



Architectural Review Board

Staff Report (ID # 12256)

Report Type: Action Items **Meeting Date:** 6/17/2021

Summary Title: 160 Waverly St: New Triplex

Title: PUBLIC HEARING / QUASI-JUDICIAL. 160 Waverley Street [20PLN-00301]: Consideration of a Major Architectural Review to Allow the Demolition of the Existing Residential Structures (3 units total) for the Construction of Two New Structures Containing Three Apartment Flats and Six Tuck Under Parking Stalls at Grade. Environmental Assessment: Pending. Zoning District: RM-30. For More Information Contact the Project Planner Samuel Gutierrez at samuel.gutierrez@cityofpaloalto.org.

From: Jonathan Lait

Recommendation

It is recommended that the Architectural Review Board (ARB) take the following action(s):

1. Consider the proposed project and provide feedback on the applicant's proposal.

Report Summary

The project is a Major Architectural Review application to redevelop 160 Waverley's three detached dwellings into two new structures containing three apartment flats. Parking for the proposed project is provided within the ground level of the front building. The project's site plan provides large open space areas and both buildings have rooftop terraces. The project site is located within the North Downtown neighborhood and consists of a mixture of residential zones that include R-1, R-2, RM-20, and RM-30 zones. The project site is Zoned RM-20 and is adjacent to R-1 zoned properties with low-density single-family uses to the northwest of the site and RM-20 zoned properties with multi-family uses to the southeast.

The project has been analyzed by staff for consistency with zoning and been found to be zoning compliant. The project requires additional analysis to determine if the sites existing buildings are historic resources under the California Environmental Quality Act (CEQA). The application processing would be adjusted accordingly based on the findings of the CEQA analysis.

City of Palo Alto
Planning & Development Services
250 Hamilton Avenue
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Staff seek ARB's comments on several areas in particular. These areas include the proposed architectural design, landscaping plan (lack of native planting), and privacy impact on the adjacent R-1 zoned property. It is not clear to staff at this time that the project is consistent with all of the required ARB findings for approval. After ARB feedback is provided and project revisions are complete, staff will evaluate the project's consistency with the required findings and will be providing draft conditions for the ARB's consideration at a future hearing date.

Public comments have been received and focus on the privacy impacts to the adjacent R-1 zoned property, noise, and the compatibility of the proposed project with the neighborhood. The comments are provided in Attachment E of this report.

Background

Project Information

Owner:	MC-Z Waverley LLC
Architect:	Heather Young/ Heather Young Architects
Representative:	N/A
Legal Counsel:	N/A

Property Information

Address:	160 Waverley Street
Neighborhood:	Downtown North
Lot Dimensions & Area:	50' x 250'; 12,500 sf
Housing Inventory Site:	No
Located w/in a Plume:	No
Protected/Heritage Trees:	1 Street Tree
Historic Resource(s):	Not Historic

Existing Improvement(s):	varies 1 to 2 story; 1912
Existing Land Use(s):	Multi-Family Triplex
Adjacent Land Uses & Zoning:	North: Single Family Residential R-1 West: Multi-Family Residential RM-20 East: Single Family Residential R-1 South: Single Family Residential RM-20

Aerial View of Property:



Source: google maps

Land Use Designation & Applicable Plans

Zoning Designation:	Multi Family Residential RM-20
Comp. Plan Designation:	Multi Family Residential RM-20
Context-Based Design Criteria:	N/A
Downtown Urban Design Guide:	N/A
South of Forest Avenue Coordinated Area Plan:	N/A
Baylands Master Plan:	N/A
El Camino Real Design Guidelines (1976 / 2002):	N/A
Proximity to Residential Uses or Districts (150'):	Yes, adjacent to R-1 zone & low-density residential uses
Located w/in the Airport Influence Area:	N/A

Prior City Reviews & Action

City Council:	None
PTC:	None
HRB:	March 19, 1997 (Attachment F)
ARB:	None

Project Description

A request for Major Architectural Review to allow the demolition of three existing residential structures (Detached Triplex) for the construction of two new structures containing three apartment flats. Each apartment flat is a three-bedroom three and a half bathroom dwelling unit. The front building is two stories and has one apartment and six tuck-under parking stalls at grade. The front building also has a large rooftop terrace proposed. The rear building is set back on the site, two stories, and has one apartment on each story.

Requested Entitlements, Findings, and Purview:

The following discretionary applications are being requested:

- Architectural Review – Major (AR): The process for evaluating this type of application is set forth in PAMC 18.77.070. AR applications are reviewed by the ARB and recommendations are forwarded to the Planning and Development Services Director for action within five business days of the Board’s recommendation. Action by the Director is appealable to the City Council if filed within 14 days of the decision. AR projects are evaluated against specific findings. All findings must be made in the affirmative to approve the project. Failure to make any one finding requires project redesign or denial. The findings to approve an AR application are provided in Attachment B.

Analysis¹

Neighborhood Setting and Character

The project site is located within a neighborhood with a mix of residential zones that include R-1, R-2, RM-20, and RM-30 zones. The properties to the rear (southwest) and left side (southeast) are also RM-20. The property on the right side (northwest) is in the R-1 zone and the properties on the other side of Waverley Street are a mix of R-1 and RM-20. The neighborhood includes an eclectic and diverse mix of architectural styles and massing. There are single-story and 2-story buildings, oftentimes with multiple structures on one site.

The subject site is zoned RM-20 and is adjacent to an R-1 zoned property with a duplex (150 Waverly Street). The subject site has three units (detached triplex), and each unit has a different architectural style with the front unit presenting a traditional ranch-style architecture and the center and rear units having boxy mid-century architecture. Access is provided via a

¹ The information provided in this section is based on analysis prepared by the report author prior to the public hearing. The Architectural Review Board in its review of the administrative record and based on public testimony may reach a different conclusion from that presented in this report and may choose to make alternative findings. A change to the findings may result in a final action that is different from the staff recommended action in this report.

single-width driveway that runs along the left side of the front unit, bringing vehicles to the carports located at the center of the property.

Design

The project proposes a modernist design with minimalist details and bold rectangular two-story forms for each building. Each of the buildings has rectangular forms presented in a neutral color palette of tans, greys, and pale earth tones. Adhered brick veneer (weathered brick) is applied to the majority of the exterior of the buildings and is contrasted by cement plaster façade elements. Windows that are recessed from the façade are colored dark grey and surround the buildings, with balconies and sliding doors at each of the narrow ends. The design calls for brick headers above each window and exterior jambs and sills are shown to have brick returns (sheet A-19 to A-22, A-27). These treatments provide a break in the brick façade pattern and add character to the design.

The front building provides a second-story unit with the site parking (carports) underneath. From the street elevation, the lower parking portion of the front building a façade treated with warm white engineered stone veneer. The design of the lower portion of the building provides openings in the façade which helps to break up the scale of the flat stone façade. The carport section of the building has a cement plaster façade on the sides, with compatible color and texture with front-facing stone. The cement plaster façade is also applied to the rear of both buildings which features projecting central massing element. The top of each building has a finished parapet designed with cornices. Dark grey open picket aluminum guards line the second-floor balconies and create a sense of transparency. Balconies edges would be dark grey painted metal with cement plaster undersides.

Overall the design is a departure from the existing architecture, however, in context with the variable architecture of the area, the proposed design appears to be compatible with the neighbor character. As mentioned the design appears to provide some elements that provide character, articulation, and have a consistent design throughout.

It is unclear, however, if the design is sufficiently meeting ARB findings #2 and #3, and for this reason, the ARB's feedback on the architectural design is sought.

Parking & Circulation

The proposed site design adjusts the existing driveway location slightly to the right, where the new driveway enters the building's lower level to allow for tuck under parking under the building at the front of the site and to respect the side daylight planes. Within this ground, level garage is proposed six carports that provide two covered parking spaces for each dwelling. The garage features two large openings on the exterior southeast elevation that allow vehicles to have sufficient backup area to enter and exit each parking space.

The circulation of vehicles was studied by staff and as designed the proposed garage allows for vehicle circulation in a manner that is consistent with the required parking facility design standards (sheet Ex-1). To maintain proper clearances staff would place a condition of approval

for the project that requires a 2.5-foot clearance on both ends of the parking stalls (bookend stalls) to remain unblocked for vehicle maneuverability. Placement of any fixed or temporary structure would not be allowed in 2.5 feet clearance area. As such, striping marked with “KEEP CLEAR” would be required to maintain these areas stay free of any obstructions.

Pedestrian access to the entire site is also found to be sufficient as there are walkways along the interior property lines and access points between the private open space areas. Bicycle parking is provided on-site near the entry of the garage. With the low density of the project, the location of the bicycle parking is compliant with code requirements.

Open Space

The proposed design provides more usable green open space than the existing development as the parking is not repeating the existing centralized design. By providing the parking at the first level of the front building, the center of the site now allows for green open space for residents of the second-floor units. There is also open space behind the rear placed building with additional green open space. Both the front and rear buildings have rooftop terraces and feature balconies at the front and rear of the second-floor units. The front of the site is showing common open space for any of the residents to use.

The submitted plans provide a set of diagrams indicating the private open space and the common open spaces for the site (sheet A-10). Though the diagram does not include the rooftop terraces they are each approximately 1,600 sf and after deducting the area where the solar panels and staircase area located (~250 sf). Overall, the table below shows that the project is providing more open space than is required, including more than required usable, common, and private open space per unit.

Required Open Space	Unit 1 (front 2nd fl unit)	Unit 2 (rear 2nd fl unit)	Unit 3 (rear 1st fl unit)	Total
Site Open Space 35% (4,375 sf)	-	-	-	6,229 sf
Usable Open Space 150 sf¹	2,869 sf	2,036 sf	3,432 sf	2,779 sf/unit average
Common Open Space 75 sf	193 sf	193 sf	193 sf	579 sf
Private Open Space 50 sf	2,676 sf	1,843 sf	3,239 sf	2,120 sf/unit average
1 Usable Open Space is a combination of common and private open space				

Lighting

The project's proposed lighting plan appears to be appropriate for the size and context of the project. The proposed exterior lights vary between different wall sconce styles that focus light up or down the exterior façades (sheets A29-A32). The light fixtures all have a modern design and dark finish that are compatible with the building's dark window trims, providing elements of consistency for the project.

In terms of performance standards, the submitted photometric plan indicates light output near the interior property lines ranges from 0.1 to 4 footcandles, with the highest output near the ground level carports. Though the light output is high, in context the light fixtures beam patterns and beam direction in combination with six-foot-tall wooden property line fences. It appears that the lighting would meet the requirement to have no light projecting beyond the property line.

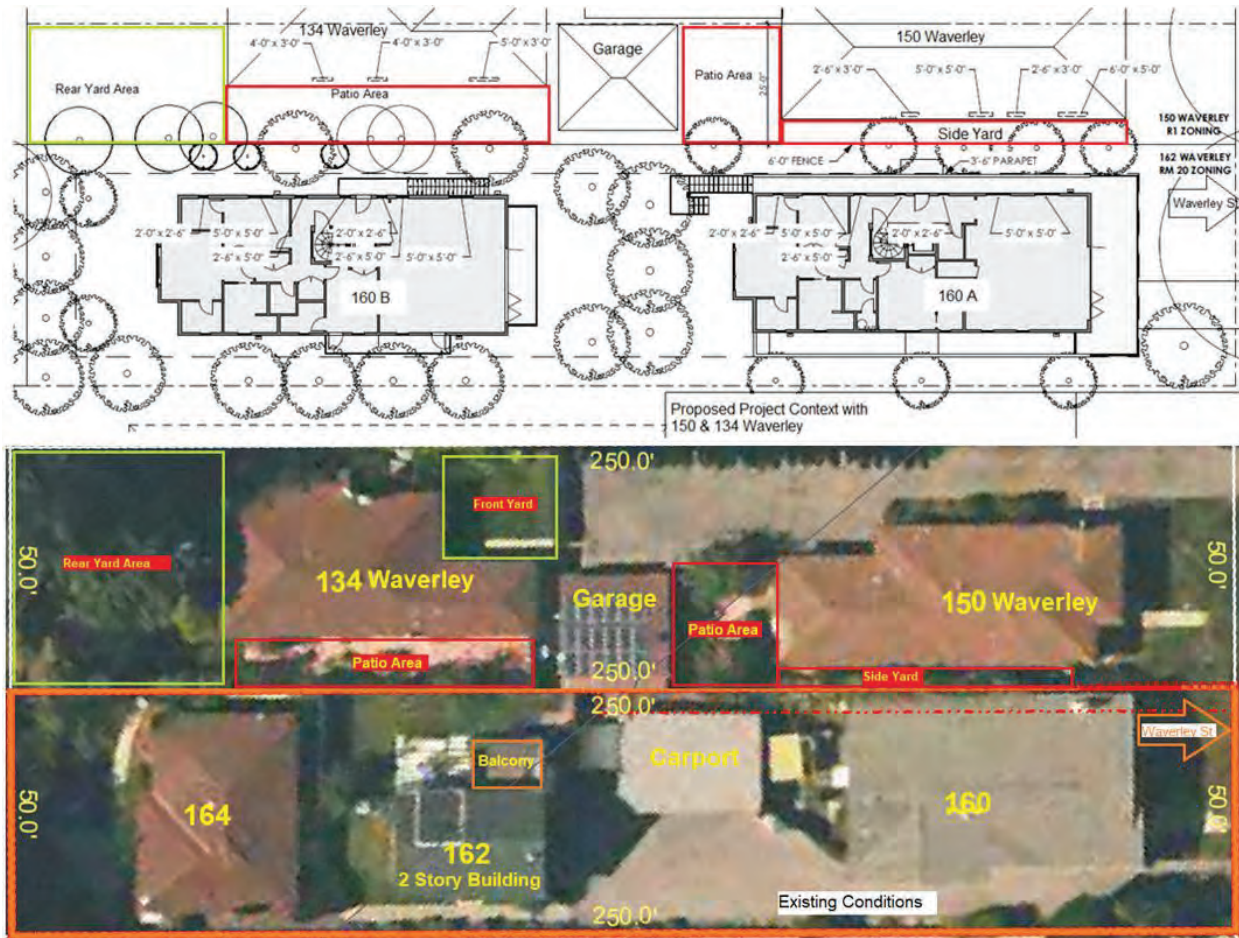
Landscaping

The landscaping for the project provides variation in terms of trees and shrubs. Of the 14 plants proposed only 4 are regional indigenous, while six of 14 are drought resistant, and nearly all of the proposed plants are suitable habitats for birds or pollinators. Though the landscaping lacks regional indigenous plants, the proposed planting selection looks to meet two of three of the required ARB findings for landscaping.

To increase the native planting staff suggest the following replacements to the planting selection; Toyon (native) for Dogwood, California Wax myrtle (native) for Swamp Myrtle. Staff seeks the ARB's thoughts on the proposed planting and the suggested native replacements. Additionally, staff asks that the ARB consider the planting along the interior property line for privacy screening.

Privacy for Adjacent Parcels

As mentioned previously in this report, the project is located directly adjacent to an R-1 zoned property with two family use (detached duplex, 134 & 150 Waverley St). For context, the image below includes additional information on the privacy diagram provided in the plan set and assigns 160 A (front building) and 160 B (rear building) to the project buildings for clarity in the discussion of privacy.



Source: Project Plans & Google Maps

As shown, the proposed building 160 A has a staircase and second-floor walkway along its right side (northwest) providing exterior access to the second-floor dwelling unit. The second-floor walkway continues around building 160 A leading to the street-facing balcony. Though the stairs and walkway are narrow, they would overlook the patio area and side yard of 150 Waverley. The windows on the right side of building 160 A are set back in context with the walkway. The walkway provides an outer solid railing that would obscure visual vantage points from the windows but views from the staircase and walkway of building 160 A to the patio and side yard of 150 Waverley would not be obscured.

Similarly, building 160 B has a staircase and second-floor walkway along its right side to access the second-floor unit. These features overlook the 134 Waverley patio and could have some views of 150 Waverley's patio. 134 Waverley has two green open areas (see existing conditions image), one located off the front right side of the home, and the other being located off the rear of the home. This area is overseen by the existing (two-story home) on the project site, where there is a small second-floor terrace. The project is required to have a 10-foot rear setback but is proposing a 27-foot placement from the rear property line, increasing privacy for the rear yard of 134 Waverley.

The project includes rooftop terraces for 160 A and 160 B that have 42-inch-high solid parapet walls. As proposed, the entire roof of each building is accessible except for the areas proposed for solar panels and staircase access points. The size of these terraces is a point of concern for the adjacent neighbors. The rooftop terraces could impact privacy most significantly for both 134 and 150 Waverley (sheet A-7 and A-8).

A point of consideration is that the existing two-story building (162 Waverley) is located at the center of the project site where second-story views to 134 and 150 Waverley are at their greatest due to the height and central vantage point. However, the existing configuration of 134 and 150 Waverley provides limited areas for useable open space which would now experience further privacy impacts. The majority of privacy impacts to 150 Waverley would be focused on the small private patio area, while minor impacts would be associated with the side yard. While the privacy impacts to 134 Waverley would be focused on the patio and the rear yard areas. It is unclear whether the private front yard area of 134 Waverley would be impacted by the project. The image below provides the existing view from the front yard area of 134 Waverley for context.



The performance standards require visual screening for privacy between properties where appropriate². Therefore, privacy considerations would apply to the identified patio areas adjacent to the common property line between sides. The project proposes evergreen screening trees along the side of the property line, however, the planting is spread out. Therefore, it's not clear that privacy impacts from the rooftop terraces are fully addressed with the planting. Attachment E provides photos from the adjacent neighbors' yard for additional perspective. Staff seeks the ARB's comments and guidance regarding the potential privacy impacts.

Zoning Compliance³

The staff has reviewed the project for compliance project's consistency with applicable zoning standards and found that the project meets the site development standards for multi-family use within the RM-20 zone. A set of zoning compliance tables are provided in Attachment C.

Consistency with the Comprehensive Plan, Area Plans, and Guidelines⁴

² PAMC 18.23.050 (A)

³ The Palo Alto Zoning Code: http://www.amlegal.com/codes/client/palo-alto_ca

The Comprehensive Plan includes Goals, Policies, and Programs that guide the physical form of the City. The Comprehensive Plan provides the basis for the City's development regulations and is used by City staff to regulate building and development and make recommendations on projects. Further, ARB Finding #1 requires that the design be consistent and compatible with applicable elements of the Palo Alto Comprehensive Plan.

The Comprehensive Plan land use designation for the project site is Multiple-Family Residential, which prescribes a density range of eight to 20 dwelling units per acre. The project site has a density between two and six units, with a proposed density of three dwelling units per acre, which complies with the intended multiple-family residential density.

At this time the project is brought before the ARB to provide comments on the design of the project and the aforementioned points of concern. At a future hearing, the consistency of the project with the policies in the Comprehensive Plans goals and applicable findings as shown in Attachment B.

Environmental Review

The subject project is being assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. Initially, Staff reviewed the project and believed the project would be exempted from CEQA via a Class 3 exemption, 15303 "New Construction or Conversion of Small Structures".

Late in the review process, however, additional information was brought to light that may change the historical resource analysis of the project. In 1997, the project site was subject to a Historic Resources Board (HRB) recommendation and a Director's decision applying a historic status of a "contributing residence" to the property, applicable via an interim ordinance that was later repealed (Attachment F). Due to this, the project is being reassessed per CEQA. The project will have a historic resources evaluation completed to clarify if the subject property is an eligible or ineligible historical resource, and adjust the project processing accordingly.

Public Notification, Outreach & Comments

The Palo Alto Municipal Code requires notice of this public hearing to be published in a local paper and mailed to owners and occupants of property within 600 feet of the subject property at least ten days in advance. Notice of a public hearing for this project was published in the *Daily Post* on June 4, 2021, which is 13 days in advance of the meeting. Postcard mailing occurred on June 4, 2021, which is 13 days in advance of the meeting.

Public Comments

As of the writing of this report, three public comments were received. Larry Alton is opposed to the project and commented that the project appears similar to a commercial office building and

⁴The Palo Alto Comprehensive Plan: <http://www.cityofpaloalto.org/gov/topics/projects/landuse/compplan.asp>

does not fit in the neighborhood. Andy Pregam (adjacent neighbor) provided comments concerning the project's privacy impacts to his yard, open space, sun exposure, and included photos from his yards. The Wiser family (adjacent neighbor) provided similar comments during a phone call with staff concerning privacy impacts on their property and open space as well as noise. A letter was also submitted by Edith Weiser that detailed privacy concerns regarding the rooftop terraces, and proposed setback of the project. The complete comment letters are provided in Attachment E.

It should be noted that Project Planner Samuel Gutierrez met with the neighbors during a site visit of the neighboring property at 150 Waverley on June 8, 2021, to make observations of the existing conditions from the perspective of the neighboring property.

Alternative Actions

In addition to the recommended action, the Architectural Review Board may:

1. Continue the project to a date (un)certain

Report Author & Contact Information

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ARB⁵ Liaison & Contact Information

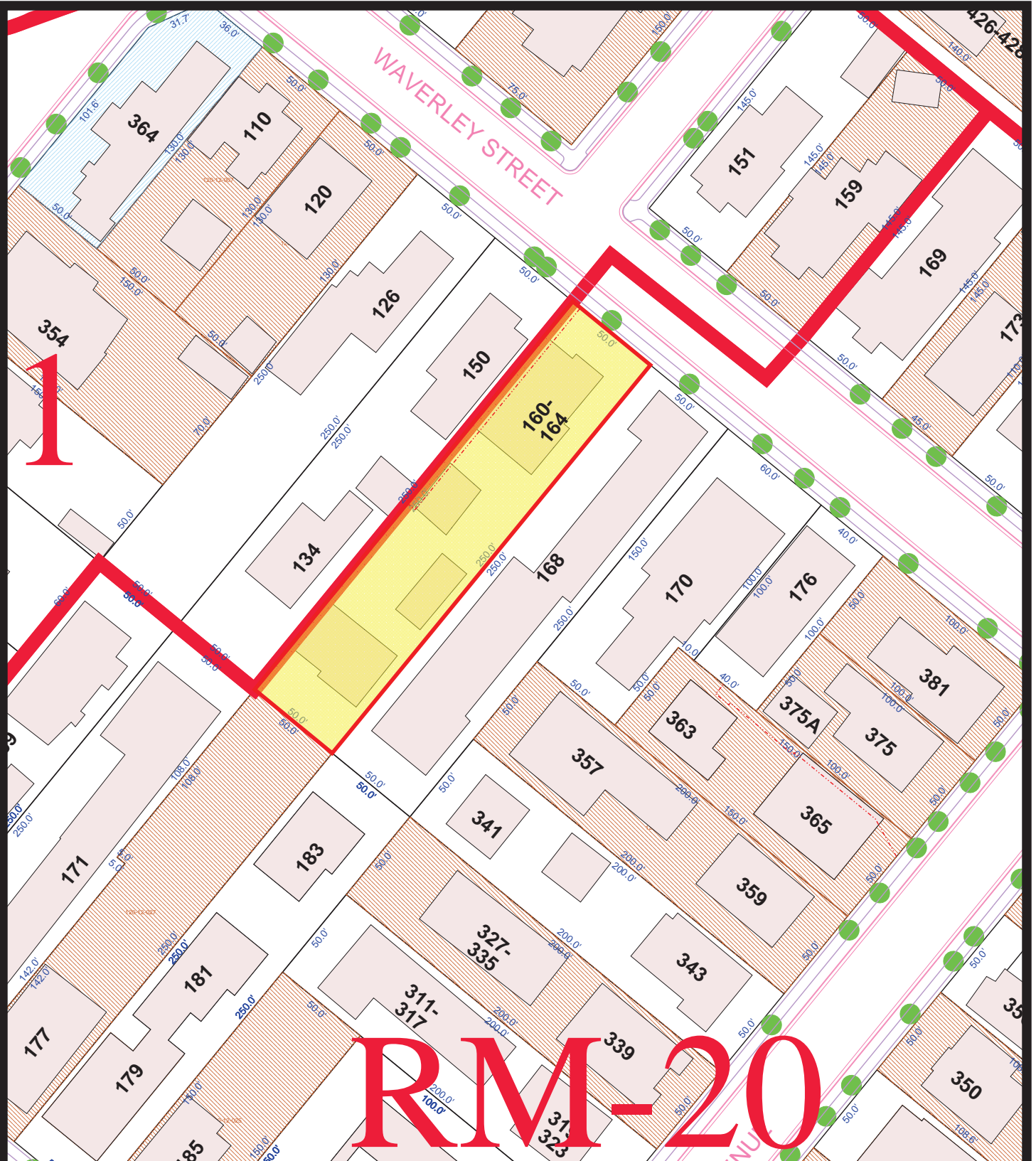
Jodie Gerhardt, AICP, Planning Manager
(650) 329-2575

jodie.gerhardt@cityofpaloalto.org

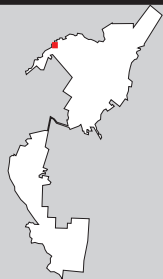
Attachments:

- Attachment A: Location Map (PDF)
- Attachment B: Project Findings (DOCX)
- Attachment C: Zoning Comparison Table (DOCX)
- Attachment D: Applicant Project Request Letter (PDF)
- Attachment E: Public Comments (PDF)
- Attachment F: 1997 HRB Decision and Ordinance History (PDF)
- Attachment G: Project Plans (DOCX)

⁵ Emails may be sent directly to the ARB using the following address: arb@cityofpaloalto.org



The City of
Palo Alto



160 Waverley Street

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



**ATTACHMENT B
FINDINGS FOR APPROVAL**

160 Waverley Street
20PLN-00301

In order for the ARB to make a future recommendation of approval, the project must comply with the following Findings for Architectural Review as required in Chapter 18.76.020 of the PAMC.

Finding #1: The design is consistent with applicable provisions of the Palo Alto Comprehensive Plan, Zoning Code, coordinated area plans (including compatibility requirements), and any relevant design guides.

Finding #2: The project has a unified and coherent design, that:

- a. creates an internal sense of order and desirable environment for occupants, visitors, and the general community,
- b. preserves, respects and integrates existing natural features that contribute positively to the site and the historic character including historic resources of the area when relevant,
- c. is consistent with the context-based design criteria of the applicable zone district,
- d. provides harmonious transitions in scale, mass and character to adjacent land uses and land use designations,
- e. enhances living conditions on the site (if it includes residential uses) and in adjacent residential areas.

Finding #3: The design is of high aesthetic quality, using high quality, integrated materials and appropriate construction techniques, and incorporating textures, colors, and other details that are compatible with and enhance the surrounding area.

Finding #4: The design is functional, allowing for ease and safety of pedestrian and bicycle traffic and providing for elements that support the building's necessary operations (e.g. convenient vehicle access to property and utilities, appropriate arrangement and amount of open space and integrated signage, if applicable, etc.).

Finding #5: The landscape design complements and enhances the building design and its surroundings, is appropriate to the site's functions, and utilizes to the extent practical, regional indigenous drought resistant plant material capable of providing desirable habitat that can be appropriately maintained.

Finding #6: The project incorporates design principles that achieve sustainability in areas related to energy efficiency, water conservation, building materials, landscaping, and site planning.

Performance Criteria 18.23

Performance criteria are intended to provide additional standards to be used in the design and evaluation of developments in the multi-family, commercial, and industrial zones. The purpose is to balance the needs of the uses within these zones with the need to minimize impacts to surrounding neighborhoods and businesses. The criteria are intended to make new developments and major architectural review projects compatible with nearby residential and business areas, and to enhance the desirability of the proposed developments for the site residents and users, and for abutting neighbors and businesses.

18.23.020 Trash Disposal and Recycling

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.

Project Consistency

Consistency will be finalized when a formal application is submitted.

18.23.030 Lighting

To minimize the visual impacts of lighting on abutting or nearby residential sites and from adjacent roadways.

18.23.040 Late Night Uses and Activities

The purpose is to restrict retail or service commercial businesses abutting (either directly or across the street) or within 50 feet of residentially zoned properties or properties with existing residential uses located within nonresidential zones, with operations or activities between the hours of 10:00 p.m. and 6:00 a.m. Operations subject to this code may include, but are not limited to, deliveries, parking lot and sidewalk cleaning, and/or clean up or set up operations, but does not include garbage pick up.

18.23.050 Visual, Screening and Landscaping

Privacy of abutting residential properties or properties with existing residential uses located within nonresidential zones (residential properties) should be protected by screening from public view all mechanical equipment and service areas. Landscaping should be used to integrate a project design into the surrounding neighborhood, and to provide privacy screening between properties where appropriate

18.23.060 Noise and Vibration

The requirements and guidelines regarding noise and vibration impacts are intended to protect residentially zoned properties or properties with existing residential uses located within nonresidential zones (residential properties) from excessive and unnecessary noises and/or vibrations from any sources in abutting industrial or commercially zoned properties. Design of new projects should reduce noise from

Project Consistency

parking, loading, and refuse storage areas and from heating, ventilation, air conditioning apparatus, and other machinery on nearby residential properties. New equipment, whether mounted on the exterior of the building or located interior to a building, which requires only a building permit, sh

18.23.070 Parking

The visual impact of parking shall be minimized on adjacent residentially zoned properties or properties with existing residential uses located within nonresidential zones.

18.23.080 Vehicular, Pedestrian and Bicycle Site Access

The guidelines regarding site access impacts are intended to minimize conflicts between residential vehicular, pedestrian, and bicycle uses and more intensive traffic associated with commercial and industrial districts, and to facilitate pedestrian and bicycle connections through and adjacent to the project site.

18.23.090 Air Quality

The requirements for air quality are intended to buffer residential uses from potential sources of odor and/or toxic air contaminants.

18.23.100 Hazardous Materials

In accordance with Titles 15 and 17 of the Palo Alto Municipal Code, minimize the potential hazards of any use on a development site that will entail the storage, use or handling of hazardous materials (including hazardous wastes) on-site in excess of the exempt quantities prescribed in Health and Safety Code Division 20, Chapter 6.95, and Title 15 of this code.

CONTEXT-BASED DESIGN CRITERIA

PLEASE NOTE – these requirements are proposed to be replaced by Objective Standards in the summer of 2021. See the Objective Standards webpage for more information - <https://bit.ly/ObjectiveStandards>

Pursuant to PAMC 18.16.090(b), the following context-based design considerations and findings are applicable to this project. These context-based design criteria are intended to provide additional standards to be used in the design and evaluation of development in a commercial district. The purpose is to encourage development in a commercial district to be responsible to its context and compatibility with adjacent development as well as to promote the establishment of pedestrian oriented design.

1. Pedestrian and Bicycle Environment

The design of new projects shall promote pedestrian walkability, a bicycle friendly environment, and connectivity through design elements

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

3. Massing and Setbacks

Buildings shall be designed to minimize massing and conform to proper setbacks

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

5. Project Open Space

Private and public open space shall be provided so that it is usable for the residents and visitors of the site

6. Parking Design

Parking shall be accommodated but shall not be allowed to overwhelm the character of the project or detract from the pedestrian environment

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

8. Sustainability and Green Building Design

Project design and materials to achieve sustainability and green building design should be incorporated into the project

ATTACHMENT C
ZONING COMPARISON TABLE
160 Waverley Street, 20PLN-00301

Table 1: COMPARISON WITH CHAPTER 18.13 (RM-20 DISTRICT)				
Regulation	Required	Proposed		
		Unit 1	Unit 2	Unit 3
Minimum/Maximum Site Area, Width and Depth	8,500 sf area, 70 foot width, 100 foot depth	12,500 sf, 50 foot width, 250 foot depth		
Maximum Residential Density	20 units per 1 acre	3 total units		
Minimum Front Yard	20 feet	20 feet (to the closest front exterior wall of Unit 1)		
Street/ Rear Yard	16 feet	27 feet		
Interior Side Yard (for lots w/widths of < 70 feet)	6 feet	10 feet 4 ³ / ₈ inches (left); 6 feet 6 ³ / ₄ inches (right)	7 feet 9 ³ / ₄ inches (left); 7 feet 9 inches (right)	6 feet 2 ⁷ / ₈ inches (left); 6 feet (right)
Max. Building Height	30 feet	23 feet 2 ³ / ₈ inches	23 feet 4 ¹ / ₂ inches	16 feet 4 ¹ / ₂ inches
Side Yard Daylight Plane	10 feet at interior side lot line then 45 degree angle	Compliant		
Rear Yard Daylight Plane	10 feet at rear setback line then 45 degree angle ⁽¹⁾	Compliant		
Max. Site Coverage	35% (4,375 sf) plus an additional 5% (625 sf) for covered patios or overhangs	35% (4,347 sf) 5% (591 sf)		
Max. Total Floor Area Ratio	0.5:1 (6,250 sf)	0.50:1 (6,237 sf)		
Minimum Site Open Space	35% (4,347 sf)	35% (4,347 sf)		
Minimum Usable Open Space	150 sf per unit (450 sf total)	1,802 sf	1,802 sf	1,802 sf
Minimum Common Open Space	75 sf per unit (225 sf total)	527 sf	527 sf	527 sf
Minimum Private Open Space	50 sf per unit (150 sf total)	1,627 sf	1,627 sf	1,627 sf

(1) For lots with width of less than 70 feet, limited to the first 10 feet from the property line (no daylight plane beyond 10 feet)

**Table 2: CONFORMANCE WITH CHAPTER 18.52 (Off-Street Parking)
for Multiple-Family Residential**

Type	Required	Proposed
Vehicle Parking	Two (2) spaces per unit, of which at least one space per unit must be covered.	Two (2) spaces per unit, all are covered parking spaces
Bicycle Parking	One (1) Long-term bicycle parking space	Three (3) total; one (1) for each unit
Loading Space	Multi-family use none are require	None proposed

December 14, 2020

ARB Written Project Description

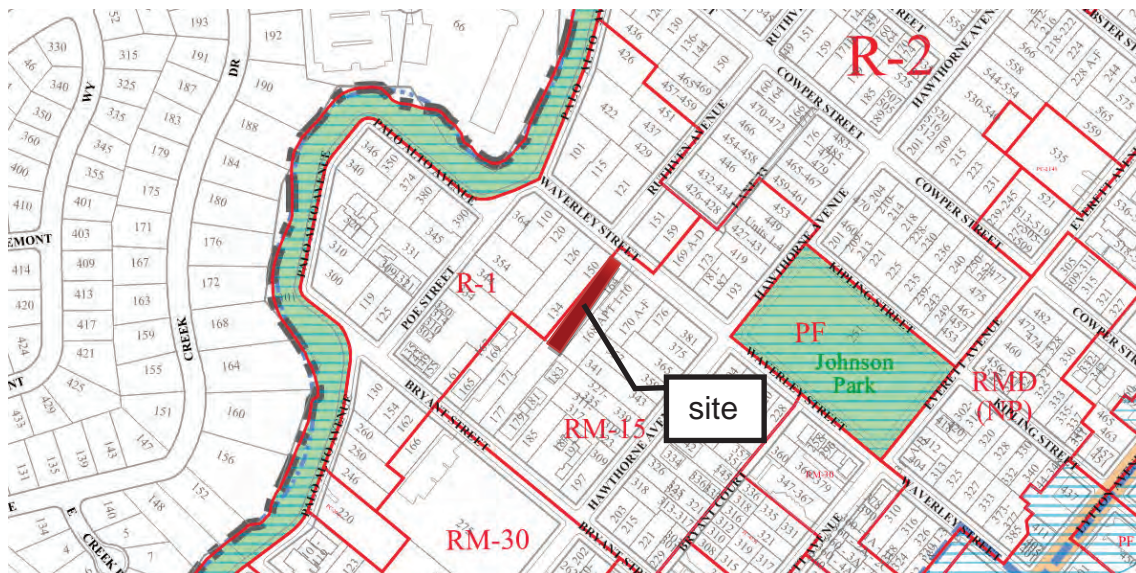
Planning Department
City of Palo Alto
Planning and Community Environment Department
250 Hamilton Avenue
Palo Alto, CA 94301

Re: Waverley Residences
160-164 Waverley Street
Palo Alto, CA 94301
New Multi-family Project

This letter of application requests Architectural Review Board Approval for removal of three structures and a 3-car carport. The application proposes to construct two structures containing three apartment flats and a parking facility.

Neighborhood Overview

The neighborhood is a mix of residential zones, including R-1, R-2, RM-20, RM-30, and PF zones. The subject site is RM-20. The properties to the rear (southwest) and left side (southeast) are also RM-20. The property on the right side (Northwest) is in the R-1 zone and the properties on the other side of Waverley Street are a mix of R-1 and RM-20. The neighborhood includes an eclectic and diverse mix of architectural style and massing. There are single story and 2-story buildings, often times with multiple structures on one site.



The site currently consists of 3 separate single family homes and a common carport on a narrow deep lot providing (4) on-site parking spaces. There are two single story homes and a 2-story home. All three residences are rented.

Scope of Work

This project proposes removal of the existing structures and construction of two structures containing three apartment flats. Each flat is 3 a bedroom, 3-1/2 bath unit with two covered parking spaces. The front building has at grade parking for all flats with a second floor apartment above and a roof terrace. The rear building has a ground floor flat with a front and rear yard, and a second floor flat with a roof terrace. Utility improvements to the site include undergrounding of line voltage and low voltage to the property and along Northwest side of property and the removal of one utility pole in the side yard utility easement.

Design Concept

The primary goal is to replace the existing and tired wood frame residences with new construction designed for long term use and durability through the use of sensitive site design and quality materials. The proposed project breaks the Multi-Family project into two brick clad structures. The ground floor of the front structure is widened to provide a base for the second floor and formally address Waverley Street. The mass of the rear structure is broken through the use of projecting balcony elements. Both structures feature a stucco clad projection at the rear and private roof terraces. The inclusion of private roof terraces ensures that all tenants have access to ample private outdoor space.

The proposed design relocates the driveway slightly to the Northwest to allow for tuck under parking under the building at the front of the site and to respect the side daylight planes. A single story area at the front setback line breaks up the mass of the two story structure and setting the second floor living spaces further from the street. It is substantially open with 6 punched openings breaking down the mass and providing light and ventilation for the covered bicycle parking and compost / recycling area. This single-story stone clad element also allows for private terrace open space for the second floor unit. Although the required rear setback is only 10 feet, the nearest rear wall would be 27 feet away from the property line, increasing privacy for both future tenants and neighbors.

A second set of goals are to reduce existing site hardscape, create more useable outdoor spaces and improve site circulation. Currently the central carport only provides for 4 cars on-site and includes a long driveway which not only consumes a lot of the site, but forces other tenants to drive past and behind the front residence. The new design consolidates the parking facility under the front structure, reducing impact to the site, tenants, and neighbors. In addition to increased privacy and better use of the site, the proposed design strives to respect the transitional nature of the RM-20 zone from higher density multi-family properties to single family

properties. In contrast to the single, long apartment block on the adjacent neighboring property at 168 Waverley, this project proposes two separate structures separated by 50 feet, opening the site to light and landscape. The scale is broken down into more transitional masses while also creating more privacy and additional yard space for tenant use.

Materials:

The façade is proposed to be predominantly a weathered brick with large grout joints, eased rustic edges in neutral color palette of tans, greys and pale ochres. A running bond pattern would be highlighted by subtle rows of Flemish bond aligning with windows heads and repeating roughly every 13 courses. The metal clad wood windows would be punched openings in the brick, subordinate in nature due to their recessed dark grey frames and lack of casing. Above each window would be a header soldier course of brick. The exterior jambs and sills would have brick returns. The single-story element which houses the bicycle parking, compost and recycling as well as the driveway entrance, would be a warm white engineered stone veneer. The stone helps break up the scale of this low element and gives a warm inviting airy feel to the streetscape. The garage would be wrapped in cement plaster in a similar warm white tone and smooth texture. Cement plaster is also proposed for the pop-outs at the rear of both buildings, creating a play between the main structure and a lighter cantilevered appendage, breaking up the scale of the building further. The parapet walls would be adorned with cornices, stately but simple in form. Dark grey open picket aluminum guards line the second floor balconies and create a sense of transparency. Balconies edges would be dark grey painted metal with cement plaster undersides.

Findings

The granting of the application is consistent with the Palo Alto Comprehensive Plan and the purposes of Title 18 (Zoning). The new structure will be code compliant, fully parked and free of hazardous materials. The immediate area has a rich mix of residential buildings and styles including multi-family, single family and single family with accessory dwelling units. The proposed project will be fully parked on site with six spaces. Four bicycle parking spaces would be provided in the front of the parking facility to support and emphasize a commitment to biking in Palo Alto and the bike boulevard, just one block away. Additionally:

Policy L-3.4: Ensure that new multi-family buildings, entries and outdoor spaces are designed and arranged so that each development has a clear relationship to a public street.

The front building and parking structure are located centrally on the width of the site with clearly a designated driveway for vehicular traffic. The parking facility is designed as a stone and stucco clad base to the building and provides a private terrace for Unit 160 looking onto Waverley. Individual unit numbers are prominently displayed on the front façade adjacent to their

pedestrian entries. 160 and 164 Waverley are accessed through a gate on the North side of the site; 162 Waverley is accessed through a gate on the South side.

Policy L-6.8: Support existing regulations that preserve exposure to natural light for single-family residences.

The proposed structures fit well within the daylight plane envelope and are lower than the allowed maximum height. The two structures are spaced 50' apart bringing light and air into the middle of the 250' deep site, the benefits of which are shared by the adjacent parcels.

Policy L-9.10: Remove or mitigate elements of existing infrastructure that are unsightly or visually disruptive. Design parking lots and parking garages to meet high quality urban design standards:

A power pole and some overhead lines will be removed as part of the project and undergrounded. The existing long driveway and a 4-car carport visible from the street will be removed and replaced with a shorter driveway and 6 cars parking facility out of sight from the neighborhood.

Policy N-2.5: Improve overall distribution of citywide canopy cover, so that neighborhoods in all areas of Palo Alto enjoy the benefits of a healthy urban canopy:

Six small on-site trees, most of which are in poor to very poor health, are being removed and replaced with 26 new trees, three of which will be mature 48" box size. In addition to complimenting the existing urban canopy many of these trees will provide visual screening to the neighboring sites and between the front and rear structures.

Sincerely -



Heather Young, Principal
Heather Young Architects

Cc: Zach Trailer

Mc-Z Waverley, LLC



ENVIRONMENTAL ASSESSMENT WORKSHEET

City of Palo Alto Department of Planning & Development Services

GENERAL INFORMATION:

Date Filed _____

1. Address of Project: _____

2. Assessor's Parcel Number: 120-12-011 Book #: _____ Page #: _____

3. Application Number(s): _____

4. Applicant:

Name HEATHER YOUNG ARCHITECTS Telephone 650.459.3200

Address 81 ENCINA AVENUE Fax # _____

PALO ALTO, CA 94301 E-mail TIM@HYARCHS.COM

5. Owner:

Name _____ Telephone 650.906.8008

Address 361 LYTTON AVENUE Fax # _____

PALO ALTO, CA 94301 E-mail ZTRAILER@ZACHTRAILER.COM

6. Current Zoning: RM-20 Comprehensive Plan Designation _____

7. Application for:

Site and Design _____ Parcel Map _____ ARB Review X

Use Permit _____ Zone Change _____ EIA, EIR _____

EXISTING SITE:

8. State all known or suspected prior uses, operations, or other activities on the site over the past 20 years _____
- _____
- _____
- _____

9. Size of site: Gross 12,500 Net _____

10. Site is owned X Rented _____ ~~by applicant.~~ **BY OWNER**

11. Existing use of property: RESIDENTIAL
 *Attach photographs of project site, also include an aerial photo of the project site.

12. Number of existing structures 4 Current Use _____

13. Size of existing structures UNKNOWN Condition UNKNOWN

14. Will any structure be demolished for this project Yes X No _____

15. Total square footage to be demolished UNKNOWN

16. Total number of building occupants for existing use UNKNOWN

17. Number of parking spaces 4 % compact spaces 0 # Bicycle spaces _____

18. If current use is residential:

Number of owner-occupied units 0

Number of renter-occupied units 3

PROPOSED PROJECT:

19. Project description REMOVAL OF ALL STRUCTURES ON SITE. 2 NEW 2-STORY
STRUCTURES CONTAINING 3 RESIDENTIAL FLATS, EACH WITH 3 BEDROOM
AND 3-1/2 BATH. AT GRADE GARAGE PARING FOR 6 VEHICLES.

20. Future tenant if known _____

21. Number of structures proposed 2 Size (in square feet) 6,250

22. Number of floors and building height 2 FLOORS, 27'-6" FAR 0.5

23. Percentage of site to be covered (including bricks and pavers) 61% (7,610sf)

24. Estimated number of employees per shift NONE

25. If the proposed project is residential:

Total number of units _____ Number of units per acre 10.3

Expected sales price or monthly rent per dwelling unit ~ \$ 7,500/month

List kinds and size of community buildings NONE

Area of private open space 4,881 SF Area of common open space 527 SF

Provision of low/moderate income units:

1) Number of units provided for: Sale NONE Rent NONE

2) Sale and / or rental price N/A

26. Total number of vehicles expected daily for proposed project 6

27. Number of proposed parking spaces _____ Percentage compact spaces 0%

Number of bicycle spaces 4

28. Are there any toxic wastes to be discharged? Yes _____ No X

(If yes, please complete a Sewer Discharge Questionnaire, which is furnished by the Building Department)

29. Has the facility in the past or will the operation of the proposed facility involve the storage or use of Hazardous materials? Yes _____ No X

(If yes, please complete a Hazardous Materials Disclosure checklist, which is furnished by the Fire Department)

30. Expected amount of water usage (except for residential developments of fewer than 4 units not located in the foothills)

Domestic _____ gal/day Peak use 200 gal/day

Commercial NONE gal/day Peak use N/A gal/day

31. Daily sewer discharge (over 30 fixtures only) N/A

32. Expected energy use:

Gas _____ therms Electric 10000 KWH Peak electric demand 20 kW

Uses and equipment sizes

A. Space heating:

Gas NONE BTUH _____ Solar 8 kW

Electric Yes KW 10 Heat pump Yes Tons 6

Other _____

B. Air conditioning:

Number of units _____ Total tonnage 6

C. Water heating:

Gas NONE BTUH _____ Solar 8 kW

Electric Yes KW 20 Heat Pump Yes Tons 1

Other _____

Type: Central system _____ Individual system _____

Recirculating Loop? Yes yes No _____

D. Other:

Indoor lighting _____ KW 3 Outdoor lighting Yes KW 1

Cooking Yes KW 30 Refrigeration Yes Tons or ft 12 ft.

Motors _____ HP _____ x-ray _____ Computer _____

33. Air pollution emissions (Check applicable BAAQMD regulations).

Commercial / Industrial only: Source_____

Type_____ Amount_____

34. Noise generation: eg. Generators, chitlers, HVAC, drive through speakers, etc.

Source CONDENSING UNITS Amount (dBa) 48

Please list outside noise sources that may affect the project: eg. Traffic, train etc. _____

Sound proofing/mitigation proposed NONE

UNITS WILL COMPLY WITH STANDARDS, NOT LOCATED IN SETBACKS

35. Site drainage provisions SEE GRADING AND DRAINAGE PLAN

36. Amount of proposed grading (cubic yards) 90 Cut _____ Fill 40

37. Disposition of excavated material _____

38. Permits required from other agencies:

Santa Clara Valley Water District N/A

Bay Area Air Quality Management District N/A

Army Corps of Engineers N/A

Other _____

Environmental Setting:

39. Percent and direction of ground slope at site 0.6% TOWARDS STREET

40. Is this site within a special flood hazard area? Yes _____ No X

41. Existing site vegetation (please list, and indicate any to be removed)
 *Also include a tree disclosure statement. The size and location of all public, protected private, and heritage trees must be shown. (This form can be obtained at the Development Center or by calling (650) 617-314)_____

SEE SITE PLAN AND ARBORIST REPORT

42. Existing animal and bird life on site NONE KNOWN_____

43. Detailed description of conditions and uses of adjacent properties_____

SINGLE FAMILY AND MULTI-FAMILY

Prepared by HYA ARCHITECTS_____

Date 12/10/2020_____

Note: More information may be required before the application for which this assessment has been prepared can be processed. Please call the Department of Planning & Development Services at (650) 329-2442 if you have any questions.

PLEASE RETURN COMPLETED WORKSHEET TO THE DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES, DEVELOPMENT CENTER, 285 HAMILTON AVENUE, 1ST FLOOR.



GFRC AND BRICK REFERENCE FROM BUILT PROJECT



STONE REFERENCE FROM BUILT PROJECT



RENDER OF GFRC CORNICE, BRICK SOLDIER COURSE AND BRICK IN RUNNING BOND PATTERN W/ FLEMISH BOND EVERY 13 COURSES



PENINSULA BUILDING MATERIALS SAMPLES
GENERAL SHALE IRONWORKS THIN BRICK AND ELDORADO DOVE TAIL STONE VENEER



ELDORADO STONE VENEER - FRONT COVERED AREA



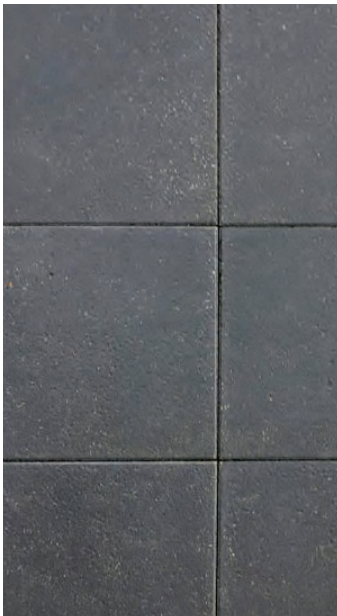
CEMENT PLASTER - WALLS



DARK GREY METALS - RAILING, LIGHT FIXTURES, METAL TRIM OF CANOPIES



GREY PAVER - PATH



DARK PAVER - TERRACE



BRUSHED CONCRETE - DRIVEWAY

MATERIAL BOARD



FEATURE LIGHTING AT BUILDING FRONT
BEGA - 24 008 - LED WALL LUMINAIRES
TWO SIDED LIGHT OUTPUT - 4 3/8" x 19 5/8" x 6 3/8"



DOOR ENTRY LIGHTING
BEGA - 33 344 - LED WALL LUMINAIRES
SHIELDED TWO SIDED LIGHT - 13 7/8" x 5 1/2" x 7 3/8"



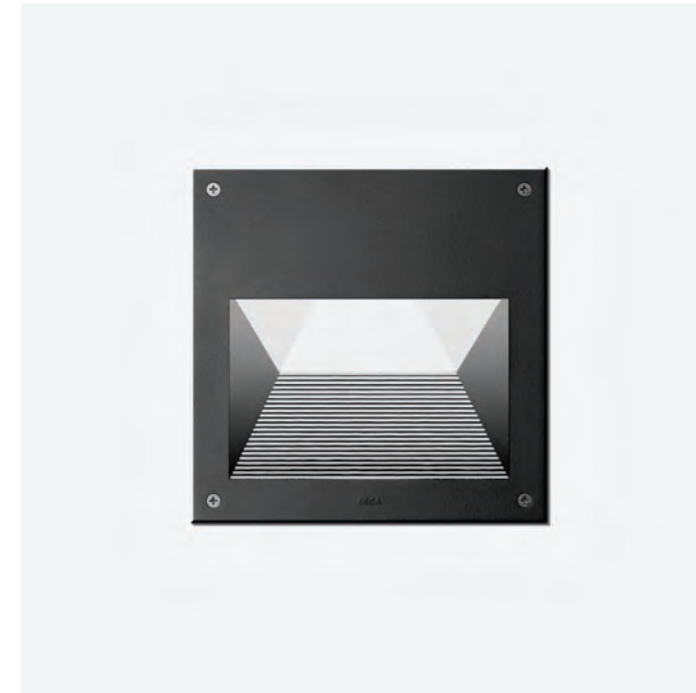
PATH LIGHTING
BEGA - 22 215 - LED WALL LUMINAIRES
DIRECTED LIGHT - 3 1/2" x 3 3/4" x 2 3/8"



FRONT BIKE AREA OVERHEAD LIGHTING
KUZCO - ELLE EC44113 - CEILING
13 3/8" x 2 1/8"



GARAGE LIGHTING
SENSCAPE - SPG18 SERIES
18 1/2" x 5 1/4"



TERRACE LOW WALL / STAIR STEP LIGHTING
BEGA - 22 248 - LED RECESSED DOWNLIGHT
NARROW BEAM - 5 7/8" x 4 1/8"

LIGHT FIXTURES BOARD

From: [Larry Alton](#)
To: [Gutierrez, Samuel](#)
Subject: 160 Waverley Development Project
Date: Friday, June 4, 2021 4:35:53 PM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Dear Mr Gutierrez,

This project is an architectural disgrace to this neighborhood. It looks like a commercial office building and does not fit in this residential area.

Tearing down a nice looking residential building to put up this very boxy ugly building does not make any sense to our city and our neighborhood. Please stop this project before it goes any further.

Sincerely,

Larry Alton

From: [Andrew Pergam](#)
To: [Gutierrez, Samuel](#)
Subject: Plans for 160 Waverley St
Date: Thursday, May 13, 2021 10:14:27 PM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Dear Mr. Gutierrez,

Thanks for your time a few weeks back to discuss the plans for 160 Waverley St. We're neighbors at 134 Waverley, the single family residence adjacent on the NW side of the property.

Generally, we're supportive of anyone's right to improve their property. As we discussed, however, we have a few areas that we wanted to raise with the city and the developer.

In our review of the current plans, we're primarily concerned about two issues -- the privacy and sun exposure we currently have in our back and side yards. Our fear is that this new construction of taller buildings may infringe on our enjoyment of both.

As we see it, the rear unit will be at least a story higher than what is currently on the property and the middle unit, which is centered in the property now, will be much closer to our house. The current middle dwelling is lower as it approaches the property line, allowing more sunlight in our side yard. And generally there doesn't seem to be much between the buildings and the property line.

If the buildings can't be set back further or reduced in height, at the very least we hope to see the addition of privacy cypress trees (like the image attached here from the opposite side of our property) and an equal or greater number of trees once the buildings are complete. We're also hoping that any roof terrace is constructed in a way that it does not allow for people to peer directly into our house or yard.

We've attached images here which may help demonstrate the abundant sunlight and sky view that we currently have. If you need help interpreting the locations of the pictures or would like to see it first-hand, we'd be happy to have you visit.

Relatedly, we trust that the construction firm will take rodent management seriously throughout the work. We have had problems with rodents in the area and are hopeful all proper abatement measures will be taken.

We're hoping you'll confirm you've received this email and the photos. Please also advise us on any next steps we should take to help make sure these concerns are addressed.

Many thanks for your time,

Andy Pergam
134 Waverley St









Historic Resources Board

Notice of the Decision of the Director of Planning and Community Environment on the Action Taken at the Public Hearing on March 19, 1997 on Agenda Item II. 2

TO: Owner: Mary Cox, 300 Sherwood, Menlo Park, CA 94025.

FROM: Barbara Judy, Preservation Architect, Interim Historic Program

PUBLIC HEARING: Historic Resources Board Meeting of March 19, 1997

SUBJECT: 160-164 Waverley: Application for Historic Merit Evaluation of a single family residence constructed prior to 1940 in the R-1 Zone District (File No. 97-HRB-43.)

REQUEST/PROJECT DESCRIPTION:

The Historic Resources Board was requested to assign a historic merit designation to **160-164 Waverley**. Under the City of Palo Alto's Interim Historic Program, properties may be assigned a historic designation of Structure Without Historic Merit, Contributing Residence, or Historic Landmark Residence.

RECOMMENDATION:

Regarding **160 Waverley** - Staff recommended assigning an historic designation of CONTRIBUTING RESIDENCE to this residence.

Regarding **164 Waverley** - Staff recommended assigning an historic designation of NO HISTORIC MERIT to this residence.

HRB ACTION TAKEN:

Under the City of Palo Alto's Criteria for Evaluating the Significance of Historic Resources, **160 Waverley** was assigned the category of CONTRIBUTING RESIDENCE by the Historic Resources Board, and **164 Waverley** was assigned the category of STRUCTURE WITHOUT HISTORIC MERIT by the Historic Resources Board. The Director of Planning and Community Environment approves those decisions as of this notice.

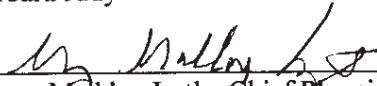
APPEALS:

All projects approved are subject to an appeal period, which allows for the applicant or members of the public to file an appeal from the decision of the Director of the project. The appeal period is 10 days after the mailing of this notice of the decision of the Director of Planning and Community Environment.

If you wish to appeal this action, contact the Planning Division (329-2441) regarding time and fee. If you challenge this land use decision in court, you may be limited to raising only those issues you or someone else raised in the public hearing described in this notice, or in written correspondence delivered to the City of Palo Alto at or prior to, the public hearing.

Prepared By: Barbara Judy

Signed By:


 Nancy Maddox Lytle, Chief Planning Official
 Designee of the Director of Planning and Community Environment

ORDINANCE NO. 4549
ORDINANCE OF THE COUNCIL OF THE CITY OF PALO ALTO
REGULATING DEMOLITION AND MAJOR ALTERATION OF
CERTAIN HISTORIC RESOURCES AND DECLARING THE
URGENCY THEREOF, TO TAKE EFFECT IMMEDIATELY

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

SECTION 1. Findings. The Council finds and declares:

A. The protection, enhancement, perpetuation and use of structures and districts of historical significance within the City of Palo Alto are of great cultural, aesthetic, and economic importance to the City and all of its residents.

B. The City Council has recognized that the current Historic Preservation Ordinance (Chapter 16.49 of the Palo Alto Municipal Code) does not adequately protect the City's most significant historic resources. The City therefore adopted an interim ordinance to slow the loss of historic resources while the City's historic preservation ordinances and historic resources inventory were revised and updated (Chapter 16.50 of the Palo Alto Municipal Code). That ordinance expires on March 31, 1999.

C. The City released a Draft Environmental Impact Report in December of 1998 for public review and comment. A substantial volume of comments was received. Those commenting, including the State Office of Historic Preservation, requested that the Draft EIR be revised and recirculated. The City has agreed to do so. This occurrence has made it impossible to adopt a permanent historic preservation ordinance that will take effect when the current ordinance expires.

D. There is great demand for building sites in Palo Alto and, therefore, a great demand for demolition of existing buildings, including important cultural resources. If a new interim ordinance is not adopted on an urgency basis to replace Chapter 16.50 and supplement Chapter 16.49, there is a clear and imminent danger that structures eligible for the National Register of Historic Places or classified as important historic and cultural resources under the City's own review procedures will be destroyed.

E. It is necessary for the preservation of the public health and safety to enact as an urgency measure an ordinance restricting the demolition, or substantial impairment of the historic integrity of, the most significant historic structures identified in the preceding paragraph. The reasons for the urgency are as follows:

1. The prospect of adopting a new historic preservation ordinance, which may limit the ability of property

owners to demolish older structures in the City which are historic resources, will encourage some persons to cause such demolition in advance of the effective date of the ordinance revisions, thereby undermining the City's efforts to protect the environment and preserve historic resources; and

2. The extremely high and rapidly increasing cost of residential property in the City, combined with present land use regulations, has created significant economic incentives for demolition of historic structures, to the detriment of the City and its neighborhoods; and

3. The City has experienced a high and continuing demand for demolition permits.

SECTION 2. Definitions. For the purposes of this ordinance, the following definitions shall apply:

(a) "Demolition" means the removal of fifty percent (50%) or more of the exterior walls of a building or structure. Demolition includes the relocation of a building from one parcel of land to another. Demolition does not include either i) the removal and replacement in kind of deteriorated, non-repairable materials required for the restoration and rehabilitation of the building or structure and resulting in no change to its exterior appearance or historic character, or ii) removal of non-historic features or additions that may exist on a Protected Historic Resource.

(b) "Director" shall mean the director of planning and community environment or the director's designee.

(c) "Major Alteration" means an alteration of a Protected Historic Resource that includes one or more of the following elements:

(1) Significant alteration of a street-facing facade;

(2) Removal of more than twenty percent (20%) of the exterior walls;

(3) Addition to or enlargement of a structure above the ground floor;

(4) The need for a variance or exception, other than a Home Improvement Exception, from zoning or other City codes;

(5) Construction, relocation, or demolition of an accessory structure of a type that requires a building permit for initial construction; or

(6) Relocation within a site of a principal structure.

Maintenance and repair exempt from review under this ordinance includes i) any modifications to the interior of a building; and ii) any maintenance or repair of exterior features that does not require a building permit and does not involve change in design, material, color or exterior appearance. For single-family and two-family properties, maintenance exempt from review includes the repainting of previously painted surfaces, regardless of color.

(d) "National Register of Historic Places Criteria" means the criteria for evaluation for eligibility for the National Register of Historic Places found at 36 Code of Federal Regulations 60.

(e) "Protected Historic Resource" means:

(1) All properties that were placed on the historic inventory of the City of Palo Alto as Category 1, 2, 3 or 4 structures under Chapter 16.49 of the Palo Alto Municipal Code; and

(2) All properties in the Professorville Historic District that were built before 1938 and all structures in the Ramona Street Historic District; and

(3) All properties identified as "landmarks" under Chapter 16.50 of the Palo Alto Municipal Code before March 31, 1999; and

(4) Those structures identified as potentially eligible for listing on the National Register of Historic Places in the study completed by Dames and Moore for the City of Palo Alto in accordance with a methodology approved by the California State Historic Preservation Office in January 1999 and listed in Exhibit A attached to this Ordinance and a part of it.

(f) "Secretary of the Interior's Standards for Rehabilitation" means the Secretary of the United States Department of the Interior's Standards for Rehabilitation of Historic Buildings, issued by the National Park Service (36 Code of Federal Regulations Part 67), together with the accompanying interpretive Guidelines for Rehabilitating Historic Buildings, as they may be amended from time to time.

(g) "Street-facing facade" means any exterior wall of a structure which faces a public street, not including an alley, and the portion of the attached exterior walls and roof within fifteen (15) feet of the street-facing side of the structure. All structures, other than accessory structures, shall be treated as having at least one street-facing facade.

SECTION 3. Demolition Clearance Certificate.

(a) No person shall demolish or cause the demolition of a Protected Historic Resource unless a demolition clearance certificate has been issued by the Director, or by the City Council

on appeal. Applications for demolition of a Protected Historic Resource shall be made on a form provided by the Director and shall include all information specified by the Director. There shall be no fee. A demolition clearance certificate shall be issued if, and only if, the Director determines, based on substantial evidence, that:

(1) The Protected Historic Resource either (i) would not be eligible for the National Register of Historic Places because it no longer has sufficient integrity to convey its historic significance or it meets none of the National Register of Historic Places criteria, or (ii) in the case of a Protected Historic Resource in a historic district, the structure is not a contributing structure in the historic district; or

(2) The Chief Building Official or the Fire Chief has determined pursuant to Chapter 16.40 of the Palo Alto Municipal Code that an imminent safety hazard exists and that demolition of the structure is the only feasible means to secure the public safety; or

(3) Maintenance, use and/or alteration of the resource in accordance with the requirements of this ordinance would cause immediate and substantial hardship on the property owner(s) because rehabilitation in a manner which preserves the historic integrity of the resource:

(i) Is infeasible from a technical, mechanical, or structural standpoint, and/or

(ii) Would leave the property with no reasonable economic value because it would require an unreasonable expenditure taking into account such factors as current market value, permitted uses of the property, the value of transferable development rights and the cost of compliance with applicable local, state, and federal codes. Costs necessitated by the neglect or failure of the current owner(s) to maintain the property shall not be considered in making this finding.

(b) Applications for a demolition clearance certificate based upon ineligibility for the National Register of Historic Places, improper classification as a contributing structure in a historic district, or hardship shall be reviewed as described in Section 6 below.

SECTION 4. Major Alterations.

(a) No person shall make a major alteration of a Protected Historic Resource, or cause or permit such major alteration to be done, nor shall any permit for such work be issued unless the major alteration has been approved by the City in accordance with this Ordinance. Provided, the applicant may request exemption from the requirements of this Section 4 on the basis of ineligibility for the National Register of Historic Places, improper classification as a contributing structure in a

historic district, or hardship in the same manner and on the same basis as an applicant for a demolition permit. Applications for an alteration of a Protected Historic Resource shall be made on a form provided by the Director. Applications shall include all information specified by the Director. There shall be no fee.

(b) Within thirty (30) working days of determining that an application is complete, the Director shall preliminarily determine that the major alteration is consistent with the Secretary of the Interior's Standards for Historic Preservation, approve with conditions necessary to assure consistency, or deny approval, and send notice to the applicant and the owners of property within three hundred (300) feet of the subject property, as shown on the latest equalized assessment roll. Within ten (10) days after notice is sent, the applicant or any owner of property within three hundred feet may request Historic Resources Board review of the Director's determination by filing a written request with the Director. If such a request is received, the matter shall be heard as provided in Section 6 below. Provided, at the property owner's option, the matter may be heard initially by the Historic Resources Board without a previous determination by the Director. If no timely request for hearing by the Historic Resources Board is received, the Director's decision shall become final and will not be subject to appeal to the Council.

(c) No City permits of any kind shall be issued with respect to a Major Alteration of a Protected Historic Resource unless such permits are in compliance with any modifications, conditions or other requirements determined by the Director, (or by the City Council on appeal after review by the Historic Resources Board) to be necessary to assure consistency with the Secretary of the Interior's Standards for Rehabilitation.

(d) The following findings, based on substantial evidence in the record, must be made by the Director, or by the City Council on appeal, in order to approve a major alteration of a heritage property:

(1) The alterations, subject to any conditions imposed upon the approval, will not result in a substantial adverse change in the significance of the historic resource; and

(2) The alterations will be consistent with the Secretary of the Interior's Standards for Rehabilitation.

SECTION 5. Application for Reclassification of Potential National Register Properties.

The owners of a Protected Historic Resource listed on Exhibit A, or an agent holding their written authorization, may apply to the Director for removal of that designation from their property on the grounds that it would not be eligible for the National Register of Historic Places because it no longer has sufficient integrity to convey its historic significance, or it meets none of the National Register of Historic Places criteria.

The application shall be made on a form provided by the Director and shall include all information specified by the Director. There shall be no fee. The application shall be reviewed under the procedures of Section 6 of this ordinance.

SECTION 6. Historic Resources Board Review Procedure.

(a) Each application for a demolition clearance certificate based on ineligibility for the National Register of Historic Places, improper classification as a contributing structure in a historic district, or hardship, each application for major alteration for which a request for hearing by the Historic Resources Board is requested, and each application for reclassification shall be considered by the Historic Resources Board at a public hearing. The Historic Resources Board may continue the hearing for not more than thirty (30) days.

(b) The application shall be set for hearing on a date no later than forty five (45) days after an application is determined to be complete or the request for hearing is received by the City. Notice of the time, place and purpose of the hearing shall be given at least twelve (12) days prior to the date of the hearing by publication at least once in a newspaper of general circulation, and by first class mail to the applicant, to the owner(s) of the property, and to the owners of property within three hundred (300) feet of the site.

(c) The Historic Resources Board shall, based upon the appropriate findings, recommend to the Director approval or disapproval of the application, and any appropriate conditions.

(d) Following receipt of the recommendation of the Historic Resources Board, the Director shall act upon the application within five (5) working days. The Director may approve, disapprove or modify the Historic Resources Board's recommendation.

(e) The Director's written findings and notice of decision shall be delivered to the applicant by mail.

(f) The applicant shall bear the burden of proof for all findings required for approval of an application for demolition under this Ordinance.

SECTION 7. Appeals.

(a) Any aggrieved person may file an appeal with the City Council of any determination of the Director under this Ordinance. An appeal of an action shall be filed not later than eight working days after notice of the Director's decision is sent to the applicant. Any such appeal shall be filed in accordance with the provisions of Chapter 18.93 of the Palo Alto Municipal Code. "Aggrieved persons" shall include only the owner of the Protected Historic Resource, or other person acting with the owner's written consent, or a property owner or resident who owns or resides in

property within three hundred feet of the Protected Historic Resource. A member of the City Council, City staff or any Board or Commission Member shall not be deemed to be an aggrieved person unless they otherwise qualify as an aggrieved person under this Section.

(b) The Council may reverse or affirm wholly or partly, or may modify any decision, determination, or requirement of the Director, and may make such decision or determination or may impose such conditions as the facts warrant with respect to the appeal and to the determination appealed, and the decision or determination of the Council shall be final.

(c) The decision of the Council shall be effective immediately. Notice of the Council's decision shall be mailed to the original applicant, to the person filing the appeal, and to any other person who has filed a written request therefor with the City Clerk.

SECTION 8. Exception for Properties Classified as "Contributing Properties" under Chapter 16.50.

At the option of the property owner, demolition or major alteration of a Protected Historic Resource that was classified as a contributing structure under Chapter 16.50 of the Palo Alto Municipal Code on or before March 31, 1999, shall be governed by the provisions of that Chapter as it existed on March 31, 1999. Provided no demolition permit shall be issued unless compatibility review have been completed and a complete building permit application for the replacement structure filed on or before July 31, 1999.

SECTION 9. Construction with Chapter 16.49.

When a major alteration or demolition of a Protected Historic Resource is proposed, the provisions of this ordinance shall supersede the provisions of Section 16.49.050 and 16.49.070.

SECTION 10. Time Limits for Benefit of Applicant.

Time limits in this ordinance, except for the time limits for requesting a hearing before the historic resources board or for appealing a decision to the city council, are for the benefit of the applicant and may be waived, in writing, by the applicant.

SECTION 11. Enforcement; Remedies for Violation.

(a) In addition to all other remedies otherwise provided by law, the following remedies shall be available to the City for violation of this Ordinance:

(1) Injunctive relief. A civil action may be commenced to abate, enjoin, or otherwise compel the cessation of such violation.

(2) Costs. In any civil action brought pursuant to this Ordinance in which the City prevails, the court shall award to the City all costs of investigation and preparation for trial, the costs of trial, reasonable expenses including overhead and administrative costs incurred in prosecuting the action, and reasonable attorney fees.

(b) The following designated employees may enforce the provisions of this chapter: Chief Building Official, Assistant Building Official, Code Enforcement Officer.

SECTION 12. Effective Date. This Ordinance shall be effective immediately and shall cease to have force on the effective date of an Ordinance amending Chapter 16.49 or repealing the provisions hereof, whichever occurs first.

SECTION 13. The Council finds that this Ordinance is exempt from the provisions of the California Environmental Quality Act ("CEQA") because it falls within the provisions of the "minor alterations to land use limitations" categorical exemption set forth in section 15305 of the CEQA Guidelines, and because it falls within the emergency project exception to CEQA set forth in Section 15269 of the CEQA Guidelines, and because it falls within the exception for actions by a regulatory agency to protect the environment set forth in Section 15308 of the CEQA Guidelines.

This Ordinance was introduced at a regular meeting of the Council of the City of Palo Alto which commenced on Monday, February 22, 1999, and was passed by a four-fifths vote of all Council Members present at the meeting as follows:

INTRODUCED AND PASSED: February 22, 1999

AYES: EAKINS, FAZZINO, OJAKIAN, ROSENBAUM, WHEELER

NOES:

ABSTENTIONS:

NOT PARTICIPATING: HUBER, KNISS, MOSSAR

ABSENT: SCHNEIDER

ATTEST:

City Clerk

Monica J. Rogers

APPROVED:

Mayor

John Fazzino

APPROVED AS TO FORM:

Senior Asst. City Attorney

Wynne S. Furch

City Manager

John Furch

Director of Planning and
Community Environment

Ed Huber

Exhibit A

<i>Site Address</i>	<i>Site Street</i>	<i>Parcel Number</i>
650	Addison Ave	120 06 010
471	Addison Ave	120 17 055
201	Alma St	120 25 060
1101	Alma St	120 30 044
2230	Amherst St	137 07 062
695	Arastradero Rd	167 03 019
2264	Bowdoin St	137 07 004
162	Bryant St	120 24 038
541	Bryant St	120 15 091
627	Bryant St	120 16 036
724	Bryant St	120 27 054
804	Bryant St	120 28 015
806	Bryant St	120 28 016
840	Bryant St	120 28 020
846	Bryant St	120 28 021
1501	Bryant St	124 07 011
1536	Bryant St	124 16 064
1680	Bryant St	124 17 018
1701	Bryant St	124 08 078
2000	Bryant St	124 19 019
2020	Bryant St	124 19 020
2160	Bryant St	124 19 076
2183	Bryant St	124 10 053
2183	Bryant St	124 10 053
336	Byron St	120 02 085
518	Byron St	120 03 055
2130	Byron St	124 04 052
2277	Byron St	124 05 024
526	Center Dr	003 08 022
555	Center Dr	003 10 016
560	Center Dr	003 08 025
850	Center Dr	003 27 025
667	Channing Ave	120 05 014
751	Channing Ave	003 32 060
545	Chaucer St	003 07 046
560	Chaucer St	003 05 016
352	Churchill Ave	124 07 022
538	Churchill Ave	124 01 006
265	Coleridge Ave	124 16 066
356	Coleridge Ave	124 08 020
380	Coleridge Ave	124 08 021
418	Coleridge Ave	124 08 068
440	Coleridge Ave	124 08 023

509	Coleridge Ave	124 01 019
537	Coleridge Ave	124 01 018
570	Coleridge Ave	124 02 004
631	Coleridge Ave	124 01 010
660	Coleridge Ave	124 02 010
643	College Ave	137 01 102
1032	College Ave	137 03 031
1082	College Ave	137 03 036
1325	College Ave	137 05 053
872	Colorado Ave	127 27 068
2025	Columbia St	137 06 040
2115	Cornell St	137 02 042
2127	Cornell St	137 02 041
127	Cowper St	120 09 019
250	Cowper St	120 14 024
330	Cowper St	120 14 059
818	Cowper St	120 17 011
904	Cowper St	120 17 049
1535	Cowper St	124 01 020
1570	Cowper St	124 07 039
1620	Cowper St	124 08 002
1741	Cowper St	124 02 072
1965	Cowper St	124 06 010
2005	Cowper St	124 06 008
2025	Cowper St	124 06 007
2065	Cowper St	124 06 005
2085	Cowper St	124 06 004
2150	Cowper St	124 10 005
2175	Cowper St	124 04 019
2200	Cowper St	124 11 076
2670	Cowper St	132 08 113
1	Crescent Dr	003 09 012
39	Crescent Dr	003 09 009
50	Crescent Dr	003 09 028
51	Crescent Dr	003 09 035
75	Crescent Dr	003 09 006
79	Crescent Dr	003 09 005
1275	Dana Ave	003 20 022
2050	Dartmouth St	137 06 043
530	E Crescent Dr	003 10 005
541	E Crescent Dr	003 10 025
548	E Crescent Dr	003 10 006
590	E Crescent Dr	003 10 009
1400	Edgewood Dr	003 11 001
1401	Edgewood Dr	003 11 066
1444	Edgewood Dr	003 11 036
1449	Edgewood Dr	003 11 027
1474	Edgewood Dr	003 11 041
1485	Edgewood Dr	003 11 022

2171	El Camino Real	124 31 077
311	El Carmelo Ave	132 19 056
317	El Carmelo Ave	132 19 055
2510	Embarcadero Way	008 05 001
152	Emerson St	120 24 023
210	Emerson St	120 25 033
532	Emerson St	120 26 079
534	Emerson St	120 26 080
619	Emerson St	120 27 024
731	Emerson St	120 27 071
949	Emerson St	120 28 079
1215	Emerson St	124 12 016
1260	Emerson St	124 15 005
1446	Emerson St	124 16 033
1520	Emerson St	124 16 073
332	Forest Ave	120 16 038
446	Forest Ave	120 16 043
555	Forest Ave	120 04 031
721	Forest Ave	003 32 022
765	Forest Ave	003 32 007
788	Forest Ave	003 32 052
939	Forest Ave	003 04 036
1001	Fulton St	003 33 037
1011	Fulton St	003 33 036
1726	Fulton St	003 58 033
365	Guinda St	003 03 053
752	Guinda St	003 32 031
1151	Guinda St	003 34 044
551	Hale St	003 05 021
136	Hamilton Ave	120 27 003
571	Hamilton Ave	120 03 061
723	Hamilton Ave	003 02 042
755	Hamilton Ave	003 02 033
855	Hamilton Ave	003 03 033
870	Hamilton Ave	003 31 001
909	Hamilton Ave	003 04 023
925	Hamilton Ave	003 04 022
940	Hamilton Ave	003 04 070
951	Hamilton Ave	003 04 021
955	Hamilton Ave	003 04 020
972	Hamilton Ave	003 04 073
975	Hamilton Ave	003 04 019
1044	Hamilton Ave	003 19 028
1133	Hamilton Ave	003 07 027
1157	Hamilton Ave	003 07 025
1400	Hamilton Ave	003 23 001
1407	Hamilton Ave	003 11 012
1423	Hamilton Ave	003 11 009
1452	Hamilton Ave	003 23 014

855	Hamilton Avenue	003 03 033
47	Hamilton Ct	003 07 034
2257	Hanover St	137 05 007
2131	Harvard St	137 03 066
365	Hawthorne Ave	120 12 017
375	Hawthorne Ave	120 12 016
544	Hawthorne Ave	120 02 002
317	High St	120 25 104
323	High St	120 25 103
334	High St	120 25 107
342	High St	120 25 108
904	High St	120 28 049
260	Homer Ave	120 28 013
469	Homer Ave	120 16 051
619	Homer Ave	120 04 061
680	Homer Ave	120 05 010
175	Island Dr	003 11 005
185	Island Dr	003 11 004
151	Kellogg Ave	124 15 013
230	Kellogg Ave	124 16 012
270	Kellogg Ave	124 16 017
360	Kellogg Ave	124 07 043
559	Kingsley Ave	120 06 071
656	Kingsley Ave	120 07 011
437	Kipling St	120 15 020
815	Kipling St	120 17 023
817	Kipling St	120 17 022
825	Kipling St	120 17 021
832	Kipling St	120 17 025
359	Leland Ave	124 30 024
630	Lincoln Ave	120 06 033
660	Lincoln Ave	120 06 035
2931-33	Louis Rd	127 04 024
249	Lowell Ave	124 17 020
353	Lowell Ave	124 08 011
426	Lowell Ave	124 08 057
663	Lowell Ave	124 02 014
411	Lytton Ave	120 14 076
1511	Madrono Ave	124 24 005
1585	Madrono Ave	124 24 040
419	Maple St	003 06 038
441	Maple St	003 06 023
1528	Mariposa Ave	124 22 024
400	Marlowe St	003 06 007
960	Matadero Ave	137 16 016
653	Melville Ave	120 07 022
778	Melville Ave	003 44 016
863	Melville Ave	003 34 036
211	Middlefield Rd	003 01 035

218	Middlefield Rd	120 02 012
225	Middlefield Rd	003 01 034
258	Middlefield Rd	120 02 017
1234	Middlefield Rd	120 07 017
1910	Newell Rd	003 59 018
1990	Newell Rd	003 57 060
333	Oxford Ave	124 31 074
426	Palo Alto Ave	120 09 059
436	Palo Alto Ave	120 09 060
750	Palo Alto Ave	003 01 021
1030	Palo Alto Ave	003 05 013
1120	Palo Alto Ave	003 06 002
1757	Park Blvd	124 25 039
3905	Park Blvd	132 42 065
1120	Parkinson Ave	003 44 052
285	Quarry Rd	142 04 012
245	Ramona St	120 25 012
828	Ramona St	120 28 027
834	Ramona St	120 28 028
912	Roble Ridge Rd	137 16 015
925	Roble Ridge Rd	137 17 008
321	S California Ave	124 33 001
1382	S California Ave	137 05 025
1590	S California Ave	137 05 066
2465	S Court	132 12 021
350	Santa Rita Ave	124 10 027
435	Santa Rita Ave	124 09 013
491	Santa Rita Ave	124 09 011
514	Santa Rita Ave	124 04 032
943	Scott St	120 17 075
165	Southwood Dr	003 10 033
170	Southwood Dr	003 11 063
245	Southwood Dr	003 10 035
1247	Stanford Ave	137 06 009
1425	Stanford Ave	137 06 042
417	Tasso St	120 03 027
425	Tasso St	120 03 026
604	Tennyson Ave	124 03 001
789	University Ave	003 02 006
1005	University Ave	003 05 008
1068	University Ave	003 05 027
1125	University Ave	003 06 013
1250	University Ave	003 07 005
1307	University Ave	003 06 035
1310	University Ave	003 07 009
1330	University Ave	003 07 010
1341	University Ave	003 06 020
1405	University Ave	003 07 051
1425	University Ave	003 07 050

1449	University Ave	003 07 049
1531	University Ave	003 09 014
1545	University Ave	003 09 013
1560	University Ave	003 08 005
1570	University Ave	003 08 006
1750	University Ave	003 10 003
1755	University Ave	003 09 019
488	W Charleston Rd	132 46 072
536	W Crescent Dr	003 08 046
70	Waverley Oaks	124 10 035
311	Waverley St	120 14 050
313	Waverley St	120 14 083
326	Waverley St	120 14 086
333	Waverley St	120 14 080
650	Waverley St	120 16 024
704	Waverley St	120 16 040
720	Waverley St	120 16 061
821	Waverley St	120 17 033
845	Waverley St	120 17 030
947	Waverley St	120 17 060
959	Waverley St	120 17 059
1525	Waverley St	124 07 028
1545	Waverley St	124 07 026
1550	Waverley St	124 07 025
1550	Waverley St	124 07 025
1801	Waverley St	124 09 036
2020	Waverley St	124 13 016
2070	Waverley St	124 13 019
2149	Waverley St	124 10 045
2205	Waverley St	124 11 072
251	Webster St	120 02 032
530	Webster St	120 03 059
621	Webster St	120 04 025
721	Webster St	120 04 067
1235	Webster St	120 07 037
1345	Webster St	120 07 076
1935	Webster St	124 03 067,068
2121	Webster St	124 04 048
2280	Webster St	124 05 053

ORDINANCE NO. 4571

ORDINANCE OF THE COUNCIL OF THE CITY OF PALO ALTO
 AMENDING IN FULL CHAPTER 16.49 OF THE PALO ALTO
 MUNICIPAL CODE (HISTORIC PRESERVATION ORDINANCE),
 AMENDING SECTION 16.52.040 (FLOOD HAZARD
 REGULATIONS), ADDING CHAPTER 18.18 (SPECIAL
 STANDARDS FOR SINGLE-FAMILY AND TWO-FAMILY USES ON
 THE PALO ALTO HISTORIC REGISTER) AND AMENDING
 SECTION 18.90.050 (VARIANCES, HOME IMPROVEMENT
 EXCEPTIONS, AND CONDITIONAL USE PERMITS)

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

SECTION 1. The Council finds and declares:

A. The historic preservation ordinance of the City of Palo Alto (Chapter 16.49 of the Palo Alto Municipal Code) has not been updated since 1986.

B. In 1996 the City Council directed that a new historic preservation ordinance be prepared in conjunction with an extensive survey of potential historic resources in the City.

C. On October 26, 1996, the City Council adopted Ordinance No. 4381, adding Chapter 16.50 (Interim Historic Ordinance) to the Municipal Code on an interim basis until a new historic preservation ordinance could be prepared and adopted. Ordinance No. 4381, as amended by Ordinances 4411, 4414, 4444, and 4491, expired on March 31, 1999. On February 22, 1999 the City Council adopted Urgency Ordinance No. 4549 to regulate the demolition or damaging alteration of certain historic properties during circulation and review of a revised environmental impact report and consideration of a permanent historic preservation ordinance.

D. This ordinance amending Chapter 16.49 and adding Chapter 18.18 has been presented to and considered by the Historic Resources Board, and the Planning Commission on April 14, 1999 and was the subject of a public hearing before the city council on June 7 and 8, 1999.

E. This ordinance is adopted to promote the public health, safety and welfare by furthering the purposes set forth in Section 2 and Section 3, below.

SECTION 2. Chapter 16.49 of the Palo Alto Municipal Code is hereby amended and restated in its entirety to read as follows:

CHAPTER 16.49
HISTORIC PRESERVATION

16.49.010 Purpose.

Recognition, protection, enhancement, and use of historically significant resources located within the city are of great cultural, aesthetic, and economic benefit to the community. To realize these benefits and to implement the city's Comprehensive Plan goals, the purposes of this Chapter are to:

- (a) Identify those structures, districts and other historic resources that contribute to the heritage of Palo Alto;
- (b) Safeguard the heritage of the city by preserving improvements and natural features that reflect significant elements of the city's cultural history;
- (c) Encourage public understanding of and involvement in the unique architectural and environmental heritage of the city;
- (d) Strengthen civic pride in the beauty and notable accomplishments of the past;
- (e) Protect and enhance the city's attractions to residents, and visitors, and thereby support and stimulate business and industry and strengthen the economy of the city;
- (f) Enhance the visual and aesthetic character, diversity and interest of the city;
- (g) Promote the private and public use and preservation of historic districts and structures for the education, appreciation and general welfare of the people, in a manner compatible with the continued contemporary use of property by its owners;
- (h) Conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment;
- (i) Maintain, stabilize, and improve property values;
- (j) Encourage and permit adaptive reuse of historic resources as present-day homes and business sites while preserving historic significance;
- (k) Protect private property rights in a manner consistent with the State and Federal Constitution;
- (l) Implement the applicable goals, policies, and programs of the Comprehensive Plan, and
- (m) Fulfill the city's responsibilities as a Certified Local Government under federal preservation laws.

16.49.020 Definitions. Throughout this Chapter, the following words and phrases, whether used in the singular or plural, shall have the meanings set forth in this Section:

(a) "Alteration" means any change or modification to the exterior of a building, site, structure, or object which requires a permit under this Title or Title 18 (Zoning Ordinance) of this Code. Alteration does not include ordinary maintenance or repair as provided in Section 16.49.130 of this Chapter, nor does it include landscape maintenance. For all properties other than single-family and two-family properties, alteration shall include changes in paint color of buildings or structures and modification or removal of site features such as grading, paving, signs, light fixtures, street furniture, walls, fences, gate, steps, and removal or major reduction of trees, hedges, and other landscape features.

(b) "Demolition" means the removal of fifty percent (50%) or more of the exterior walls of a building or structure. Demolition includes the relocation of a building from one parcel of land to another. Demolition does not include either i) the removal and replacement in kind of deteriorated, non-repairable materials required for the restoration and rehabilitation of the resource and resulting in no change to its exterior appearance or historic character, or ii) removal of non-historic features or additions that may exist on a Historic Resource.

(c) "Department" means the department of planning and community environment.

(d) "Director" means the director of planning and community environment or his or her designee.

(e) "Heritage Property" means a Historic Resource that the city has designated for inclusion in the Palo Alto Register as an individual property. A Heritage Property that is also a Contributing Resource in a Historic District shall be regulated as a Heritage Property. It does not include properties for which a Heritage Property designation has been rescinded under Section 16.49.090 of this Chapter.

(f) "Historic District" means a defined geographical area containing a significant concentration of Historic Resources unified historically, architecturally, or culturally, or a non-contiguous grouping of thematically related properties that which contribute to each other, that the city has designated for inclusion in the Palo Alto Register as a Historic District.

(g) "Historic District Contributing Resource" means a building, site, structure, or object within the boundaries of a Historic District that adds to the historic, architectural, cultural, or archaeological values for which the district is considered significant.

(h) "Historic District Non-contributing Resource" means a building, site, structure, or object within the boundaries of a

Historic District that does not add to the historic, architectural, cultural, or archeological values for which the district is considered significant because the resource:

(1) Was not present during the period(s) of the district's historic significance; or

(2) No longer possesses historic integrity due to alterations, disturbances, additions, or other changes.

(i) "Historic Integrity" means the ability of a resource to convey its historical significance.

(j) "Historic Resource" means any improvement, building, structure, natural feature, district, object or site of historic importance.

(k) "Major Alteration" means an alteration of a Historic Resource that includes one or more of the following elements unless the director determines that proposed alteration is a Minor Alteration.

(1) Alteration of a street-facing facade;

(2) Removal of more than twenty per cent (20%) of the exterior walls;

(3) Addition to or enlargement of a structure above the first story;

(4) The need for a variance or exception, other than a Home Improvement Exception, from zoning or other city codes;

(5) Construction, relocation, or demolition of an accessory structure of a type that requires a building permit for initial construction; or

(6) Relocation within a site of a principal structure.

(l) "Majority of Property Owner" shall be determined by allocating one vote to each developed parcel within the proposed district. Provided, if adjacent assessor's parcels are developed as an integrated parcel, for example, by construction of buildings across parcel lines or within what would otherwise be a required setback area, those adjacent parcels shall be treated as a single parcel.

(m) "Minor Alteration" means an alteration of a Historic Resource which the director determines is in substantial compliance with the Secretary of the Interior's Standards for Rehabilitation and therefore does not have an adverse impact on the historic integrity of the Historic Resource. There is a rebuttable presumption that an alteration of a single-family or two-family resource is minor if:

- (1) It does not alter a street-facing facade;
- (2) It does not remove more than twenty percent (20%) of the exterior walls;
- (3) It does not add to or enlarge the structure above the first story;
- (4) It does not require a variance;
- (5) It does not construct, relocate, or demolish an accessory structure of the type that requires a building permit for initial construction, and
- (6) It does not relocate a principal structure.

(n) "Palo Alto Historic Register" or "Palo Alto Register" means the list of officially designated Heritage Properties and Historic Districts for the City of Palo Alto.

(o) "Resource List" means a list of Historic Resources which may upon further study pursuant to the criteria and procedures set forth in this chapter qualify for inclusion on the Palo Alto Register.

(p) "Secretary of the Interior's Standards for Rehabilitation" means the Secretary of the United States Department of the Interior's Standards for Rehabilitation of Historic Buildings, issued by the National Park Service (36 Code of Federal Regulations Part 67), together with the accompanying interpretive Guidelines for Rehabilitating Historic Buildings, as they may be amended from time to time.

(q) "State Historical Building Code" means Part 2.7 of the California Health and Safety Code, commencing with Section 18950, and the regulations promulgated thereunder, as they may be amended from time to time (Cal. Code Regs., tit. 24, Part 8).

(r) "Street-facing facade" means any exterior wall of a structure which faces a public street, not including an alley, and the portion of the attached exterior walls and roof within fifteen (15) feet of the street-facing side of the structure. All structures, other than accessory structures, shall be treated as having at least one street-facing facade.

16.49.030 Historic Resources Board. There shall be a historic resources board appointed by the city council and serving without pay.

(a) Membership. The historic resources board shall be composed of seven (7) members who are residents of the city and who shall have demonstrated interest in and knowledge of historic preservation. Such interest and knowledge may be demonstrated by professional experience in architectural history, archeology, planning, history, architecture, or other historic-preservation related disciplines. Lay members shall have special interest,

knowledge, or experience in preservation-related fields. In making appointments, the Council will seek to find members who represent a diverse range of disciplines and diverse points of view. Three (3) of the members shall be architects, landscape architects, building designers or other design professionals. One (1) member shall be an owner or occupant of a structure on the Palo Alto Register.

(b) Terms of Office. Members shall serve for terms of three years and until their respective successors are appointed. Terms shall be staggered so that three positions are refilled one year, and four positions are refilled two years later. Terms of office commence June 1.

(c) Appointment. The following procedures shall be followed by the city council when filling vacancies on the historic resources board:

(1) Following notification of vacancy or pending vacancy on the historic resources board, the city clerk shall advertise the same in a newspaper of general circulation in the city, including the council agenda digest, four times within two weeks.

(2) Written nominations and applications shall be submitted to the city clerk within such two week period, to be forwarded to the city council for its consideration. Notwithstanding the foregoing, if the nomination or application of an incumbent historic resources board member is not submitted to the city clerk within the period specified above, said period shall be extended for an additional five days during which the city clerk shall accept written nominations and applications of non-incumbents.

(3) The city council shall review all nominations and applications, and conduct such interviews as it deems necessary prior to selection. Final selection and appointment shall be made by the city council at a regular city council meeting after the period for submittal of nominations and applications has expired.

(d) Organization. The historic resources board shall hold regular meetings twice monthly and shall establish a regular time and place for such meetings. Special meetings may be called by the chairperson or by a majority of the historic resources board, in accordance with the provisions of the Ralph M. Brown Act. The historic resources board may adopt such rules as may be appropriate and necessary for the orderly conduct of its business. In January of each year the historic resources board shall elect a chairperson and a vice chairperson from its membership who shall serve in such capacity for terms of one year each. The chairperson shall preside over meetings of the historic resources board, and in the absence or disability of the chairperson, the vice chairperson shall perform the duties of the chairperson.

Four members shall constitute a quorum and decisions of the historic resources board shall be determined by majority vote of

those members present at the meeting. Minutes shall be kept by the historic resources board.

(e) Duties. It is the duty of the historic resources board to:

(1) Recommend to the council the designation of Historic Resources for inclusion on the Palo Alto Register;

(2) Recommend to the director the designation of Historic Resources for inclusion on the Resource List;

(3) Evaluate and make recommendations to council on applications for Demolition of historic resources included on the Palo Alto Register;

(4) Advise the director on applications for Major Alterations to Historic Resources included on the Palo Alto Register;

(5) When an application for Demolition of a property on the Resource List is filed, advise the director whether the property should be referred to the council for possible designation as a Heritage Property and, in cases where such referral is made, to advise the council whether the property should be designated as a Heritage Property;

(6) When an application for a Major Alteration to a property on the Resource List is filed, and the applicant elects to carry out the Major Alteration in a way that the director has determined does not substantially comply with the Secretary of the Interior's Standards for Rehabilitation, advise the director whether the property should be referred to the council for possible designation as a Heritage Property, and in cases where such referral is made, advise the council whether the property should be designated as a Heritage Property.

(7) Advise the director on the compatibility of Major Alterations to, or replacement structures for, Historic District Non-contributing Resources;

(8) Advise the director on applications for Historic Home Improvement Exceptions under the procedures in Chapter 18.18 of the Palo Alto Municipal Code;

(9) Upon request of the director or other city officials, make recommendations regarding activities to be carried out within or by the city which could potentially affect Historic Resources.

(10) Review and comment on application for historic preservation tax incentives.

(11) Review and comment on draft environmental impact reports and proposed negative declarations involving historic resources.

(12) Advise the council regarding actions deemed appropriate to further the purposes of this Chapter and the Comprehensive Plan policies concerning historic preservation.

(13) Participate in city efforts to educate the public and property owners regarding the Palo Alto Register, the requirements of this Chapter, and the importance of Palo Alto's heritage to the continued social and economic well-being of the community.

(14) Research available information as appropriate in order to maintain the accuracy of the city's records with respect to the Palo Alto Register, the Resource List, and other Historic Resources.

(15) Conduct an annual retreat as an open meeting to discuss issues related to the business and procedures of the historic resources board.

(16) Perform such other functions as may be delegated from time to time by the city council.

16.49.040 Promulgation of Written Historic Preservation Guidelines Authorized. The director is authorized to promulgate written historic guidelines and code interpretations to facilitate implementation of this chapter. The guidelines and code interpretations may include additional standards, time lines for decision making, and interpretive guides. The guidelines and code interpretations shall be published and made available to the public. The historic resources board shall review, and make recommendations to the director on, proposed guidelines and code interpretations before publication.

16.49.050 Palo Alto Register.

The director shall maintain and make available for public review the Palo Alto Register. The Palo Alto Register shall comprise those Historic Resources:

(i) Which were identified as Category 1 or 2 "significant buildings" under Chapter 16.49 prior to December 1, 1996, which are hereby designated as Heritage Properties;

(ii) Those additional Historic Resources designated as Heritage Properties by resolution of the city council pursuant to Section 16.49.080;

(iii) The Professorville and Ramona Street Historic Districts as shown in Exhibits A and B;

(iv) Those additional Historic Districts designated by resolution of the city council pursuant to Section 16.49.085.

When the designation of a Historic Resource as a Heritage Property is rescinded by the city council pursuant to Section 16.49.090 it shall be removed from the Palo Alto Register.

16.49.060 Designation Criteria for Heritage Properties.

(a) If a property owner requests designation of his or her property as a Heritage Property, the city council shall grant the request if, in the opinion of the city council:

(1) The resource meets the criteria for inclusion in the California Register of Historical Resources as set forth in Public Resources Code Section 5024.1 and possesses integrity of those features necessary to convey its historic significance, taking into consideration its location, design, setting, materials, workmanship, feeling, association and other relevant factors; and

(2) The city council finds that designation of the Resource as a Heritage Property will meet the intent of the policies of the Comprehensive Plan.

A property submitted for designation as a Heritage Property by the owner shall be presumed to meet these criteria unless substantial evidence to the contrary is received.

(b) If designation of a property listed on the Resource List as a Heritage Property is requested, with or without the property owner's consent, the city council shall grant the request if:

(1) After considering National Register Bulletin 15, "How to Apply the National Register Criteria for Evaluation," it is the opinion of the city council that:

i. The resource has an important association with events that have made a significant contribution to the broad patterns of history; or

ii. The resource is associated with the lives of persons significant in the past, whose activities are demonstrably important to the development of the community, state or nation; or

iii. The resource embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values; or

iv. The resource has yielded, or is likely to yield, information important in prehistory or history; and

(2) The resource has achieved significance at least fifty years ago, and

(3) The resource possesses integrity of those features necessary to convey its historic significance, taking into consideration its location, design, setting, materials, workmanship, feeling, association and other relevant factors; and

(4) The council finds that designation of the Historical Resource as a Heritage Property would meet the intent of the policies of the Comprehensive Plan.

16.49.070 Designation Criteria for Historic Districts.

A proposed Historic District must meet the following criteria in order to be added to the Palo Alto Register by the city council:

(a) The proposed district is definable area possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development, or a noncontiguous grouping of thematically related properties which contribute to each other, and

(b) The proposed district is of importance to the history of the city, state, or nation for historical, architectural, archaeological, engineering, or cultural values, and

(c) In a mailed-ballot procedure conducted by the director, a sixty-percent majority of those property owners responding support formation of the Historic District.

16.49.080 Designation Procedures for Heritage Properties.

(a) For properties on the Resource List, the director, city council or the historic resources board, may apply for designation of a Resource List property as a Heritage Property.

(b) For properties not on the Resource List, only the owner or the owner's authorized agent may apply for that property's inclusion on the Palo Alto Register.

(c) Applications for designation shall be filed with the department in the form specified by the director. All applications shall be reviewed by the historic resources board, which will make its recommendation to the council, unless it is determined by the director that the application should not be processed because a similar application has been reviewed and denied within the past two years or because it can be determined from the application that the proposed designation cannot be supported. City council action to approve a designation shall be by resolution.

(d) Each proposal shall be considered by the historic resources board at a public hearing that commences within forty-five (45) days of date when the director has found the application for designation to be complete. The historic resources board may continue the hearing for no more than thirty days without the consent of the applicant.

(e) Notice of the time, place and purpose of the hearing shall be given at least twelve days prior to the date of the hearing by publication at least once in a newspaper of general

circulation, by certified mail to the owner of record of the property, and by first class mail to the applicant and the owners of record of property within three hundred feet of the exterior boundary of the property which is the subject of the application, as such owners are shown on the last equalized assessment roll.

(f) The historic resources board shall, based upon the criteria set forth in Section 16.49.060 recommend to the city council approval, disapproval or modification of an application for designation. Application by the owner for designation of a historic resource as a Heritage Property shall be presumed to meet the criteria of Section 16.49.060 unless substantial evidence to the contrary is received. Such applications shall be given priority in establishing hearing dates.

(g) Following receipt of the recommendation of the historic resources board, the city council shall conduct a public hearing on the application, which shall be noticed in the manner provided for the historic resources board hearing. The city council may approve, disapprove or modify a recommendation for designation. A decision to designate a Historic Resource as a Heritage Property shall be made by resolution.

(h) No building, demolition, or other city permit for a change that would constitute an Alteration or Demolition of a proposed Heritage Property shall be issued while the application for designation is pending. Provided, an Alteration may be approved under the procedures and standards of Section 16.49.130 while an application for designation is pending. Exceptions may also be considered and approved by the director when the work covered by the permit is deemed necessary:

(1) To shore, support, brace, or otherwise stabilize a structure or property which is structurally unsafe and poses a hazard to occupants, the adjoining property, or the public; or

(2) To protect the structure or property from damage or deterioration which could adversely affect its historic significance and integrity.

(i) After council approval of a resolution designating a Historic Resource or Resources as a Heritage Property the city clerk shall, within ten (10) days, send to the owners of the property so designated, by certified mail, notice of the designation and a copy of this Chapter.

(j) After council approval of a resolution designating a Heritage Property, the director shall add the resource to the Palo Alto Register and shall notify the chief building official and chief planning official.

16.49.085 Designation Procedures for Historic Districts.

(a) Any individual or group, including but not limited to a property owner, the director, city council or the historic

resources board, may apply for designation of a group of Historic Resources as a Historic District. Any such application shall be reviewed by the historic resources board, which will make its recommendation to the council, unless it is determined by the director that the application should not be processed because a similar application has been reviewed and denied within the past two years or because it can be determined from the application that the proposed designation cannot be supported.

(b) Any application for designation shall be filed with the department in the form specified by the director. Each building within a proposed Historic District must be identified as a proposed Contributing Resource or Non-Contributing Resource.

(c) Each proposal shall be considered by the historic resources board at a public hearing commencing within sixty (60) days of date when the director has found the application for designation to be complete. The historic resources board may continue the hearing for not more than thirty days without the consent of the applicant.

(d) Notice of the time, place and purpose of the hearing shall be given at least twelve days prior to the date of the hearing by publication at least once in a newspaper of general circulation, by certified mail to the owners of record within the proposed district and by first class mail to the applicant and to the owners of record of property within three hundred feet of the exterior boundary of the proposed district, as such owners are shown on the last equalized assessment roll.

(e) The historic resources board shall, based upon the criteria set forth in Section 16.49.070, recommend to the city council approval, disapproval or modification of an application for designation.

(f) Following receipt of the recommendation of the historic resources board, the city council shall conduct a public hearing on the application, which shall be noticed in the manner provided for the historic resources board hearing. The city council may approve, disapprove or modify a recommendation for designation. A decision to designate an area as a Historic District and add it to the Palo Alto Register shall be made by resolution and shall include the identification of each property as a Contributing Resource or Non-contributing Resource.

(g) After council approval of a resolution designating a Historic Resource or Resources as a Historic District the city clerk shall, within ten (10) days send to the owners of the property so designated, by first class mail, notice of the designation and a copy of this Chapter.

(h) If the director of planning and community environment determines that a two-thirds Majority of the Property Owners within a proposed district has filed written statement of support for a proposed district for which an application has been determined to be complete, then properties within the proposed district shall be

subject to alteration and demolition restrictions until the council acts to approve or disapprove the proposal. Provided, such interim restrictions shall apply for no more than one hundred and eighty (180) days from the date the application was deemed complete.

No building, demolition, or other city permit for Demolition of any property, for a Minor or Major Alteration of a proposed Contributing Resource, or for a Major Alteration of a Non-Contributing Resource shall be issued during said time period. Provided, an Alteration of a proposed Contributing Resource may be approved under the procedures and standards of Section 16.49.130 and Major Alterations or replacement of a proposed Non-Contributing Resource may be approved under the procedures and standards of Section 16.49.170

Exceptions may also be considered and approved by the director when the work covered by the permit is deemed necessary:

(1) To shore, support, brace, or otherwise stabilize a structure or property which is structurally unsafe and poses a hazard to occupants, the adjoining property, or the public; or

(2) To protect the structure or property from damage or deterioration which could adversely affect its historic significance and integrity.

(i) After council approval of a resolution designating a Historic District, the director shall add the District to the Palo Alto Register and shall notify the chief building official and chief planning official.

16.49.090 Rescission of Designation. The council may rescind the designation of any Heritage Property, or Historic District, or reclassify a Historic District Contributing Resource as a Non-contributing Resource, upon finding that the Heritage Property, District, or Contributing Resource in question no longer meets the criteria for used for its designation to the list. The procedure for rescission of a designation shall be the same as for the initial designation, as set forth in Section 16.49.080 for Heritage Properties and Contributing Resources or 16.49.085 for Historic Districts. Provided, in reclassifying a Contributing Resource, notice shall be given to properties within the Historic District and within three hundred (300) feet of the property proposed for reclassification.

16.49.100 Use of Palo Alto Register. In addition to use of the Palo Alto Register ("Register") for the purposes of application of this Chapter, the Register shall be used as follows:

(a) Resources on the Register, with the exception of Historic District Non-contributing Resources, shall be deemed to be "qualified properties" for the purpose of application of the State Historical Building Code and Section 16.04.250 of this Code.

(b) The Register shall be deemed to be the local register of historic resources for the purpose of application of Public

Resources Code section 5028 concerning natural disasters, and Public Resources Code section 21084.1 concerning environmental assessment of substantial adverse change in the significance of Historic Resources. The fact that a resource is not included on the Register shall not preclude the city from determining whether the resource may be a Historic Resource for purposes of the California Environmental Quality Act (Public Resources Code section 21000, *et seq.*).

(c) The Register shall be deemed to be a local inventory of historic places in a city with a state-certified historic preservation program within the meaning of 44 Code of Federal Regulations 59.1 as it pertains to repair or rehabilitation of historic structures in applying the national flood insurance program.

16.49.110 Resource List.

(a) The director shall establish and maintain a list of potential historical resources, which may, upon study, qualify for inclusion on the Palo Alto Register. The list shall include the following:

(1) Resources which have been identified as Category 3 or 4 "contributing buildings" under Chapter 16.49 of the Palo Alto Municipal Code on or before March 31, 1999 and which are not located within a Historic District;

(2) Resources identified as "landmarks" under former Chapter 16.50 before March 31, 1999;

(3) Resources identified as potentially eligible for inclusion in the National Register of Historic Places in the Dames and Moore study dated January 22, 1999 and on file in the office of the city clerk;

(4) Other comparable resources subsequently identified by the director, after review by the historic resources board, on the basis of competent evidence from a qualified historian or architect, as potentially eligible for inclusion in the Palo Alto Register under the criteria of Section 16.49.060 (b). No resource shall be added to the Resource List without prior written notification by certified mail to the property owner as shown on the most recent assessor's roll.

(b) The owner of any property on the Resource List may at any time request a determination that the property is of insufficient historic merit to be added to the Palo Alto Register under the criteria of Section 16.49.060(b). If the director determines, after review and recommendation by the historic resources board, that a property on the Resource List has no potential for future inclusion on the Palo Alto Register under Section 16.49.060 (b), the director shall remove the property from the Resource List. The determination shall be made within 90 days after an application, in the form required by the director, is deemed complete. This determination shall not disqualify the

property for subsequent inclusion on the Palo Alto Register at the owner's request. No fee shall be charged for the application or its review.

(c) Any properties on the Resource List which are added to the Palo Alto Register shall also be removed from the Resource List.

(d) The director and other city officials shall consult this list when conducting environmental analyses of public and private projects pursuant to the California Environmental Quality Act.

(e) Resources on the Resource List shall be deemed to be "qualified properties" for the purpose of application of the State Historical Building Code and Section 16.04.250 of this Code.

16.49.120 Compliance with Chapter Required.

It shall be unlawful for any person to tear down, demolish, construct, alter, remove, or relocate any improvement or other resource which is on the Resource List or Palo Alto Register except as permitted in this Chapter, and in full compliance with the requirements of this Chapter, any implementing regulations or code interpretations adopted pursuant to Section 16.49.040, and any approvals granted pursuant to this Chapter.

16.49.130 Alteration of Heritage Properties.

(a) No person shall alter a Heritage Property, or cause or permit such alteration to be done, nor shall any permit for such work be issued unless the alteration has been approved by the city in accordance with this chapter.

(b) No city permits of any kind shall be issued with respect to a Major Alteration of a Heritage Property unless such permits are in compliance with any modifications, conditions or other requirements determined by the director, after review by the historic resources board, to be necessary to assure substantial compliance with the Secretary of the Interior's Standards for Rehabilitation.

(c) Applications for an alteration of a Heritage Property shall be made to the department on a form provided by the director. There shall be no fee for review of a proposed alteration under this Chapter. Applications shall include all information specified by the director.

(d) Within ten (10) working days of determining that an application is complete, the director shall i) determine if the proposed project qualifies as maintenance or repair exempt from review under this chapter, a Major Alteration, a Minor Alteration, or a Demolition; and ii) send notice to the applicant of the determination. The director's decision to classify a project as a Minor Alteration shall also be listed on the agenda of the next available meeting of the historic resources board following the

decision. If the director determines that the proposed alteration is a Demolition, it shall be reviewed as provided in section 16.49.140. Within ten (10) days after notice is sent, the applicant may request historic resources board review of the director's determination. If the director does not alter the decision after historic resources board review, there shall be no further appeal.

(e) Maintenance and repair exempt from review under this chapter includes i) any modifications to the interior of a building; and ii) any maintenance or repair of exterior features that does not require a building permit and does not involve change in design, material, color or exterior appearance. For single-family and two-family properties, maintenance exempt from review includes the repainting of previously painted surfaces, regardless of color.

(f) The director may utilize the services of an expert consultant to the city where necessary to evaluate an application, at the expense of the applicant if the proposed alteration is a Major Alteration and the Historic Resource is neither a single-family nor two-family use.

(g) A Minor Alteration shall be subject to review by the director for the purpose of providing cooperative and constructive information to the property owner about alternative methods of substantially complying with the Secretary of the Interior's Standards for Rehabilitation. The director's comments and suggestions shall be provided in not more than two reviews, without requesting multiple resubmittals unless additional resubmittal and review is desired by the property owner. Compliance with the director's suggestions and recommendations is voluntary. An application may be disapproved only if it i) violates a provision of Title 18 (the Zoning Ordinance); ii) violates a provision of Title 16 (Building Regulations) other than those contained in this Chapter 16.49. The review shall be conducted under the procedures of Section 16.49.190.

(h) A Major Alteration shall be reviewed by the historic resources board as provided in Section 16.49.180.

16.49.135 Finding Required for Approval of Major Alterations of Heritage Properties.

(a) After review of the application by the historic resources board, the director, and city council on appeal, shall have the authority to modify a proposed Major Alteration of a Heritage Property, or impose reasonable conditions and requirements as needed, in order to assure compliance with this chapter.

(b) The following findings, based on substantial evidence in the record, must be made by the historic resources board, or by the city council on appeal, in order to approve a Major Alteration of a Heritage Property:

(1) The alterations, subject to any conditions imposed upon the approval, will not result in a substantial adverse change in the significance of the Historic Resource; and

(2) The proposed alterations have been reviewed in light of the Secretary of the Interior's Standards for Rehabilitation and are in substantial compliance with the Secretary of the Interior's Standards for Rehabilitation.

16.49.140 Demolition of Heritage Properties.

(a) No person shall demolish a Heritage Property, or cause or permit such demolition to be done, nor shall any permit for such demolition be issued unless the demolition has been approved by the city in accordance with this chapter.

(b) Applications for demolition of a Heritage Property shall be made to the department on a form provided by the director, accompanied by the fee set forth in the municipal fee schedule. Applications shall include all information specified by the director.

(c) The director may utilize the services of an expert consultant, such as an engineer or preservation architect at the expense of the applicant if the property proposed for demolition is neither a single-family nor two-family use.

(d) A Heritage Property may be demolished if:

(1) The chief building official or the fire chief has determined that an imminent safety hazard exists and that demolition of the structure is the only feasible means to secure the public safety; or

(2) The city council finds, after review and recommendation from the historic resources board, that maintenance, use and/or alteration of the resource in accordance with the requirements of this chapter would cause immediate and substantial hardship on the property owner(s) because rehabilitation in a manner which preserves the historic integrity of the resource:

(i) Is infeasible from a technical, mechanical, or structural standpoint, and/or

(ii) Would leave the property with no reasonable economic value because it would require an unreasonable expenditure taking into account such factors as current market value, permitted uses of the property, the value of transferable development rights and the cost of compliance with applicable local, state, and federal codes.

Costs necessitated by the neglect or failure of the current owner(s) to maintain the property need not be taken into consideration in making this finding, or

(3) The city council finds, after review and recommendation from the historic resources board, that retention of the Heritage Property in its present location would prevent the substantial furtherance of a competing Comprehensive Plan goal.

(e) The application shall be reviewed under the procedures set forth in section 16.49.180.

16.49.150 Major Alteration of Resource List Properties.

(a) No person shall perform or cause to be performed a Major Alteration of a Historic Resource identified on the Resource List without first applying for and obtaining the director's review certification for the proposed Major Alteration in accordance with this section.

(b) Application for the director's review of a Major Alteration of a Resources List shall be made to the department on a form provided by the director.

(c) The director's review shall be for the purpose of providing cooperative and constructive information to the property owner about whether the proposed Major Alterations meet the Secretary of the Interior's Standards for Rehabilitation. If the proposed Major Alteration does not comply with the Secretary of the Interior's Standards for Rehabilitation, the director shall suggest and recommend design alterations that would eliminate or minimize the areas of non-compliance. The director shall provide suggestions and recommendations in no more than two reviews, without requesting multiple resubmittals unless resubmittal and additional review is desired by the property owner. Each review shall be completed within thirty days of the submittal or resubmittal unless the applicant requests additional time.

(d) Compliance with the director's suggestions and recommendations shall be voluntary following issuance of the director's review certification.

(e) Major Alteration Delay. If the director determines that the proposed alterations may result in significant adverse change in the historic integrity of the resource, to the point that the altered property would no longer be eligible for listing on the Palo Alto Register under the criteria of section 16.49.060(b), issuance of the director's review certification for Major Alteration of a Historic Resource included on the Resource List will be delayed to permit the city to determine whether the Historic Resource should be designated as a Heritage Property. The delay may be up to six months in length, but shall be no longer than is necessary to complete the determination.

(f) The procedure for review shall be that in Section 16.49.190.

16.49.155 Demolition of Resource List Properties.

The issuance of a demolition permit for a Historic Resource included on the Resource List will be delayed to permit the city to determine whether the Historic Resource should be designated as a Heritage Property. The delay may be up to six months in length, but shall be no longer than is necessary to complete the determination. The procedure for designation shall be that set forth in Section 16.49.080. If the council decides not to designate the property as a Heritage Property, it shall be removed from the Resource List.

16.49.160 Major Alterations of Contributing Resources in Historic Districts.

Alteration of Contributing Resources in Historic Districts shall be regulated in the same manner as Alterations to Heritage Properties.

16.49.165 Demolition and Replacement of Contributing Resources in Historic Districts.

(a) No person shall demolish a Contributing Resource in a Historic District, or cause or permit such demolition to be done, nor shall any permit for such demolition be issued unless the demolition has been approved by the city in accordance with this chapter.

(b) Applications for demolition of a Contributing Resource shall be made to the department on a form provided by the director, accompanied by the fee set forth in the municipal fee schedule. Applications shall include all information specified by the director.

(c) The director may utilize the services of an expert consultant, such as an engineer or preservation architect at the expense of the applicant if the property proposed for demolition is neither a single-family nor two-family use.

(d) A Contributing Resource may be demolished if:

(1) The chief building official or the fire chief has determined that an imminent safety hazard exists and that demolition of the structure is the only feasible means to secure the public safety; or

(2) The city council finds, after review and recommendation from the historic resources board, that maintenance, use and/or alteration of the resource in accordance with the requirements of this chapter would cause immediate and substantial hardship on the property owner(s) because rehabilitation in a manner which preserves the historic integrity of the resource:

(i) Is infeasible from a technical, mechanical, or structural standpoint, and/or

(ii) Would leave the property with no reasonable economic value because it would require an unreasonable expenditure taking into account such factors as current market value, permitted uses of the property, the value of transferable development rights and the cost of compliance with applicable local, state, and federal codes.

Costs necessitated by the neglect or failure of the current owner(s) to maintain the property need not be considered in making this finding; or

(3) The city council finds, after review and recommendation from the historic resources board, that:

(i) The property proposed for demolition is a single-family or two-family residence, modest in scale compared to the size of the lot on which it is located, cannot readily be enlarged in a way that preserves its historic significance, and because of its age, maintenance, or original construction is not well suited to contemporary residential use, and

(ii) Demolition of the Contributing Resource will not have a substantial adverse impact on the historic significance or integrity of the District.

(e) The application shall be reviewed under the procedures set forth in section 16.49.180.

(f) The replacement structure shall be regulated in the same manner as replacements of non-contributing structures.

16.49.170 Major Alteration or Replacement of Non-contributing Resources in Historic Districts.

(a) No person shall perform or cause to be performed a Major Alteration or Demolition and replacement of a Non-contributing Resource in a historic district without historic resources board review of the proposed Major Alteration or replacement structure in accordance with this section.

(b) Application for historic resources board review of a Major Alteration or Demolition and replacement of a Non-contributing Resource in a Historic District shall be made to the department on a form provided by the director.

(c) Historic resources board review of a Major Alteration shall be for the purpose of providing cooperative and constructive information to the property owner about whether the proposed Major Alteration is compatible with the Historic District. If the proposed Major Alteration is not compatible with the Historic District, the historic resources board shall suggest and recommend design alterations that would eliminate or minimize the areas of incompatibility. The historic resources board shall provide its suggestions and recommendations in not more than two reviews, without requesting submittals unless resubmittal and additional

review is desired by the property owner. Compliance with historic resources board suggestions and recommendations shall be voluntary.

(d) Historic resources board review of a Demolition and replacement shall be for the purpose of determining whether the proposed replacement structure or structures are compatible with the Historic District and do not have an adverse affect on other properties in the vicinity. The new structure need not imitate the architecture of the district but shall be designed to be compatible with the District in terms of massing, scale, size, material, texture, and, except in the case of single family and two-family residences, color. If the proposed replacement structures meet these standards, the historic resources board shall recommend to the director approval of the project. If either standard is not met, the historic resources board shall recommend to the director either approval, denial, or approval with conditions and modifications that will permit the project to meet these standards. Compliance with conditions and modifications is mandatory.

16.49.180 Historic Resources Board Review.

(a) Each application for a Major Alteration or Demolition of a Heritage Property or any property within a Historic District shall be considered by the historic resources board at a public hearing. The historic resources board may continue the hearing for no more than thirty days without the consent of the applicant.

(b) Notice of the time, place and purpose of the hearing shall be given at least twelve days prior to the date of the hearing by publication at least once in a newspaper of general circulation, by certified mail to the owner of record of the property, and by first class mail to the applicant and to the owners of property within three hundred (300) feet of the site, as shown on the most recent equalized assessment role.

(c) The historic resources board, based upon the appropriate findings, recommend to the director approval or disapproval of the application, and any appropriate conditions.

(d) Following receipt of the recommendation of the historic resources board, the director shall either accept the historic resources board's recommendation and act upon the application accordingly, or return the application to the historic resources board within thirty (30) days for reconsideration. Following any reconsideration, the director shall act upon the application and may approve, disapprove or modify the historic resources board's recommendation.

(e) The director's written findings and notice of decision shall be delivered to the applicant by mail.

(f) The applicant shall bear the burden of proof for all findings required for approval of an application for Demolition or Major Alteration under this Chapter.

16.49.190 Director's Decision Making.

(a) Each application for which this chapter requires the director's review shall be considered by the director unless the applicant requests the application to be considered by the historic resources board.

(b) No hearing shall be required unless consideration by the historic resources board is requested by the applicant. Notice of the time, place and purpose of the hearing shall be given at least twelve days prior to the date of the hearing by publication at least once in a newspaper of general circulation, and by first class mail to the applicant, to the owner(s) of the property, and to the owners of property within three hundred (300) feet of the site.

(c) The director shall, based upon the appropriate findings, approve or disapprove the application, and shall attach any appropriate conditions.

(d) The director's written findings and notice of decision shall be delivered to the applicant by mail.

16.49.200 Appeals.

(a) Except as provided in Section 16.49.130 (d), any person aggrieved by the action of the director or historic resources board, or any city council member, may file an appeal with the city council. An appeal of an action on a project shall be filed not later than eight working days after the effective date of the director's decision and action on a project. Any such appeal shall be filed in accordance with the provisions of Chapter 18.93.

(b) Any appeal shall be filed with the city clerk. There shall be no fee.

(c) The council may reverse or affirm wholly or partly, or may modify any decision, determination, or requirement of the director, and may make such decision or determination or may impose such conditions as the facts warrant with respect to the appeal and to the determination appealed, and the decision or determination of the council shall be final.

(d) The decision of the council shall be effective immediately. Notice of the council's decision shall be mailed to the original applicant, to the person filing the appeal, and to any other person who has filed a written request therefor with the city clerk.

16.49.210 Damage by Natural Disaster.

(a) No structure that is listed on the Palo Alto Register and that has been damaged due to a natural disaster as defined in California Public Resources Code section 5028, may be demolished,

destroyed, or significantly altered, except in accordance with the requirements of that section and this chapter.

(b) If within the thirty-day review period required under Public Resources Code section 5028, the state determines that a single-family or two-family structure should not be demolished, destroyed, or significantly altered except in accordance with the Secretary of the Interior's Standards for Rehabilitation, the property owner may apply to the city for removal of the property from the Palo Alto Register. The council may grant such request if, after taking into consideration the condition of the property and the economic and other circumstances of the owner, it finds that continued listing of the property on the Palo Alto Register would be an undue hardship. If the council makes such a finding, the property shall be removed from the Palo Alto Register immediately.

16.49.220 Salvage of Building Materials. When demolition of a property on the Palo Alto Register or Resource List is allowed under this Chapter, the city shall provide the owner(s) of the resource to be demolished with information about salvage of historical building materials. At least ten (10) days prior to the date when demolition is scheduled to commence, the owner(s) shall provide the director with written notice, and publish notice in a newspaper of general circulation, of the availability of materials for salvage, including the name and telephone number of a contact person. Upon request, the director may make this information available to persons who may be interested in contacting the owner(s) to arrange for possible salvage of historic building materials.

16.49.230 Preliminary Review.

(a) For the purpose of securing the advice of the historic resources board before making an application for the historic resources board's recommendation on a project, an applicant may bring a project before the historic resources board for preliminary review during a regularly noticed study session. The comments of the historic resources board members during a preliminary review shall not be binding on the historic resources board's later formal recommendation on the project. If the applicant wishes to proceed with the project, he or she must then file an application and, in the case of an application for demolition, pay the required application fee.

(b) The director may require a project applicant to participate in preliminary review before an application for a Major Alteration will be accepted as complete, upon a determination that the project:

(1) Involves actions described as not recommended in the Secretary of the Interior's Standards for Rehabilitation;

(2) Involves multiple city approvals such as rezoning or variances; or

(3) Is of such scope or nature that it could potentially have a significant adverse impact on the historic resource.

(c) Preliminary review will be conducted informally but shall be noticed in the same manner as is required for action on the underlying project application.

16.49.240 Maintenance of Properties on the Palo Alto Register.

(a) The owner, lessee or other person legally in possession or control of a property on the Palo Alto Register shall maintain it and keep it in good repair, and shall comply with all applicable codes, laws and regulations governing the maintenance of property. Good repair is that level of maintenance and repair which furthers the continued availability and integrity of such resource and prevents deterioration, dilapidation, and decay.

(b) The owner, lessee or other person legally in possession or control of a building which is a property on the Palo Alto Register shall preserve from neglect of its exterior features, and the interior portions thereof when such maintenance is necessary to prevent deterioration and decay of the exterior or the loss of economic use of the property.

16.49.250 Enforcement.

(a) Unlawful Alteration or Demolition.

(1) Violation--Penalties. It is unlawful for any person or entity to alter, demolish or cause to be altered or demolished any structure in violation of any of the provisions of this chapter. Any person or entity violating these provisions is guilty of a misdemeanor for each day of the violation.

(2) Civil Penalty. Any person or entity who demolishes or substantially alters or causes substantial alteration or demolition of a structure in violation of the provisions of this chapter shall be liable civilly, in the case of a demolition, in a sum equal to the replacement cost of the building, or, in the case of an alteration, the cost of restoration of the altered portion of the building in substantial compliance with the Secretary of the Interior's Standards.

(3) Injunctive Relief. The city attorney may maintain an action for injunctive relief to restrain a violation or cause, where possible, the complete or partial restoration, reconstruction, or replacement in kind of any structure demolished, altered or partially demolished in violation of this chapter.

(4) Restriction on Development. Alteration or demolition of a structure in violation of this chapter shall authorize the director to issue a temporary moratorium on development of the subject property, not to exceed twenty-four months from the date the violation occurred. The purpose of the

moratorium is to provide the city an opportunity to study and determine appropriate mitigation measures for the alteration or removal of the structure, and to ensure measures are incorporated into any future development approvals for the property. Mitigation measures as determined by the director shall be imposed as a condition of any subsequent permits for development on the subject property.

(b) Remedies Not Exclusive. The remedies provided by this section are not exclusive.

16.49.260 Integration with Other Provisions. Nothing in this Chapter shall be construed as waiving, modifying, eliminating, or mitigating the requirements of any other provision of this code. In the case of any conflict, the most restrictive shall apply.

16.49.270 Severability. If any provision or clause of this chapter is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions of this chapter, and clauses of this chapter are declared to be severable.

SECTION 3. Chapter 18.18 is hereby added to the Palo Alto Municipal Code to read as follows:

**CHAPTER 18.18
SPECIAL SINGLE-FAMILY AND TWO-FAMILY PALO ALTO
HISTORIC REGISTER PROPERTIES REGULATIONS**

18.18.010 Specific Purposes.

The special design standards in this Chapter and in Chapter 16.49 are intended to permit and encourage the conservation through continued use of historic single-family and two-family properties as residences. The goal is to permit desired alterations of such properties that are respectful of the historic integrity of the property, the desirable characteristics of the neighborhood in which they are located, and the privacy of adjacent homes.

18.18.020 Applicability of Regulations.

The standards in this Chapter are applicable to properties included in the Palo Alto Register as Heritage Properties or Historic District Contributing Resources, ("Protected Historic Resources") as described in Chapter 16.49.

18.18.030 Substantial Compliance with Secretary of Interior's Standards Required.

No permit shall be issued for an alteration making use of the special design standards of this chapter unless the director determines, after considering the recommendation of the historic resources board, that the project substantially complies with the

Secretary of the Interior's Standards for Rehabilitation as described in Chapter 16.49.

18.18.040 Increased Floor Area Ratio.

The permitted floor area ratio for a Protected Historic Resource shall be increased over that otherwise allowed for a parcel of the particular size and district by the lesser of fifteen percent (15%) or five hundred (500) square feet. Provided, the maximum allowable house size shall be six thousand (6000) square feet.

18.18.050 Exclusion of Basement Areas from Floor Area Ratio Calculations.

A. If a Protected Historic Resource has a finished level of the first floor more than thirty-six (36) inches above grade at the time that it is placed on the Palo Alto Register, neither the basement nor any new basement constructed under that building shall be included in floor area calculations if:

(1) The height of the finished level of the first floor above grade of the historic structure is not altered; and

(2) Any grade change or excavation at the base of the structure is minimal and consistent with the historical appearance of the structure.

B. For the purposes of this Chapter, "basement" shall mean a habitable area below the first story.

18.18.060 Exclusion of Attic Areas from Floor Area Ratio Calculations.

A. Attic areas in existence at the time a property is placed on the Palo Alto Register shall not be included in floor area unless they are enlarged or expanded.

B. For the purposes of this Chapter, an attic is defined as that area more than seventeen (17) above the first floor level of a one story building and that area more than twenty six (26) feet above the first floor level for any two-story portion of a building.

18.18.070 Historic Home Improvement Exceptions.

(a) The director may, after review and recommendation by the historic resources board, grant an exception to otherwise applicable site-development standards for construction of a Minor Alteration as defined in Chapter 16.49. Application shall be made as provided in Section 18.90.020.

(b) An exception may be granted to site development standards including but not limited to: minimum front yard, minimum rear yard, minimum side yard, maximum site coverage, maximum

height, including daylight plane, lot size and, covered-parking requirements but not off-street parking requirements;

(c) Notice of the time, place and purpose of the hearing shall be given at least twelve days prior to the date of the hearing by publication at least once in a newspaper of general circulation, by certified mail to the owner of record of the property, and by first class mail to the applicant and the owners of record of property within three hundred feet of the exterior boundary of the property which is the subject of the application, as such owners are shown on the last equalized assessment roll.

(d) At the time and place set for hearing the historic resources board shall hear evidence for and against the application. The hearing shall be open to the public. The historic resources board may continue the hearing from time to time. The historic resources board shall recommend to the director of planning and community environment that the exception be approved, disapproved, or modified, including the imposition of conditions, by making findings in accordance with the standards contained in this chapter any such guidelines as are issued by the director from time to time pursuant to Chapter 16.49.040.

(e) Within three working days after the conclusion of the hearing, the director of planning and community environment shall either approve, disapprove or modify the exception, making findings in accordance with the standards continued in this chapter and any such guidelines as are issued by the director from time to time pursuant to Chapter 16.49.040.

(f) In order to grant an exception, the director of planning and community environment must find, after considering the application, all testimony offered at the public hearing (if any) and the recommendation of the historic resources board (if any) that:

(1) There are exceptional or extraordinary circumstances or conditions applicable to the property involved, including but not limited to the historic pattern of development of the property and the neighborhood, that do not apply generally to property in the zoning district;

(2) The granting of the exception is desirable for the preservation of an existing historic character or neighborhood feature, or protected tree as defined in Chapter 18.10 or other significant tree or landscape feature which would be precluded by the strict application of site-development regulations;

(3) The granting of the exception will not be detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare, or convenience; and

(4) The project for which the exception is requested, as approved, will conform to the Secretary of the Interior's Standards for Rehabilitation.

18.18.080 Relocation of Structures to Another Property.

When relocation of a Protected Historic Resource to another property is necessary in order to prevent its demolition, a historic home improvement exception may be used to permit the placement of the relocated structure(s) on the new site. Notice shall be given.

SECTION 4. Section 16.04.310 of Chapter 16.04 of Title 16 of the Palo Alto Municipal Code is hereby amended to read as follows:

16.04.250 Section 8-102 of State Historical Building Code amended - Purpose.

Section 8-102 of the State Historical Building Code is amended to read:

It is the purpose of this part to provide alternative building regulations for the rehabilitation, preservation, restoration (including related reconstruction), or relocation of buildings or structures listed on the National Register of Historic Places, the California Register of Historic Resources, or, pursuant to Chapter 16.49 of this Code, the Palo Historic Register or the Palo Alto Resource List. Such alternative building regulations are intended to facilitate the restoration or change of occupancy so as to preserve their original or restored architectural elements and features, to encourage energy conservation and a cost-effective approach to preservation, and to provide for the safety of the building occupants.

SECTION 5. Section 17958 of the California Health and Safety Code provides that the city may make changes to the provisions in the uniform codes that are published in the California Building Standards Code. Sections 17958.5 and 17958.7 of the Health and Safety Code require that for each proposed local change to those provisions in the uniform codes and published in the California Building Standards Code which regulate buildings used for human habitation, the city council must make findings supporting its determination that each such local change is reasonably necessary because of local climatic, geological, or topographical conditions.

The amendments to Section 16.04.310 of Chapter 16.04 of the Municipal Code set forth in Section 4 of this ordinance are hereby found to be administrative amendments, needed to conform the terminology in the State Historical Building Code to the terminology used in Chapter 16.49 of the Palo Alto Municipal Code, regarding historic preservation.

SECTION 6. Section 16.52.040 of Chapter 16.52 of the Palo Alto Municipal Code is amended paragraph (a)(20) thereof to read:

(20) "Historic structure" means any structure that is included as a Heritage Property the Palo Alto Historic Register

individually or as a Contributing Resource in a Historic District on the Palo Alto Historic Register.

SECTION 7. Section 18.90.050 of Chapter 18.90 is amended to read:

Variance -- Findings and conditions.

(a) The zoning administrator may grant a variance from the site development regulations, the parking and loading regulations, or the special requirements of this title applicable within any district if, from the application of the facts presented at the public hearing, he or she finds:

(1) There are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to property in the same district, including but not limited to the presence of historic buildings or structures subject to preservation requirements under the Palo Alto Register.

(2) The granting to the application is necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.

(3) The granting of the application will not be injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare, or convenience.

(4) In addition to the above listed findings, in the case of a flag lot, the zoning administrator may grant a variance only if he or she makes all of the following additional findings:

(A) The granting of the application will not disrupt the established neighborhood character and aesthetics, and will not affect the health of the residents by significantly blocking out light and air;

(B) The granting of the application will not result in excessive paving, parking, potential traffic conflicts on busy streets, street tree removal or loss of private landscaping.

(C) The granting of the application will not negatively impact the privacy and quiet enjoyment of adjoining single-family residences for both indoor and outdoor use.

(b) In granting such variance, the zoning administrator may impose such reasonable conditions or restrictions as he or she deems appropriate or necessary to protect the public health, safety, general welfare, or convenience and to secure the purposes of this title.

SECTION 8. The historic resources board created by this ordinance shall be considered a continuation of the existing historic resources board, and the members presently serving shall continue to serve their appointed terms.

SECTION 9. The council has reviewed and certified as adequate an Environmental Impact Report on this project and made certain findings with respect to it as required by the California Environmental Quality Act and adopted a statement of overriding considerations.

SECTION 10. For the purposes of section 18703.3 of Title 2 of the California Code of Regulations (Fair Political Practices Commission Regulations), it is hereby found and declared that the member of the historic resources board who must be an owner or occupant of a structure on the Palo Alto Register is appointed to represent and further the interests of persons having an economic interest in real property included on or potentially eligible for inclusion on the Palo Alto Register.

SECTION 11. This ordinance shall become effective upon the commencement of the thirty-first day after the date of its adoption.

INTRODUCED: June 15, 1999

PASSED: June 28, 1999

AYES: EAKINS, FAZZINO, MOSSAR, OJAKIAN, ROSENBAUM, WHEELER

NOES:

ABSTENTIONS:

NOT PARTICIPATING: HUBER, KNISS

ABSENT: SCHNEIDER

ATTEST:

Donna J. Rogers
City Clerk

APPROVED:

[Signature]
Mayor

APPROVED AS TO FORM:

Wynne S. Furd
Senior Asst. City Attorney

[Signature]
City Manager

Ed Hawley
Director of Planning
and Community Environment

THIS DOCUMENT IS CERTIFIED TO BE AN
ORDINANCE DULY PASSED BY THE COUNCIL
OF THE CITY OF PALO ALTO AND
THEREAFTER POSTED IN THE COUNCIL
CHAMBERS ON 7/14/99 (WITHIN 15
DAYS OF ITS PASSAGE)

"I certify (or declare) under penalty
of perjury that the foregoing is true
and correct."

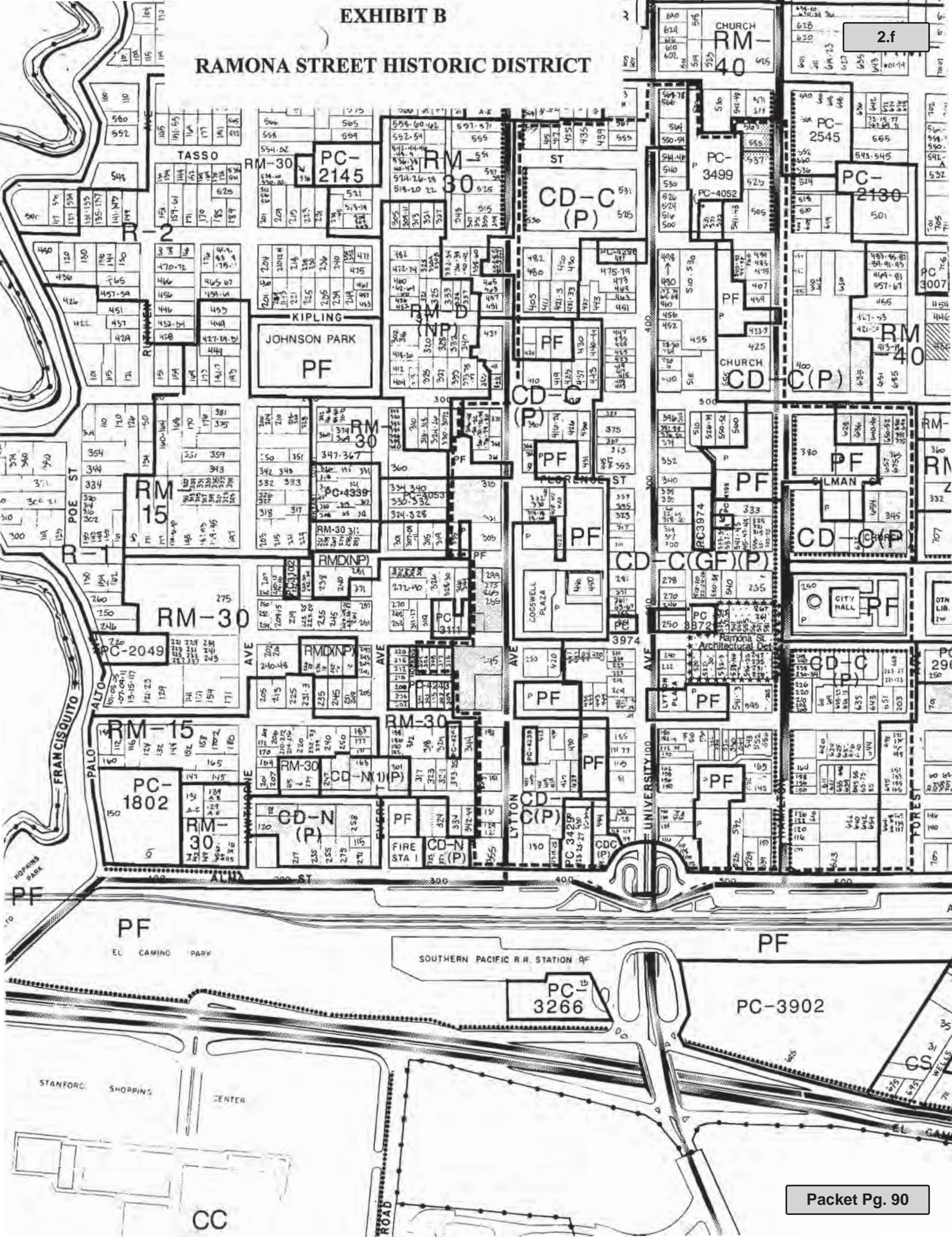
7/14/99 Palo Alto
Date & Place

Rita Swannan
Signature



PROFESSORVILLE HISTORIC DISTRICT

RAMONA STREET HISTORIC DISTRICT



ORDINANCE NO. 4633
 ORDINANCE OF THE COUNCIL OF THE CITY OF PALO
 ALTO REPEALING ORDINANCE NO. 4549, ADOPTED
 FEBRUARY 22, 1999, REGULATING DEMOLITIONS AND
 MAJOR ALTERATIONS OF CERTAIN HISTORIC RESOURCES

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

SECTION 1. The Council finds that:

(a) Ordinance No. 4549 was adopted as an urgency and interim measure to prevent the demolition of certain historic structures pending adoption of a new permanent historic preservation ordinance amending Chapter 16.49 of the Palo Alto Municipal Code.

(b) The permanent historic preservation subsequently adopted by the City Council did not take effect and was rejected by the voters of the City of Palo Alto on March 7, 2000.

(c) Because Ordinance No. 4549 was adopted as an interim measure, and in order to give effect to the voters' rejection of the permanent historic preservation, Ordinance No. 4549 should be repealed.

SECTION 2. Ordinance No. 4549 is hereby repealed.

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SECTION 3. This ordinance shall be effective on the thirty-first day after the date of its adoption.

INTRODUCED: April 24, 2000

PASSED: May 8, 2000

AYES: BURCH, EAKINS, FAZZINO, KLEINBERG, KNISS, LYTTLE, MOSSAR, OJAKIAN

NOES:

ABSENT:

NOT PARTICIPATING: BEECHAM

ABSTENTIONS:

ATTEST:

Donna J. Rogers
City Clerk

APPROVED AS TO FORM:

Wynne S. Furell
Senior Asst. City Attorney

APPROVED:

Liz Kniss
Mayor

Steve
City Manager

Ed Gault
Director of Planning and
Community Environment

[Signature]
Director of Administrative
Services

THIS DOCUMENT IS CERTIFIED TO BE AN
ORDINANCE DULY PASSED BY THE COUNCIL
OF THE CITY OF PALO ALTO AND
THE RESOLUTION POSTED IN THE COUNCIL
CHAMBERS ON 5-11-00 (WITHIN 15
DAYS OF ITS PASSAGE)

"I certify (or declare) under penalty
of perjury that the foregoing is true
and correct."

5/31/00 Palo Alto
Date & Place

Mary Jo Buccino
Signature

Attachment G

Project Plans

During the ongoing Shelter-in-Place, project plans are only available online.

Directions to review Project plans online:

1. Go to: bit.ly/PAwaitingprojects
2. Scroll to find “**160 Waverley St**” and click the address link
3. On this project specific webpage you will find a link to the Project Plans and other important information

Direct Link to Project Webpage:

<https://www.cityofpaloalto.org/News-Articles/Planning-and-Development-Services/160-Waverley-Street?transfer=f52da9c2-82b5-4470-91c3-5e84ae6f0758>