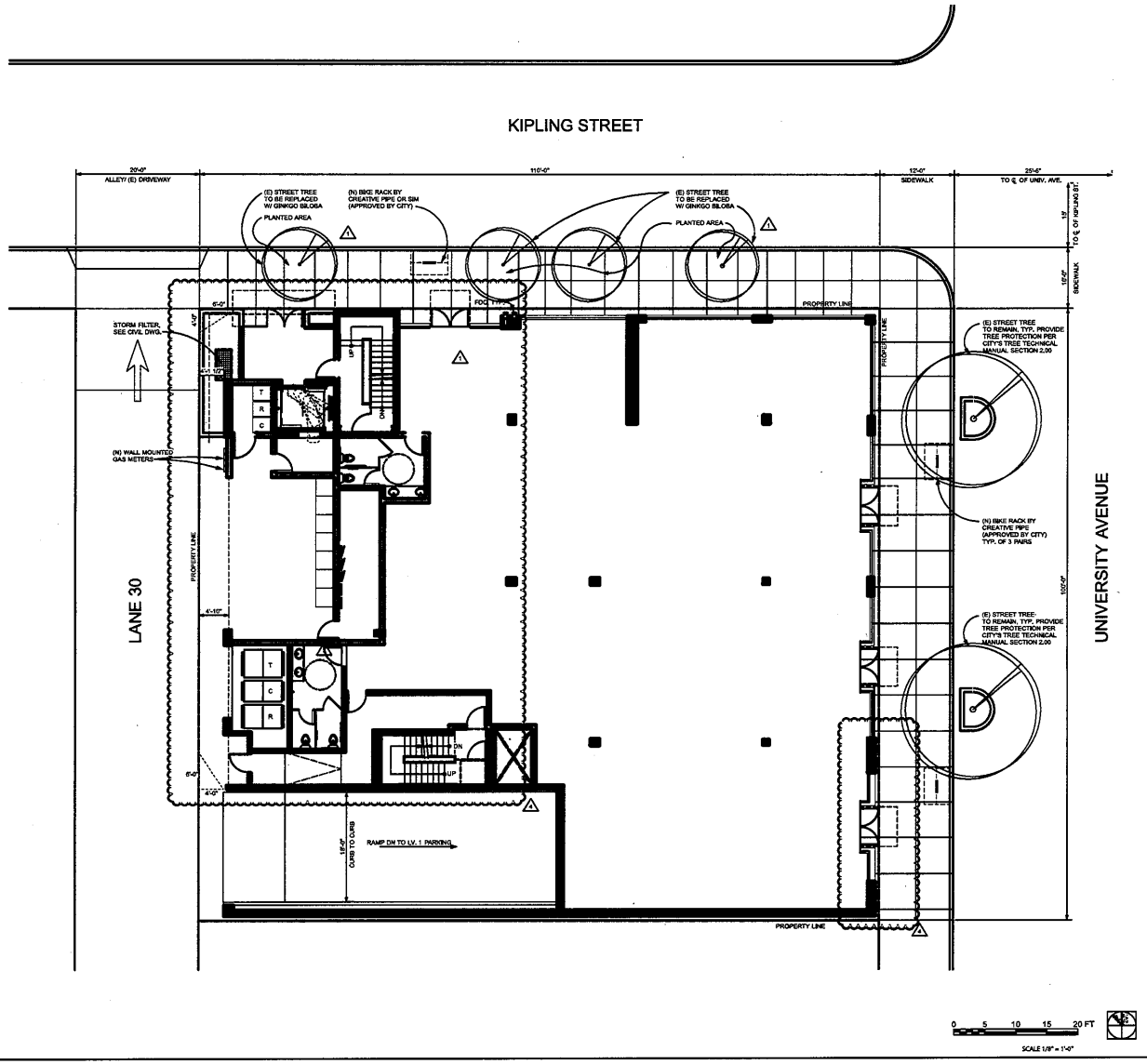
DUDEK	SOURCE: BING 2014	FIGURE 3 Aerial Map
8576	429 UNIVERSITY AVENUE INITIAL STUDY	



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SOURCE: Hayes Group Architects, Inc. 2014

FIGURE 4
Site Plan

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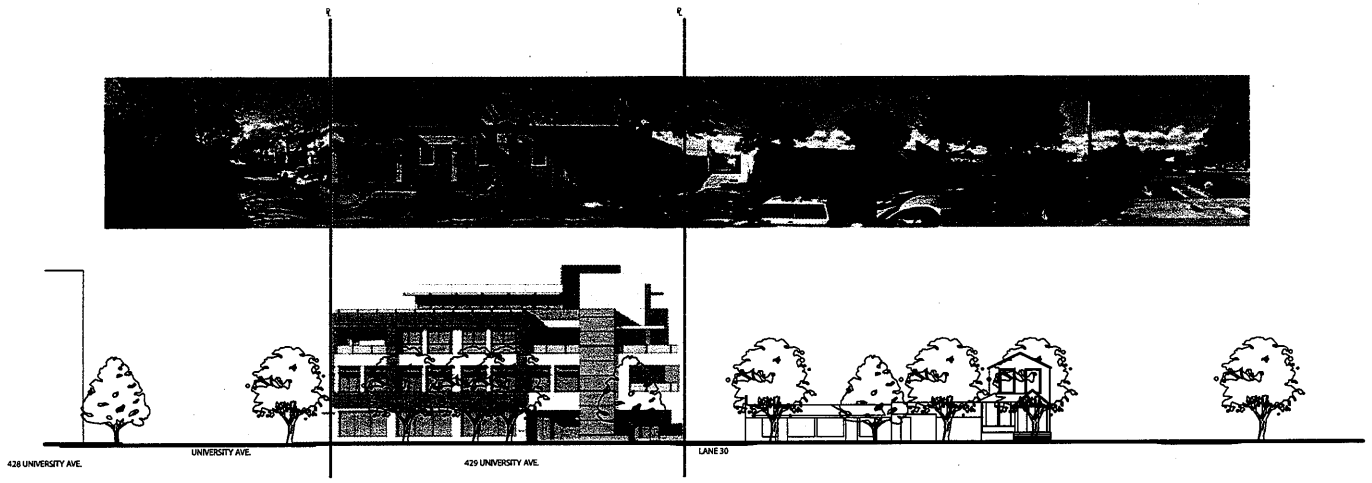
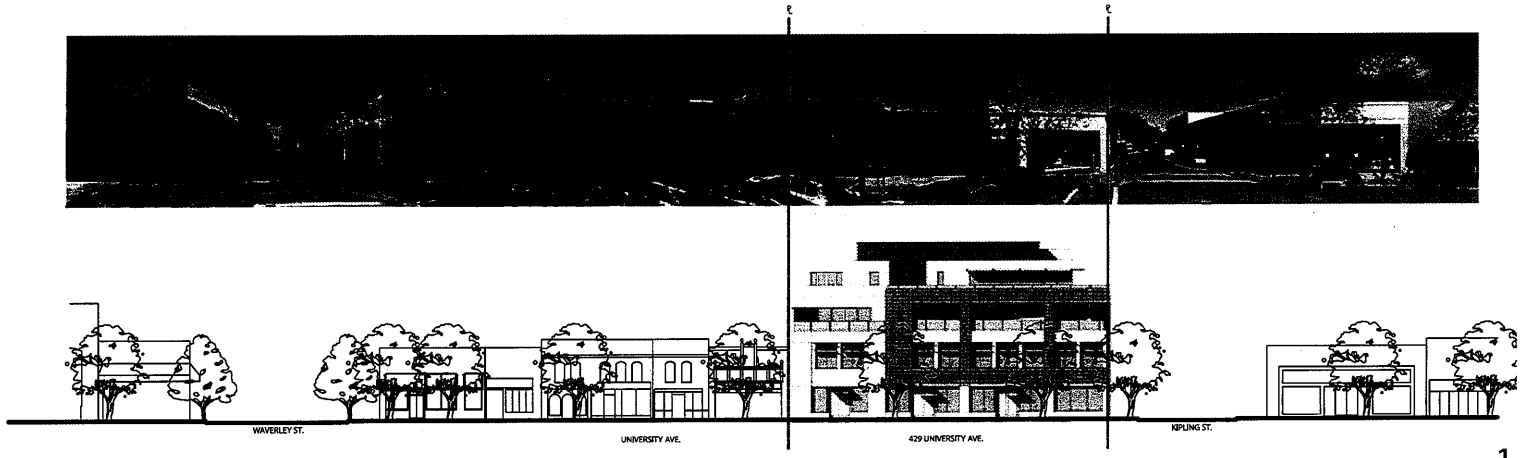


KIPLING ST. STREETSCAPE 2



UNIVERSITY AVE. STREETSCAPE ELEVATION 1

SOURCE: Hayes Group Architects, Inc. 2014

FIGURE 5
Elevations

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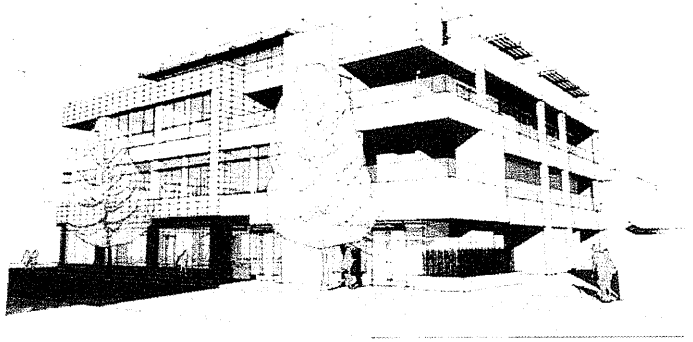
VIEW FROM ACROSS UNIVERSITY AVE. 4
N.T.S.



VIEW FROM ACROSS KIPLING STREET 2
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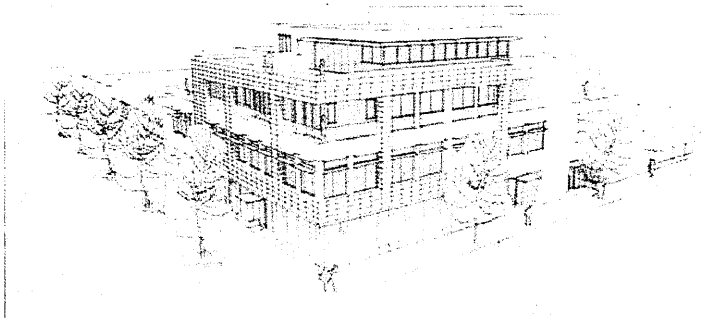
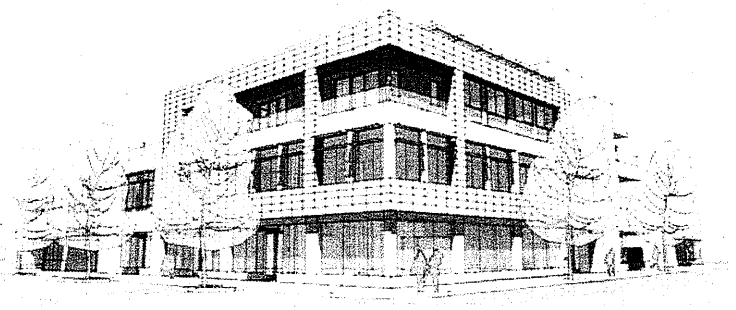


AERIAL VIEW FROM UNIVERSITY AVE. AND KIPLING STREET 3
N.T.S.



VIEW FROM UNIVERSITY AVE. AND KIPLING ST. 1
N.T.S.

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SOURCE: Hayes Group Architects, Inc. 2014

FIGURE 6
Perspective Renderings

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