



CITY OF  
**PALO  
ALTO**

## Architectural Review Board Staff Report

**From: Jonathan Lait, Planning and Development Services Director**  
**Lead Department: Planning and Development Services**

**Meeting Date: May 4, 2023**  
**Report #: 2304-1309**

### TITLE

PUBLIC HEARING / QUASI-JUDICIAL. 3001 El Camino Real [22PLN-00229]: Recommendation on Applicant's Request for Approval of a Major Architectural Review Application Allowing Demolition of Two Existing Retail Buildings to Construct a 129 Unit, 100% Affordable, Five-story, Multi-family Residential Rental Development Utilizing Allowances and Concessions Provided in Accordance with State Density Bonus Regulations. The Units Would be Deed Restricted to Serve Tenants Meeting 30%-50% of Area Median Income. The Project Would be Located on a 49,864 Square-Foot lot Located at 3001-3017 El Camino Real. Environmental Assessment: An Initial Study/Mitigated Negative Declaration Was Circulated for a 30-day Public Review Beginning on February 13, 2023 and Ending on March 15, 2023 in Accordance with the California Environmental Quality Act (CEQA). A Final MND is available for review. Zoning District: CS (Service Commercial). For More Information Contact the Project Planner Claire Raybould at [Claire.Raybould@cityofpaloalto.org](mailto:Claire.Raybould@cityofpaloalto.org)

### RECOMMENDATION

Staff recommends the Architectural Review Board (ARB) take the following action(s):

1. Consider the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan (Attachment G); and
2. Recommend approval with conditions based on the findings in Attachment B and conditions of approval in Attachment C.

### EXECUTIVE SUMMARY

The proposed 100% affordable housing project, located on El Camino Real between Acacia Avenue and Olive Avenue, includes 129 residential rental units to be provided to very low income (30%-50% of Area Median Income) tenants on a 1.14-acre parcel. The project would replace two vacant structures (formerly Mike's Bikes retail use totaling 9,000 sf) and a surface parking lot. The applicant filed a complaint pre-application in accordance with Senate Bill 330 on May 17, 2022. Therefore, the project analysis is based on the applicable objective standards in place at the time the SB 330 pre-application was submitted, which does not include the City's new objective design standards (PAMC Chapter 18.24).

The affordable project qualifies for up to four concessions, or changes to City standards, to accommodate the development. This is in accordance with the State Density Bonus allowances (California Government Code §65915) and Palo Alto Municipal Code (PAMC) Chapter 18.15. This project qualifies based on the percentage and income level restrictions on the provided units. Separately, the project is eligible for a height increase of up to 33 feet, unlimited density, and exemptions from parking requirements based on the site's proximity to a major transit stop. The applicant has requested four concessions to allow for:

- An increase in floor area ratio from 0.6:1 to 2.7:1;
- An increase in lot coverage from 50% to 74%;
- A reduced rear setback on Acacia Avenue from 10 feet to 5 feet;
- Change in location of open space to allow some of the common usable open space to be provided on the second-floor podium.

A stair feature at each end of the building would bring the buildings height to 66 feet, three inches, where between 68 and 83 feet is allowed under state density bonus law (68 feet within 150 feet of R-1 zoning and 83 feet beyond). Most of the new five-story building would be 60 feet above grade. A location map for the proposed project is included in Attachment A and the project plans are included in Attachment I.

The City, acting as the lead agency in accordance with the California Environmental Quality Act (CEQA), prepared an Initial Study/Mitigated Negative Declaration (MND) for the proposed project. The CEQA document was circulated for a 30-day public review beginning February 13, 2023. The comment period ended on March 15, 2023. The Draft MND, together with the response to comments and summary of changes to the Draft MND in Attachment H constitutes the Final MND.

## BACKGROUND

On November 17, 2022 and March 2, 2023, the ARB reviewed the project. Minutes from the Board's meetings are available online.<sup>1,2</sup> The Board's comments and the applicant's response to those comments are summarized in the following table:

ARBs Comments	Applicant's Response
<p><b>Building Circulation:</b> Provide a direct internal connection with a more efficient internal circulation on all floors. Including:</p> <p>a) A laundry facility with a minimum of 200-foot horizontal linear connection to the corridor</p>	<p>a) Laundry</p> <p>We have provided an internal connection to the Laundry Room on the Ground Level. The Laundry Room is about 390 feet away via the elevator for the most remote unit on a typical floor. We have intentionally located the Laundry Room adjacent to the Community Room with both facing the exterior Common Open Space as</p>

<sup>1</sup> Minutes of the November 17, 2023 ARB Hearing are available online at:

<https://www.cityofpaloalto.org/files/4d4d951f-0e07-4993-b520-a567ffb1aa90/ARB-11.17-Approved-Minutes.pdf>

<sup>2</sup> Minutes of the March 2, 2023 ARB hearing are available online at:

<https://www.cityofpaloalto.org/Departments/Planning-Development-Services/Architectural-Review-Board-ARB/Current-ARB-Agendas-Minutes>

<ul style="list-style-type: none"> <li>b) A trash room/shoot with a minimum of 200-foot horizontal linear connection to the corridor</li> <li>c) Direct connection to the vehicle parking</li> <li>d) Direct connection to the bicycle parking</li> <li>e) Direct connection to the fitness center</li> </ul>	<p>we believe the Laundry Room should be connected to communal spaces. Residents can do their laundry while watching their children play outside or enjoy time with other residents in the common open space. We believe this helps build community and creates an active space that is about more than just laundry.</p> <p>b) Refuse Room The Resident Trash Room on a typical floor is about 380 feet away for the most remote unit. While we agree a centrally located Trash Room would provide greater convenience for residents, this would require the elimination of parking spaces on the ground level for the Trash Collection Room. While our project is not required to provide any parking, Charities' experience has shown that a certain ratio of parking spaces must be provided for residents to accommodate their needs. In addition, a centrally located trash room would be a greater maintenance and cost burden for Charities than a street side location given ZeroWaste's requirements for providing services, i.e. either by Charities having to manage the transport of the collection bins out of the Garage to the street edge or by having to eliminate even more parking spaces to accommodate the truck maneuvering clearance for direct access in the Garage. We also considered adding another trash room on the Acacia side of the building. However, given the reconfigured Stair 1 to meet code requirements and the Community Room relocation to front Acacia in response to the ARB's recommendations, the ground level does not have the space at the Acacia end to accommodate a second trash collection room, especially along the frontage. Furthermore, adding a second trash collection room would be a significant added cost burden for the project.</p> <p>c) Bicycle Room Our current design of having a direct external bike room connection which is adjacent to the lobby front door provides the best combination of convenience, ease of access, and security for residents. Providing a direct internal connection from the bike room to the interior building creates an undesirable security weak point for</p>
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	<p>non-residents to enter the building. Therefore, the design has not been changed.</p> <p>d) Parking We are currently providing a direct internal connection to the garage area from the lobby. Residents can access the garage directly from the centrally located elevator banks.</p> <p>e) Fitness Center We believe outdoor public circulation in Palo Alto specifically is an engaging and pleasant way to access the amenity space. In response to the previous comments, we did shift the street level building mass back to provide an exterior circulation path, protected by the building overhang, directly from the lobby to the fitness center. We believe this exterior path enhances the design.</p>
<b>Building Circulation:</b> Provide a central building circulation that meets the code.	Stair 1 has been reconfigured to comply with California Building Code for internal building circulation.
<b>Curbside Drop-off/Access:</b> Provide drop off or curbside locations with access to the internal needs.	The project has been redesigned to incorporate an entry door on Acacia Ave with a connection to the building lobby. A drop-off/loading area has been added on Acacia that connects to this door.
<b>Vehicular Access:</b> Reconsider parking access from Olive or Acacia with a compelling report that demonstrates the best solution.	An updated diagram summarizing the two options is provided in Attachment G. We studied access from Acacia initially and determined that parking access integrates better with future Palo Alto Transportation plans. Vehicular access has not been changed.
<b>El Camino Real Façade:</b> Provide greater El Camino Real façade articulation by: Breaking up the left side of the façade, provide greater differentiation at the top of the building, reconsider the vertical of the windows on the ground floor, and provide greater visibility on to the street from El Camino Real facing uses.	We have created more visibility into our community art / flex space along El Camino Real by adding windows to the facade. Again, we acknowledge that the El Camino Real Guidelines stipulates a building base, body, and roof or parapet edge and we believe our project accomplishes this successfully.
Locate the Community room so it fronts a public right-of-way.	We were able to reconfigure and improve the ground level plan to accommodate the community room along Acacia Avenue.
Modify the white material to be less bright or white.	We appreciate this comment and have selected white based on aesthetics. As this is not a code issue, we will keep the white material as part of the design.
Verify that the use of corten and natural wood finishes will work within the budget of the project.	These are the planned materials for the project and based on current construction pricing we can provide these materials.

<p>Provide greater privacy and greater façade articulation at the rear ground floor units, provide ground floor unit floor plans and sections</p>	<p>We believe the current design mix of materials, i.e. concrete, metal, colored brick insets, and colored entry doors, along with the varied spacing between these elements create the desired level of facade articulation. Planting in planter boxes at each entry door patio and trees carefully coordinated with the overall landscaping will provide screening and privacy for the units.</p> <p>Our design intent for the Mews is for the space to be a unique, shared open space between a handful of residents rather than a set of separated, private units that share a pathway.</p> <p>We have provided ground level plans for the five (5) mews units and recognize the need to develop the section further. We appreciate the comment regarding the livability of these units with very high ceilings and would look to lower ceilings as needed or find opportunities for mezzanine-type spaces as we agree that the living spaces must feel comfortable, welcoming, and scaled appropriately.</p>
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## ANALYSIS

Staff has analyzed the project in accordance with applicable plans, goals, policies, regulations and adopted guidelines, as discussed further below. Staff's analysis of the applicant's response to key comments from the board during the previous hearing is also included below. Overall, the plans have not changed substantially, but refinements to the design have been made to address concerns raised by staff and/or the ARB with respect to building code compliance, to safety, and to improve consistency with the City's design guidelines, zoning, and goals and policies set forth in the Comprehensive Plan when compared to the previous submittal.

### Building Circulation

The project has not been redesigned to provide direct internal connections to the bicycle parking or the fitness center. Based on feedback from the Office of Transportation in previous design iterations, the project was redesigned to provide access to the bicycle room from the entry courtyard instead of from El Camino Real to increase the security of the room. While staff agrees that a direct internal connection versus an external connection could further improve the security of the room, the current design allows for easy access to/from the site for users while still improving the security by providing eyes on the bicycle room door from the main lobby entrance. Staff also understands that the applicant's concerns regarding additional access points into the building creating other security concerns for residents. In addition, there is no objective standard that requires the long-term bicycle parking to be accessed internally.

The access to the fitness room has not changed. While staff agrees that providing an internal connection would be better, there is no objective standard that requires this to be an internal connection. Some board members suggested removing a row of stacker parking spaces to accommodate this connection because there is no set parking requirement. However, a key concern of adjacent residents on Olive Avenue is the project's potential impact to parking availability on their street. While the state does not require parking for 100% affordable housing projects near transit, the intent of this law is to reduce barriers to development while also allowing developers flexibility in determining the parking needs of their proposed development. Charities Housing has expressed its position that the parking ratio proposed is necessary, based on their past experiences, to satisfy the future tenants' needs. Without substantial floor plan changes, reducing the number of parking spaces may improve the connection to the fitness center, but possibly at the expense of reducing the usability of the site for residents with vehicles and increasing impacts on existing residents in the surrounding area.

The laundry facilities and trash rooms have not been relocated to provide a 200-foot horizontal linear connection to the corridor. The laundry room is located on the ground floor close to Acacia Avenue. The trash room is located on the ground floor close to Olive Avenue. While staff agrees that providing shorter pathways to these commonly used facilities would be more desirable, there is no objective standard that requires a specific distance from units to these on-site facilities. Board members suggested centrally locating the trash room to address this concern. However, centrally locating the trash room would either result in larger maintenance costs and staging of large bins in the public right-of-way regularly or removing parking spaces to allow for servicing from the garage. Therefore, this re-design to centrally locate the bins may marginally improve the usability for future residents, but would increase maintenance costs, and would not necessarily improve the area for existing residents. As Charities noted in their response, they also considered two trash rooms, one along each with side street with chutes from the floors above. However, this would limit other uses along these facades that provide better pedestrian-oriented design, such as providing a community room along Acacia Avenue, and two trash rooms was more costly to maintain.

The project has been redesigned to meet building code requirements. By slightly revising the location and entrances to the southernmost stairwell, the distance between the stairwell doors and the elevator doors is 200 feet or less as required by California Building Code.

Therefore, while the project has not been redesigned in most instances to address the ARB's comments regarding building circulation, the project complies with the objective standards of the municipal code and staff believes that finding #4 relating to the functionality of the design and provisions for elements that support the building's necessary operations have been met.

#### Curbside drop-off/access

To address concerns related to delivery/mail trucks double parking on El Camino Real, the project has been redesigned to provide an exterior access point from Acacia Avenue for deliveries and other drop-off/pick-up needs. The curb cut on Acacia would be painted to designate an area along this frontage as a loading zone, as required in the Office of Transportation conditions of

approval. With this redesign, staff believes the findings for approval, particularly with respect to finding #4, can be met.

#### *Parking Access*

The applicant has not revised the location of the vehicular access. Additional information from the applicant (Attachment G) shows: the options for ingress and egress if access were provided from either Acacia or Olive Avenue, and a summary of the required turning movements under each scenario. No changes are planned for Olive Avenue, El Camino Real, or Acacia now or in the foreseeable future. Therefore, staff's analysis is based on the current conditions. The NVCAP will propose to make Ash Street a one-way southbound street in order to eliminate cut-through traffic from El Camino Real to Page Mill Road avoiding the right turn on Page Mill/Oregon Expressway. The only affect this will have on the project is that residents that may leave the site to head eastbound on Oregon Expressway would head to Park instead of Ash. This would result in roughly one additional vehicle trip every five minutes during the peak hour that would travel the full length of Olive instead of turning on Ash Street. But it will also reduce existing cut-through traffic on this street.

Under current and foreseeable future conditions, providing access from Olive Avenue would allow for northbound and southbound access to El Camino Real. A resident attempting to travel southbound on El Camino Real from Olive or Acacia would need to cross three lanes of traffic regardless of whether they do this to enter a turn pocket for a U-turn or turn left directly from Olive Avenue. As discussed in the previous staff report, the Office of Transportation has noted that either option could provide safe vehicular access to and from the site and it is not expected that either would result in a safety concern or an inconsistency with Council's Local Transportation Policy. However, the analysis was completed based on the proposed project. If the applicant were to redesign the project based on this comment, the City would require a revised transportation analysis to evaluate the Acacia/El Camino Real intersection as well as the queueing in the turn pocket on El Camino Real, to confirm these assumptions and show compliance with Council's policies related to local transportation impacts.

In addition, a redesign of the ground floor would be required to accommodate this change to ensure that the required utility rooms and transformer remain in their current locations. The current design also provides a transition between this higher-density use and single-family residences through the addition of ground-floor residential units adjacent to the single-family residential along the interior side lot line. Flipping the design would move these units toward Acacia and result in a ground-floor common open area and community room/event space adjacent to the single-family residential uses. This would result in more outdoor activity occurring adjacent to single-family residential uses, which may be noisier and less desirable for the immediately adjacent neighbor than abutting residences. The second-floor open space is designed to provide landscaping along the perimeter of the railing to soften the massing of upper levels when viewed from adjacent single-family uses. If flipped, the proposed stairwell to the common open spaces would be the prominent feature located adjacent the single-family residential use.

### El Camino Real Façade Articulation

The ARB asked the applicant to improve the El Camino Real façade by breaking up the left side of the façade, providing greater differentiation at the top of the building, reconsidering the verticality of the windows, and providing greater visibility onto the street from the El Camino Real facing uses. The ground floor of the façade has been revised to provide more visibility onto the street from the art/flex space onto El Camino Real. No revisions were made to the left side of the façade, to the vertical design of the windows, or to provide greater differentiation at the top of the building. While staff agrees with the ARB's assessment that these changes could enhance the design of the project, there is no objective standard that would require further design changes beyond those provided. Therefore, staff recommends approval of the project even though not all of these suggestions were implemented. The ARB could consider objective conditions of approval, so long as they are not cost prohibitive, to make small improvements to the design for further consistency with the findings for approval.

### Community Room

The community room has been redesigned to front Acacia, in order to provide a more pedestrian-friendly façade along that street frontage in accordance with the ARB's recommendations. This change improves the design because the façade is less walled-off from that frontage and will provide views into the building to show evidence of habitation.

### Building Color

The ARB expressed concerns about the paint choice and suggested that the applicant revise the paint choice to a less bright white. The applicant has not made this change. While staff agrees with the ARB's recommendation, there is no objective standard related to this suggested revision. Therefore, although this change was not made, staff would still recommend approving the project. The ARB could consider adding a non-subjective condition of approval related to the paint choice if this is still a key concern and can be related back to a finding.

### Ground Floor Units

The applicant has not made revisions as requested by the ARB. If desired, the ARB could consider conditions of approval to make minor modifications to the façade or entries to each unit in order to improve consistency with a specific finding. For example, raising the height of the window for the ground floor unit along Olive Avenue to provide greater privacy (the current window provides a full floor view into the living room) in compliance with Finding #2 for creating a desirable environment for residents.

### Consistency with the Comprehensive Plan, Area Plans and Guidelines<sup>3</sup>

As discussed in the previous staff report, the proposed use of the site for a 100% affordable high-density multi-family residential project in a transit-oriented location is consistent with the Service Commercial land use designation. The project is also consistent with numerous goals and policies outlined in various Chapters of the Comprehensive Plan including the Housing Element. The

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<sup>3</sup> The Palo Alto Comprehensive Plan is available online:  
<http://www.cityofpaloalto.org/gov/topics/projects/landuse/compplan.asp>



proposed project is located on a Housing Inventory Site (HIS) which is currently allocated to provide a maximum yield of nine units and a realistic yield of seven units to the City's housing inventory. However, because of the proposed consolidation of three parcels (only one of which was listed as an HIS), the applicant proposes 129 housing units. Proposed housing supports the Comprehensive Plan Goal of providing housing to support the City's fair share of regional housing needs and the location of this housing within the proximity of job opportunities within the City (including the 10-story Palo Alto Square office complex and Stanford Research Park) is consistent with the City's goal of improving the existing job/housing imbalance in Palo Alto. A consistency analysis with specific goals and policies outlined in the Comprehensive Plan is included in the findings in Attachment B. Based on the proposed uses within each land use designation, consistency with the housing element, and consistency with other policies and goals outlined in the Comprehensive Plan, staff finds the project is consistent with the Comprehensive Plan.

#### *North Ventura Coordinated Area Plan*

The City began planning for the North Ventura Coordinated Area Plan in 2018. Although this plan has not yet been adopted and therefore does not apply to the project, a summary of the project's consistency with the stated goals of the plan was provided in the previous staff report. A draft plan has not yet been made available to determine the project's consistency with the proposed plan.

#### *South El Camino Real and El Camino Real Design Guidelines*

The project site is located within the California-Ventura corridor area and is identified as a CalVentura strategic site in the South El Camino Real Design Guidelines. The guidelines note that development on El Camino Real frontage should accommodate pedestrian activity with attractive sidewalks and landscaping. New buildings should front El Camino Real with prominent facades and be clearly visible and easily accessible to pedestrians. In compliance with the Housing Accountability Act and State Density Bonus allowances, the project is primarily reviewed against objective standards. Many of the El Camino Real and South El Camino Real design guidelines standards are subjective. However, an analysis of the project's consistency with these guidelines is included in the findings in Attachment F. The project has been redesigned to improve consistency with these guidelines. Although staff agrees with the ARB's recommendations that further improvements could be made to better comply with the guideline to provide definition between the base, middle, and top (specifically between the middle and top) this guideline is not an objective standard. Staff finds that the project complies with the South El Camino Real and El Camino Real Design Guidelines, where objective standards are provided and, on balance, complies with these guidelines. Therefore, staff recommends approval of the project although further improvements were not made to improve compliance with Finding #1.

#### Zoning Compliance

A detailed review of the proposed project's consistency with applicable zoning standards is provided in Attachment D. The proposed project complies with all applicable codes or is seeking, through the state density bonus allowances, permission to deviate from certain code standards.

#### *State Density Bonus Law Compliance*

A complete analysis of the project's consistency with the state density bonus law requirements is provided in the previous staff reports for this project. In short, the project provides 100% of the units to very low income (30-50% of Area Median Income) except for the manager's units. Therefore, the project is a qualifying project in accordance with California Government Code §65915(b)(1)(G) which includes projects that provide "One hundred percent of all units in the development, including total units and density bonus units, but exclusive of a manager's unit or units, for lower-income households." Accordingly, the project is eligible for four incentives or concessions. In addition, because the project is 100% affordable and located within one-half mile of a major transit stop (California Avenue Caltrain Station), separate from the concessions or waivers, the applicant is also eligible for a height increase of up to three additional stories, or 33 feet, unlimited density, and is not required to comply with a minimum parking requirement. The requested concessions, aside from the allowable increase in height, density, and reduced parking, are detailed further in the previous staff report and include:

- Increases in floor area from 0.6 to 2.7
- Increases in lot coverage from 50% to 74%;
- A reduced rear setback on Acacia Avenue from 10 feet to 5 feet;
- Change in location of open space, some of the common usable open space to be provided on the second-floor podium. The four proposed concessions are necessary in order to reduce the per-unit cost of the proposed project, as detailed in Attachment H.

### *Objective Standards*

The applicant submitted a compliant Senate Bill 330 pre-application on May 17, 2022. Therefore, the applicable requirements for this project are based on the objective standards and regulations in effect on May 17, 2022. The project is not subject to the more recently adopted objective design standards under Chapter 18.24, which became effective in July 2022. The project is subject to context-based design criteria and performance criteria to the extent that these requirements are objective. The project complies with the objective requirements of the performance criteria (Attachment F) and context-based design criteria (Attachment B).

### Multi-Modal Access

Overall, affordable housing development located near transit (within 0.5 miles from Caltrain and 600-2,000 feet from several bus stops) and jobs allows future residents to access a greater share of destinations while reducing the need for single-occupancy vehicle trips. Consistent with the City's requirements, a Transportation Demand Management (TDM) plan is required and must show how the project will achieve a 30% reduction in vehicle trips. The applicant is currently working on this plan and the conditions of approval in Attachment C require approval of this TDM plan prior to building permit issuance.

Direct pedestrian connectivity from the public sidewalk is provided to the proposed residential use from all three streets (Olive, El Camino Real, and Acacia) with the project's primary access provided from El Camino Real. Modifications to the sidewalk increase the walking surface. The project eliminates a curb cut along El Camino Real, an improvement for the potential future bicycle path proposed along this roadway. Overall, vehicular circulation eliminates existing

entrances to the site from El Camino Real; creating a single entrance/exit onto Olive Avenue; which is more consistent with the El Camino Real design guidelines. As stated in the previous staff report, staff finds the project to be consistent with the City's adopted Bicycle and Pedestrian Transportation Plan.

### Parking

Board members recommended that the applicant explore changing the location of the vehicular access to Acacia Avenue in order to reduce traffic impacts to single-family residences along Olive Avenue. This recommendation aligns with comments from residents along Olive Avenue to move the ingress/egress in order to reduce potential parking impacts on their street. The applicant has not proposed a change to the ingress/egress for several reasons, as discussed above. An on-site space for delivery drivers/mail trucks has now been provided along Acacia and direct access from Acacia to the mail room is provided to address concerns about the mail truck or delivery drivers double parking on El Camino Real. With this change, the project complies with all of the City's requirements with respect to site access.

The project provides 103 vehicle parking spaces on site, including five ADA compliant spaces. Although this is 26 spaces fewer than the required parking in accordance with the Palo Alto Municipal Code, state law mandates that no minimum parking requirement be imposed on a 100% affordable housing project located within 0.5 miles of transit (California Government Code 65915(p)(3)). Therefore, the proposed project complies with the parking requirements. The proposed parking would be provided in five (5) different lift systems. The lift systems provided tandem, puzzle lift parking. Although each parking space is individually accessible (i.e. doesn't require moving a car to access another) the parking spaces require driving through an empty space to the rear of the lift system. While this design has not yet been permitted for a project, staff has reviewed the system and believes it will provide timely parking given the five access points. A draft condition of approval requires the garage gate to be accessible without having to leave tenant vehicles, to ensure queueing across the sidewalk and into Olive Avenue does not occur.

The project would promote increased bicycle usage by providing both short-term and long-term bicycle parking for residents and guests near entrances. The project includes 138 bicycle parking spaces within a ground-level bicycle parking room and 16 short-term bicycle parking spaces. This exceeds the 129 long-term and 13 short-term spaces required per PAMC Chapter 18.52. Therefore, the project exceeds the total required bicycle parking. The project, therefore, complies with all applicable requirements for vehicle and bicycle parking.

### **STAKEHOLDER ENGAGEMENT**

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 of a public hearing. Notice of a public hearing for this project was published in the Palo Alto Weekly on April 21, 2023, which is 12 days in advance of the meeting. Postcard mailing occurred on April 19, 2023 which is 14 days in advance of the meeting.

As noted in the previous staff report, several residents located within the vicinity of the project site along Olive expressed some concerns with respect to the proposed project. These primarily focused on the potential impacts of the project to affect parking demand on Olive Avenue, noting that the street is already overburdened by parking demand. More specifically, the residents were concerned that because the ingress/egress is located on Olive, any spillover parking would affect Olive Avenue first. Residents suggested moving the ingress/egress to Acacia to address this concern. Written public comments, which include a formal response to these comments, are included in Attachment H. Written comments have been provided by a single commenter; however, the City met with four individual residents that live on Olive Avenue that expressed these comments.

Additional comments received from Valley Transit Authority (VTA), Santa Clara County Department of Environmental Health (SCCDEH), and during the March 2, 2023 ARB hearing on the draft Mitigated Negative Declaration are discussed below.

### **ENVIRONMENTAL REVIEW**

The subject project has been 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. Specifically, an Initial Study/Mitigated Negative Declaration was circulated for a 30-day public review beginning on February 13, 2023 and ending on March 15, 2023 in accordance with CEQA. The City received three written comments on the project from SCCDEH, VTA, and from one member of the public. The City also received verbal comments on the MND from a member of the board and one member of the public during the March 2, 2023 ARB hearing. Formal responses to comments and a summary of changes to the Draft MND are available in Attachment H. This response to comments together with the Draft MND constitutes the Final MND. A link to the Draft MND, all appendices, and this response to comments is also included in Attachment I.

### **ALTERNATIVE ACTIONS**

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

1. Approve the project with modified findings or conditions;
2. Continue the project to a date (un)certain; or
3. Recommend project denial based on revised findings.

### **ATTACHMENTS**

Attachment A: Location Map

Attachment B: Findings for Approval

Attachment C: Conditions of Approval

Attachment D: Zoning Consistency Analysis

Attachment E: Applicant's Response to Vehicular Access

Attachment F: Responses to Comments and Changes to the Draft MND

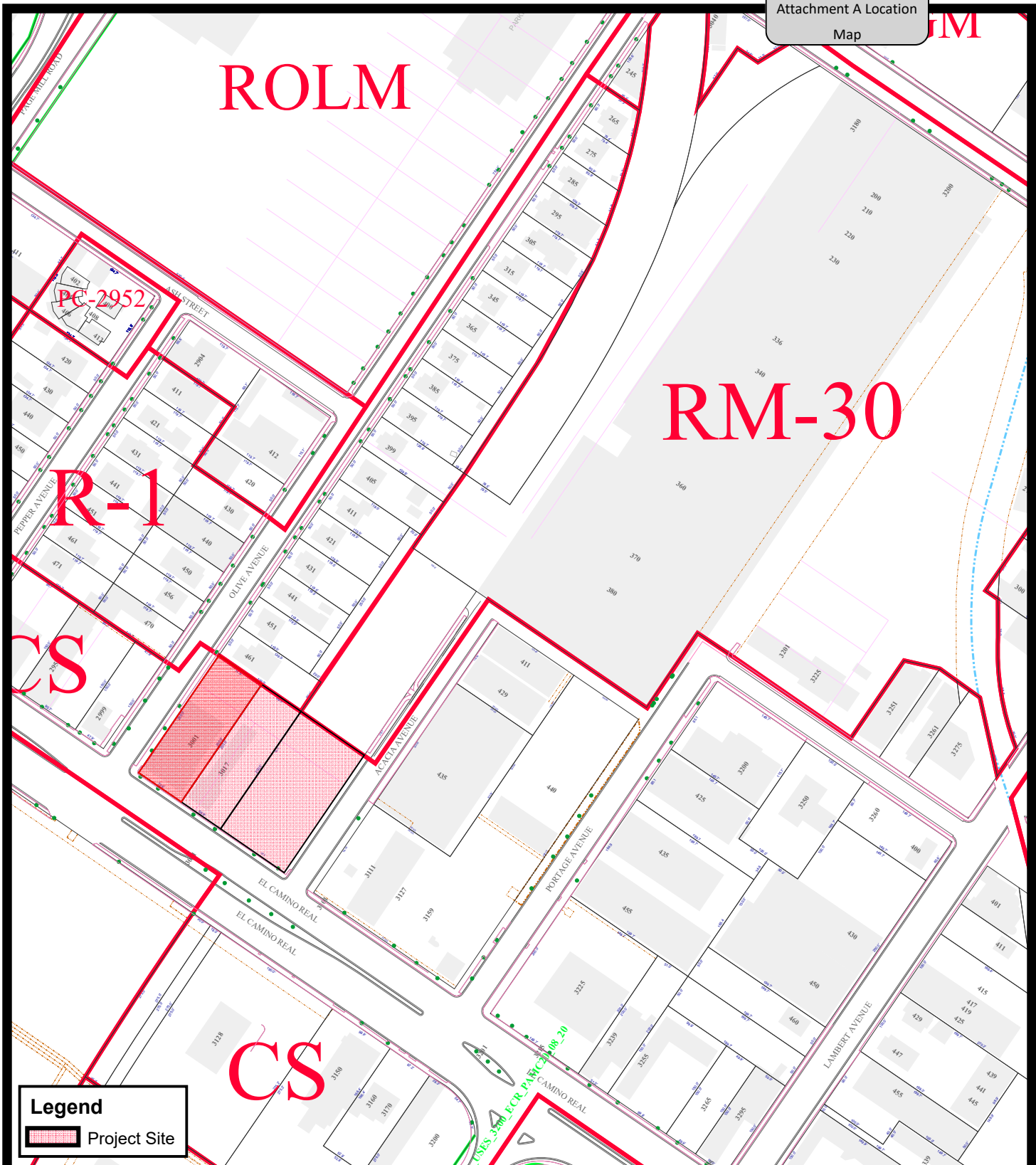
Attachment G: Project Plans and Environmental Analysis

Attachment H: Responses to Comments on the Draft IS-MND

Attachment I: Project Plans and Environmental Analysis

**AUTHOR/TITLE:**

Claire Raybould, AICP, Senior Planner

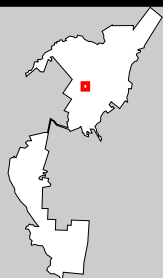


**Legend**

 Project Site



The City of  
Palo Alto



## Attachment A: Project Site

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



Packet Pg. 26

192'

ATTACHMENT B

ARB FINDINGS FOR APPROVAL

3001 El Camino Real

22PLN-00229

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

*The project is consistent with Finding #1 because:*

The proposed project complies with the zoning code except where concessions and allowances are requested in accordance with state density bonus law. The project is subject to the context-based design criteria (as outlined under finding #2) as well as the South El Camino Real and El Camino Real design guidelines to the extent that these guidelines set forth objective standards as well as the performance criterion set forth in PAMC Section 18.23 (at the time the compliant pre-application was filed) provided in Attachments E and F of the staff report, respectively. The project is not located within a coordinated area plan area. The proposed project is consistent with the Comprehensive Plan, below is an analysis of the applicable goals and policies:

Comp Plan Goals and Policies	How project adheres or does not adhere to Comp Plan
<i>The Comprehensive Plan land use designation for the site is Service Commercial</i>	The project replaces two vacant buildings that formerly housed a retail use (Mike’s Bikes) with 129 residential rental units deed restricted to very low income and within 0.5 miles of a major transit stop (Cal Ave Caltrain). This proposed multi-family use, is consistent with the service commercial land use designation, which encourages high density residential uses within 0.5 miles of transit
Land Use and Community Design	
<b>Policy L-1.2:</b> Limit future urban development to currently developed lands within the urban service area. The boundary of the urban service area is otherwise known as the urban growth boundary. Retain undeveloped land west of Foothill Expressway and Junipero Serra as open space, with allowances made for very low-	The project is located on currently development lands within the urban service area.

intensity development consistent with the open space character of the area. Retain undeveloped land northeast of Highway 101 as open space.	
<b>Policy L-1.3:</b> Infill development in the urban service area should be compatible with its surroundings and the overall scale and character of the city to ensure a compact, efficient development pattern.	The project is an urban infill development proposal in the urban service area of the city.
<b>Policy L-1.5:</b> Regulate land uses in Palo Alto according to the land use definitions in this Element and Map L-6.	The project is consistent with the land use definitions in this element and Map L-6, which identify this site as service commercial.
<b>Policy L-1.6:</b> Encourage land uses that address the needs of the community and manage change and development to benefit the community.	The project provides 129 units (exclusive of manager's units) to those with very low income (30-50% of AMI). The project seeks to addresses the housing crisis that the City Council has identified as a top priority, particularly targeting the deepest affordability levels.
<b>Policy L-1.11:</b> Hold new development to the highest development standards in order to maintain Palo Alto's livability and achieve the highest quality development with the least impacts	The project utilizes high-quality material including corten, wood and stucco and the design is high quality, meeting the ARB findings for approval.
<b>Policy L-2.5:</b> Support the creation of affordable housing units for middle to lower income level earners, such as City and school district employees, as feasible.	The project is 100% affordable to very low income.
<b>Policy L-2.8:</b> When considering infill redevelopment, work to minimize displacement of existing residents.	The project replaces vacant retail with a multi-family residential use. No residents would be displaced as a result of this project.
<b>Policy L-2.11:</b> Encourage new development and redevelopment to incorporate greenery and natural features such as green rooftops, pocket parks, plazas and rain gardens.	The project includes a communal gathering spaces in the building recesses, including a courtyard at the front of the building and at the back of the building, facing the interior lot line. The project includes a second-floor open space area near single-family residential uses with upper level landscape setbacks to screen the area and reduce massing near the single-family residential use in addition to landscape open space at the ground level.



<p><b>Policy L-3.1:</b> Ensure that new or remodeled structures are compatible with the neighborhood and adjacent structures.</p>	<p>Although the development is taller than adjacent single-story developments, the project complies with the single-family residential daylight plane requirements where adjacent to a single-family use. The project also includes greater setbacks to the main structure from the neighboring residences and includes large setbacks (~50 feet) on upper levels to provide space in-between. Landscaping is provided to buffer between uses.</p>
<p><b>Policy L-6.1:</b> Promote high-quality design and site planning that is compatible with surrounding development and public spaces.</p>	
<p><b>Policy L-3.4:</b> 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.</p>	<p>The project includes a large second floor open space areas that fronts a large courtyard entrance along El Camino Real providing an inviting entrance along this main frontage for residents and visitors that has a clear relationship with this public street. The entrance to ground floor residential uses along Olive Avenue enter into a landscaped pedestrian mews that provides privacy and serves as a buffer between the project and adjacent uses. Along Acacia Avenue, a community room fronts the street along with a pedestrian mews to provide a quality pedestrian connection with this frontage. Balconies on all frontages help to create a connection with this public ROW.</p>
<p><b>Policy L-6.2:</b> Use the Zoning Ordinance, design review process, design guidelines and Coordinated Area Plans to ensure high quality residential and commercial design and architectural compatibility.</p>	<p>The project is consistent with the City's Zoning Ordinance and, on balance, meets the City's design guidelines and the ARB findings for approval.</p>
<p><b>Policy L-6.7:</b> Where possible, avoid abrupt changes in scale and density between residential and non-residential areas and between residential areas of different densities. To promote compatibility and gradual transitions between land uses, place zoning district boundaries at mid-block locations rather than along streets wherever possible.</p>	<p>Although the project includes a five-story development adjacent single-story and two-story homes, the project complies with the setback and daylight plane requirements that would typically be required for a development on this site (matching or exceeding single-family residential requirements). At the rear of the building where the project abuts R-1 the project steps back substantially (~50 feet) at the second-floor level and above to provide additional space between the single-family residential uses. Development along El Camino Real is generally encouraged to be taller and</p>

	although existing uses are general one or two-story, projects can generally be 50 feet tall along this frontage. Across El Camino Real Palo Alto Square is a mixed-use planned community that is 8-stories tall.
<b>Policy L-6.8:</b> Support existing regulations that preserve exposure to natural light for single-family residences	The project complies with daylight plane and setbacks that would otherwise be required under the base zoning (and that exceed the single-family residential zone district requirements) where it abuts R-1 zoning.
<b>Policy L-9.2:</b> Encourage development that creatively integrates parking into the project, including by locating it behind buildings or underground wherever possible, or by providing for shared use of parking areas. Encourage other alternatives to surface parking lots that minimize the amount of land devoted to parking while still maintaining safe streets, street trees, a vibrant local economy and sufficient parking to meet demand.	The current site is primarily paved parking lot. The proposed project reduces curb cuts and provides the parking within a first-floor parking garage behind active uses along the EL Camino Real frontage.
<b>Policy L-9.3:</b> Treat residential streets as both public ways and neighborhood amenities. Provide and maintain continuous sidewalks, healthy street trees, benches and other amenities that promote walking and “active” transportation.	The project improves the street right-of-way through improved street planting and clear separation of the public sidewalk from the private property. The project increases the sidewalk along El Camino Real by providing a public easement to allow for a 12-foot effective sidewalk width. The clear walking path has been increased to 7’6” and additional planting on the interior yard and development that corresponds to the street provides a more inviting pedestrian environment.
<b>Policy T-1.17:</b> Require new office, commercial and multi-family residential developments to provide improvements that improve bicycle and pedestrian connectivity as called for in the <i>2012 Palo Alto Bicycle + Pedestrian Transportation Plan</i> . <b>Policy T-1.19:</b> Provide facilities that encourage and support bicycling and walking.	The project does not include new bicycle lanes, but is designed to ensure that future improvements would not be prohibited, particularly along El Camino Real. Improved sidewalks and amenities (landscaping, short-term bike parking, etc.) are provided. Long-term bicycle parking is also provide with direct access from El Camino Real.
<b>Policy T-5.1:</b> All new development projects should manage parking demand generated by the project, without the use of on-street parking, consistent with the established	The project provides all its required parking onsite. A TDM plan is required for the proposed project and is required to reduce trip generation by 30%. The TDM plan is currently

parking regulations. As demonstrated parking demand decreases over time, parking requirements for new construction should decrease.	being prepared.
<b>Policy N-2.10:</b> Preserve and protect Regulated Trees, such as native oaks and other significant trees, on public and private property, including landscape trees approved as part of a development review process and consider strategies for expanding tree protection in Palo Alto.	The project protects existing street trees. Any tree removed will be replaced pursuant to City requirements to ensure no net loss of canopy, as required by code.
<b>Program H2.1.2:</b> Allow increased residential densities and mixed-use development only where adequate urban services and amenities, including roadway capacity, are available.	The project is located within an urban area along the El Camino Real corridor in close proximity to high-quality transit.
<b>Goal H-2:</b> Support the construction of housing near schools, transit, parks, shopping, employment and cultural institutions	The project replaces existing vacant retail and paved parking with a new multi-family housing development in a transit-oriented location that is also near schools, shopping, and employment along El Camino Real and within the immediate vicinity of Stanford Research Park.

The project has also been reviewed for conformance with the development standards in the zoning code and found to be in compliance with the intent and regulations contained therein. A comprehensive review of the project to applicable development standards is included in the administrative record (See Attachment B for a complete zoning consistency analysis).

**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.

*The project is consistent with Finding #2 because:*

The area is comprised of a mix of single-family residential and commercial development along El Camino Real and within the immediate vicinity. The project proposes to construct a building that is taller than the immediate surrounding developments, but within the allowable standards set forth under state density bonus law for projects dedicated to 100% low income or below (in this case very low income) and within 0.5 miles of transit. The project preserves existing mature trees along the street right-of-way and enhances the permeable, planted open space area on the site. The existing structures are not historic; they are in need of repair and have been vacant for more than five years. Although taller than nearby development, the project complies with daylight plane requirements along the interior lot line where the site abuts lower density residential use. The project is stepped back at the upper levels (second floor and above) to push massing away from the property line where it abuts an R-1 zoned property.

Pursuant to PAMC 18.16.090, the following context-based design considerations and findings are applicable to this project. These context-based design criteria are intended to indicate relationships between the site's development to adjacent street types, surrounding land uses, and on-site or nearby natural features, such as creeks or trees. Effective transitions to these adjacent uses and features are strongly reinforced by Comprehensive Plan policies. The purpose is to encourage residential development in the commercial districts to be responsible to its context and compatible with adjacent development.

### **1. Pedestrian and Bicycle Environment**

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

The proposed project provides primary pedestrian and cyclist access via a courtyard on El Camino Real and pedestrian access options on both Olive Avenue and Acacia. Vehicular access is provided on the side street rather than El Camino Real. The project includes a long-term bicycle storage room along El Camino Real for cyclists and provides short-term bicycle parking in multiple locations. This is an improvement over the existing conditions, where no bicycle parking is provided. The sidewalks would be wider and activated through the building design (large windows and courtyard) to orient toward pedestrians. Improved landscape planting along the frontages would be provided.

### **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*

The project is built to the required setbacks on El Camino Real and the side streets with ground floor setbacks to allow for pedestrian overhangs, wider sidewalks, and planting on the ground floor. The design includes large windows along the ground floor frontage to allow views.

### **3. Massing and Setbacks**

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

The building complies with the required setbacks with the exception of the rear along Acacia, which has a 5-foot setback where a 10-foot setback. A concession under state density bonus allowances is requested to allow for this exceedance. The project provides setbacks adjacent to the single-family

residential uses of 50 feet at upper levels to respect the transition and provides landscaping on a second-floor open space area on the second level in order to reduce massing. Along the El Camino Real frontage, a courtyard is provided to help break up the massing along the façade.

#### **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*

The project provides setbacks adjacent to the single-family residential uses of 50 feet at upper levels to respect the transition. It also provides landscaping on a second-floor open space area to set back the useable area from the balcony edge and to reduce massing.

#### **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*

Common open space is provided in a courtyard at the front of the building, in areas along the interior, adjacent lower-density uses, and in a second-floor open space area. Private open space is also provided for the units.

#### **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*

The project provides parking within a parking garage but provides other spaces along the El Camino Real to activate the frontage including the ground floor lobby, residential services, a fitness center for residents, and bicycle parking facilities with secure access. The parking is not visible from the exterior and does not overwhelm 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*

The project is located on a site that is 1.14 acres in size. The project abuts El Camino Real. High-density housing is encouraged along this corridor, which is close to jobs (Palo Alto Square and Stanford Research Park) as well as transit and other commercial uses (e.g. California Avenue commercial district). The project is taller than neighboring structures but respects the setbacks and daylight plane adjacent to the neighboring single-family residential uses along Olive (50-foot setback to upper floors). Although it is taller than other commercial uses on the corners of El Camino Real and Olive, the streets (Acacia and Olive) provide a natural setback between the buildings.

#### **8. Sustainability and Green Building Design**

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

The project will be all-electric and is required to comply with the green building mandatory plus tier 2 requirements under the green building code. This includes requirements such as all-electric, solar

power, and electric vehicle-ready stalls. All landscaping shall be required to meet the Model water efficiency landscape ordinance requirements.

**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.**

*The project is consistent with Finding #3 because:*

The project proposes a contemporary style that reflects the modular design along this stretch of Alma. The project uses materials such as stucco, wood siding, and bronzed aluminum to provide variation in materials. The proposed colors are neutral and are compatible with surrounding color schemes. The project incorporates landscaping and reduces paving in comparison to the existing condition at the site in order to enhance the appearance of the site, particularly along the street frontage.

**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.).**

*The project is consistent with Finding #4 because:*

The design is functional, allowing for ease and safety of pedestrian and bicycle traffic to the site. The project provides short-term bicycle parking within the front courtyard as well as a couple spaces each along Acacia and Olive. A long-term bicycle parking room is also accessible from the front courtyard to provide ease of access to residents utilizing this room while allowing the entrance to be monitored by staff within the main lobby. The project also reduces curb cuts, improving the bicycling environment surrounding the site. The project provides a single point of vehicular access from Olive Avenue and can be easily accessed from Park Avenue or El Camino Real heading northbound or southbound. The project provides trash pickup from Olive avenue directly from a trash room and provides appropriate Waste-gas-water and electrical utilities rooms and connections on the site. Although providing shorter distances to the trash rooms and laundry room may be more desirable, the laundry room is located adjacent to common areas to encourage community building and the trash room is located in a manner that allows for proper refuse hauler pickup without the need to stage bins within the public right-of-way or remove units, parking, or other pedestrian-oriented amenity space along the Acacia frontage to accommodate servicing either from a central enclosure or a larger secondary enclosure for upper level residents. Although the project includes a concession for the location of open space, the required open space for the site is provided through ground floor and second floor common open areas.

**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.**

*The project is consistent with Finding #5 because:*

The project will provide drought-tolerant planting, the majority of which were selected from a California native palette. The selected varieties of trees would provide appropriate habitat for wildlife as a part of a bigger neighborhood and community wide system. Additional landscaping is provided on the second-floor open space areas.

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

*The project is consistent with Finding #6 because:*

In accordance with the City's Green Building Regulations, the project will satisfy the requirements for CALGreen Mandatory + Tier 2. This includes providing solar and being an all-electric building. Drought tolerant native planting would also help to reduce water use and the planting palette complies with the Model Water Efficiency Landscape Ordinance requirements.

**ATTACHMENT C**  
**CONDITIONS OF APPROVAL**

3001 El Camino Real  
22PLN-00229

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**PLANNING DIVISION**

1. **CONFORMANCE WITH PLANS.** Construction and development shall conform to the approved plans entitled, "3001-3017 El Camino Real Architectural Review Board, Major Project Submittal," submitted to the City on April 7, 2023 on file with the Planning Department, 250 Hamilton Avenue, Palo Alto, California except as modified by these conditions of approval.
2. **BUILDING PERMIT.** Apply for a building permit and meet any and all conditions of the Planning, Fire, Public Works, and Building Departments.
3. **BUILDING PERMIT PLAN SET.** A copy of this cover letter and conditions of approval shall be printed on the second page of the plans submitted for building permit.
4. **PROJECT MODIFICATIONS.** All modifications to the approved project shall be submitted for review and approval prior to construction. If during the Building Permit review and construction phase, the project is modified by the applicant, it is the responsibility of the applicant to contact the Planning Division/project planner directly to obtain approval of the project modification. It is the applicant's responsibility to highlight any proposed changes to the project and to bring it to the project planner's attention.
5. **ENTITLEMENT EXPIRATION.** The project approval shall be valid for a period of two years from the date of issuance of the entitlement. If within such two years period, the proposed use of the site or the construction of buildings has not commenced, the Planning entitlement shall expire. Application for a one-year extension of this entitlement may be made prior to expiration.
6. **AFFORDABILITY REQUIREMENT.** All units with the exception of the managers units shall be deed-restricted and made available to individuals making 30-50% of the area median income (AMI). A BMR Agreement in a form acceptable to the City Attorney for the deed restricted units shall be executed and recorded prior to building permit issuance.
7. **LANDSCAPE PLAN.** Plantings shall be installed in accordance with the approved plan set and shall be permanently maintained and replaced as necessary.
8. **NOISE THRESHOLDS ON RESIDENTIAL PROPERTY.** All noise producing equipment shall be located outside of required setbacks. In accordance with PAMC Section 9.10.030, No person shall produce, suffer or allow to be produced by any machine, animal or device, or any combination of same, on residential property, a noise level more than six dB above the local ambient at any point outside of the property plane.



9. **LIGHTING.** Between the hours of 10:00pm-6:00am (normal cessation of business hours), lighting within the building or on the property shall be reduced to its minimum necessary to facilitate security, in order to minimize light glare at night.
10. **OPEN AIR LOUDSPEAKERS (AMPLIFIED MUSIC).** Amplified music shall be prohibited in second floor open space areas.
11. **NOISE REPORT AT BUILDING STAGE.** At the time of building permit issuance for new construction or for installation of any such interior or exterior mechanical equipment, the applicant shall submit an acoustical analysis by an acoustical engineer demonstrating projected compliance with the Noise Ordinance. The analysis shall be based on acoustical readings, equipment specifications and any proposed sound reduction measures, such as equipment enclosures or insulation, which demonstrate a sufficient degree of sound attenuation to assure that the prescribed noise levels will not be exceeded.
12. **ACACIA ACCESS.** The access door from Acacia shall remain unlocked to provide access to the main lobby throughout the day for both delivery truck drivers and to allow for convenient access to guests or residents using the proposed short-term bicycle parking along Acacia.
13. **NOISE REPORT PRIOR TO INSPECTION.** Where the acoustical analysis projected noise levels at or within 5 dB less than the Noise Ordinance limits, the applicant shall demonstrate the installed equipment complies with the anticipated noise levels and the Noise Ordinance prior to final Planning inspection approval.
14. **FINAL INSPECTION.** A Planning Division Final inspection will be required to determine substantial compliance with the approved plans prior to the scheduling of a Building Division final. Any revisions during the building process must be approved by Planning, including but not limited to; materials, landscaping and hard surface locations. Contact your Project Planner, Claire Raybould at [Claire.Raybould@cityofpaloalto.org](mailto:Claire.Raybould@cityofpaloalto.org) to schedule this inspection.
15. **INDEMNITY.** To the extent permitted by law, the Applicant shall indemnify and hold harmless the City, its City Council, its officers, employees and agents (the “indemnified parties”) from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside or void, any permit or approval authorized hereby for the Project, including (without limitation) reimbursing the City for its actual attorneys’ fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its own choice.
16. **SIGN APPROVAL NEEDED.** No signs are approved at this time. All signs shall conform to the requirements of Title 16.20 of the Palo Alto Municipal Code (Sign Code) and shall be subject to approval by the Director of Planning.

17. **MITIGATION MONITORING AND REPORTING PROGRAM.** Mitigation Monitoring and Reporting Program (MMRP), prepared for this project in compliance with the California Environmental Quality Act (CEQA), shall be incorporated by reference as conditions of approval. The applicant shall comply with all specified mitigation measures in the timelines outlined in the project's MMRP.
18. **CALIFORNIA-OLIVE-EMERSON (COE) PLUME AREA.** Prior to issuance of building permits, the applicant shall retain a qualified environmental consultant, California Professional Geologist (PG) or California Professional Engineer (PE) to assess site conditions to determine both the nature and extent of contamination. If contamination at the site exceeds the most current environmental screening levels (ESLs) identified by the SFBWQCB, the applicant shall retain a qualified environmental consultant, California PG or California PE to prepare and submit a Site Management and Contingency Plan (SMCP) to either the DTSC, RWQCB, or the SCCDEH for approval. The SMCP shall include details regarding the pending development and evaluate remediation and/or mitigation to address any environmental risk identified in the site assessment. The applicant shall agree to and implement all recommendations of the reviewing regulatory agency approving the SMCP in order to reduce the exposure of future occupants to contaminants that exceed the applicable screening levels. If the reviewing agency requires that a sub-slab vapor intrusion barrier system or similar be installed, the Vapor Intrusion Mitigations (VIMs) shall be documented in the building permit plan set prior to issuance of the building permit.

Post construction indoor air monitoring shall be conducted for any VIMS systems and shall comply with the specific recommendations set forth by the regulatory agency approving the SMCP.

19. **WELLS.** Based on information provided by Valley Water, two wells may be located on the project site. In accordance with the mitigation measures, these wells shall either be protected in place or properly destroyed in accordance with Valley Water requirements and permits. Prior to issuance of a demolition or building permit, the applicant shall show how the project will comply with this requirement either by showing the wells as being protected in place or by showing compliance with valley water requirements for well destruction.
20. **REFUSE.** All trash areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering into the garbage container. No outdoor storage is allowed/permitted unless designated on the approved plan set. Trash areas shall be maintained in a manner to discourage illegal dumping.
21. **PUBLIC ACCESS EASEMENT.** The applicant shall include an offer of dedication for a public access easement for the additional dimension of sidewalk between the property line and back of walk and/or building edge that meets the 12-foot required effective sidewalk width as shown on the plans. Plot and label the Public Access Easement on the plans submitted for building permit. The applicant's engineer shall file the necessary documents and pay the applicable fees to dedicate the easement to the City and shall record the easement with the County Clerk Recorder following the City's acceptance of the easement prior to occupancy.
22. **PUBLIC UTILITY EASEMENT.** The applicant shall dedicate a public utilities easement for facilities

installed on private property that require an easement for maintenance purposes. The applicant's engineer shall file the necessary documents and pay the applicable fees to dedicate the easement to the City and shall record the easement with the County Clerk Recorder following the City's acceptance of the easement prior to occupancy.

## **PUBLIC WORKS ZERO WASTE**

23. REQUIRED DECONSTRUCTION. In conformance with PAMC 5.24, deconstruction and source separation are required for all residential and commercial projects where structures (other than a garage or ADU) are being completely removed, demolition is no longer allowed. Deconstruction takes longer than traditional demolition, it is important to plan ahead. For more information, visit [www.cityofpaloalto.org/deconstruction](http://www.cityofpaloalto.org/deconstruction).
24. SALVAGE SURVEY FOR REUSE. A Salvage Survey is required for deconstruction permit applications. The survey shall be conducted by a City approved reuse vendor. The survey submittal shall include an itemized list of materials that are salvageable for reuse from the project. The applicant shall source separate and deliver materials for reuse. Certification is required indicating that all materials identified in the survey are properly salvaged. Contact The ReUse People to schedule this FREE survey by phone (888) 588-9490 or e-mail [info@thereusepeople.org](mailto:info@thereusepeople.org). More information can be found at [www.TheReusePeople.org](http://www.TheReusePeople.org). Please upload a completed copy to the deconstruction permit.
25. SOURCE SEPARATION FOR RECYCLING. The applicant shall source separate deconstruction materials into specific categories for recycling. Additional staging areas for source separated materials will need to be considered. All materials shall be delivered to one of the City approved materials recovery facilities listed in Green Halo, all records shall be uploaded to [www.greenhalosystems.com](http://www.greenhalosystems.com).
26. TRASH SERVICE LOADING. On the plans submitted for building permit show a loading zone/signage that restricts parking on Olive in front of the curb cut for the trash rollout during refuse service hours to ensure that cars do not block the service area. The applicant shall bear the cost for curb painting and signage.
27. TRASH SERVICING. On the plans submitted for building permit revise the layout of the main trash collection room to provide 36 inches between each of the metal bins. No stacking of bins and carts will be allowed, each bin and cart must be equally and easily accessible. The service aisle used to maneuver the bins and carts must be 1.5 times the width of the largest bin. The plans submitted for building permit shall also note that GreenWaste will not be servicing the refuse enclosure for the first-floor residents and that a maximum of 4 – 96gal carts will be brought to the main trash collection room for service. There shall be 6 inches between each of the carts.
28. TRASH ENCLOSURES. The trash enclosure rooms shall comply with the trash enclosure area guidelines requirements. Any changes to the trash room at building permit shall ensure compliance with the requirements. If a hose bib is installed, additional requirements may apply.

29. REFUSE SEPARATION AND COLOR-CODING. Cut sheets for the color-coded internal and external containers, related color-coded millwork, and colored signage must be included in the building plans prior to receiving approval from zero waste. Containers, signage and millwork shall comply with Palo Alto Municipal Code 5.20.108. The three refuse containers shall include recycle (blue container), compost (green container), and garbage (black container). Applicant shall present on the plan the locations and quantity of both (any) internal and external refuse containers, it's millwork, along with the signage. This requirement applies to any external or internal refuse containers located in common areas such as lobby, community room, open space, and etc. except for restrooms, copy area, and mother's room. Millwork to store the color-coded refuse containers must have a minimum of four inches in height, wrapping around the full width of the millwork. Signage must be color coded with photos or illustrations of commonly discarded items. Restrooms must have a green compost container for paper towels and an optional black landfill container if applicable. Mail area must have either a recycle and trash bin only, or all three refuse receptacles (green compost, blue recycle, and black landfill container). Gym must minimally have a blue recycle container and black landfill container. Please refer to PAMC 5.20.108 and the Internal Container Guide. Examples of appropriate signage can be found in the Managing Zero Waste at Your Business Guide. Electronic copies of these signage can be found on the Zero Waste Palo Alto's website, <https://www.cityofpaloalto.org/Departments/Public-Works/Zero-Waste/What-Goes-Where/Toolkit#section-2> and hard copies can be requested from the waste hauler, Greenwaste of Palo Alto, (650) 493-4894.

#### **PUBLIC WORKS ENGINEERING**

30. PUBLIC WORKS APPLICATIONS, FORMS, AND DOCUMENTS. Applicant shall be advised that most forms, applications, and informational documents related to Public Works Engineering conditions can be found at the following link:

<https://www.cityofpaloalto.org/Departments/Public-Works/Engineering-Services/Forms-and-Permits>

31. STREETWORK PERMIT. The applicant shall obtain a Streetwork Permit from the Department of Public Works for all public improvements.

32. GRADING AND EXCAVATION PERMIT. A Grading Permit is required per PAMC Chapter 16.28. The permit application and all applicable documents (see Section H of application) shall be submitted to Public Works Engineering.

33. ADVISORY. A grading permit only authorizes grading and storm drain improvements, therefore, the following note shall be included on each grading permit plan sheet: "THIS GRADING PERMIT WILL ONLY AUTHORIZE GENERAL GRADING AND INSTALLATION OF THE STORM DRAIN SYSTEM. OTHER BUILDING AND UTILITY IMPROVEMENTS ARE SHOWN FOR REFERENCE INFORMATION ONLY AND ARE SUBJECT TO SEPARATE BUILDING PERMIT APPROVAL."

34. GEOTECHNICAL ENGINEER STATEMENT. The grading plans shall include the following statement signed and sealed by the Geotechnical Engineer of Record: "THIS PLAN HAS BEEN REVIEWED AND

FOUND TO BE IN GENERAL CONFORMANCE WITH THE INTENT AND PURPOSE OF THE GEOTECHNICAL REPORT”.

35. ENCROACHMENT PERMIT. Prior to any work in the public right-of-way, the applicant shall obtain an encroachment permit from the Public Works Department for any work that encroaches onto the City right-of-way.
36. LOGISTICS PLAN. A construction logistics plan shall be provided addressing all impacts to the public including, at a minimum: work hours, noticing of affected businesses, bus stop relocations, construction signage, dust control, noise control, storm water pollution prevention, job trailer, contractors’ parking, truck routes, staging, concrete pours, crane lifts, scaffolding, materials storage, pedestrian safety, and traffic control. All truck routes shall conform to the City of Palo Alto’s Trucks and Truck Route Ordinance, Chapter 10.48, and the route map. NOTE: Some items/tasks on the logistics plan may require an encroachment permit.
37. STORMWATER POLLUTION PREVENTION. All improvement plan sets shall include the “Pollution Prevention – It’s Part of the Plan” sheet.
38. C.3 THIRD-PARTY CERTIFICATION. Applicant shall provide certification from a qualified third-party reviewer that the proposed permanent storm water pollution prevention measures comply with the requirements of Provision C.3 and Palo Alto Municipal Code Chapter 16.11.
39. Submit the following:
  - a. Stamped and signed C.3 data form (September 2019 version) from SCVURPPP. [https://scvurppp.org/wp-content/uploads/2019/10/SCVURPPP\\_C3\\_Data\\_Form\\_September2019\\_fillable\\_final\\_9-24-19.pdf](https://scvurppp.org/wp-content/uploads/2019/10/SCVURPPP_C3_Data_Form_September2019_fillable_final_9-24-19.pdf)
  - b. Final stamped and signed letter confirming which documents were reviewed and that the project complies with Provision C.3 and PAMC 16.11.
40. C.3 STORMWATER AGREEMENT. The applicant shall enter into a Stormwater Maintenance Agreement with the City to guarantee the ongoing maintenance of the permanent storm water pollution prevention measures. The City will inspect the treatment measures yearly and charge an inspection fee. The agreement shall be executed by the applicant team prior to building permit approval. NOTE: Any revisions to the C.3 stormwater pollution prevention measures that are necessary to facilitate installation of said measures will be addressed in the agreement and the accompanying exhibits, executed by the City, and recorded with the County.
41. C.3 FINAL THIRD-PARTY CERTIFICATION PRIOR TO OCCUPANCY. Within 45 days of the installation of the required storm water treatment measures and prior to the issuance of an occupancy permit for the building, the third-party reviewer shall submit to the City a certification verifying that all the permanent storm water pollution prevention measures were installed in accordance with the approved plans.

42. **PAVEMENT RESTORATION.** The applicant shall restore sections of pavement along Olive Avenue and Acacia Avenue by performing a 3.5” grind and overlay in order to address the damage inflicted onto the road by the project. The exact restoration limits will be determined once the resulting road condition is known following completion of heavy construction activities, utility lateral installations, and curb & gutter construction. The extents that are subject to restoration are the project frontages, curb-to-curb.
43. **IMPERVIOUS SURFACE AREA.** The project will be creating or replacing 500 square feet or more of impervious surface. Accordingly, the applicant shall provide calculations of the existing and proposed impervious surface areas with the building permit application. The Impervious Area Worksheet for Land Developments form and instructions are available at the Development Center or on our website. To determine the impervious surface area that is being disturbed, provide the quantity on the site plan.
44. **PRIOR TO PUBLIC WORKS FINAL/ACCEPTANCE (STORM DRAIN LOGO).** The applicant is required to paint “No Dumping/Flows to Creek” in blue on a white background adjacent to all onsite storm drain inlets. The name of the creek to which the proposed development drains can be obtained from Public Works Engineering. Stencils of the logo are available from the Public Works Environmental Compliance Division, which may be contacted at (650) 329-2598. Include the instruction to paint the logos on the construction grading and drainage plan.
45. **PRIOR TO PUBLIC WORKS FINAL/ACCEPTANCE (RECORD DRAWINGS).** At the conclusion of the project applicant shall provide digital as-built/record drawings of all improvements constructed in the public right-of-way or easements in which the City owns an interest.

#### **OFFICE OF TRANSPORTATION**

46. **MECHANICAL LIFT PARKING.** Up to 98 required parking spaces may be provided in a puzzle parking system. At least 5 entry points/machines shall be provided to ensure queuing of cars is kept to a minimum. The parking garage entry gate shall be connected to remote control to allow drivers to operate from their vehicles in order to avoid blocking/queueing over public right-of-way.
47. **TRANSPORTATION DEMAND MANAGEMENT PLAN.** The applicant shall prepare a TDM plan for review and approval by the Chief Transportation Official (CTO) or his designee prior to the issuance of building permits. The TDM plan shall include measures and strategies to achieve the goal of reducing single-occupancy peak hour vehicle trips to the project site by a minimum of 30% in conformance with the City’s Comprehensive Plan. The TDM plan shall include an annual monitoring plan to document mode split and trips to the project site.
48. **LOADING.** The applicant shall be responsible for converting two on-street parking spaces on Acacia into the loading area. The loading area shall be marked with yellow curb paint and a MUTCD compliance loading area sign. The applicant shall submit the site plan with the building permit application for the Office of Transportation approval.

## **WASTE-GAS-WATER UTILITIES**

### **PRIOR TO ISSUANCE OF DEMOLITION PERMIT**

49. The applicant shall submit a request to disconnect utility services and remove meters. The utilities demo is to be processed within 10 working days after receipt of the request. The demolition permit will be issued by the building inspection division after all utility services and/or meters have been disconnected and removed.

### **FOR BUILDING PERMIT**

50. The applicant shall submit a completed water-gas-wastewater service connection application - load sheet for the City of Palo Alto Utilities. The applicant must provide all the information requested for utility service demands (water in fixture units/g.p.m., fire in g.p.m., and sewer in fixture units/g.p.d.). The applicant shall provide the new loads and the combined/total loads. Show on the plans by adding a text note: THIS IS AN "ALL-ELECTRIC" BUILDING PROJECT NO NEW GAS SERVICE OR GAS HOOKUPS WILL BE INSTALLED.
51. The applicant shall submit improvement plans for utility construction. The plans must show the size and location of all underground utilities within the development and the public right of way including meters, backflow preventers, fire service requirements, sewer mains, sewer cleanouts, sewer lift stations, and any other required utilities. Plans for new wastewater laterals and mains need to include new wastewater pipe profiles showing existing potentially conflicting utilities, especially storm drain pipes, and electric and communication duct banks. Existing duct banks need to be daylighted by potholing to the bottom of the duct bank to verify the cross section prior to plan approval and starting lateral installation. Plans for new storm drain mains and laterals need to include profiles showing existing potential conflicts with sewer, water, and gas.
52. The applicant must show on the site plan the existence of any auxiliary water supply, (i.e. water well, gray water, recycled water, rain catchment, water storage tank, etc.).
53. The applicant shall be responsible for installing and upgrading the existing utility mains and/or services, laterals as necessary to handle anticipated peak loads. This responsibility includes all costs associated with the design and construction for the installation/upgrade of the utility mains and/or services/laterals.
54. An approved reduced pressure principle assembly (RPPA backflow preventer device) is required for all existing and new water connections from Palo Alto Utilities to comply with requirements of California administrative code, title 17, sections 7583 through 7605 inclusive. The RPPA shall be installed on the owner's property and directly behind the water meter within 5 feet of the property line. RPPA's for domestic service shall be lead free. Show the location of the RPPA on the plans.
55. An approved reduced pressure detector assembly (RPDA backflow preventer device, STD. WD-12A or STD. WD-12B) is required for all existing and new fire water connections from Palo Alto Utilities

to comply with requirements of California administrative code, title 17, sections 7583 through 7605 inclusive. The RPDA shall be installed on the owner's property and directly behind the City's fire service, within 5' (feet) of the property line or City Right of Way.

56. All backflow preventer devices shall be approved by the WGW engineering division. Inspection by the city inspector is required for the supply pipe between the meter and the assembly.
57. The applicant shall pay the capacity fees and connection fees associated with new utility service/s or added demand on existing services. The approved relocation of services, meters, hydrants, or other facilities will be performed at the cost of the person/entity requesting the relocation.
58. A new water service line installation for fire system usage is required. Show the location of the new water service on the plans. The applicant shall provide the engineering department with a copy of the plans for the fire system including all fire department's requirements.
59. Each parcel shall have its own water service and sewer lateral connection shown on the plans.
60. A new sewer lateral is required, and a profile of the sewer lateral is required showing any possible conflicts with electric/communications duct banks or other utilities.
61. All existing water, and gas, and wastewater services/laterals that will not be reused shall be abandoned at the main per the latest WGW utilities standards.
62. Utility vaults, transformers, utility cabinets, concrete bases, or other structures cannot be placed over existing water, gas, or wastewater mains/services. Maintain 1' horizontal clear separation from the vault/cabinet/concrete base to existing utilities as found in the field. If there is a conflict with existing utilities, Cabinets/vaults/bases shall be relocated from the plan location as needed to meet field conditions. Trees may not be planted within 10 feet of existing water, gas, and wastewater mains/laterals/water services/or meters. New water or wastewater services/laterals/meters may not be installed within 10' of existing trees. Maintain 10' between new trees and new water and wastewater services/laterals/meters.
63. The applicant shall provide to the WGW Utility Engineering department a copy of the plans for the fire system including all fire department's requirements prior to the actual service installation.
64. A capacity study for water and wastewater report prepared by the developer's licensed Engineer shall be submitted to the City of Palo Alto Utilities Engineering Department. The applicant's engineer shall submit flow calculations and system capacity study showing that the on-site and off-site water and sanitary sewer mains and services will provide the domestic, irrigation, fire flows, and wastewater capacity needed to service the development and adjacent properties during anticipated peak flow demands. Field testing may be required to determine current flows and water pressures on the existing water main. Calculations must be signed and stamped by a registered civil engineer.



65. The applicant is required to perform, at his/her expense, a flow monitoring study of the existing sewer main to determine the remaining capacity. The report must include existing peak flows or depth of flow based on a minimum monitoring period of seven continuous days or as determined by the senior wastewater engineer. The study shall meet the requirements and the approval of the WGW engineering section. No downstream overloading of the existing sewer main will be permitted.
66. All utility installations shall be in accordance with the City of Palo Alto utility standards for water, gas, & wastewater.

### **ELECTRIC UTILITIES**

67. GO 95 CLEARANCE. Clearances around the existing electric utility pole and overhead electric lines must be maintained per General Order 95 requirements. Show compliance with General Order 95 clearance requirements on the plans submitted for building permit.
68. UTILITIES. A Utilities Plan is required as part of an electrical utility application. If a utility pole along Acacia is planned for removal, illustrate undergrounding plans and plans to restore service laterals.

### **PUBLIC WORKS URBAN FORESTRY**

69. PLAN SET REQUIREMENTS. The final Plans submitted for building permit shall include
- a. SHEET T-1, BUILDING PERMIT. The building permit plan set will include the City's full-sized, Sheet T-1 ([Tree Protection-it's Part of the Plan!](http://www.cityofpaloalto.org/civicax/filebank/documents/31783)), available on the Development Center website at <http://www.cityofpaloalto.org/civicax/filebank/documents/31783>. The Applicant shall **complete and sign the Tree Disclosure Statement** and recognize the Project Arborist Tree Activity Inspection Schedule. Monthly reporting to Urban Forestry/Contractor is mandatory. (Insp. #1: applies to all projects; with tree preservation report: Insp. #2-6 applies; with landscape plan: Insp. #7 applies.)
  - b. The Tree Preservation Report (TPR). All sheets of the Applicant's TPR approved by the City for full implementation by Contractor, ArborResources, Inc., shall be printed on numbered Sheet T-1 (T-2, T-3, etc) and added to the sheet index.
70. PLANS--SHOW PROTECTIVE TREE FENCING. The Plan Set (esp. site, demolition, grading & drainage, foundation, irrigation, tree disposition, utility sheets, etc.) must delineate/show Type I or Type II fencing around each Regulated Trees, using a bold dashed line enclosing the Tree Protection Zone as shown on Standard Dwg. #605, Sheet T-1, and the City Tree Technical Manual, Section 6.35-Site Plans; **or using the Project Arborist's unique diagram for each Tree Protection Zone enclosure.**

71. SITE PLAN REQUIREMENTS. Plans with Public Trees shall show (a) Type II street tree fencing enclosing the entire parkway strip or, (b) Type I protection to the outer branch dripline (for rolled curb & sidewalk or no-sidewalk situations.)

a. Add Site Plan Notes.

- i. Note #1. Apply to the site plan stating, *"All tree protection and inspection schedule measures, design recommendations, watering and construction scheduling shall be implemented in full by owner and contractor, as stated on Sheet T-1, in the Tree Protection Report and the approved plans"*.
- ii. Note #2. All civil plans, grading plans, irrigation plans, site plans and utility plans and relevant sheets shall add a note applying to the trees to be protected, including neighboring trees stating: *"Regulated Tree--before working in this area contact the Project Site Arborist at 650-654-3351 "*;
- iii. Note #3. Utility (sanitary sewer/gas/water/backflow/electric/storm drain) plan sheets shall include the following note: *"Utility trenching shall not occur within the TPZ of the protected tree. Contractor shall be responsible for ensuring that no trenching occurs within the TPZ of the protected tree by contractors, City crews or final landscape workers. See sheet T-1 for instructions."*
- iv. Note #4. *"Basement or foundation plan. Soils Report and Excavation for basement construction within the TPZ of a protected tree shall specify a vertical cut (stitch piers may be necessary) in order to avoid over-excavating into the tree root zone. Any variance from this procedure requires Urban Forestry approval, please call (650) 496-5953."*
- v. Note #5. *"Pruning Restrictions. No pruning or clearance cutting of branches is permitted on City trees. Contractor shall obtain a Public Tree Permit from Urban Forestry (650-496-5953) for any work on Public Trees"*

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

DURING CONSTRUCTION

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

74. PLAN CHANGES. Revisions and/or **changes to plans before or during construction** shall be reviewed and responded to by the (a) project site arborist, ArborResources, (650-496-5953, or (b) landscape architect with written letter of acceptance before submitting the revision to the Building Department for review by Planning, PW or Urban Forestry.

75. TREE PROTECTION COMPLIANCE. The owner and contractor shall implement all protection and inspection schedule measures, design recommendations and construction scheduling as stated in the TPR & Sheet T-1, and is subject to code compliance action pursuant to PAMC 8.10.080. The required protective fencing shall remain in place until final landscaping and inspection of the project. Project arborist approval must be obtained and documented in the monthly activity report sent to the City. The mandatory Contractor and Arborist Monthly Tree Activity Report shall be sent monthly to the City ([pwps@cityofpaloalto.org](mailto:pwps@cityofpaloalto.org)) beginning with the initial verification approval, using the template in the Tree Technical Manual, Addendum 11.
76. TREE DAMAGE. Tree Damage, Injury Mitigation and Inspections apply to Contractor. Reporting, injury mitigation measures and arborist inspection schedule (1-5) apply pursuant to TTM, Section 2.20-2.30. Contractor shall be responsible for the repair or replacement of any publicly owned or protected trees that are damaged during the course of construction, pursuant to Title 8 of the Palo Alto Municipal Code, and city Tree Technical Manual, Section 2.25.
77. GENERAL. The following general tree preservation measures apply to all trees to be retained: No storage of material, topsoil, vehicles or equipment shall be permitted within the tree enclosure area. The ground under and around the tree canopy area shall not be altered. Trees to be retained shall be irrigated, aerated and maintained as necessary to ensure survival.

#### POST CONSTRUCTION

78. MAINTENANCE. All landscape and trees shall be maintained, watered, fertilized, and pruned according to Best Management Practices-Pruning (ANSI A300-2008 or current version) and the City [Tree Technical Manual](#), Section 5.00. Any vegetation that dies shall be replaced or failed automatic irrigation repaired by the current property owner within 30 days of discovery.

#### **BUILDING DIVISION**

79. Building Permits submitted after 1/1/2023 shall comply to the 2022 Ca Building Standards Code as amended by the city of Palo Alto.
80. Illustrate CALGREEN compliance in accordance to the 2022 CALGREEN as amended by the city of Palo Alto. Additional information can be found at this link:  
<https://www.cityofpaloalto.org/Departments/Planning-Development-Services/Development-Services/Green-Building/Compliance>
81. All new buildings shall be all electric, no gas is allowed.
82. In the plans submitted for building permit clearly show the following for building code analysis:
- a. Life Safety/Exit Access code diagram (G603, G604) shall be verified at time of building permit.

- b. Pedestrian walkway (3104, CBC). At building permit please illustrate compliance with these sections and subsections applicable to this project on Sheet G604 or a subsequent sheet.
  - c. Court shall comply to 1205.3, CBC. Illustrate at time of building permit.
  - d. Sound transmission shall comply to CBC 1206 for common interior walls, partitions, floor/ceiling between units.
  - e. Show the fire separation distance: to interior lot line; to centerline of the street, and to an imaginary line between two buildings on the property. The distance shall be measured at right angles from the face of the wall. CBC section 202
  - f. Provide a complete analysis for protected and unprotected exterior wall openings per CBC section 705.8 & Equation 7-2. Openings are not allowed when the fire separation distance is less or equal to 3'. 705.8, CBC.
83. On the plans submitted for building permit clearly show the following items related to exiting:
- a. Exiting shall be provided for each story/level/building. Please include a room-to-room exit analysis and clearly define the exit elements (exit access, exit, and exit discharge) to the public way. CBC 1003.1.
  - b. Level 2 exiting plan (Sheet G603) from the common open spaces shall be reviewed for life safety and accessibility provisions.
  - c. Accessible means of egress per CBC 1009 shall be defined.
  - d. Egress balconies to comply Section 1021, CBC if this exit element is used. Detail plans on Sheet G604 to show compliance with all requirements.
  - e. Stair 1 and stair 3 are interior stairways and shall comply with CBC 1023 and other code provisions.
84. On the plans submitted for building permit the funding source shall be declared on the project plan front sheet. In addition to multifamily accessibility requirement per 11A, CBC, illustrate compliance with public housing requirements per section 11B-233, CBC.
85. On the plans submitted for building permit updated Sheet G002 to show the total EV parking counts. Parking (EV and regular accessible spaces, van, etc.) shall comply to CBC 11A, 11B, and CALGreen as amended by City of Palo Alto.
86. Submit a soil report and structural calculations as part of the building permit submittal.
87. Submit complete Mechanical, Electrical, and Plumbing design/plans and completed T24 documentation (calculations/forms) as part of the building permit submittal.
88. In buildings four or more stories above grade plane, one stairway shall extend to the roof surface unless the roof has a slope steeper than four units vertical in 12 units horizontal (33-percent slope). CBC 1011.12. See exception.
89. Outdoor developed areas provided shall comply with 11B-246, CBC. Show compliance on Sheet L003 and for similar areas.

90. Community room and shared amenities shall be accessible (CBC 11B-228) on the 1st floor shall be accessible on an accessible route to entry and exit, parking, bathrooms, elevator, etc.



## MITIGATION MONITORING + REPORTING PROGRAM

<b>PROJECT NAME</b>	3001 El Camino Real Affordable Housing Project	<b>APPLICATION NUMBER</b>	22PLN-00229
<b>APPLICANT</b>	Charities Housing 1400 Parkmoor Avenue, Suite 190 San Jose, California 95126	<b>DATE</b>	April 21, 2023

The Draft Initial Study - Mitigated Negative Declaration (IS-MND) for the 3001 El Camino Real Affordable Housing Project identify mitigation measures that will be implemented to reduce the impacts associated with the project.

The California Environmental Quality Act (CEQA) was amended in 1989 to add Section 21081.6, which requires a public agency to adopt a monitoring and reporting program for assessing and ensuring compliance with any required mitigation measures applied to proposed development. As stated in section 21081.6(a)(1) of the Public Resources Code, "... the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment."

Section 21081.6 also provides general guidelines for implementing mitigation monitoring programs and indicates that specific reporting and/or monitoring requirements, to be enforced during project implementation, shall be defined as part of adopting a Mitigated Negative Declaration.

The mitigation monitoring table lists those mitigation measures that would be included as conditions of approval for the project. To ensure that the mitigation measures are properly implemented, a monitoring program has been devised which identifies the timing and responsibility for monitoring each measure.

Mitigation Measure Number	Mitigation Measure Text	Responsible for Implementation	Timing of Compliance	Oversight of Implementation
<b>BIOLOGICAL RESOURCES</b>				
<b>BIO-1: Nesting Bird Protection</b>	Construction of the project and any other site disturbing activities that would involve vegetation or tree removal shall be prohibited during the general avian nesting season (February 1 – August 31), if feasible. If nesting season avoidance is not feasible, the applicant shall retain a qualified biologist, as approved by the City of Palo Alto, to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and activity status of any active nests on or adjacent to the project site. The extent of the survey buffer area surrounding the site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the MBTA and CFGC, nesting bird surveys shall be performed not more than 14 days prior to scheduled vegetation clearance and structure demolition. In the event that active nests are discovered, a suitable buffer (typically a minimum buffer of 50 feet for passerines and a minimum buffer of 250 feet for raptors) shall be established around such active nests and no construction shall be allowed within the buffer areas until a qualified biologist has determined that the nest is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest). No ground disturbing activities shall occur within this buffer until the qualified biologist has confirmed that breeding/nesting is completed, and the young have fledged the nest. Nesting bird surveys are not required for construction activities occurring between August 31 and February 1.	Applicant or designee/ Construction contractor	Prior to and during construction	CPA Planning Department
<b>BIO-2: Tree Preservation and Protection Plan</b>	To avoid disturbance and injury to on-site trees, the recommendations for tree preservation in the Arborist Report dated March 18, 2022 or any subsequent report prepared by a qualified Arborist that has been reviewed and approved by the City's arborist and that is equally as protective to the trees, shall be implemented. These recommendations include, but are not limited to, tree protection fencing to the extent of construction around City trees on El Camino Real and Olive Avenue, no grading encroachments closer than 6 inches to the tree trunk diameter, and periodic inspections by the Site Arborist during construction activities.			
<b>CULTURAL RESOURCES</b>				
<b>CR-1: Unanticipated Discovery of Cultural or Tribal Cultural Resources.</b>	In the unlikely event that archaeological resources are unexpectedly encountered during ground-disturbing activities, work in the immediate area should be halted and an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archeology (National	Applicant or designee/ Construction contractor	During construction	CPA Planning Department

Mitigation Measure Number	Mitigation Measure Text	Responsible for Implementation	Timing of Compliance	Oversight of Implementation
	Park Service 1983) should be contacted immediately to evaluate the find. If the find is Native American in origin, then a Native American representative should also be contacted to participate in the evaluation of the find. The qualified archaeologist, and, if applicable, the Native American representative, shall examine the find and make appropriate recommendations regarding additional work necessary to evaluate the significance of the find and the appropriate treatment of the resource. All cultural resources identified shall be evaluated for CRHR eligibility and local listing. Additional work may be necessary to evaluate the resource for inclusion in the CRHR or local listing. Recommendations could include, but are not limited to, invasive or non-invasive testing, sampling, laboratory analysis, preservation in place, or data recovery. A report of findings documenting any data recovered during monitoring shall be prepared by a qualified archaeologist and submitted to the Director of Planning. If the discovery is determined to be Native American in nature locally affiliated Native American tribes shall be invited to consult regarding the appropriate treatment of any Native American resources identified during project construction, including but not limited to a representative from Tamien Nation.			
<b>CR-2: Human Remains Recovery Procedures</b>	If human remains are unearthed, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition pursuant to the Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission.	Applicant or designee/ Construction contractor	During construction	CPA Planning Department
<b>GEOLOGY AND SOILS</b>				
<b>GEO-1: Unanticipated Discovery of Paleontological Resources</b>	<p>Prior to the start of construction, a Qualified Professional Paleontologist (as defined by SVP [2010]) or their designee shall conduct a paleontological Worker Environmental Awareness Program training for construction personnel regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff.</p> <p>In the event a fossil is discovered during construction of the project, excavation within 50 feet of the find shall be temporarily halted or delayed until the discovery is examined by a Qualified Professional Paleontologist. The project applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. If the find is determined to be significant, the applicant shall retain a Qualified Professional Paleontologist to direct all mitigation measures related to</p>	Applicant or designee	Prior to construction and during construction	CPA Planning Department



Mitigation Measure Number	Mitigation Measure Text	Responsible for Implementation	Timing of Compliance	Oversight of Implementation
	paleontological resources. The Qualified Professional Paleontologist shall design and carry out a data recovery plan consistent with the SVP (2010) standards.			
<b>HAZARDS AND HAZARDOUS MATERIALS</b>				
<b>HAZ-1: SCCDEH Regulatory Agency Submittal.</b>	<p>The project applicant shall continue to utilize Santa Clara County Department of Environmental Health (SCCDEH) Case #2018-14s for agency oversight of assessment and remediation of the project site through completion of building demolition, subsurface demolition, and construction. Prior to commencement of demolition and construction/grading activities at the project site, the project applicant shall submit the following documents to the SCCDEH project manager of the open Cleanup Program Site case:</p> <ul style="list-style-type: none"> <li>◆ Current development plan and any modifications to the development plan</li> <li>◆ All environmental documents completed for the project</li> <li>◆ Following demolition and construction grading activities, all future environmental documents completed for the project</li> </ul> <p>Subsurface soil, soil vapor, groundwater investigations, and/or other remediation reports, if required by SCCDEH after submittal of above required documents, shall be conducted in accordance with a sampling plan that shall be reviewed and approved by SCCDEH. SCCDEH may require approval of the final Site Management Plan (SMP) required by Mitigation Measure HAZ-2, below, prior to issuance of any required building or grading permits. The project applicant shall comply with SCCDEH requirements, conduct further investigations as required, and submit the results to SCCDEH.</p> <p>SCCDEH may determine that San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) or Department of Toxic Substances Control (DTSC) may be best suited to perform the cleanup oversight agency duties for the assessment and/or remediation of the Project. Should the cleanup oversight agency be transferred from SCCDEH to SFBRWQCB or DTSC, this and other mitigation measures will still apply.</p> <p>If groundwater wells or soil vapor monitoring probes are identified during demolition, subsurface demolition, or construction at the project site, they will be abandoned per Santa Clara Valley Water District (SCVWD) specifications. Abandonment activities will be documented in a letter report submitted to SCVWD within 60 days of the completion of abandonment activities.</p>	Applicant or designee	Prior to issuance of grading permit	CPA Planning Department

Mitigation Measure Number	Mitigation Measure Text	Responsible for Implementation	Timing of Compliance	Oversight of Implementation
	The SCCDEH closure and oversight agency's (SCCDEH, SFBWQCB, or DTSC) approval documents shall be delivered to and reviewed by the project applicant. The project applicant shall furnish copies of the completed reports and approval documents, including the final SMP or equivalent document required by Mitigation Measure HAZ-2, to the City Planning Department prior to issuance of grading permits.			
<b>HAZ-2: Site Management Plan</b>	<p>As described in Mitigation Measure HAZ-1, prior to commencement of demolition and construction/grading activities at the project site, the project applicant shall retain a qualified environmental consultant (PG or PE) to prepare a SMP for the project site. Where groundwater impacts are identified during implementation of Mitigation Measure HAZ-1, a groundwater management section shall be added to the SMP. The SMP shall address:</p> <ol style="list-style-type: none"> <li>1. On-site handling and management of impacted soils or other impacted wastes (e.g., stained soil, and soil or groundwater with solvent or chemical odors) if such soils or impacted wastes are encountered, and</li> <li>2. Specific actions to reduce hazards to construction workers and offsite receptors during the construction phase.</li> </ol> <p>The plan must establish remedial measures and soil management practices to ensure construction worker safety, the health of future workers and visitors, and the off-site migration of contaminants from the project. These measures and practices shall include, but are not limited to:</p> <ul style="list-style-type: none"> <li>◆ Stockpile management including stormwater pollution prevention and the installation of best management practices (BMPs)</li> <li>◆ Soil sampling procedures for imported fill material (in accordance with DTSC's 2001 Information Advisory Clean Imported Fill Material)</li> <li>◆ Proper disposal procedures of contaminated materials</li> <li>◆ Investigation procedures for encountering known and unexpected odorous or visually stained soils, other indications of hydrocarbon piping or equipment, and/or debris during ground-disturbing activities</li> <li>◆ Monitoring and reporting</li> <li>◆ A health and safety plan for contractors working at the project site that addresses the safety and health hazards of each phase of site</li> </ul>	Applicant or designee	Prior to issuance of grading permit	CPA Planning Department

Mitigation Measure Number	Mitigation Measure Text	Responsible for Implementation	Timing of Compliance	Oversight of Implementation
	<p>construction activities with the requirements and procedures for employee protection</p> <p>♦ The health and safety plan shall outline proper soil handling procedures and health and safety requirements to minimize worker and public exposure to hazardous materials during construction</p> <p>The project applicant shall implement the SMP during demolition, grading, and construction at the project site. SCCDEH shall review and approve the SMP prior to construction (demolition and grading) activities at the project site. The City shall review the SMP prior to issuance of grading permits.</p>			
<b>Noise</b>				
<b>NOI-1: Construction Vibration</b>	<p>For any activities within 25 feet of off-site sensitive receivers, static rollers, or similar alternative construction equipment that is demonstrated to have vibratory levels below the level of significance of 0.2 in/sec PPV shall be used in lieu of vibratory rollers. The applicant shall designate a disturbance coordinator who shall be responsible for responding to any local complaints about construction noise. The noise disturbance coordinator shall determine the cause of the noise complaint and shall require that reasonable measures warranted to correct the problem. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site.</p>	Applicant or designee/ Construction contractor	During construction	CPA Planning Department

**ATTACHMENT D**  
**ZONING COMPARISON TABLE**  
3001 El Camino Real, 22PLN-00229

**Table 1: COMPARISON WITH CHAPTER 18.16 (CS DISTRICT)**

Mixed Use and Residential Development Standards

<b>Regulation</b>	<b>Required</b>	<b>State Density Bonus</b>	<b>Proposed</b>
Minimum Site Area, width and depth	None		49,864 sf (No Change)
Minimum Front Yard (Olive Avenue)	0-10 feet to create an 8-12 foot effective sidewalk width <sup>(1), (2), (7)</sup>		5-foot building setback; 8 ft effective sidewalk width (curb to back of sidewalk)
Rear Yard (Acacia Street)	10 feet for residential; none for commercial	<b>Concession #3</b>	<b>5 feet</b>
Interior Side Yard	None		10 feet (second floor) 40 feet, 9 inches (floors 3-5)
Street Side Yard (El Camino Real)	None except that a 12-foot effective sidewalk width is required on El Camino Real		5 feet at ground level to create a 12-foot effective sidewalk width; balconies above extent to property line
Min. yard for lot lines abutting or opposite residential districts or residential PC districts	10 feet <sup>(2)</sup>		10 feet
Build-to-lines	50% of frontage built to setback 33% of the side street built to setback <sup>(1)</sup>		100% on Olive and Acacia  78% on El Camino Real
Max. Site Coverage	50%	<b>Concession #2</b>	<b>74%</b>
Minimum Landscape/Open Space Coverage	30% (14,959 sf)		53% (26,509 sf)
<b>Usable Open Space (Private and/or Common)</b>	150 sq ft per unit <sup>(2)</sup> (19,350 sf)	<b>Concession #4</b>	<b>100 sf per unit (12,307 sf [does not count second floor open areas])</b>
Max. Building Height	50 feet or  35 ft within 150 ft. of a residential district (other than an RM-40 or PC zone) <sup>(5)</sup>	California Government Code (§65915[f][3][d][ii]) allows 33 feet taller than local code = 68 feet within 150 feet of R-1 zoning and 83 feet beyond.	66 feet, 3 inches to top of each stairwell. Majority of building is 60 feet

Daylight Plane for lot lines abutting one or more residential zone districts other than an RM-40 or PC Zone	10 feet at property line; 45-degree angle along interior side yard property line abutting R-1		Complies
Residential Density	Sites on El Camino Real have no maximum <sup>(3)</sup>		Proposed density is 113 DU/AC
Max. Floor Area Ratio (FAR)	0.6:1 residential (29,918 sf)	<b>Concession #1</b>	<b>2.74: 1 (136,945)</b>
Minimum Mixed-use Ground Floor Commercial FAR	1,500 sf of retail <sup>(6)(10)</sup>		Not Applicable, exclusive residential uses allowed on Housing Inventory Sites

- (1) Twenty-five-foot driveway access permitted regardless of frontage; the build-to requirement does not apply to the CC district.
- (2) Required usable open space: (1) may be any combination of private and common open spaces; (2) does not need to be located on the ground (but rooftop gardens are not included as open space except as provided below); (3) minimum private open space dimension six feet; and (4) minimum common open space dimension twelve feet.
- For CN and CS sites on El Camino Real and CC(2) sites that do not abut a single- or two-family residential use or zoning district, rooftop gardens may qualify as usable open space and may count as up to 60% of the required usable open space for the residential component of a project. In order to qualify as usable open space, the rooftop garden shall meet the requirements set forth in [Section 18.40.230](#).
- (3) Residential density shall be computed based on the total site area, irrespective of the percent of the site devoted to commercial use.
- (4) For CN sites on El Camino Real, height may increase to a maximum of 40 feet, and the FAR may increase to a maximum of 1.0:1 (0.5:1 for nonresidential, 0.5:1 for residential).
- (5) Distance shall be measured from the property line of the subject site. 150-foot measurement may be reduced to 50 feet at minimum, subject to approval by the Planning Director, upon recommendation by the Architectural Review Board pursuant to criteria set forth in [Chapter 18.76](#).
- (6) Ground floor commercial uses generally include retail, personal services, hotels, and eating and drinking establishments. Office uses may be included only to the extent they are permitted in ground floor regulations.
- (7) A 12-foot sidewalk width is required along El Camino Real frontage.
- (8) In the CC(2) zone and on CN and CS zoned sites on El Camino Real, there shall be no minimum mixed-use ground floor commercial FAR for a residential project, except to the extent that the retail preservation requirements of [Section 18.40.180](#) or the retail shopping (R) combining district ([Chapter 18.30\(A\)](#)) applies.
- (9) Residential densities up to 20 units/acre are allowed on CN zoned housing inventory sites identified in the Housing Element. Other CN zoned sites not located on El Camino Real are subject to a maximum residential density of up to 15 units/acre.
- (10) In the CC(2) zone and on CN and CS zoned sites on El Camino Real, there shall be no minimum mixed use ground floor commercial FAR for a residential project, except to the extent that the retail preservation requirements of [Section 18.40.180](#) or the retail shopping (R) combining district ([Chapter 18.30\(A\)](#)) applies.

<b>Table 2: CONFORMANCE WITH CHAPTER 18.52 (Off-Street Parking and Loading) for Residential Uses</b>			
<b>Regulation</b>	<b>Required</b>	<b>State Density Bonus</b>	<b>Proposed</b>
Vehicle Parking	PAMC: 194 spaces under CS zoning; 97 spaces with AH combining district	Per California Government Code 65915(p)(3): None required	103 spaces
Bicycle Parking	1 long-term space per unit; 1 short-term space per 10 units = 129 long-term; 13 short term		138 long-term spaces; 14 short-term spaces
Loading Space	None required		None

Attachment E  
Performance Criteria 18.23  
3001 El Camino Real  
Avenue 22PLN-00229

These 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 on 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 abutting neighbors and businesses.

<b>18.23.020 Trash Disposal and Recycling</b> Assure that development provides adequate and accessible interior areas or exterior enclosures for the storage of trash and recyclable materials in appropriate containers, and that trash disposal and recycling areas are located as far from abutting residences as is reasonably possible.	<b>Project Consistency</b> The project includes a trash enclosure within the building. The facilities are fully enclosed and not in clear sight of any public right-of-way or neighbors.
<b>18.23.030 Lighting</b> To minimize the visual impacts of lighting on abutting or nearby residential sites and from adjacent roadways.	The proposed exterior lighting is sufficient to provide safe circulation and is directed downward to reduce glare and impacts to neighboring uses.
<b>18.23.040 Late Night Uses and Activities</b> 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.	The project does not include any commercial uses.
<b>18.23.050 Visual, Screening and Landscaping</b> 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.	The project is adjacent to residential uses and provides landscape screening at the ground and upper levels between the project and the adjacent single-family residential use.

<p><b>18.23.060 Noise and Vibration</b></p> <p>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 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, shall also be subject to these requirements.</p>	<p><b>Project Consistency</b></p> <p>The parking is located within a parking garage on the ground level. Access to the garage is set back substantially from the adjacent residential use. HVAC will be located on the rooftop over 50 feet from the adjacent residential uses and therefore is not anticipated to impact nearby uses. The project shall comply with PAMC 9.12; no amplified noise sources would be allowed in the open space areas of the site.</p>
<p><b>18.23.070 Parking</b></p> <p>The visual impact of parking shall be minimized on adjacent residentially zoned properties or properties with existing residential uses located within nonresidential zones.</p>	<p>The project's parking is located on the ground floor within an interior parking garage and therefore complies with this requirement.</p>
<p><b>18.23.080 Vehicular, Pedestrian and Bicycle Site Access</b></p> <p>The guidelines regarding site access impacts are intended to minimize conflicts between residential vehicular, pedestrian, and bicycle users and more intensive traffic associated with commercial and industrial districts, and to facilitate pedestrian and bicycle connections through and adjacent to the project site.</p>	<p>The site circulation facilitates easy access for all modes of transportation. The project includes short-term and long-term bike parking. The project moves the existing curb cut for vehicular access along Olive further away from the existing single-family residential use.</p>
<p><b>18.23.090 Air Quality</b></p> <p>The requirements for air quality are intended to buffer residential uses from potential sources of odor and/or toxic air contaminants.</p>	<p>No proposed uses on the project site would produce odor or toxic air. Future uses are required to comply with these performance standards.</p>
<p><b>18.23.100 Hazardous Materials</b></p> <p>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.</p>	<p>This is not applicable to the proposed residential use.</p>

## Attachment F South El Camino Real Design Guidelines

Address/File #: 3001 El Camino Real [22PLN-00229]

This checklist provides a summary of the South El Camino Real Design Guidelines in conjunction with the 1979 Council-adopted El Camino Real Design Guidelines, and the proposed project's consistency.

Guiding Principles		Proposed Project
1	Within a pedestrian node (California Av., Barron-Ventura, or Triangle at El Camino Way)	The project is not located within a pedestrian node. The project is located within the Cal-Ventura corridor.
2	A 12' sidewalk (curb face to building) with trees, planters, and seating	The project provides a 12' sidewalk from the curb to the back of the sidewalk/building along El Camino Real and 8' between the curb and back of the sidewalk on Olive Avenue (front of the parcel). Mature trees are preserved, and improvement such as windows with views in and a courtyard area with seating and landscaping is proposed.
3	Built with the front wall (building face) located at the back of the sidewalk	The project complies
4	Outdoor seating and dining, where appropriate	The project does not include any commercial uses but includes seating within the courtyard along El Camino Real.
5	A minimum height of 25 feet (2 and 3-story building) to reinforce the street's importance	The project is 5 stories along El Camino Real and reinforces the street's importance.
6	An entry or entries facing El Camino Real, so the building is oriented to the street	The building is oriented toward El Camino Real
7	On a street corner, incorporate special features to highlight building	The proposed project, with the revisions, highlights the building and provides and appropriate presence along El Camino Real and at prominent corners at Acacia/El Camino Real and Olive/El Camino Real through variations in height and materials.
8	Facades that animate the street: doors and windows, arcades, awnings, balconies, stairs	The project includes doors and windows, as well as balconies, to animate the street along El Camino Real
9	Flat roofs and parapets to create a cohesive streetscape	The project includes flat roofs to create a cohesive streetscape
10	Facades that have clearly expressed bases, bodies, and roofs or parapets	The project provides differences in materials to differentiate between the base and middle. Improvements could be made to better define the middle and top; however this requirement is not objective.

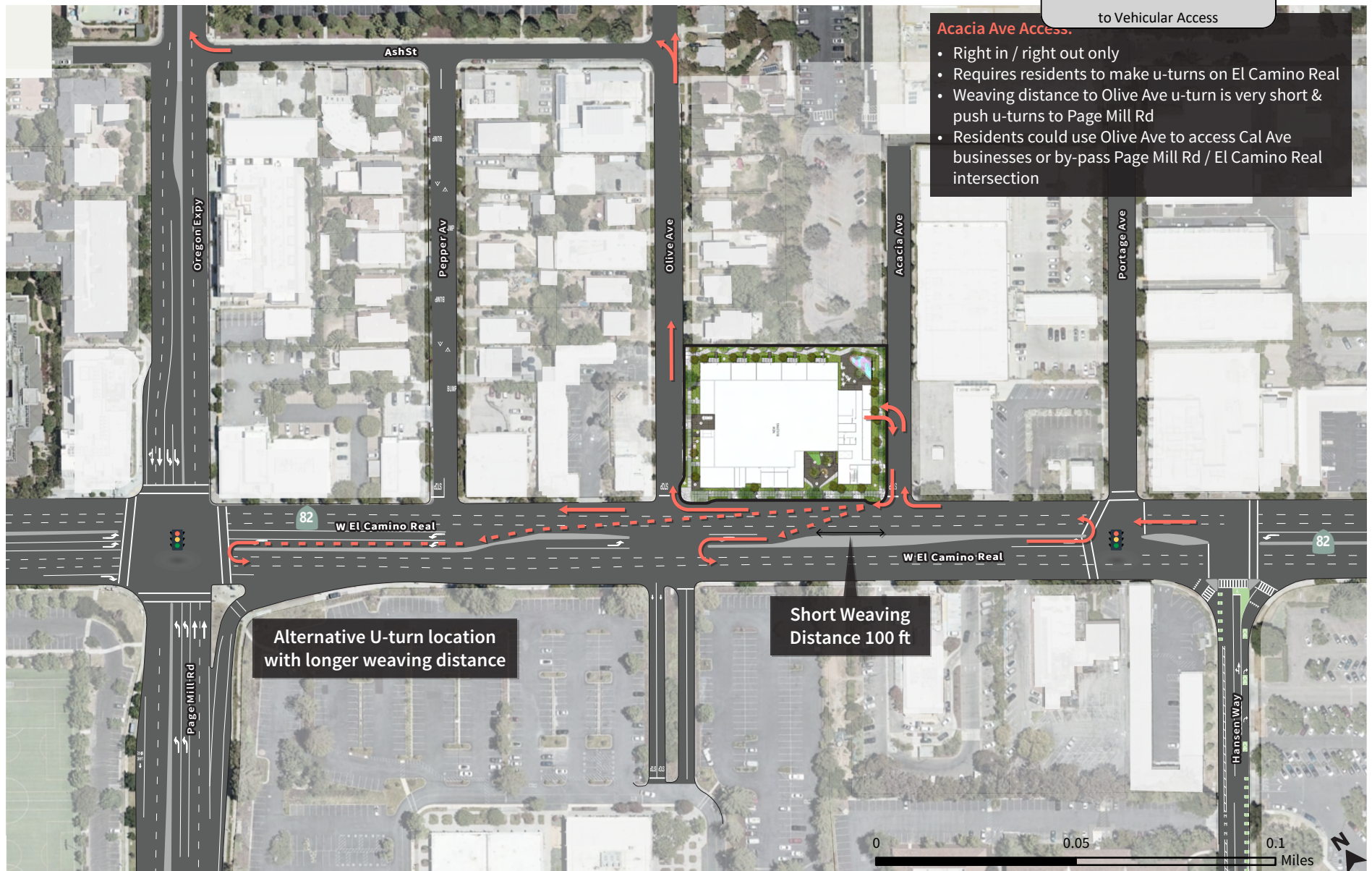


11	Scale and presence proportional to the scale and importance of El Camino Real	The project has a scale and presence that is proportional to El Camino Real
12	Adjacent to a residential neighborhood, variations in scale, articulation, setbacks	The project includes substantial setbacks for upper floors from the adjacent residential uses and utilizes second floor open space to reduce massing adjacent lower density uses. Recessed areas help to break up the long façade along El Camino Real and the interior side lot line paralleling El Camino.
<b>Site Planning and Landscape Design Concepts</b>		
<b>Node Area projects:</b>		The project is not located within a node.
15	At least 75% of the building face is at ECR setback line/build-to-line	
16	On a corner, the building occupies 50% of side street frontage	
<b>Corridor Area projects (Cal Ventura, Hotel Area):</b>		The project is within the Cal Ventura Corridor and complies with these build-to lines.
18	At least 50% of the building face is at ECR setback line/build-to-line	
19	On a corner, the building occupies 33% of side street frontage	
<b>Increased setbacks:</b> (more than the build-to-line)		
21	An increased setback that does not exceed 20 feet of the property frontage length	The project does not include an increased setback.
22	Public amenities (wider sidewalk, outdoor seating or dining)	The project includes outdoor seating in a recessed courtyard along the frontage and wider sidewalks along El Camino Real.
<b>Curb cuts and parking lots</b>		
24	A minimized curb cut width	The project has a single curb cut along a side street. The curb cut is the minimal width necessary to provide ingress/egress.
25	An extension of sidewalk material and width across driveways	The sidewalk extends across the driveway access.
26	Sharing driveway with adjoining property	The driveway is not shared but this would not be appropriate given the adjacent single-family residential use.
27	Using alley access or side street access to parking lot	The project provides side street access on Olive Avenue, consistent with the existing access to the site but further from the existing single-family residential use.
28	Parking lot no more than 50% of ECR frontage, no more than 120'	None of the parking is provided along the frontage.
<b>Usable Open Space Amenities</b>		
30	Attractive and functional plazas, seating, and activity areas are located at the entrances	The project includes recessed plaza/courtyard areas on the ground floor

		along El Camino Real and to set back the building and add greenery near the single-family residential uses. Additional common open space is provided along the interior side yard lot line. Open space areas include play areas for children, landscaping, seating, etc.
31	Seating, tables, canopies and covered trellises	The project does not include canopies or covered trellises in the open space areas but does provide overhangs on the ground floor and outdoor benches and landscaping in courtyards, including along El Camino Real at the entrance to the building
32	Careful treatment of property edges and spaces between buildings	The project includes landscaping/open space between
<b>Landscape and Hardscape</b>		
33	Extensive planting and the use of other landscape amenities to create "outdoor rooms"	The project includes landscaped areas, including useable common open space, on the ground floor and second-floor levels. Landscaping is used to screen outdoor areas from adjacent uses to maintain privacy.
<b>Site Lighting</b>		
34	Emphasize pedestrian path and safety, minimize glare	The project provides lighting that is designed to provide safe circulation while reducing glare and any overspill.
35	Use a variety of fixtures that are integrated into building/landscape design	The lighting is integrated into the building and landscape.
<b>Alleys</b>		Not applicable (no alley proposed)
37	Windows and doors oriented toward alley	
38	Service facilities screened with enclosures	
39	Durable, attractive garage doors, entry doors, windows	
40	Lighting directed to not impact adjacent properties	
<b>Building Design Concepts</b>		
42	An articulated base, body, and roof/parapet	The materials create a natural base and middle but further improvements could be made to better differentiate between the middle and top.
43	Expressed structural bays	The project includes a courtyard on the ground floor along the El Camino Real frontage.
44	Facades parallel to the right of ways	The facades parallel the right-of-way
45	Exceptions to front or side daylight plane requirements	No exceptions are requested. The daylight plane requirements apply to the interior side yard property line (paralleling El

		Camino Real). The project complies with the requirement by setting the upper floors back from the single-family residential uses.
46	Design consistency on all facades	The project is properly designed on all four facades.
47	An articulated facade rather than a merely decorative or false front	The project includes courtyards on both the frontage along El Camino Real and the interior side yard paralleling El Camino Real to break up the building. Material changes, changes in elevation, and balconies provide further articulation of the façade on all four sides.
48	ADA features as an integral part of building design	The project is ADA-compliant and ADA-compliant features are incorporated into the building design.
49	Recessed entry arcades	The project includes a recessed courtyard at the entry of the building to provide a gathering space and to break up the frontage along El Camino Real.
<b>Awnings</b>		
51	Spaces to gather or retreat	The first floor of the building is set back on all streets, providing an overhang for shelter from the elements and allowing for wider sidewalks and landscaping while still enforcing the frontage
52	Habitable space in front of parking	The project includes more active uses, such as a gym, leasing office, and bicycle parking along the frontage, and sets the parking toward the rear, away from El Camino Real.
<b>Windows</b>		
54	Inset or trim on windows	The project insets the windows from the stucco providing the appearance of a window trim . Improvements could be considered to provide more of a trim to the windows to provide depth and articulation in accordance with the South El Camino Real Design Guidelines.
55	Display windows	The project does not include commercial uses. Therefore, display windows are not provided.
56	Transparent doors and windows along at least 75% of ground floor ECR facades	Windows on the ground floor are transparent
57	Transparent windows along at least 50% of upper-level ECR facades	Windows on the upper floors of the façade, as well as most of the ground floor are transparent

	<b>Rooflines</b>	
59	Prominent cornices and rooflines	The roofline/top could be better differentiated from the middle to provide a more clear roofline.
60	A flat roof and/or a roof form reflecting facade articulation	The project provides a flat roof
61	Parapet hides rooftop mechanical equipment	The parapets hide rooftop mechanical equipment as shown in the line-of-sight diagrams
	<b>Materials</b>	
63	Durable, high-quality materials to convey integrity, permanence and durability	The project provides high quality materials and an appropriate mix of materials. The project utilizes concrete for portions of the project, a material that conveys durability and permanence and corten for highlighted features.
64	Materials integral to facade and structure, not arbitrarily applied	The materials are integral to the façade and structure and are not arbitrarily applied.
	<b>Signage</b>	
66	Sign colors are limited as set forth in the 1979 El Camino Real Design Guidelines	The project does not include any proposed signage at this time. Therefore, these sign guidelines are not relevant to the proposed project.
67	Sign area limited to 2/3 of the maximum sign area per PAMC (1979 ECRDG)	
68	Integrated into building façade	
69	Individually formed letters (no sign cabinets)	
70	Window sign coverage no greater than 20% maximum	
71	No new pole signs	
72	Monument signage only when no feasibility for wall signs on the building	
73	Wall wash lighting or halo lighting ("reverse pan channel letters")/backlighting of signs	
74	Colors that coordinate with building colors (no florescent or very bright colors)	



Project Site (3001 El Camino Real)



Figure 1a  
Acacia Avenue Site Access Travel Patterns

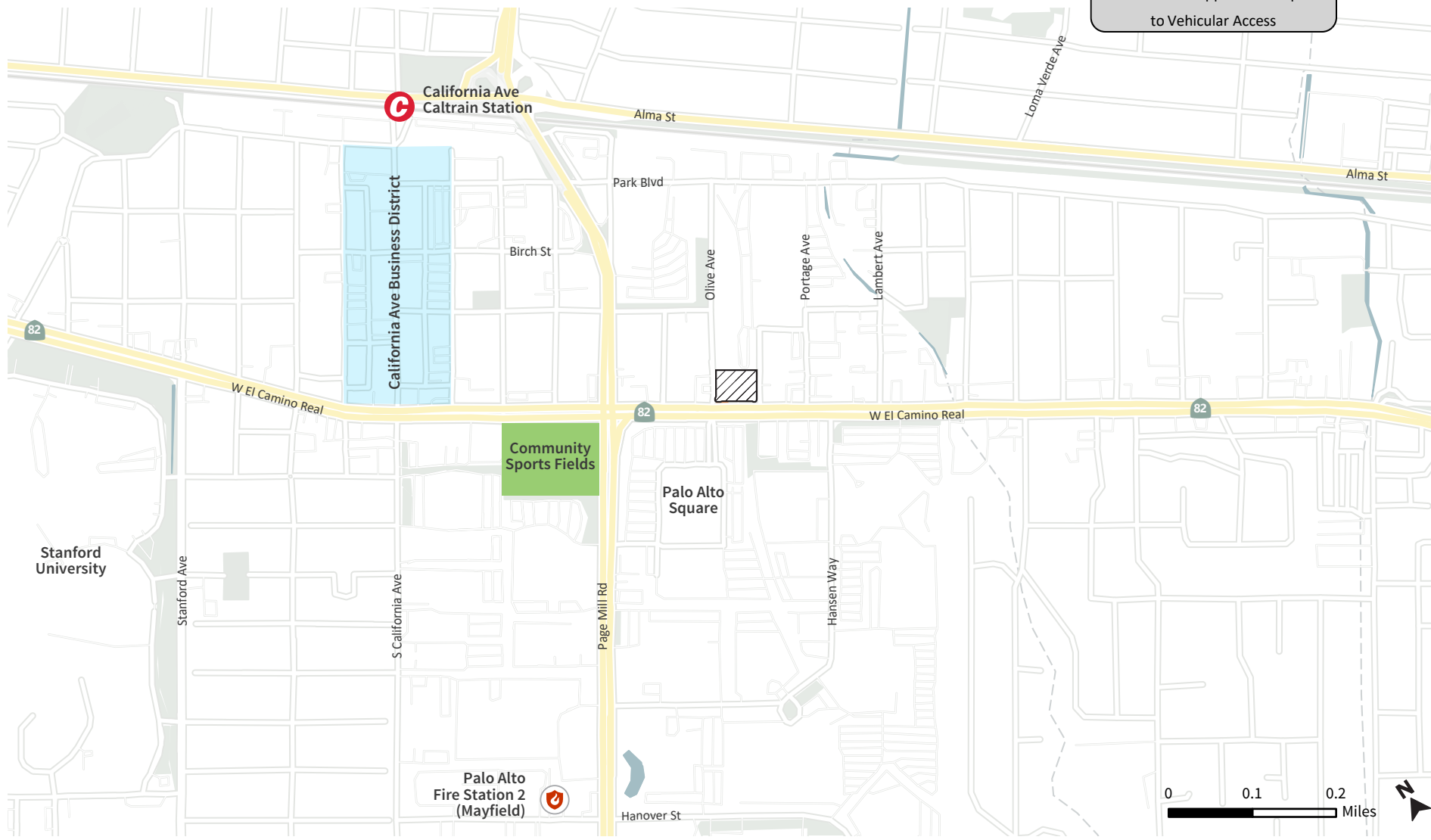




Project Site (3001 El Camino Real)



Figure 1b  
Olive Avenue Site Access Travel Patterns




 Project Site (3001 El Camino Real)



Figure 2  
High Activity Areas Near Project Site





## 3001 El Camino Real Affordable Housing Project

### Responses to Comments on the Draft Initial Study-Mitigated Negative Declaration

SCH# 2023020309

*prepared by*

**City of Palo Alto**

Planning and Community Environment Department

250 Hamilton Avenue

Palo Alto, California 94301

Contact: Claire Raybould, AICP, Senior Planner

*prepared with the assistance of*

**Rincon Consultants, Inc.**

449 15th Street, Suite 303

Oakland, California 94612

**April 2023**



# 3001 El Camino Real Affordable Housing Project

## Responses to Comments on the Draft Initial Study-Mitigated Negative Declaration SCH# 2023020309

*prepared by*

**City of Palo Alto**  
Planning and Community Environment Department  
250 Hamilton Avenue  
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Oakland, California 94612

**April 2023**



**RINCON CONSULTANTS, INC.**  
Environmental Scientists | Planners | Engineers  
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# 1 Introduction

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## 1.1 Purpose of the Response to Comments on the Draft IS-MND

This document contains responses to comments received on the Draft Initial Study-Mitigated Negative Declaration (Draft IS-MND) prepared for the proposed 3001 El Camino Real Affordable Housing (proposed project). The Draft IS-MND identifies the likely environmental consequences associated with development of the proposed project and recommends mitigation measures to reduce potentially significant impacts. This document, together with the Draft IS-MND, constitutes the Final IS-MND for the proposed project.

## 1.2 Environmental Review Process

Pursuant to the California Environmental Quality Act (CEQA), lead agencies are required to consult with public agencies having jurisdiction over a proposed project and to provide the general public with an opportunity to comment on the Draft IS-MND.

The Draft IS-MND and Notice of Intent to Adopt (NOI) were circulated for a 30-day public review period that began on February 13, 2023 and ended on March 15, 2023. The NOI was posted with the County Clerk, sent to the State Clearinghouse, mailed to State and local agencies, published in the local newspaper (the Post), and mailed to nearby addresses. The City of Palo Alto received three comment letters on the Draft IS-MND. Copies of written comments received during the comment period are included in Chapter 2 of this document.

## 1.3 Document Organization

This document consists of the following chapters:

- **Chapter 1: Introduction.** This chapter discusses the purpose and organization of this response to comments document and summarizes the environmental review process for the project.
- **Chapter 2: Written Comments and Responses.** This chapter contains reproductions of all comment letters received on the Draft IS-MND. A written response for each CEQA-related written comment received during the public review period is provided. Each response is keyed to the corresponding comment.
- **Chapter 3: Public Hearing Comments and Responses.** This chapter contains a summary of comments raised during the public hearing held on the Draft IS-MND (Architectural Review Board Hearing on March 2, 2023). A written response to CEQA-related comments received at the hearings is provided.
- **Chapter 4: Revisions to the Draft IS-MND.** Changes to the Draft IS-MND that have been made in response to the comments received or to otherwise provide clarity are contained in this chapter.

## 2 Comments and Responses

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This chapter includes written comments received during the circulation of the Draft IS-MND prepared for the 3001 El Camino Real Affordable Housing Project, and responses to those comments.

The Draft IS-MND was circulated for a public review period that began on February 13, 2023 and ended on March 15, 2023. The City of Palo Alto received three comment letters on the Draft IS-MND. The commenters and the page number on which each commenter's letter appear are listed below.

Letter No. and Commenter		Page No.
1	Sandra Lockhart	3
2	Travis L. Flora, Santa Clara County Department of Environmental Health	9
3	Lola Torney, Transportation Planner III, Santa Clara Valley Transportation Authority	11

The comment letters and responses follow. The comment letters have been numbered sequentially and each separate issue raised by the commenter, if more than one, has been assigned a number. The responses to each comment identify first the number of the comment letter, and then the number assigned to each issue (Response 1.1, for example, indicates that the response is for the first issue raised in comment Letter 1).

During the Draft IS-MND review period, the City solicited written public and agency comments on the Draft IS-MND pursuant to CEQA as well as verbal comments at the Architectural Review Board public hearing on March 2, 2023. Responses to environmental issues raised at these hearings are included in Chapter 3 following the written comments and responses.

In some cases, specific changes to the text of the Draft IS-MND have been made in response to comments received. In no case do these revisions result in a greater number of impacts or impacts of a substantially greater severity than those set forth in the Draft IS-MND. Where revisions to the main text are called for, the page and paragraph are set forth, followed by the appropriate revision. Added text is indicated with underlined and deleted text is indicated with ~~strikeout~~. Page numbers correspond to the page numbers of the Draft IS-MND.

2/26/23

Notes - for/from Mitigated Negative Declaration  
TO: Claire Raybould

Public hearing March 2 at the Architectural Review Board, 8:30 am, Grnd Floor oc City Center  
Submit written comments before Mar 15 5:00 pm  
Mail to Claire Raybould 250 Hamilton Ave 5<sup>th</sup> Floor, Palo Alto, 94301

### Initial Study

6. Comprehensive Plan Designation: The zoned area is Service Commercial. This zoning served Palo Alto for many many years. Then the businesses were slowly forced out. Now we need to go to Mountain View or Redwood City to accomplish what these businesses provided. Putting in multiple family housing increases the number of people into this area without businesses to support those people and to say that service commercial is not appropriate is not fair. It's time to think outside the box. As it stands, where, then, is pedestrian oriented shopping areas? Why doesn't this project provide some of that for the 400 people who will be living there?

This project is introducing too many people to our R-1 zoned neighborhood. The density is 113 units per acre. None of the projects shown to us on paper, by this developer, comes close to that density. I also see a huge play area and a community room (Metropolitan Apartments) adjacent to the play area. The Metropolitan Apts has a density of 36 units per acre while 3001 El Camino has 129 proposed units on acreage of 1.14 with an insufficient amount of outdoor space for children.

Comment: Too many people in this limited space. No service infrastructure such as a deli, a little grocery store, coffee shop, small restaurant, a boutique. The plan is to get rid of what is nearby now with even more multi family development. There is NONE of this (service infrastructure) in the plan. Too many people, not enough services commercial to help those people live in place. No common sense.

Increased height – this allows for more people and less services.

No. 8 The project involves a Density Bonus; under the State's density bonus program it "provides" for reduced parking. Olive Ave is intended for over flow parking from the provided parking on the building site. This is a major disaster for Olive Ave. We are already providing parking for the business at the foot of Olive Ave. It is not every day but when everybody is onsite at that building – we counted 98 cars one day, they are parking on Olive. Suggestion: Assign a color code to Olive and Pepper, not to include El Camino, for permit parking. El Camino can have its own color code.

Figure 5: Set back of 5' is pathetic and a safety hazard at the corner of Olive and El Camino. This is not enough open space to see on-coming traffic on El Camino traveling north when coming out of Olive now. The proposed building is squared off on that corner. This is not an improvement. This is a dangerous situation. An open court would greatly improve the visibility and bring a pleasant ambiance to the building.

Common open space at s/w of site. This is a poor amount of space for the number of children likely to be living in this building (by their count it is 69). Once again this project is depending on sources outside their building site to accommodate its needs. I am told there will be a second floor community

- 5, cont | space. This is not fair to the children to take over the adult space for their play the adult community seating space being relegated to.
- 6 | If Charities Housing cut back on the density of this building then some service commercial, more child appropriate spaces, more parking within their own building, and a set back to make a more safe crossing of El Camino Real at Olive could be done. But for the sake of numbers, the State and this developer are willing to sacrifice safety, good health in the instance of the children, and inconvenience to neighbors. This doesn't make good sense.
- 7 | I have commented on the possibility of the ingress/egress being on Acacia Street rather than Olive Avenue. I have also commented on cars coming out of Acacia St. turning right, going 100 feet to the left turn lane (already there) then making a U-turn at Olive or at the light at Page Mill will accomplish going in a southerly direction.
- 7 | We on Olive Avenue wish to slow down and eliminate additional traffic using Olive Ave as a commuter cut off to Page Mill Rd. How to do this? Possibilities are:
- 1) Turn the building 180 degrees.
  - 2) Put a barrier across half the street between 461 Olive and project building to deter traffic going in an easterly on Olive (and not to block the driveway at Verizon on the other side of the street).
  - 3) Make Ash St. a one-way street going from Page Mill Rd to Olive Ave.
- 8 | We on the south side of Olive Ave want to emphasize that ground water run off is properly drained into culverts. We were heavily impacted when the parking lot in back of Fry's was constructed and on the next heavy rain we were all flooded in our back yards. This drainage cannot be taken lightly and must be engineered properly.

Very sincerely,

Sandra Lockhart  
Peter Lockhart  
405 Olive Avenue, Palo Alto, CA 94306  
salockhart405@Yahoo.com

## Letter 1

**COMMENTER:** Sandra Lockhart

**DATE:** February 26, 2023

### Response 1.1

The commenter states that the project site is zoned Service Commercial and suggests that there is a lack of businesses in the area. The commenter states an opinion that the project is not appropriate for the Service Commercial zone and that the project should provide pedestrian-oriented shopping for the 400 new residents. These comments do not refer to or pertain to the analysis or conclusions of the Draft IS-MND.

As discussed in Section 11, *Land Use and Planning*, of the IS-MND, pursuant to PAMC Chapter 18.16, multi-family residential use is a permitted land use in the Service Commercial district and the project is consistent with requirements of the Service Commercial district. Additionally, since the project site is located in close proximity to a transit center (California Avenue Caltrain Station), multi-family housing, particularly higher density housing, is allowed and encouraged in this location under the Service Commercial Comprehensive Plan Land Use Designation. El Camino Real is a commercial corridor with a mix of uses including residential, retail, commercial, and office uses, and future residents would be able to utilize these services and businesses. Although the commenter's opinions regarding land uses at the site are noted, no changes to the IS-MND are required as a result of this comment.

### Response 1.2

The commenter states an opinion that the project would introduce too many people to the R-1 zoned neighborhood and that the density of the proposed project is much higher than other projects. The commenter suggests that there is insufficient play space for children, that there are not enough services or business for current residents, and that the requested height increase would allow for too many people in the area with not enough service infrastructure. These comments do not refer to or pertain to the analysis or conclusions of the Draft IS-MND.

The proposed project site is located in the Service Commercial zone where multi-family residential development is permitted. Since the proposed project would include 100 percent affordable housing to very-low-income households, the project is eligible for four incentives and concessions. Specifically, the project applicant is requesting concessions for Floor Area Ratio (FAR), setbacks, site coverage and usable open space. The proposed project is also located in a Transit Priority Area, and therefore, separate from the concessions or waivers, the applicant is also eligible for a height increase of up to three additional stories, or 33 feet; unlimited density (Section 65915[f][3][d][ii]); and non-compliance with a minimum parking requirement (Section 65915[p][3]). Additionally, there is no density requirement for residential development along El Camino Real.

As discussed in Section 15, *Public Services*, of the IS-MND, the proposed project would not require the need for construction or substantial alteration of fire or police protection facilities, schools, or other public facilities such as water, wastewater, or stormwater facilities. In addition, as discussed in Section 16, *Recreation*, of the IS-MND, current parks and recreational facilities would be able to accommodate the increase in residents from the proposed project. Therefore, impacts to public services and recreation would be less than significant. No changes to the IS-MND are required as a result of this comment.



### Response 1.3

The commenter expresses an opinion that there are not enough street parking spaces in the neighborhood, and that the proposed project would worsen street parking on Olive Avenue. The commenter recommends assigning a color code to Olive Avenue, Pepper Avenue, and El Camino Real for permit parking. These comments do not refer to or pertain to the analysis or conclusions of the Draft IS-MND.

The proposed project would provide 103 parking spaces including five ADA compliant spaces. Although this is 26 spaces fewer than the required parking in accordance with the PAMC, as discussed in Section 11, *Land Use and Planning*, of the IS-MND, the proposed project is located within 0.5 miles of a major transit stop and therefore is not required to comply with a minimum parking requirement (Government Code Section 65915[p][3]). Additionally, parking supply and demand is not required to be analyzed under CEQA and is no longer listed in CEQA Guidelines Appendix G as a topic to be analyzed. No changes to the IS-MND are required as a result of this comment.

Nevertheless, the municipal code sets forth a process for residents to initiate a residential preferential parking (RPP) district for their neighborhood. The process for forming an RPP District for a neighborhood through neighborhood petition is set forth in PAMC Section 10.50.050. The commenter may consider initiation of this process for the North Ventura neighborhood.

### Response 1.4

The commenter states an opinion that a setback of 5 feet at the corner of Olive Avenue and El Camino Real would be a safety hazard as there is not enough open space to see on-coming traffic on El Camino Real traveling north when existing Olive Avenue. These comments do not refer to the analysis or conclusions of the Draft IS-MND.

As discussed in Section 11, *Land Use and Planning*, of the IS-MND, the proposed project is eligible for four incentives or concessions including modifications to setbacks. The applicant has requested a concession to allow for a reduced rear setback on Acacia Avenue from 10 feet to 5 feet on floors two through five, whereas the ground floor level would have an 8-foot setback. The ground floor of Olive Avenue would have a setback of 20 feet and El Camino Real would have an effective sidewalk width of 12 feet. Therefore, the project is set back much further than five feet from the property line at ground floor levels where line of sight for vehicles, pedestrians, or bicyclists could otherwise be obstructed. It should also be noted that the existing on-site buildings have a smaller setback from the corner of Olive Avenue and El Camino Real compared to the proposed development; therefore, the project would improve the existing condition with respect to building setbacks as it relates to visibility to on-coming traffic traveling North on El Camino Real.

Additionally, as discussed in Section 17, *Transportation*, of the IS-MND, the Transportation Analysis prepared by W-Trans found that sight distances along Olive Avenue at the project driveway would be adequate and would not increase hazards. According to the Transportation Analysis, the recommended sight distances for driveway approaches are based on stopping sight distance and use the approach travel speed as the basis for determining the recommended sight distance. Based on the posted speed limit of 25 miles per hour, the minimum stopping sight distance required is 150 feet. A review in the field shows that sight distances at the proposed project driveway on Olive Avenue exceed 150 feet and therefore are adequate. No changes to the IS-MND are required as a result of this comment.

## Response 1.5

The commenter expresses an opinion that the project would not include enough open space to accommodate the number of children likely to be residing in the building. These comments do not refer to the analysis or conclusions of the Draft IS-MND.

As discussed in Section 11, *Land Use and Planning*, of the IS-MND, the proposed project is eligible for four incentives or concessions, including a reduction in usable open space. The applicant has requested a concession to allow for a change in the location of open space to allow for some of the common usable open space to be provided on the second-floor podium. The project would include communal gathering spaces in the building recesses, including a courtyard at the front of the building and at the back of the building. The project would also include a second-floor open space area at the second floor near single family residential uses. Open space areas include play areas for children, landscaping, and seating. Usable open space, when including both the ground floor and the second floor open spaces areas, would exceed City requirements. No changes to the IS-MND are required as a result of this comment.

## Response 1.6

The commenter expresses an opinion that the proposed project should reduce building density, add more services and child appropriate spaces, as well as add more parking and a larger setback. These comments do not refer to the analysis or conclusions of the Draft IS-MND.

Please refer to responses 1.2, 1.4, and 1.5. No changes to the IS-MND are required as a result of this comment.

## Response 1.7

The commenter recommends slowing down and eliminating additional traffic using Olive Avenue as a commuter cut off to Page Mill Road by turning the proposed building by 180 degrees (in order to provide vehicular access to the site from Acacia); putting a barrier across half the street between 461 Olive Avenue and the project building; and making Ash Street a one-way street going from Page Mill Road to Olive Avenue.

The proposed project generates trips associated with the proposed use, some of which may turn right out of the site to head eastbound on Olive Avenue to access Oregon Expressway. Based on trip distribution patterns, the number of trips that were assumed to travel eastbound instead of northbound, southbound, or westbound from the project site did not trigger analysis of the Ash Street/Olive Avenue or Park Boulevard/Olive Avenue intersections for analysis of consistency with the City's Local Transportation Analysis Policy. The Local Transportation Analysis (LTA) prepared by W-Trans is provided in Appendix A of the Draft IS-MND. These trips are not considered cut-through traffic. The project does not generate new cut-through traffic for commuters traveling from El Camino Real to Page Mill Road regardless of whether vehicular access is provided on Olive Avenue or Acacia Avenue. The comment is referring an existing condition. The City is currently proposing making Ash Street a one-way street going from Page Mill Road to Olive Avenue as part of the North Ventura Coordinated Area Plan (NVCAP) in order to address this existing concern regarding cut-through traffic.

The City further notes that in accordance with California Public Resources Code section 21099(b)(2) and CEQA Guidelines Section 15064.3, "a project's effect on automobile delay shall not constitute a significant environmental impact." Therefore, even though the project did not conflict with the City's LTA policy, inconsistency with the City's LTA Policy would not constitute an impact under

CEQA. Therefore, although the commenter's opinions in this regard are noted, no changes to the IS-MND for the proposed project are required as a result of this comment.

### **Response 1.8**

The commenter expresses an opinion that drainage for the project must be engineered properly and that groundwater runoff is properly drained into culverts.

As discussed in Section 10, *Hydrology and Water Quality*, of the IS-MND, the project site is largely paved, and the proposed development would not introduce new paved areas to the extent that the rate or amount of surface runoff would substantially increase. The project site is connected to an existing stormwater drainage system located in the City of Palo Alto Matadero Creek Watershed. Stormwater runoff in the project area is currently flowing directly to Matadero Creek and eventually to the San Francisco Bay. The amount and direction of runoff would not substantially change due to the proposed project. The existing site contains 47,218 square feet of impervious surfaces and the project would decrease total impervious surfaces to 41,321 square feet, thereby reducing the amount of stormwater runoff. Additionally, the proposed project would be required to comply with the Santa Clara Valley Urban Runoff Pollution Prevention Program's C.3 requirements and would be designed to include three biotreatment ponds totaling 45,425 square feet, impervious rooftop space that directs runoff to the bio-swale, and impervious pavement draining to the bio-swale. Compliance with the municipal stormwater requirements would ensure that the project is engineered properly with respect to stormwater runoff. No changes to the IS-MND are required as a result of this comment.

Comment Letter 2

Item 2  
Attachment H-Responses  
to Comments on the  
Draft IS-MND

**From:** Flora, Travis <[travis.flora@deh.sccgov.org](mailto:travis.flora@deh.sccgov.org)>

**Sent:** Tuesday, February 14, 2023 4:02 PM

**To:** Raybould, Claire <[Claire.Raybould@CityofPaloAlto.org](mailto:Claire.Raybould@CityofPaloAlto.org)>

**Subject:** RE: Notice of Intent to Adopt a Mitigated Negative Declaration 3001 El Camino Real

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

Hi Claire,

I took a brief look at the IS/MND file, and on document p.84/pdf p.89, the last paragraph of HAZ-1 states, "The SCCDEH closure and approval documents shall be delivered to and reviewed by the project applicant. The project applicant shall furnish copies of the completed reports and approval documents to the City Planning Department prior to issuance of grading permits."

My comment is that this paragraph reads to me like a DEH case closure letter might be required to be submitted to the City prior to issuance of grading permits, which is unlikely to occur. That paragraph includes two separate statements, so maybe they aren't necessarily related, but because they are back-to-back in the same paragraph, it could be interpreted that way.

Regards,

Travis L. Flora  
(408) 918-3486

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 Please consider the environment before printing this email.

## Letter 2

**COMMENTER:** Travis L. Flora, Santa Clara County Department of Environmental Health

**DATE:** February 14, 2023

### **Response 2.1**

The commenter comments on Mitigation Measure HAZ-1 of the IS-MND (Page 84), and states that the following paragraph reads as if a DEH case closure letter might be required to be submitted to the City prior to issuance of grading permits. The commenter states that this is unlikely to occur.

“The SCCDEH closure and approval documents shall be delivered to and reviewed by the project applicant. The project applicant shall furnish copies of the completed reports and approval documents to the City Planning Department prior to issuance of grading permits.”

The commenter recommends revising the paragraph to reduce confusion regarding requiring a DEH case closure letter.

In response to this comment, Mitigation Measure HAZ-1 has been revised. The revisions are listed in Chapter 4 of this document.

March 15, 2023

City of Palo Alto, 250 Hamilton Avenue, 5th Floor  
Palo Alto, CA 94301

Attn: Claire Raybould  
By Email: [claire.raybould@cityofpaloalto.org](mailto:claire.raybould@cityofpaloalto.org)

Dear Claire,

VTA appreciates the opportunity to comment on the Initial Study/Mitigated Negative Declaration for the 3001 El Camino Real Affordable Housing Project. VTA has reviewed the document and has the following comments:

Pedestrian Access

VTA appreciates that the proposed building orientation faces El Camino Real towards where VTA offers bus service and is near our bus stops.

The project should be amended to provide wider sidewalks along El Camino Real. The proposed five feet width is not sufficient given the level of pedestrian activity along El Camino Real, especially given the number of new units proposed for this project.

Bicycle Access

VTA applauds the addition of a substantial bicycle parking room on site. VTA recommends the access to the bike room be removed from public access and instead allow the room to be accessed through a more secure space such as the lobby. This will reduce the risk of theft.

Thank you again for the opportunity to review this project. If you have any questions, please do not hesitate to contact me at 408-321-5830 or [lola.torney@vta.org](mailto:lola.torney@vta.org).

Sincerely,



Lola Torney  
Transportation Planner III

PA1703

## Letter 3

**COMMENTER:** Lola Torney, Transportation Planner III, Santa Clara Valley Transportation Authority

**DATE:** March 15, 2023

### Response 3.1

The commenter recommends that wider sidewalks should be provided along El Camino Real, and suggests that the proposed five-foot width is not sufficient given the level of pedestrian activity along El Camino Real.

The proposed project would provide a 12-foot effective sidewalk width in areas without planter strips. In areas where existing street planting is retained to improve the pedestrian experience, 7 feet, 6 inches of clear pedestrian access and 4 feet and 6 inches of planter strip width would be provided. This complies with the City's required 12-foot effective sidewalk width requirements along El Camino Real. No changes to the IS-MND are required as a result of this comment.

### Response 3.2

The commenter recommends that access to the proposed bicycle parking room should be removed from public access in order to reduce the risk of theft, and instead the project should allow the bicycle parking room to be accessed through a more secure space such as the lobby.

The location of the bicycle parking room has been changed from the corner of El Camino Real and Olive Avenue to exit out to the proposed entry courtyard. This would ensure higher security since the bicycle parking room would be removed from public access and the bicycle room access would be visible from the lobby. No changes to the IS-MND are required as a result of this comment.

### 3 Public Hearing Comments and Responses

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Verbal comments received at the Architectural Review Board hearing on March 2, 2023, are summarized below. The comment summaries are derived from the minutes provided on this webpage: <https://www.cityofpaloalto.org/Departments/Planning-Development-Services/Architectural-Review-Board-ARB/Current-ARB-Agendas-Minutes>.

#### 3.1 Architectural Review Board Hearing – March 2, 2023

##### Response PTC-1

Peter Baltay stated an opinion that Mitigation Measure BIO-1 is an unnecessary burden on the applicant and not a realistic concern; Mitigation Measure BIO-2 is already covered by the City's Tree Protection Ordinance; and Mitigation Measure GEO-1 is an overreach and unnecessary.

As discussed in Section 4, *Biological Resources*, of the IS-MND, the proposed project would remove seven trees on the property which may support nesting birds protected under the Migratory Bird Treaty Act. Therefore, Mitigation Measure BIO-1 is required to protect nesting birds. Although the proposed project would be required to comply with the City's Tree Preservation and Management Ordinance, the Arborist Report prepared by David L. Babby on September 23, 2022 found that construction activities could result in injuries to trees including mechanical injuries to trunks, roots, and branches. The Arborist Report included recommendations in order to ensure the safety and protection of trees off-site, which are included as part of Mitigation Measure BIO-2 and would reduce impacts to trees to a less than significant level.

As discussed in Section 7, *Geology and Soils*, of the IS-MND, Quaternary older alluvium late Pleistocene in age underlies the southern portion of the project site. Pleistocene alluvial sediments have produced significant paleontological resources throughout California, and therefore Quaternary older alluvium has high paleontological sensitivity. Excavation in areas mapped as Quaternary older alluvium could result in significant impacts to paleontological resources, therefore, Mitigation Measure GEO-1 would be required in order to provide for the recovery, identification, and curation of previously unrecovered fossils, which would ensure that potential impacts to paleontological resources are reduced to a less than significant level.

##### Response PTC-2

Sandra Lockhart stated an opinion that the high density of the building does not keep with Palo Alto values and would change the whole look of Palo Alto. She also states that the future children residing in the buildings would not have enough play area. The commenter further asserts that the project would result in an unsafe traffic situation, and expresses her concern regarding flooding.

Please refer to responses 1.1 through 1.8.



## 4 Revisions to the Draft IS-MND

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Chapter 4 presents specific changes to the text of the Draft IS-MND that are being made in response to comments received or to make corrections. In no case do these revisions result in a greater number of impacts or impacts of a substantially greater severity than those set forth in the Draft IS-MND. Where revisions to the main text are called for, the page and paragraph are set forth, followed by the appropriate revision. Added text is indicated with underlined and deleted text is indicated with ~~strikeout~~. Page numbers correspond to the page numbers of the Draft IS-MND.

The following revision has been made to Mitigation Measure HAZ-1 on Page 84 in Section 9, *Hazards and Hazardous Materials*, of the Draft IS-MND:

**HAZ-1 SCCDEH Regulatory Agency Submittal.** The project applicant shall continue to utilize Santa Clara County Department of Environmental Health (SCCDEH) Case #2018-14s for agency oversight of assessment and remediation of the project site through completion of building demolition, subsurface demolition, and construction. Prior to commencement of demolition and construction/grading activities at the project site, the project applicant shall submit the following documents to the SCCDEH project manager of the open Cleanup Program Site case:

- Current development plan and any modifications to the development plan
- All environmental documents completed for the project
- Following demolition and construction grading activities, all future environmental documents completed for the project

Subsurface soil, soil vapor, groundwater investigations, and/or other remediation reports, if required by SCCDEH after submittal of above required documents, shall be conducted in accordance with a sampling plan that shall be reviewed and approved by SCCDEH. SCCDEH may require approval of the final Site Management Plan (SMP) required by Mitigation Measure HAZ-2, below, prior to issuance of any required building or grading permits. The project applicant shall comply with SCCDEH requirements, conduct further investigations as required, and submit the results to SCCDEH.

SCCDEH may determine that San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) or Department of Toxic Substances Control (DTSC) may be best suited to perform the cleanup oversight agency duties for the assessment and/or remediation of the Project. Should the cleanup oversight agency be transferred from SCCDEH to SFBRWQCB or DTSC, this and other mitigation measures will still apply.

If groundwater wells or soil vapor monitoring probes are identified during demolition, subsurface demolition, or construction at the project site, they will be abandoned or relocated per Santa Clara Valley Water District (SCVWD) specifications.

Abandonment activities will be documented in a letter report submitted to SCVWD within 60 days of the completion of abandonment activities.

The ~~SCCDEH closure and~~ oversight agency's (SCCDEH, SFBRWQCB, or DTSC) approval documents shall be delivered to and reviewed by the project applicant. The project applicant shall furnish copies of the completed reports and approval documents, including the final SMP or equivalent document required by Mitigation Measure HAZ-2, to the City Planning Department prior to issuance of grading permits.

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## **Attachment I**

### **Project Plans**

In order to reduce paper consumption, a limited number of hard copy project plans are provided to Board members for their review. The same plans are available to the public, at all hours of the day, via the following online resources.

### **Environmental Document**

An Initial Study / Mitigated Negative Declaration has been prepared for this project. In accordance with CEQA Guideline Section 15073, this document was available for a minimum 30-day circulation period beginning February 13, 2023 and ending on March 15, 2023. A formal response to comments is provided in Attachment E of the staff report and online at the link below.

### **Directions to review Project plans and environmental documents online:**

1. Go to: [bit.ly/PAPendingprojects](https://bit.ly/PAPendingprojects)
2. Scroll down to find "3001/3017 El Camino Real" 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/30013017-El-Camino-Real>