CITY OF PALO ALTO

6

Architectural Review Board

Staff Report

Agenda Date:	**August 1, 2013**	
To:	**Architectural Review Board**	
From:	**Russ Reich, Senior Planner**	**Department: Planning and Community Environment**
Subject:	**3159 El Camino Real [13PLN-00040]:** Request by Heather Young of Fergus Garber Young Architects on behalf of Portage Avenue Portfolio, LLC for Site and Design Review of the proposal for the construction of a new four story, 55 feet tall, approximately 74,122 square foot mixed use building on a 1.6 acre site, with commercial and office uses and 48 residential apartment units. The project also includes Design Enhancement Exceptions (DEEs) for height and build to lines and a Conditional Use Permit. Zone District: Service Commercial (CS). Environmental Assessment: A Mitigated Negative Declaration has been prepared for the project in accordance with CEQA.	

RECOMMENDATION

Staff and the Planning and Transportation Commission recommend that the Architectural Review Board recommend that the City Council approve the draft Record of Land Use Action (Attachment A) approving:

(1) A Mitigated Negative Declaration, prepared in accordance with the California Environmental Quality Act (CEQA);

(2) The Site and Design Review application for a new 67,506 s.f. mixed-use building (added to an existing 6,616 s.f. building) on a 1.6 acre site (resulting in a total 74,122 s.f. of floor area on a 69,503 s.f. site, and FAR of 1.06:1) to provide 48 apartment units, including five Below Market Rate (BMR) units, and office and retail uses, with structured parking facilities (at surface and underground) providing 216 parking spaces (including 11 puzzle lifts for 196 cars),

(3) Density Bonus concession permitting increased FAR for both residential and commercial components of the project in the total amount of 4, 619 square feet; and

(4) A Conditional Use Permit (to allow 16,118 sq. ft. of office space on one parcel where the limit is 5,000 s.f.) (Reviewed by the Planning and Transportation Commission on July 10, 2013).

(5) DEEs for five feet of additional height and alleviation of the build to line by two and a half feet.

BACKGROUND

Process History

On July 10, 2013 the project was heard by the Planning and Transportation Commission (Commission) for formal review and recommendation to the City Council. There were four public speakers. Two speakers voiced concerns over traffic and parking while the other two speakers spoke in favor of the project noting the benefits of higher density housing. The Commission voted 5-0-2-0 to approve the project and discussed the following items:

- Parking lifts;
- Parking requirements;
- DEE for height;
- State density bonus law.

The Commission was supportive of the project and commented that it was real mixed use and good urban design. The Commission agreed that the project implements the policies of the Comprehensive plan. There were questions about the parking lifts. They asked if they are able to charge electric vehicles, how much power the lifts used to operate, and if people would opt to use the other open parking spaces rather than their own dedicated space within the parking lift. The Commission expressed the desire for projects to be fully parked per the City's parking code despite the reductions permitted by the State when providing BMR units in a project. Much of the discussion was related to the requested DEE for height. Many agreed that the additional five feet in height, associated with the loft spaces, was an appropriate use of the DEE resulting in a more unified roof element that was no taller than the roof screens alone would have been. Due to the fact that habitable space would result within the loft spaces, one Commissioner believed that the DEE process was not the appropriate process for the height exception. The State Density Bonus Law was also discussed. The Commission asked if the City was compelled to accept the BMR units and the associated concessions that go along with them or if the City could refuse the BMRs and eliminate the concessions.

Site Location

The project site, located south of Page Mill Road on State Route 82 (El Camino Real), is bounded by Portage Avenue to the southeast and Acacia Avenue to the northwest, and the developed site at 435 Acacia Avenue (Equinox Gym building). The site includes the 6,616 s.f. Equinox Gym annex at 3127 El Camino Real, the 900 s.f. "We Fix Macs" building at 3159 El Camino Real, the parking structure at 440 Portage and two surface parking lots. The lot located at the northwest corner of the site has 11 parking spaces, and the parking lot at the southwest corner of the site (near the El Camino Real and Portage Avenue intersection) has 44 parking spaces (on two separate parcels). The site has five curb cuts onto public rights of way: two curb cuts on Portage Avenue, one curb cut on the El Camino Real, and two curb cuts on Acacia Avenue. To the north of Acacia Street is surface parking lot, across El Camino Real to the west are restaurants (McDonalds and Fish Market), across Portage Street to the south is a retail use (Footlocker) and office buildings, and across the alley to the east is a retail use (Fry's Electronics).

The 1.6 acre project site (69,503 square feet) consists of four parcels to be merged under a separate application (preliminary parcel map process). The parcel is zoned CS (Service

Commercial) and is regulated by requirements of Palo Alto Municipal Code (PAMC) Chapter 18.16. Mixed-use is a permitted land use in the CS zone district. The Comprehensive Plan designation for this site is also Service Commercial, which allows for facilities providing citywide and regional services and relies on customers arriving by car. Residential and mixed use projects may be appropriate in this land use category.

Project Description

The proposed project is 67,506 s.f. mixed use building which, when combined with the existing 6,616 s.f. Equinox gym annex located on the site, would result floor area to a total of 74,122 s.f.. The maximum height would be 55 feet above grade to allow for loft space in the fourth floor residential units, as well as to screen mechanical equipment. At the ground floor level, retail/restaurant/commercial recreation space is proposed, and the building setback on El Camino Real would allow an effective 12 foot sidewalk width. A total of 48 residential apartment units would be provided on four of the floors (second, third, fourth, and partial fifth floors). The proposed loft spaces, accessible internally from fourth floor residential units, would have floors below the ceiling level of the fourth floor units. Office space would be provided on portions of the first, second, and third floors. Third and fourth floors are proposed above a portion of the existing Equinox building at 3127 El Camino Real. The first and second floors would be separated across the site by the existing Equinox building walls and by a courtyard proposed between the gym and the new restaurant/retail space. The third and fourth floors across the site are mostly physically separated (using expansion joints) except for limited hallway access, but would be visually connected.

The building is proposed to have a wide variety of colors, finish materials, and textures. These include board formed concrete, zinc shingles, precast concrete panels, stucco plaster, cement composite panels, wood composite panels, mate terra cotta rain screen panels, and grooved terra cotta rain screen panels. In addition there are metal sunscreens, terra cotta sunscreens, steel and aluminum windows, and painted steel guardrails.

The project includes surface and one level of underground parking facilities (13 feet below grade) for 216 parking spaces, including 11 puzzle parking lifts. The building would be constructed to displace one surface parking lot and reduce the size and cover another surface parking lot on the site. The subterranean garage would connect to the existing below grade garage on Portage Avenue (that serves tenants of 411-435 Acacia Avenue) at the south east corner of the site. The main, finished garage floor level would be located below the existing site grades, and three level car stackers would be installed in the garage. The lifts would extend approximately six to seven feet below the main garage floor. Vehicular access to the site would be provided exclusively on Portage Avenue via two curb cuts; all other existing curb cuts (on El Camino Real and Acacia Avenue) would be removed. The parking spaces would be provided in both the existing two-level garage on Portage Avenue, and in the new underground garage that would be accessed from a below grade connection to the existing Portage Avenue garage. Fifteen (15) surface-level visitor parking spaces are proposed beneath the residential wing of the proposed building.

Site improvements such as landscaping, walkways, courtyards, and an outdoor dining terrace are also included in the proposed project. The portico feature at the center of the project on El

Camino Real leads into a large courtyard area located in the center of the project, allowing pedestrian movement through the project and through to the Equinox main entrance behind the project and access to the surface level parking area at Portage Avenue. The courtyard area also provides access to the elevator and stair core that provides access to the offices and residential units above. The courtyard has a series of triangular shaped planters with Japanese maples and accent stones in gravel mulch. Some of the planters have cantilevered benches for seating and decorative screen walls that would be up lit at night. There is also a water feature with three bubbling fountains. A specimen ginkgo tree would be placed at the end of the courtyard close to the main equinox entry. Due to the fact that the entire project would sit above a parking structure, landscape opportunities are somewhat limited. In addition to the courtyard plantings the proposal does include some cast in place concrete planters as well as potted plants in various locations around the site. There would also be three new street trees on Acacia Avenue and one new street tree on Portage Avenue. The existing street trees around the perimeter of the project would remain.

The proposal also includes five below market rate residential apartment units (10% of the total units), allowing a concession for greater floor area than the maximum allowable area, as well as fewer parking spaces than would otherwise be required.

Two DEEs are requested which are within the purview of the ARB. One DEE is a request for the height of the residential loft spaces to exceed the 50 foot height limit by five additional feet. The second DEE requests a relaxation from the build-to requirement along the Portage Avenue frontage, resulting in a greater setback of seven feet six inches rather than a five foot setback. The DEEs are discussed in greater detail in the discussion section below.

DISCUSSION

Concessions for FAR

Five of the proposed 48 rental apartment units will be provided as below market rate units. This is 10% of the total number of units. The floor area allowance in the CS zone district is 1:1 or 69,503 square feet for this site. The maximum nonresidential floor area is 0.4:1 of the site or 27,801 sq.ft., where the proposed nonresidential floor area is 31,262 sq.ft. (3,460 sq.ft. over the 0.4:1 nonresidential FAR). Of the nonresidential floor area, .15:1 FAR or 10,425 sq.ft. of floor area must be ground floor commercial area; the project includes 17,073 s.f. of ground floor commercial area, meeting the minimum standard. The maximum residential floor area is 0.6:1 or 41,701 sq.ft. where 42,860 sq.ft. is proposed (1,158 sq.ft. over the 0.6:1 residential FAR).

To assist in providing the proposed BMR units, the applicant has proposed to exceed the allowable 1:1 FAR (69,503 sq.ft. of floor area) by 4,619 square feet for a total floor area of 74,122 square feet. State density bonus law allows for concessions when at least 10% of the housing units proposed are affordable units. The requested concession is an FAR of .06:1 over the maximum allowable 1:1 FAR. The housing component of this project is a good example of the type of housing development envisioned by the new Housing Element. The sites were located on the City's inventory. The project combines smaller sized parcels to maximize density. The small units are designed to appeal to an urban commuter and they are located close to transit. The

requested concession is also consistent with the Density Bonus recently recommended by the Commission.

Parking Reductions

The total number of parking spaces that would generally be required for the project based on the city's zoning requirements is 247 parking spaces. State density bonus law (Government code Section 65915, also formerly known as SB 1818) provides the ability to use a lower number of parking spaces when a project provides a minimum of 10% BMR units in a project. The State law allows for a 31 space reduction in the number of parking spaces required in the project. While the project would provide 31 spaces fewer than the City's parking code requires, with the state incentives for parking reductions, the project will be otherwise zoning compliant for required parking. A breakdown of the parking regulations is provided in the zoning compliance table attachment C.

DEE for Height

The height limit for the CS zone is 50 feet. The applicant has proposed a DEE to exceed the 50 foot height limit by 5 feet, for a total height of 55 feet. This is requested so the height of the mechanical roof screens and the loft roofs could be integrated into one single cohesive roof element, rather than multiple roof screens randomly scattered across the top of the building. The draft DEE findings are provided in the draft Record of Land Use Action (Attachment A).

DEE for Build to Line

The CS zone district requires that 33% of the building be built up to the setback on the side streets (Acacia and Portage Avenues), and that 50% of the main building frontage (El Camino Real) be at the setback line of zero to ten feet to create a 12 foot effective sidewalk with (curb to building face). On the 150 foot long Acacia Avenue frontage, 39% or 59' of the building wall is proposed to be placed at the five foot setback, therefore the requirement is met. On the 458 foot long Portage Avenue frontage, the length of the building wall is approximately 149 feet long. To meet the 33% build to setback requirement, at least 49 linear feet of the building wall would need to be built up to the five foot required setback. To accommodate the extension of the residential balconies and the accessible ramp up to the elevated plaza, the building would be built with a minimum seven foot six inch setback, rather than up to the required five foot setback. This would be two and one half feet further back form the street than is required by the code for 33% of the wall length. This would result in a greater setback than the build to requirement allows, necessitating a DEE request. While the building wall is further from the setback than required, the residential balconies at the second, third, and fourth floors would extend out forward 11 inches beyond the property line.

Site and Design Review

The Site and Design Review combining district is intended to provide a process for review and approval of development in environmentally and ecologically sensitive areas, including established community areas which may be sensitive to negative aesthetic factors, excessive noise, increased traffic, or other disruptions, in order to assure that use and development will be harmonious with other uses in the general vicinity, will be compatible with environmental and ecological objectives, and will be in accord with the Palo Alto Comprehensive Plan. The property

is not located within an ecologically sensitive area or within a Site and Design combining district. The code, however, does require that mixed use projects providing more than four residential dwelling units are subject to Site and Design Review. Because the application includes 48 residential units, it is therefore subject to Site and Design Review which requires review by the Commission, the ARB and the City Council. The Commission and ARB will forward their recommendation to City Council for final approval of the proposed mixed use project. Since the CUP and the DEE's are part of the project proposal the final Council action will include these project elements as well. The Site and Design review findings are provided within the RLUA (Attachment A).

Conditional Use Permit

The CS zoning limits office uses to no more than 5,000 square feet per parcel. The zoning also contains a provision that allows the parcel to exceed the 5,000 s.f. office limit with a Conditional Use Permit. The limit is ultimately established by the Director. Since the four parcels will be combined into one parcel a Conditional Use permit to exceed the 5,000 s.f. limit of office space per parcel is included as part of the application. The total amount of office space proposed within the project is 16,118 square feet. This is only 21.7% of the total floor area within the project. The amount of office square footage is similar to the amount of retail floor area, providing a balance between the two uses while being considerably less than the proposed residential floor area proposed within the project. The CUP findings are provided within the RLUA (Attachment A).

Bike Parking

The plans provided in this packet include a bulb out area at the El Camino Real frontage to provide additional bike parking spaces. El Camino Real is a State Highway and the California Department of Transportation (Cal Trans) has ultimate authority over modifications to the El Camino Real public right-of-way. Transportation staff does not believe that Cal Trans will be supportive of the bulb out element into the roadway and has directed the applicant to find alternative locations for the bike parking. The applicant has stated that the plans will be revised to eliminate the bulb out element and also provide the required bike parking at grade and in secured bike cages in the below grade garage.

El Camino Real Development

Three guidelines are applicable to this site: (1) El Camino Real Design Guidelines (ECR Guidelines), (2) South El Camino Real Guidelines, recommended by ARB in 2002 (South ECR Guidelines), and (3) El Camino Real Master Schematic Design Plan, 2003 Draft (Design Plan).

South ECR Guidelines: The project site is located within the Cal Ventura Area, a corridor area, as defined by the South El Camino Real Design Guidelines (Guidelines). The Guidelines indicate new buildings should front El Camino Real with prominent facades and entries should face El Camino Real or clearly visible and easily accessible to pedestrians.

- Guideline 3.1.2 states "the design of the sidewalk setback should create an urban character"; the buildings would be set back from El Camino Real to provide a 12 foot wide effective sidewalk width (curb face to building, required by Zoning Code Section 18.16.060). A raised outdoor dining terrace is proposed, beginning at the 12 foot setback, facing El Camino Real at the corner

of Portage Avenue. The building would be setback an additional 24 feet from the 12 foot setback creating an open plaza at the corner.

- Guideline 3.1.8 notes "new buildings should relate to and compliment surrounding buildings and street frontages" and "projects should relate to adjacent buildings with complimentary building orientations and compatible landscaping." No landscape plans have been submitted to date, but will be required for the Architectural Review Board hearing of the project. The proposed design would meet Guideline 4.1.6, which states, "buildings facing El Camino Real should be oriented parallel to the ECR right of way to create a cohesive well-defined street." Two entries would be facing El Camino Real.

The proposed project would cover an entire El Camino Real frontage block. Contextual streetscape views beyond the block were provided to allow for comparison of the project height and scale with development along the same side of El Camino Real, mostly one-story buildings. The ARB would also evaluate the project pursuant to Guidelines 4.3.6, 4.5.4 and 4.5.5, which are:

- Guideline 4.3.6: "All exposed sides of a building should be designed with the same level of care and integrity" and "Buildings should be attractive and visually engaging from all sides, unless in a zero lot-line condition."

- Guideline 4.5.4 and 4.5.5: "rooflines and roof shapes should be consistent with the design and structure of the building itself as well as with roof lines of adjacent buildings" and "roof forms should reflect the façade articulation and building massing, as opposed to a single-mass roof over an articulated façade."

ECR Guidelines: The 1979 ECR guidelines are somewhat helpful with respect to street trees, signage, architecture and building colors.

- Trees: ECR guidelines call for street tree spacing every 25 feet (page 2, top) or 30 feet (page 2, bottom); whereas the Design Plan calls for London Plane street trees in this segment of El Camino Real, planted every 22 to 33 feet on center in 4' x 6' tree wells, and prunes to provide 14 feet of clearance below to allow for truck and bus traffic. The five existing London Plane trees on El Camino Real are shown as to be retained; three new street trees are proposed along Acacia, and one street tree is proposed on Portage to supplement the existing Ash street tree. The Landscape Plan to be prepared for ARB review would provide further detail as to plantings and proposed tree species.

- Signage: There are a few relevant statements, such as – "Signs on ECR are limited to ½ to 2/3 the maximum size permitted by the sign ordinance"; "Wall signs should appear as though the building and the sign were designed together. The sign should not appear as if it were attached as an afterthought"; "A place for a sign should be designed into the elevation (if a sign is needed)"; and "Three signs, one on each elevation, are usually not approved." The project plans indicate one location for signage, at the intersection of El Camino Real and Portage, a low wall sign. Further detail would be required for the staff and ARB review of signage placement.

• Architecture: "In neighborhood commercial zones, the design should be pedestrian oriented; signs and details should not be primarily auto-oriented." Also, "when possible buildings should be set back from the front property line, with landscaping or a people-oriented plaza in front." The project provides for planter landscaping, new street trees where none currently exist, and some pedestrian oriented signage. An outdoor dining terrace, facing El Camino Real, with trelliage, is also proposed to activate the El Camino Real elevation.

• Colors: "More than three colors on a structure will make it incompatible with the surroundings. Using bright colors, such as reds, yellows, purples and greens as the predominant color on a structure may make it incompatible with the surroundings. The ARB usually feels these colors are used to attract attention." Colors and materials board would be provided for the ARB review.

ENVIRONMENTAL REVIEW

An Initial Study and Mitigated Negative Declaration have been prepared for the project and the 30 day public review and comment period began on May 31, 2013 and ended on July 1, 2013. The environmental analysis notes there are a few potentially significant impacts that would require mitigation measures to reduce them to a less than significant level. These include mitigations for dust control during excavation, protection for nesting birds, building design for earthquake resistance, basement shoring, a Health and Safety Plan for construction workers, a Remedial Risk Management Plan, collection of additional soil samples, installation of a vapor barrier, vapor collection, and venting system, third party inspection of vapor barrier and venting system, a Groundwater Mitigation Plan, development of a Groundwater Extraction design, technical documents uploaded to the appropriate agencies, and the evaluation and implementation of signal cycle length optimization and reallocation of the green time.

ATTACHMENTS

A. Draft Record of Land Use Action
B. Site Location Map
C. Zoning Compliance Table
D. Comprehensive Compliance Plan Table
E. Applicant's Project Description Letter*
F. Previous Staff Report, Planning and Transportation Commission, July 20, 2013
G. Planning and Transportation Commission minutes, July 10, 2013,
H. Public Correspondence
I. Mitigated Negative Declaration and Initial Study
J. Plans (ARB Members only)*

* Prepared by Applicant; all other attachments prepared by Staff

COURTESY COPIES

Heather Young, applicant
Portage Avenue Portfolio, owner

Prepared By: Russ Reich, Senior Planner
Manager Review: Amy French, Chief Planning Official

ACTION NO. 2013-0X
RECORD OF THE COUNCIL OF THE CITY OF PALO ALTO
LAND USE APPROVAL FOR 3159 EL CAMINO REAL: SITE AND DESIGN REVIEW, DENSITY BONUS CONCESSION; DESIGN ENHANCEMENT EXCEPTION AND CONDITIONAL USE PERMIT APPROVAL
(13PLN-00040)

On ???? x, 2013, the Council of the City of Palo Alto approved the Site and Design Review, Design Enhancement Exceptions (DEE) and Conditional Use Permit application for a mixed use building in the Service Commercial (CS) zone district, making the following findings, determination and declarations:

SECTION 1. Background. The City Council of the City of Palo Alto ("City Council") finds, determines, and declares as follows:

A. Fergus Garber Young (FGY) Architects, on behalf of Portage Avenue Portfolio, LLC has requested the City's approval for the following items:

(1) A Mitigated Negative Declaration, prepared in accordance with the California Environmental Quality Act (CEQA);

(2) Site and Design Review application for a new 67,506 s.f. mixed-use building (added to an existing 6,616 s.f. building) on a 1.6 acre site (resulting in a total 74,122 s.f. of floor area on a 69,503 s.f. site, and FAR of 1.06:1) to provide 48 residential apartment units, including five below market rate units, and office and retail uses, with structured parking facilities (at surface and underground) providing 216 parking spaces (including 11 puzzle lifts for 196 cars), including Design Enhancement Exceptions (to be further described in ARB draft ROLUA);

(3) A Conditional Use Permit (to allow 16,118 sq. ft. of office space on one parcel where the limit is 5,000 s.f.);

(4) An FAR concession in the total amount of 4,619 under the density bonus law;

(5) A Parcel Map to merge into one parcel of land the following four parcels:

i) One parcel is occupied by a parking structure with one level of surface parking, one level of below grade parking and an existing elevated swimming pool.

ii) The second parcel is occupied by a 6,616 square foot annex to the Equinox Fitness facility which is a commercial recreation use (formerly The Pet Food Depot), with associated surface parking.

iii) The third parcel is occupied by the 900 square foot We Fix Macs store and its associated surface parking.

iv) The fourth parcel is a vacant parking lot with a small attendant shack. These properties are designated on the Comprehensive Plan land use map as Service Commercial, and are located within the Service Commercial (CS) zone district.

B. The Planning and Transportation Commission (Commission) reviewed the Site and Design Review and Conditional Use Permit applications, density bonus FAR concession and Mitigated Negative Declaration on July 10, 2013, and recommended approval.

C. The Architectural Review Board (ARB) reviewed the application for Site and Design Review and Design Enhancement Exceptions on August 1, 2013, and recommended approval.

SECTION 2. Environmental Review.

The City, as the lead agency for the Project, has determined that a Mitigated Negative Declaration (MND) will be required for the project subject to the provisions of the California Environmental Quality Act (CEQA). The Public Notice period for the MND began on May 31, 2013 and will conclude on July 1, 2013.

SECTION 3. Site and Design Review Findings

1. The use will be constructed and operated in a manner that will be orderly, harmonious, and compatible with existing or potential uses of adjoining or nearby sites.

The proposed mixed use building would introduce compatible and harmonious uses in relation to adjacent and nearby uses in this diverse and eclectic neighborhood. The proposed building and uses would be sited such that they would not result in an impact on adjacent properties. The traffic and parking for the project have been reviewed and it has been determined that the

use would be adequately parked and that the traffic volumes would not result in an impact to local intersections or roadways. The proposal removes several existing curb cuts and widens the sidewalk on the El Camino Real frontage, improving pedestrian safety.

2. The project is consistent with the goal of ensuring the desirability of investment, or the conduct of business, research, or educational activities, or other authorized occupations, in the same or adjacent areas.

The approval of the project would maintain the desirability of investment by providing a project with a mix of uses that would assist in the reduction of vehicular trips by providing small unit rental housing for workers in close proximity to jobs and transit and would assist in improving the neighborhood by making use of a series of underutilized parcels and implementing the City's Guidelines in relationship to El Camino Real development. The proposal would be executed in a manner that has the potential to improve the aesthetic quality of the area. Construction of all improvements will be governed by the regulations of the current Zoning Ordinance, the Uniform Building Code, and other applicable codes to assure safety and a high quality of development.

3. Sound principles of environmental design and ecological balance are observed in the project.

The proposal, as a mixed use infill project, is intended to benefit the environment by providing new housing within the city, to reduce vehicle commute times. Efficient use of space, reductions in the depth of excavation, and the reduction in the volume of soil excavation are achieved with the use of 11 parking lifts rather than additional levels of below grade parking. The proposal also provides deep overhangs and sunscreens to reduce solar heat gain.

4. The use will be in accord with the Palo Alto Comprehensive Plan.

The project is compliant with several comprehensive plan policies as noted in the Comprehensive Plan Compliance Table

SECTION 4. Conditional Use Permit Findings

1. *Not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience;*

The project, as conditioned, would not result in detrimental or injurious impacts to property or improvements in the vicinity. The proposal has no significant impacts that are not able to be mitigated and would improve the area by providing a mix of uses to better serve the needs of the community. The proposed office use is a reasonable amount of office space in comparison to the other uses proposed for the site. The proposed commercial area would be a total of 31,262 s.f. Approximately half of the commercial square footage (15,144 s.f.) would be retail, commercial recreation (gym), or restaurant uses. The 16,118 square feet of office space is only slightly over half of the commercial square footage in the project.

2. *Be located and conducted in a manner in accord with the Palo Alto Comprehensive Plan and the purposes of this title (Zoning).*

The project is compliant with several comprehensive plan policies as noted in the Comprehensive Plan Compliance Table.

SECTION 5. ARB/Design Enhancement Exception Findings

1) The design of the proposed mixed use development is consistent and compatible with applicable elements of the City's Comprehensive Plan in that the site is designated as Service Commercial, which allows for mixed use development and compliance with applicable Comprehensive Plan policies is outlined in the Comprehensive Plan compliance table.

2) The design is compatible with the immediate environment of the site in that the proposed building is located within a commercial zone district where a mixture of uses is common. The building would be located on a significant arterial roadway where larger commercial buildings with mixed uses are encouraged;

3) The design is appropriate to the function of the project in that the design appropriately accommodates all the proposed uses, providing access in the right places, elevating the residences off the street, improving pedestrian accessibility and safety, and addressing the street in such a way as to provide building mass close to the street without overwhelming it;

4) In areas considered by the board as having a unified design character or historical character, the design is compatible with such character. Not applicable. The area does not have a unified design character.

5) The design promotes harmonious transitions in scale and character in areas between different designated land uses in that the adjacent land uses are also commercial in nature and the proposed project integrates with them rather than conflicting;

6) The design is compatible with approved improvements both on and off the site in that the proposed mixed use building would be compatible with the other uses in the area and the uses within the building would be compatible with each other. For instance, one could live and work within the project as well as use the gym facility and the restaurant services without leaving the project site;

7) The planning and siting of the various functions and buildings on the site create an internal sense of order and provide a desirable environment for occupants, visitors and the general community in that the proposed design provides a large central courtyard area that provides easy pedestrian access through the project;

8) The amount and arrangement of open space are appropriate to the design and the function of the structures in that ample open space is provided in the form of private patio areas for the residences and office users, large dinning terrace that is both covered and uncovered, and the large central courtyard that would be open to all building occupants;

9) Sufficient ancillary functions are provided to support the main functions of the project in that the proposal includes sufficient parking and areas to accommodate trash and recycling needs of the development;

10) Access to the property and circulation thereon are safe and convenient for pedestrians, cyclists and vehicles in that adequate parking areas are proposed both at the surface and below grade, bicycle parking provided at various locations throughout the site, and safe pedestrian access through the project;

11) Natural features are appropriately preserved and integrated with the project in that the proposal will ensure the preservation of all existing street trees;

12) The materials, textures, colors and details of construction and plant material are appropriate expressions of the design and function in that the building is proposed to have a multitude of exterior finish materials with different colors and textures providing a high level of detail and visual interest;

13) The landscape design concept for the site, as shown by the relationship of plant masses, open space, scale, plant forms and foliage textures and colors create a desirable and functional environment in that the proposal includes landscape material where possible considering that the project sits upon a below grade parking structure. Landscape planters and potted plants are placed around the perimeter and through the open courtyard;

14) Plant material is suitable and adaptable to the site, capable of being properly maintained on the site, and is of a variety, which would tend to be drought-resistant and to reduce consumption of water in its installation and maintenance;

15) The project exhibits green building and sustainable design that is energy efficient, water conserving, durable and nontoxic, with high quality spaces and high recycled content materials. The design would comply

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

a. Promote orderly and harmonious development in the city;

b. Enhance the desirability of residence or investment in the city;

c. Encourage the attainment of the most desirable use of land and improvements;

d. Enhance the desirability of living conditions upon the immediate site or in adjacent areas; and

e. Promote visual environments which are of high aesthetic quality and variety and which, at the same time, are considerate of each other.

The requested Design Enhancement Exceptions are consistent with the following findings as stated in PAMC 18.76.050 (c).

DEE Findings for Height (five feet over the 50 foot code limitation)

(1) There are exceptional or extraordinary circumstances or conditions applicable to the property or site improvements involved that do not apply generally to property in the same zone district.

This finding can be made in the affirmative. The proposed building would span the entire block, resulting in an expansive roof that would require multiple roof screen areas to condition the various spaces within the building.

(2) The granting of the application will enhance the appearance of the site or structure, or improve the neighborhood character of the project and preserve an existing or proposed architectural style, in a manner which would not otherwise be accomplished through strict application of the minimum requirements of this title (Zoning) and the architectural review findings set forth in Section 18.76.020(d).

This finding can be made in the affirmative. The five feet in additional height would allow the loft roof spaces to pop up out of the roof allowing for the combination of these elements with the mechanical roof screen to create one seamless and cohesive

screening element that is architecturally compatible with the building and more visually attractive than multiple individual mechanical roof screens.

(3) The exception is related to a minor architectural feature or site improvement that will not be detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare or convenience.

This finding can be made in the affirmative in that the proposed height exception for the individual loft spaces would not result in additional height beyond the height of the permitted height of the mechanical roof screens. The loft and roof screen element would also be set back 14 feet from the face of the fourth floor and 39 feet back from the front face of the building, reducing its visibility from the street.

DEE for alleviation of the build to line requirement by 2.5 feet on the Portage Avenue frontage.

(1) There are exceptional or extraordinary circumstances or conditions applicable to the property or site improvements involved that do not apply generally to property in the same zone district.

This finding can be made in the affirmative. The project site is not a level site and is lower at the El Camino Real and Portage Avenue corner. The State accessibility requirements dictate that access be provided to the elevated dinning terrace from the sidewalk.

(2) The granting of the application will enhance the appearance of the site or structure, or improve the neighborhood character of the project and preserve an existing or proposed architectural style, in a manner which would not otherwise be accomplished through strict application of the minimum requirements of this title (Zoning) and the architectural review findings set forth in Section 18.76.020(d).

This finding can be made in the affirmative. The 2.5 foot additional setback from the required build to line of five feet would allow for an accessible ramp from the sidewalk to the dinning terrace/corner plaza and would move the building slightly further from the street, providing a little extra breathing room in that location.

(3) The exception is related to a minor architectural feature or site improvement that will not be detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare or convenience.

This finding can be made in the affirmative in that the proposed additional setback of 2.5 feet beyond the required build to line of five feet is very minor in nature and would not result in a detrimental visual impact to the street.

SECTION 6. Site and Design Review and Conditional Use Permit Approval Granted. Site and Design Review and Conditional Use Permit Approval are granted by the City Council under Palo Alto Municipal Code Section 18.30(G).070, and Section 18.76.010 for application 13PLN-00040, subject to the conditions of approval in Section eight of the Record.

SECTION 7. Plan Approval.

The plans submitted for Building Permit shall be in substantial conformance with those plans prepared by FGY Architects, consisting of 39 pages, dated July 25, 2013, and received July 25, 2013, except as modified to incorporate the conditions of approval in Section Seven. A copy of these plans is on file in the Department of Planning and Community Environment. This document, including the conditions of approval in Section eight, shall be printed on the cover sheet of the plan set submitted with the Building Permit application.

SECTION 8. Conditions of Approval.

Department of Planning and Community Environment

1. The plans submitted for Building Permit shall be in substantial conformance with plans received on July 25, 2013, except as modified to incorporate the following conditions of approval and any additional conditions placed on the project by the Planning Commission, Architectural Review Board, or City Council. The following conditions of approval shall be printed on the cover sheet of the plan set submitted with the Building Permit application.

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

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

4. All landscape material shall be well maintained and replaced if it fails.

5. Any exterior modifications to the building or property shall require Architectural Review. This includes any new signs.

6. Mitigation Measures C-1: The effects of construction activities would be increased dustfall and locally elevated levels of particulate matter downwind of construction activity. Construction dust has the potential for creating a nuisance at nearby properties. This impact is considered potentially significant but normally mitigable by implementing the following control measures:

During demolition of existing structures:

Water active demolition areas to control dust generation during demolition and pavement break-up.

Cover all trucks hauling demolition debris from the site.

Use dust-proof chutes to load debris into trucks whenever feasible.

During all construction phases:

Pave, apply water 3x/daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.

Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).

Enclose, cover, water 2x/daily, or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).

Limit traffic speeds on unpaved roads to 15 miles per hour.

Install sandbags or other erosion control measures to prevent silt runoff to public roadways.

Replant vegetation in disturbed areas as quickly as possible.

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

7. Mitigation Measures B-1: The applicant shall abide by all provisions of Sections 3503 and 3503.5 of the State Fish and Game Code and Migratory Bird Treaty Act of 1918 (MBTA) as published in the Federal Register (Vol. 70, No. 49; March 15, 2005).

Although there is no vegetation on the project site that may contain nesting birds, there may be nesting birds in existing vegetation abutting the proposed project site. To protect any nesting birds, the proposed project may avoid construction during the nesting period. Alternatively, a qualified wildlife biologist (to be hired by the applicant) shall conduct a survey for nesting birds that are covered by the MBTA and/or Sections 3503 and 3503.5 of the State Fish and Game Code in the vicinity of the project site. This survey shall cover all areas that would be disturbed as a result of construction-related activities during the nesting period, and shall include a "buffer zone" (an area of potential sensitivity, beyond the bounds of the proposed project construction area) which shall be determined by the biologist based on his or her professional judgment and experience. This buffer zone may include off-site habitat.

This biological survey shall be conducted no more than 14 days prior to the commencement of construction activities. The wildlife biologist shall provide a report to the City promptly detailing the findings of the survey. No construction shall be conducted until this report has been provided to the City and the City has authorized in writing the commencement of construction activities in accord with the biologist's findings.

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

9. Mitigation Measure F-2: Prior to building permit approval, the applicant shall submit a well-designed shoring system for the basement excavation to be designed by a licensed engineer subject to review and approval by Public Works Department.

10. Mitigation Measures H-1: A project specific Health and Safety Plan (HASP) and a Site Mitigation Plan (SMP), would be implemented, and adhered to during construction and excavation activities. All workers on site should be read and understand the HASP and SMP, and copies should be maintained on site during construction and excavation at all times.

11. Mitigation Measures H-2: A Remedial Risk Management Plan (RRMP) should be developed and followed by current and future owners, tenants, and operators. The plan will include the implementation of the described remedies and engineering design.

12. Mitigation Measures H-3: Additional collection of four soil samples at the site should be completed after the base excavation to 14 feet bgs is achieved. This soil-gas collection will verify if the removal of the clay cap has resulted in a reduction of residual soil gas below the residential ESLs. Current PCE and TCE concentrations in soil-gas are one or two orders of magnitude greater that what would be expected to accumulate based on current groundwater concentrations of PCE and TCE, and would not be likely to reach the current concentrations in the future if the reduction of groundwater contaminants continues as it is expected to.

13. Mitigation Measures H-4: If soil-gas concentrations collected following the initial base excavation phase have not resulted in significant decrease, a sub slab passive vapor collection and passive vapor collection and passive venting system designed full vapor barrier would be implemented to

mitigate against the identified VOC soil-vapor intrusion (see Mitigation Measure H-5 for vapor intrusion mitigation system).

14. Mitigation Measure H-5: Prior to issuance of the occupancy permit the applicant shall file documentation from an independent consultant specializing in vapor mitigation system design and installation for final approval by a third party inspection service reporting to the City financed by the applicant confirming that each component (collection pipes, transmission pipes, inlets, risers, vents, etc.) of the vapor intrusion mitigation system (VIMS) has been installed in accordance with recommendations of the Vapor Mitigation System and Monitoring Plan, and includes the installation of a full vapor barrier, which shall be a 60-mil thick, spray applied membrane below elevator shafts, stairwells, pipe chases, and entire floor slab, as part of the active vapor collection and venting system (i.e., driven by electric fans at the effluent end of the VMS riser pipes enhanced by outside air entering through inlet vents) to be installed in the building to mitigate potential soil vapor intrusion.

15. Mitigation Measure H-6: A Groundwater Mitigation Plan shall be provided for lowering ground water levels during the excavation phase that may reach depths to 22-feet bgs which is about 4-feet below the expected level of first encountered groundwater. The mitigation plan shall specify the number of groundwater dewatering wells with dedicated pumps to be installed around the site perimeter throughout the project duration. This plan shall be prepared and submitted for final approval by the City's Public Works Department prior to issuance of City permits.

16. Mitigation Measure H-7: A detailed groundwater extraction design shall be developed including a staging plans for dewatering system, including all required chemical testing, dewatering systems layout, well depths, well screen lengths, dewatering pump locations, pipe sizes and capacities, grades, filter sand gradations, surface water disposal method, permitting and location. This design shall be prepared and submitted for final approval by the City's Public Works Department prior to issuance of City permits.

17. Mitigation Measure H-8: This and future technical reports should be uploaded (as required) to the appropriate regulatory agencies- including uploads to the SCCDEH's ftp system and the State Geo Tracker system.

18. Mitigation Measures T-1: The applicant shall conduct an evaluation and implementation of signal cycle length optimization and reallocation of the green time at the intersection of El Camino Real and West Charleston Road.

Water Gas Wastewater Utilities Department

19. Prior to demolition, the applicant shall submit the existing water/wastewater fixture unit loads (and building as-built plans to verify the existing loads) and verify the existing water meters and sizes of fire services to determine the capacity fee credit for the existing load. The properties 440 Portage (existing 6" fire service and two 1" water meters), 3159 El Camino Real (existing one 5/8" water meter), 3111 El Camino Real (existing one 5/8" water meter) and 3127 El Camino Real (existing 6" fire service, one 5/8" water meter and one 1-1/2" water meter) are being combined for the new building.

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

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

22. 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.

23. New water, gas or wastewater utilities shall be connected to Portage or Acacia Ave. No new utilities are allowed from El Camino Real.

24. 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.).

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

26. The applicant's engineer shall submit flow calculations and system capacity study showing that the on-site and off-site water and sanitary sewer mains and services will provide the domestic, irrigation, fire flows, and wastewater capacity needed to service the development and adjacent properties during anticipated peak flow demands. Field testing may be required to determined current flows and water pressures on existing water main. Calculations must be signed and stamped by a registered civil engineer. The applicant is required to perform, at his/her expense, a flow monitoring study of the existing sewer main to determine the remaining capacity. The report must include existing peak flows or depth of flow based on a minimum monitoring period of seven continuous days or as determined by the senior wastewater engineer. The study shall meet the requirements and the approval of the WGW engineering section. No downstream overloading of existing sewer main will be permitted.

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

installed water and wastewater mains and services per City of Palo Alto Utilities record drawing procedures. For contractor installed services the contractor shall install 3M marker balls at each water or wastewater service tap to the main and at the City clean out for wastewater laterals.

28. 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.

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

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

31. Existing wastewater laterals that are not plastic (ABS, PVC, or PE) must be abandoned per WGW Utilities standards.

32. 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.

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

34. A separate water meter and backflow preventer is required to irrigate the approved landscape plan. Show the location of the irrigation meter on the plans. This meter shall be designated as an irrigation account an no other water service

will be billed on the account. The irrigation and landscape plans submitted with the application for a grading or building permit shall conform to the City of Palo Alto water efficiency standards.

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

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

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

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

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

40. The applicant shall obtain an encroachment permit from Caltrans for all utility work in the El Camino Real right-of-way. The applicant must provide a copy of the permit to the WGW engineering section.

Environmental Services Division

General Comments:

41. Consider providing separate service for residential and commercial units

Service Levels:

Commercial: Garbage - 4-yard bin, Recycling - 3-yard bin, Compostables - 2-yard bin.

Residential: Garbage - 1-yard bin, Recycling - 2-yard bin, Compostables - 96-gallon cart.

42. PAMC 18.23.020 Trash Disposal and Recycling

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

43. PAMC 5.20.120 Recycling storage design requirements

44. The design of any new, substantially remodeled, or expanded building or other facility shall provide for proper storage, handling, and accessibility which will accommodate the

solid waste and recyclable materials loading anticipated and which will allow for the efficient and safe collection. The design shall comply with the applicable provisions of Sections 18.22.100, 18.24.100, 18.26.100, 18.32.080, 18.37.080, 18.41.080, 18.43.080, 18.45.080, 18.49.140, 18.55.080, 18.60.080, and 18.68.170 of Title 18 of this code.

All Services:

45. Collection vehicle access (vertical clearance, street width and turnaround space) and street parking are common issues pertaining to new developments. Adequate space must be provided for vehicle access.

46. Weight limit for all drivable areas to be accessed by the solid waste vehicles (roads, driveways, pads) must be rated to 60,000 lbs. This includes areas where permeable pavement is used.

47. Containers must be within 25 feet of service area or charges will apply.

48. Carts and bins must be able to roll without obstacles or curbs to reach service areas "no jumping curbs"

49. Garbage, Recycling, and Yard Waste/Compostables cart/bin location and sizing.

Office Building

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

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

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

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

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

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

Restaurants and food service establishments only:

56. Please contact Green Waste of Palo Alto (650) 493-4894 to maximize the collection of compostables in food preparation areas and customer areas.

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

58. Multi-Family Residential

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

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

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

responsible for placing solid waste containers in an accessible location for collection.

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

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

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

PAMC 16.09.180(b)(10) Dumpsters for New and Remodeled Facilities

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

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

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

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

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

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

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

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

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

PAMC 5.24.030 Construction and Demolition Debris (CDD)

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

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

Public Works Engineering Department

OFFSITE IMPROVEMENTS:

75. SIDEWALK, CURB & GUTTER: As part of this project, the applicant must replace the existing sidewalks, curbs, gutters or driveway approaches in the public right-of-way along the frontages of the property on all streets. Contact the Public Works' inspector at 650-496-6929 to arrange a site visit so the inspector can determine the extent of replacement work. The site plan must show the extent of the replacement work or include a note that Public Works' inspector has determined no work is required. The plan must note that any work in the right-of-way must be done per Public Works' standards by a licensed contractor who must first obtain a Permit for Construction in the Public Right-of-Way ("Street Work Permit") from PWE at the Development Center. Additional review from Caltrans may be required. Please see the "Caltrans" note on page 5.

76. STREET RESURFACING: The full width of the street shall be resurfaced (grind and overlay) along the frontages of the project on Portage Avenue and Acacia Avenue.

77. PEDESTRIAN & STREETSCAPE IMPROVEMENTS: Directional curb ramps, median refuges, or other improvements to the pedestrian crossing at El Camino Real and Portage Avenue will be considered in accordance with input from the Planning and Transportation Division. Additional streetscape design elements such as bike racks, trash cans, and decorative street lights will be considered and placed in the public sidewalk per design guidelines outlined in the El Camino Real Master Planning Study and future input from the Architectural Review Board.

78. VTA BUS STOP: The existing VTA bus stop in the Westbound direction on the near side of the Portage and El Camino Real intersection is substandard. The location negatively impacts VTA bus and Stanford Marguerite Shuttle operations and the location presents a safety hazard due to conflicts with offset intersecting streets and driveways. The following is requested of the applicant and not a required condition: VTA has requested that the stop be relocated to the sidewalk along the project frontage and that a concrete bus pad be installed as part of the project. VTA encourages the applicant to design a bus shelter that mirrors the project architecture, but the applicant would be required to maintain the structure. Alternatively, VTA may provide a standard shelter.

79. STREET TREES: The applicant may be required to replace existing and/or add new street trees in the public right-of-way along the property's frontage. Call Public Works' arborist at 650-496-5953 to arrange a site visit so he can determine what street tree work will be required for this project. The site or tree plan must show street tree work that the arborist has determined including the tree species, size, location, staking and irrigation requirements. Any removal, relocation or planting of street trees; or excavation, trenching or pavement within 10 feet of street trees must be approved by the Public Works' arborist. The plan must note that in order to do street tree work, the applicant must first obtain a Permit for Street Tree Work in the Public Right-of-Way ("Street Tree Permit") from Public Works' Urban Forestry.

80. CALTRANS: Caltrans review and approval of this project is required. Caltrans right-of-way across El Camino Real extends from back-of-walk to back-of walk. The City has a maintenance agreement with Caltrans that requires the City to maintain the sidewalk and to issue Street Work Permits for work done on the sidewalks by private contractors. Caltrans has

retained the right to review and permit new or proposed abandonments of ingress/egress driveways off El Camino Real as well as the installation of traffic control devices as part of this project. Please include a record of Caltrans approval on the planset submitted for a building permit.

81. PARCEL MAP: This project is merging several properties under planning application 12PLN-00468. Prior to building permit issuance, the Parcel Map shall be approved by the City of Palo Alto and recorded by Santa Clara County.

82. PUBLIC ACCESS EASEMENTS: Public access agreements are required for the additional sidewalk space between the building edge and the property line.

83. STORM WATER TREATMENT: This project must meet the latest State Regional Water Quality Control Board's (SRWQCB) C.3 provisions. The applicant is required to satisfy all current storm water discharge regulations and shall provide calculations and documents to verify compliance. All projects that are required to treat stormwater will need to treat the permit-specified amount of storm water runoff with the following low impact development methods: rainwater harvesting and reuse, infiltration, evapotranspiration, or biotreatment. However, biotreatment (filtering stormwater through vegetation and soils before discharging to the storm drain system) will be allowed only where harvesting and reuse, infiltration and evapotranspiration are infeasible at the project site. Vault-based treatment will not be allowed as a stand-alone treatment measure. Where stormwater harvesting and reuse, infiltration, or evapotranspiration are infeasible, vault-based treatment measures may be used in series with biotreatment, for example, to remove trash or other large solids.

Reference: Palo Alto Municipal Code Section 16.11.030(c)

The applicant must incorporate permanent storm water pollution prevention measures that treat storm water runoff that are site specific. The prevention measures shall be reviewed by a qualified third-party reviewer who needs to certify that it complies with the Palo Alto Municipal Code requirements. This is required prior to the issuance of a building permit. The third-party reviewer shall be acquired by the applicant and needs to be on the Santa Clara Valley Urban Runoff Pollution Prevention Program's list of qualified consultants. (http://www.scvurppp-w2k.com/consultants2012.htm) Any consultant or contractor hired to design/and/or construct a storm water treatment system for the project cannot certify the project as a third-party reviewer.

Within 45 days of the installation of the required storm water treatment measures and prior to the issuance of an occupancy permit for the building, third-party reviewer shall also submit to the City a certification for approval that the project's permanent measures were constructed and installed in accordance to the approved permit drawings. The project must also enter into a maintenance agreement with the City to guarantee the ongoing maintenance of the permanent C.3 storm water discharge compliance measures. The maintenance agreement shall be executed prior to permit issuance.

The applicant is required to paint the "No Dumping/Flows to Matadero Creek" logo in blue color on a white background, adjacent to all storm drain inlets. Stencils of the logo are available from the Public Works Environmental Compliance Division, which may be contacted at (650) 329-2598. A deposit may be required to secure the return of the stencil. Include the instruction to paint the logos on the construction grading and drainage plan. Include maintenance of these logos in the Hazardous Materials Management Plan, if such a plan is part of this project.

84. BEST MANAGEMENT PRACTICES (BMP's): The applicant is required to submit a conceptual site grading and drainage plan. In order to address potential storm water quality impacts, the plan shall identify BMP's to be incorporated into the Storm Water Pollution Prevention Plan (SWPPP) that will be required for the project. The SWPPP shall include permanent BMP's to be incorporated into the project to protect storm water quality. (Resources and handouts are available from PWE. Specific reference is made to Palo Alto's companion document to "Start at the Source", entitled "Planning Your Land Development Project"). The elements of the PWE-approved conceptual grading and drainage plan shall be incorporated into the building permit plans.

The developer shall require the contractor to incorporate BMP's for storm water pollution prevention in all construction operations, in conformance with the SWPPP prepared for the project. It is unlawful to discharge any construction debris (soil, asphalt, sawcut slurry, paint, chemicals, etc.) or other waste materials into gutters or storm drains. (PAMC Chapter 16.09).

85. PARKING STRUCTURE DRAINS: Drains within the covered floors of the parking structures shall be connected to oil-water separators and sanitary sewer lines. Stormwater runoff from any exposed surface or roof parking areas without canopies need to be treated per C.3 requirements.

86. GREASE/OIL REMOVAL DEVICE: If there will be a kitchen and food serving area in the new building, any drains in the food service facilities shall be connected to a grease removal device and located on private property.

87. LOADING DOCK: Any loading dock areas shall be covered and graded so that no storm water enters and flows through the space. Any runoff from the loading dock area shall be kept isolated from the storm drainage system. If the loading area/dock contains a drain, it shall be connected to the sanitary sewer through a manually operated fail-safe valve.

88. CENTRALIZED DUMPSTER AND RECYCLING ENCLOSURE: Please label the location of the dumpster and recycling enclosure for the project. If there will be a separate enclosure for the restaurant, please label the location. The dumpster and recycling areas for the food service facility must be adequately roofed or covered; it is recommended that the dumpster and recycling enclosure for other uses be covered.

The following comments are provided to assist the applicant at the building permit phase. You can obtain various plan set details, forms and guidelines from Public Works at the City's Development Center (285 Hamilton Avenue) or on Public Works' website: http://www.cityofpaloalto.org/gov/depts/pwd/permits.asp

Include in plans submitted for a building permit:

89. GRADING & EXCAVATION PERMIT: Since more than 10,000 square feet of the land area on the project site is being disturbed, a Grading and Excavation Permit needs to be obtained from PWE at the Development Center before the building permit can be issued. Refer to the Public Works' website for "Excavation and Grading Permit Instructions." For the Grading and Excavation Permit application, various documents are required including a grading and drainage plan, soils report, Interim and Final erosion and sediment control, storm water pollution prevention plan (SWPPP), engineer-stamped and signed shoring plan, and a copy of the Division of Occupational Safety and Health (DOSH) excavation permit. Refer to our website for

"Grading and Excavation Permit Application" and guidelines. Except for the soils report and the DOSH permit, include the required documents and drawings in the building permit set drawings. Indicate the amount of soil to be cut and filled for the project.

90. GRADING AND DRAINAGE PLAN: The plan set must include a grading and drainage plan prepared by a licensed professional that includes existing and proposed spot elevations and showing drainage flows to demonstrate proper drainage of the site. Other site utilities may be shown on the grading plan for reference only, and should be so noted. No utility infrastructure should be shown inside the building footprint. Installation of these other utilities will be approved as part of a subsequent Building Permit application.

Site grading, excavation, and other site improvements that disturb large soil areas may only be performed during the regular construction season (from April 16 through October 15th) of each year the permit is active. The site must be stabilized to prevent soil erosion during the wet season. The wet season is defined as the period from October 15 to April 15. Methods of stabilization are to be identified within the Civil sheets of the improvement plans for approval.

91. SOILS REPORT: A detailed site-specific soil report prepared by a licensed soils or geo-technical engineer must be submitted which includes information on water table and sub-grade construction issues. Measures must be undertaken to render the basement waterproof and able to withstand all projected hydrostatic and soil pressures. No pumping of groundwater is allowed. In general, PWE recommends that structures be constructed in such a way that they do not penetrate existing or projected ground water levels.

92. DEWATERING: Excavation for sub-grade structures may require dewatering. PWE only allows groundwater drawdown well dewatering. Open pit groundwater dewatering is not allowed. If dewatering is required, the dewatering plan must be submitted to Public Works as part of a Street Work Permit. Dewatering is only allowed from April through October due to inadequate capacity in our storm drain system. The geotechnical report for this site must list the highest anticipated groundwater level. If the deepest excavation is expected to be within 3 feet of the highest anticipated groundwater level, the contractor can determine the actual groundwater depth immediately prior to

excavation by installing piezometers or by drilling exploratory holes. Alternatively, the contractor can excavate and hope not to hit groundwater, but if he does, he must immediately stop excavation and submit a dewatering plan to PWE for approval and install a drawdown well system before he continues to excavate. Public Works may require the water to be tested for contaminants prior to initial discharge and at intervals during dewatering. If testing is required, the contractor must retain an independent testing firm to test the discharge water for the contaminants as specified by Public Works.

93. BASEMENT DRAINAGE: Due to high groundwater throughout much of the City, PWE prohibiting the pumping and discharging of groundwater. Sub-grade drainage systems such as perforated pipe drainage systems at the exterior of the basement walls or under the slabs are not allowed. PWE recommends that a waterproofing consultant be retained to design and inspect the vapor barrier and waterproofing systems for the basement.

94. BASEMENT SHORING: Shoring for the basement excavation, including tiebacks, must not extend onto adjacent private property or into the City right-of-way without having first obtained written permission from the private property owners and/or an encroachment permit from PWE at the Development Center.

95. SWPPP: If the proposed development will disturb more than one acre of land, the applicant will be required to comply with the State of California's General Permit for Storm Water Discharges Associated with Construction Activity. This entails filing a Notice of Intent to Comply (NOI), paying a filing fee, and preparing and implementing a site specific storm water pollution prevention plan (SWPPP) that addresses both construction-stage and post-construction BMP's for storm water quality protection. The applicant is required to submit two copies of the NOI and the draft SWPPP to PWE for review and approval prior to issuance of the building permit.

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

97. IMPERVIOUS SURFACE AREA: Since the project will be creating or replacing 500 square feet or more of impervious surface, the applicant shall provide calculations of the existing and proposed impervious surface areas. The

calculations need to be filled out in the Impervious Area Worksheet for Land Developments form which is available at the Development Center or on our website, then submitted with the building permit application.

98. WORK IN THE RIGHT-OF-WAY - If any work is proposed in the public right-of-way, such as sidewalk replacement, driveway approach, curb inlet, storm water connections or utility laterals, the following note shall be included on the Site Plan next to the proposed work:

"Any construction within the city right-of-way must have an approved Permit for Construction in the Public Street prior to commencement of this work. THE PERFORMANCE OF THIS WORK IS NOT AUTHORIZED BY THE BUILDING PERMIT ISSUANCE BUT SHOWN ON THE BUILDING PERMIT FOR INFORMATION ONLY."

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

100. FINALIZATION OF BUILDING PERMIT: The Public Works Inspector shall sign off the building permit prior to the finalization of this permit. All off-site improvements shall be finished prior to this sign-off. Similarly, all as-builts, on-site grading, drainage and post-developments BMP's shall be completed prior to sign-off.

Water Quality

101. PAMC 16.09.170, 16.09.040 Discharge of Groundwater

The project is located in an area of suspected or known groundwater contamination with Volatile Organic Compounds (VOCs). If groundwater is encountered then the plans must include the following procedure for construction dewatering:

102. Prior to discharge of any water from construction dewatering, the water shall be tested for volatile organic

compounds (VOCs) using EPA Method 601/602 or Method 624. The analytical results of the VOC testing shall be transmitted to the Regional Water Quality Control Plant (RWQCP) 650-329-2598. Contaminated ground water that exceeds state or federal requirements for discharge to navigable waters may not be discharged to the storm drain system or creeks. If the concentrations of pollutants exceed the applicable limits for discharge to the storm drain system then an Exceptional Discharge Permit must be obtained from the RWQCP prior to discharge to the sanitary sewer system. If the VOC concentrations exceed the toxic organics discharge limits contained in the Palo Alto Municipal Code (16.09.040(m)) a treatment system for removal of VOCs will also be required prior to discharge to the sanitary sewer. Additionally, any water discharged to the sanitary sewer system or storm drain system must be free of sediment.

103. PAMC 16.09.180(b)(11) Carwash Required

New Multi-family residential units and residential development projects with 25 or more units shall provide a covered area for occupants to wash their vehicles. A drain shall be installed to capture all vehicle wash waters and shall be connected to an oil/water separator prior to discharge to the sanitary sewer system. The oil/water separator shall be cleaned at a frequency of at least once every six months or more frequently if recommended by the manufacturer or the Superintendent. Oil/water separators shall have a minimum capacity of 100 gallons. The area shall be graded or bermed in such a manner as to prevent the discharge of storm water to the sanitary sewer system

104. PAMC 16.09.180(b)(9) Covered Parking

Drain plumbing for parking garage floor drains must be connected to an oil/water separator with a minimum capacity of 100 gallons, and to the sanitary sewer system

105. PAMC 16.09.180(b)(10) Dumpsters for New and Remodeled Facilities

New buildings and residential developments providing centralized solid waste collection, except for single-family and duplex residences, shall provide a covered area for a dumpster. The area shall be adequately sized for all waste streams and

designed with grading or a berm system to prevent water runon and runoff from the area.

106. PAMC 16.09.180(b)(14) Architectural Copper

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

107. PAMC 16.09.175(k)(2) Loading Docks

(i) Loading dock drains to the storm drain system may be allowed if equipped with a fail-safe valve or equivalent device that is kept closed during the non-rainy season and during periods of loading dock operation.

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

108. PAMC 16.09.180(b)(5) Condensate from HVAC

Condensate lines shall not be connected or allowed to drain to the storm drain system.

109. 16.09.215 Silver Processing

Facilities conducting silver processing (photographic or X-ray films) shall either submit a treatment application or waste hauler certification for all spent silver bearing solutions. 650-329-2421.

110. PAMC 16.09.205 Cooling Towers

No person shall discharge or add to the sanitary sewer system or storm drain system, or add to a cooling system, pool, spa, fountain, boiler or heat exchanger, any substance that contains any of the following:

(1) Copper in excess of 2.0 mg/liter;

(2) Any tri-butyl tin compound in excess of 0.10 mg/liter;

(3) Chromium in excess of 2.0 mg/liter.

(4) Zinc in excess of 2.0 mg/liter; or

(5) Molybdenum in excess of 2.0 mg/liter.

111. The above limits shall apply to any of the above-listed substances prior to dilution with the cooling system, pool, spa or fountain water.

112. A flow meter shall be installed to measure the volume of blowdown water from the new cooling tower. Cooling systems discharging greater than 2,000 gallons per day are required to meet a copper discharge limit of 0.25 milligrams per liter.

113. PAMC 16.09.180(b)(b) Copper Piping

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

114. PAMC 16.09.220(c)(1) Dental Facilities That Remove or Place Amalgam Fillings

An ISO 11143 certified amalgam separator device shall be installed for each dental vacuum suction system. The installed device must be ISO 11143 certified as capable of removing a minimum of 95 percent of amalgam. The amalgam separator system shall be certified at flow rates comparable to the flow rate of the actual vacuum suction system operation. Neither the separator device nor the related plumbing shall include an automatic flow bypass. For facilities that require an amalgam separator that exceeds the practical capacity of ISO 11143 test methodology, a non-certified separator will be accepted, provided that smaller units from the same manufacturer and of the same technology are ISO-certified.

115. PAMC 16.09.175(a) Floor Drains

Interior (indoor) floor drains to the sanitary sewer system may not be placed in areas where hazardous materials, hazardous wastes, industrial wastes, industrial process water, lubricating fluids, vehicle fluids or vehicle equipment cleaning wastewater are used or stored, unless secondary containment is provided for all such materials and equipment

116. 16.09.180(12) Mercury Switches

Mercury switches shall not be installed in sewer or storm drain sumps.

117. PAMC 16.09.205(a) Cooling Systems, Pools, Spas, Fountains, Boilers and Heat Exchangers

It shall be unlawful to discharge water from cooling systems, pools, spas, fountains boilers and heat exchangers to the storm drain system.

118. PAMC 16.09.165(h) Storm Drain Labeling

Storm drain inlets shall be clearly marked with the words "No dumping - Flows to Bay," or equivalent.

Undesignated Retail Space:

119. PAMC 16.09

Newly constructed or improved buildings with all or a portion of the space with undesignated tenants or future use will need to meet all requirements that would have been applicable during design and construction. If such undesignated retail space

becomes a food service facility the following requirements must be met:

Designated Food Service Establishment (FSE) Project:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Pre-rinse (scullery) sinks

Three compartment sinks (pot sinks)

Drainage fixtures in dishwashing room except for dishwashers shall connect to a GCD

Examples: trough drains (small drains prior to entering a dishwasher), small drains on busing counters adjacent to pre-rinse sinks or silverware soaking sinks

Floor drains in dishwashing area and kitchens

Prep sinks

Mop (janitor) sinks

Outside areas designated for equipment washing shall be covered and any drains contained therein shall connect to a GCD.

Drains in trash/recycling enclosures

Wok stoves, rotisserie ovens/broilers or other grease generating cooking equipment with drip lines

Kettles and tilt/braising pans and associated floor drains/sinks

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

Dishwashers

Steamers

Pasta cookers

Hot lines from buffet counters and kitchens

Hand sinks

Ice machine drip lines

Soda machine drip lines

Drainage lines in bar areas

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

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

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

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

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

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

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

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

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

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

FSEs shall have a sink or other area drain which is connected to a GCD and large enough for cleaning the largest kitchen equipment such as floor mats, containers, carts, etc.

Recommendation: Generally, sinks or cleaning areas larger than a typical mop/janitor sink are more useful.

SECTION 9. Term of Approval.

Site and Design Approval. In the event actual construction of the project is not commenced within two years of the date of council approval, the approval shall expire and be of no further force or effect, pursuant to Palo Alto Municipal Code Section 18.30(G).080.

SECTION 10. Term of Approval.

Conditional Use Permit Approval. In the event actual construction of the project is not commenced within one year of the date of council approval, the approval shall expire and be of no further force or effect, pursuant to Palo Alto Municipal Code Section 18.77.090(a).

SECTION 11. Standard Conditions

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

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

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

REASONABLENESS OF THE FEES, DEDICATIONS, RESERVATIONS, AND EXACTIONS.

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

E. 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.

PASSED:
AYES:
NOES:
ABSENT:
ABSTENTIONS:
ATTEST: APPROVED:

City Clerk

Director of Planning and Community Environment

APPROVED AS TO FORM:

Senior Asst. City Attorney

PLANS AND DRAWINGS REFERENCED:

1. Those plans prepared by Heather Young entitled "3159 El Camino Real", consisting of 19 pages, dated June 12, 2013, and received on June 12, 2013.

The City of Palo Alto

3159 El Camino Real

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

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Attachment C
Zoning Compliance Table
3159 El Camino Real
13PLN-00040

	CS	Proposed	Compliance
Minimum setbacks			
Front yard (ft.)	0'-10' to create an effective 8'-12' effective sidewalk width	4 feet (provides 12 wide effective sidewalk)	conforms
Rear yard (ft.)	10' for residential 0' for commercial portion	10' minimum at residential	conforms
Street side yard (right, Portage)	5'	7'-6"	conforms
Street side yard (left, Acacia)	5"	5'	conforms
Build to Lines (required % of wall to be built up to the required setback line)	50% of frontage built to setback 33% of side street built to setback	55% at El Camino Real 39% at Acacia Ave. 0% at Portage Ave.	conforms Conforms DEE (exceeds by 2 feet 6 inches)
Permitted setback encroachments	6 feet for balconies	5 feet 11 inches at Portage Ave. for balconies	conforms
Maximum Site Coverage	50% = 34,752 s.f.	27,432 s.f.	conforms
Minimum Landscape Open Space	30% = 20,851 s.f.	27,785 s.f.	conforms
Usable Open Space	150 s.f. per unit	9209 s.f. private 9,526 s.f. common	conforms
Residential Density	30 dwelling units per acre = 48 units	48 units	conforms
Maximum Height	50 feet	55 feet	DEE (exceeds by 5 feet)

Attachment C
Zoning Compliance Table
3159 El Camino Real
13PLN-00040

Floor Area			
Maximum Residential Floor Area Ratio (FAR)	0.6:1 = 41,702 s.f.	42,860 s.f.	FAR concession (1,158 over)
Allowable Commercial Floor Area Ratio (FAR)	0.4:1 = 27,801 s.f.	31'262 s.f.	FAR concession (3,461 over)
Total Mixed Use Floor Area Ratio (FAR)	1.0:1 = 69,503 s.f.	74,122 s.f.	FAR concession (4,619 over)
Vehicle Parking			
Existing commercial recreation	1 per each 4 person capacity(6,616 s.f.) = 33 spaces	33 spaces provided	
New commercial recreation	1 per each 4 person capacity (2,447) = 11 spaces	11 spaces provided	
Restaurant (public service area)	1 space for each 60 gross s.f. 2,483/60 = 41 spaces	41 spaces provided	
Restaurant (back of house)	1 space for each 200 gross s.f. 2,598/200 = 13 spaces	13 spaces provided	
Retail	1 space for each 200 gross s.f. 1,000/200 = 5 spaces	5 spaces provided	
Office	1 space for each 250 gross s.f. 16,118/250 = 64 spaces	64 spaces provided	
Residential Studio units	1.25 spaces per unit 33 units x 1.25 =41.25 spaces	33 spaces (8.25 fewer spaces due to state code reductions in parking requirements)	

Attachment C
Zoning Compliance Table
3159 El Camino Real
13PLN-00040

One bedroom units	1.5 spaces per unit 14 units x 1.5 = 21 spaces	14 spaces (7 spaces fewer due to state code parking reductions)	
Two bedroom units	2 spaces per unit 1 unit x 2 = s spaces	2 spaces	
Guest Spaces	33% of units 16 spaces	0 spaces	31 spaces less than PAMC
Total Spaces Required (per PAMC)	247 spaces	216 spaces provided	conforms
	With state code reductions for residential parking, the total parking requirement is = 216 spaces	216 spaces provided	
Bicycle Parking			
Commercial Recreation	1 space /16 occupants 20% LT 80%ST 44/4=11 2 LT + 9 ST spaces	11 spaces	
Restaurant (Public Service Area)	1 space/600 dross s.f. 40%LT, 60%ST 2,483/600 =4 2 LT + 2ST	4 spaces	
Restaurant (back of house areas)	1 space/2000 gross s.f. 40%LT, 60%ST 2,017/2000 = 1 ST	1 space	
Retail	1 space/2000 gross s.f. 20%LT, 80%ST 1,000/2,000 = 1 ST	1 space	

Attachment C
Zoning Compliance Table
3159 El Camino Real
13PLN-00040

Office	1 space/2,500 gross s.f. 80%LT, 20%ST 16,1189/2500 =6 5LT + 1ST	6 spaces	
Residential	1 space/unit LT = 48LT	48 spaces	
Total Bike Spaces	57 Long term (LT) and 14 short term (ST)	61 LT and 30 ST	conforms

ATTACHMENT D
APPLICABLE COMPREHENSIVE PLAN POLICIES
3159 El Camino Real
13PLN-00140

Land Use and Community Design Element	
The Comprehensive Plan land use designation for the site is Service Commercial	
Goal L-1: A well-designed, compact city, providing residents and visitors with attractive neighborhoods, work places, shopping district, public facilities and open spaces.	The proposed mixed use building is of an attractive design providing a diverse mix of uses within a single project providing retail , office and residential uses.
Policy L-5: Maintain the scale and character of the City. Avoid land uses that are overwhelming and unacceptable due their size and scale.	The proposed mixed use building follows the city's guidelines providing an urban edge along El Camino Real. Portions of the building's first and second floor are at the setback while the third and fourth floors are set further back such that the height of the building does not overwhelm the street.
Policy L-7: Evaluate changes in land use in the context of regional needs, overall City welfare and objectives, as well as the desires of surrounding neighborhoods.	The redevelopment of the site with the proposed mixed use project is an appropriate land use change for the site. It places a mixture of uses along a transit corridor, including small rental units, where increased densities are encouraged.
Goal L-6: Well-designed buildings that create coherent development patterns and enhance city streets and public spaces.	The proposed architectural design of the new mixed use building appears to be of a high quality and would enhance the existing El Camino Real streetscape. The proposal eliminates all existing curb cuts along El Camino Real, improving pedestrian safety and provides a raised plaza at the corner of El Camino and Portage Avenue. A covered pedestrian arcade is also proposed at the retail space fronting El Camino Real.
Goal L-4: Inviting, pedestrian-scale centers that offer a variety of retail and commercial services and provide focal points and community gathering places for the City's residential neighborhoods and Employment Districts.	The attractive design of the new mixed use building would be inviting and would provide a multitude of uses to benefit the community. The ground floor spaces include a possible restaurant, retail spaces, a fitness facility, office space and at grade parking. The facility is designed with a large central portico that invites pedestrians into the space and facilitates increased mobility through the project.

Policy L-31: Develop the Cal-Ventura area as a well-designed mixed use district with diverse land uses, two-to three-story buildings, and a network of pedestrian oriented streets providing links to California Avenue.	The proposed mixed use project fulfills this policy that encourages mixed use development in the Cal-Ventura area.
Goal L-9: Attractive, inviting public spaces and streets that enhance the image and character of the City.	The proposed new wider sidewalk, consistent along the entire block frontage at El Camino Real, with an elevated plaza area, would improve the character of the City
Policy L-48: Promote high quality, creative design and site planning that is compatible with the surrounding development and public spaces.	The proposed mixed use project is a quality, creatively designed project. The modern design is of a character that would be consistent with the surrounding eclectic architecture.
Policy L-49: Design buildings to revitalize streets and public spaces and to enhance a sense of community and personal safety. Provide an ordered variety of entries, porches, windows, bays, and balconies along public ways where it is consistent with neighborhood character; avoid solid walls at street level; and include human-scale details and massing.	The mixed use project would revitalize the area that is currently underutilized with a vacant parcel and structures that do not maximize the sites land use potential. The project would enhance the street and improve personal safety with wider sidewalks and elimination of curb cuts. The building would have many balconies that overlook the street, ample window fenestration, bays, courtyards, porches, arcades, and doorways that would activate the public right of way.
Policy L-75: Minimize the negative impacts of parking lots. Locate parking behind buildings or underground wherever possible.	All new parking is located behind and under the building or located underground such that no open parking lots are visible form El Camino Real.
Policy L-77: encourage alternatives to surface parking lots to minimize the amount of land that must be devoted to parking, provided that economic and traffic safety goals can still be achieved.	Most of the parking associate with the project is proposed below grade such that it is not visible.
Policy L-78 Encourage development that creatively integrates parking into the project by providing for shared use of parking areas.	This project proposes multiple uses that have a combination of dedicated and shared parking facilities to maximize the use of available parking and a large number of parking lifts to maximize the amount of parking provided while minimizing the area devoted to parking.
Transportation Element	
Goal T-3: Facilities, services and programs that encourage and promote walking and bicycling.	The mixed use nature of the project enhances the ability for people to live and work in the same location. The wider sidewalks with the elimination of curb cuts improve pedestrian access. The provision of at grade and secured bicycle parking along with shower facilities would assist in encouraging bicycle ridership.

Policy T-19: Improve and create additional, attractive, secure bicycle parking at both public and private facilities, including multi-modal transit stations, on transit vehicles, in City parks, at public facilities, in new private developments, and other community destinations.	The new project would provide both at grade and secured bicycle parking.
Policy T-23: Encourage pedestrian-friendly design features such as sidewalks, street trees, on-site parking, public spaces, gardens, outdoor furniture, art, and interesting architectural details.	The proposal for a new mixed use building would greatly enhance the existing street with the construction of a new building with ample pedestrian level fenestration and detail, preservation of large mature street trees, wider sidewalks, and an activated plaza area for pedestrian interest.
Policy H-2: Identify and implement a variety of strategies to increase housing density and diversity in appropriate locations. Emphasize and encourage the development of affordable and attainable housing.	The proposal increases housing density and provides studio and one bedroom units that are small and more affordable than the larger residential units typically proposed within the City.
Policy H-3: Continue to support the re-designation of suitable vacant of underutilized lands for housing and mixed uses containing housing.	The proposal redevelops underutilized land for mixed use, including housing.
Policy H-4: Encourage mixed use projects as a means of increasing the housing supply while promoting diversity and neighborhood vitality.	The proposed mixed use project increases the housing supply by providing small rental housing units that are not typically seen in new developments while also adding new retail and commercial uses to the site to promote diversity and neighborhood vitality.

June 12, 2013

Russ Reich, Senior Planner
City of Palo Alto
Planning and Community Environment Department
250 Hamilton Avenue
Palo Alto, CA 94301

RE: 3159 El Camino Real
Site and Design Review Submittal

Russ,

Summary

The project we propose for 3159 El Camino Real is an addition to the existing building currently occupied by Equinox Fitness. The project proposal requests no exception or variance to the underlying CS zoning requirements; the proposed project meets the CS zoning requirement by right. Because 10% of the apartment units will be made available to lower income renters, the project is entitled to one zoning concession as per the Density Bonus Law. Additional FAR has been selected as the project's concession.

The discretionary action that we are asking the City for is to allow two Design Enhancement Exceptions to take advantage of site specific opportunities, and for the Director to approve a Conditional Use Permit to allow more than 5,000 square feet of office on a single lot. These actions are discussed further below.

Please note that a separate application was submitted in November 2012 to merge the underlying properties of this project into a single lot. The City's action on this proposal has no bearing on the merger application.

Discussion

The subject property is located in the CS zone, and extends along the east side of El Camino Real from Acacia Avenue on the north to Portage Avenue on the south, continuing along Portage Avenue in an "L" shape to encompass the existing parking facility on Portage, adjacent to Equinox.

We are pleased to bring forward a mixed use project to this increasingly diverse area. The development's commercial recreation, restaurant and retail spaces on the first floor, office space on the first through third floors and residential apartments on the second through fourth floors support the vibrant growth that is occurring in this part of town. The apartments will be for-rent units; no condominium map is being requested. The overwhelming majority of the apartments will be either studio or one bedroom units designed for an urban lifestyle.

The proposal includes the removal of the existing building at the corner of El Camino and Portage that currently houses We Fix Macs. A total of five curb cuts will also be removed: two along El Camino, two on Acacia and one on Portage, providing enhanced pedestrian safety and additional on-street parking.

Fergus Garber Group 81 Encina Avenue Palo Alto CA 94301
phone 650/473-0400 fax 650/473-0410

The primary building masses along El Camino are located at the "build-to" line to meet the El Camino Guidelines, providing a strong street edge and a 12 foot sidewalk width free of driveway curb cuts. The front elevation features a gracious pedestrian portal that leads to the main stair tower and interior courtyard. The upper floors step back from the first floor to allow for generous deck spaces, enlivening the façade and courtyard. The intent is to provide an inviting pedestrian environment along El Camino Real.

The new structure places a glassy first floor retail/restaurant element that anchors the corner of El Camino and Portage with an elevated corner plaza intended to serve as an outdoor gathering space. The contemporary design of the architecture is intended to complement the utilitarian and industrial character of the neighborhood with simple concrete and steel materials and forms.

Parking and Bicycles

The proposed project is fully parked. Vehicular parking is provided in the existing two-level garage on Portage Avenue, supplemented by a new underground garage that will be accessed from the below-grade portion of the existing garage. In addition, convenient on-grade visitor parking is tucked beneath the residential wing of the building at Portage Avenue. Machine parking for tenants and residents will be employed in the new portion of the underground garage, while conventional spaces are provided for customers and visitors.

Ample bicycle parking is provided throughout the project. Short term racks are provided at the ground floor near primary building entrances; long term bicycle storage is provided in specialized individual apartment storage closets supplemented with at-grade and below-grade secure bicycle storage rooms. In addition, we are proposing an area for a future bike share station on Portage Avenue.

Comprehensive Plan Conformance

This proposal satisfies Comprehensive Plan policies and the South El Camino Design Guidelines in a number of ways, improving underutilized land to provide dense rental housing in a mixed use development that promotes diversity and neighborhood vitality (Comp. Plan Policies H-3 and H-4). The building is designed to reinforce the street, with parking concealed behind and beneath the structure in accordance with the Design Guidelines and Comp. Plan Policy L-75.

Density Bonus Law

10% of the apartment units will be made available to lower income renters. In accordance with Density Bonus Law (Government Code 65915), the affordable units entitle the project to one zoning concession. An additional 4,619 square feet of FAR is requested. In addition, the parking required for the residential portion of the project has been designed to meet the ratios specified in Government Code 65915.

Design Enhancement Exceptions

Two Design Enhancement Exceptions are requested as a part of this application.

The first Design Enhancement Exception requested is for a relaxation of the "build to" requirement along Portage to allow a 7 foot 6 inch setback in lieu of a 5 foot setback. While the walls of the building itself will be located two and a half feet from the setback line, 94 linear feet of new raised planters and site walls are proposed along the property line, corresponding to 53% of the building's width.

We believe the necessary findings can be made as follows:

June 12, 2013

1. *There are exceptional or extraordinary circumstances or conditions applicable to the property or site improvements involved that do not apply generally to property in the same zone district.* The property is unique in that an existing parking structure occupies 62% of the frontage along Portage Avenue. In addition, there is an existing ground elevation change of approximately three feet from the corner of Acacia and El Camino to the ground level at the edge of the existing parking structure.

2. *The granting of the application will enhance the appearance of the site or structure, or improve the neighborhood character of the project and preserve an existing or proposed architectural style, in a manner which would not otherwise be accomplished through strict application of the minimum requirements of Title 18 and the architectural review findings set forth in Section 18.76.020(d).* The proposed ground floor levels have been set to allow accessibility across the site as well as at the El Camino Real entry points. This results in an elevated plaza area at the corner of El Camino and Portage, which serves both to mark the corner and to provide a distinct sense of destination for visitors. Access to the elevated plaza will be provided via a stairway at the corner and a ramp along Portage at the face of the building. A seven foot six inch setback at this location will allow space for the ramp in addition to a landscape buffer strip.

3. *The exception is related to a minor architectural feature or site improvement that will not be detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare or convenience.* Far from being detrimental or injurious, the two foot six inch exception would afford enhanced aesthetics while providing easy accessibility.

The second Design Enhancement Exception requested is to allow rooftop light monitors that align with the proposed 5 foot 6 inch high mechanical roof screen, with a top elevation of 55'-0".
The monitors will provide natural lighting to the interior of the fourth floor residential units. In the absence of the roof monitors, the rooftop would be populated by a series of individual roof screens.

We believe that the findings can be made to support this exception as follows:

1. *There are exceptional or extraordinary circumstances or conditions applicable to the property or site improvements involved that do not apply generally to property in the same zone district.* This project is unique in that it is a mixed use development that provides much-needed residential density on El Camino Real while providing ground floor retail space.

2. *The granting of the application will enhance the appearance of the site or structure, or improve the neighborhood character of the project and preserve an existing or proposed architectural style, in a manner which would not otherwise be accomplished through strict application of the minimum requirements of Title 18 and the architectural review findings set forth in Section 18.76.020(d).* Inserting the light monitors between the required roof screens provides a consistent horizontal element at the rooftop where an assortment of individual mechanical screens would otherwise be located, resulting in a more streamlined profile. The introduction of glazing in this location breaks up the scale of the roof screen and creates visual interest. The quality and design of the light monitor/roof screen walls is much higher than that of typical roof screens.

3. *The exception is related to a minor architectural feature or site improvement that will not be detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare or convenience.* The height of the monitors will

align with roof screens that comply with the zoning regulations, therefore the overall visible height of the building will not increase.

Conditional Use Permit

We are also requesting that the Director approve a Conditional Use Permit to allow more than 5,000 square feet of office space on a single lot. The property previously comprised six lots, but was reduced to four in November of 2011, when three of the original lots were merged. Each of the original six lots would have been eligible for up to 5,000 square feet of office use, for a total of 30,000 square feet. As mentioned above, an application to merge these lots into a single lot is in process. The proposed project includes up to 16,118 square feet of office space, the majority of which will be located on the third floor.

We believe that the findings for a Conditional Use Permit can be made as follows:

The granting of the application will:

1. *Not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience.* The mix of uses proposed on the site will enhance the sense of community in the immediate vicinity, enhancing neighboring property values and providing a more walkable streetscape. The proposed uses are compatible with other uses in the vicinity, and the building mass will knit together the streetscape that is currently marred by surface parking lots.

2. *Be located and conducted in a manner in accord with the Palo Alto Comprehensive Plan and the purposes of this title (Zoning).* The proposed mixed use project is designed to conform to the requirements of the CS zone, providing ample retail and commercial uses on the ground floor along El Camino, 48 units of rental apartments, and office space on the first and second floors at Acacia and at the third floor along El Camino Real. This is a true mixed use project.

   The project supports Comprehensive Plan Policy B-25: "Strengthen the commercial viability of businesses along El Camino Real. Encourage the development of pedestrian-oriented neighborhood retail and office centers along the El Camino Real corridor," while also providing much needed rental apartment units. Program L-30 of the Comprehensive Plan includes a diagram of the Cal-Ventura area recommending retail and professional offices along this section of El Camino Real.

Thank you for your assistance with this application. Please feel free to contact me with any questions.

Sincerely,
Fergus Garber Young Architects

Heather Young

cc: John Tarlton, Tarlton Properties Inc.

Fergus Garber Group 81 Encina Avenue Palo Alto CA 94301
phone 650/473-0400 fax 650/473-0410

City of Palo Alto (ID # 3919)

Planning & Transportation Commission Staff Report

Report Type: **Meeting Date: 7/10/2013**

Summary Title: 3159 El Camino Real

Title: Request by Heather Young on behalf of Portage Avenue Portfolio, LLC, for Site and Design Review of a five story, 55 foot tall, 75,042 s.f. building, replacing an existing 900 s.f. commercial building to establish 48 residential apartment units, and commercial and retail uses on a 1.6 acre site. The proposal includes retention of 6,661 s.f. of floor area (3127 El Camino Real) and the existing parking structure at 440 Portage Avenue. Parking spaces provided for 223 vehicles would include mechanical parking lifts. Environmental Assessment: An Initial Study and Mitigated Negative Declaration have been prepared. Zone District: Service Commercial (CS).

From: Russ Reich, Senior Planner

Lead Department: Planning & Transportation Commission

Recommendation

Staff recommends that the Planning and Transportation Commission (Commission) recommend City Council approval of the draft Record of Land Use Action (Attachment A) approving:

(1) A Mitigated Negative Declaration, prepared in accordance with the California Environmental Quality Act (CEQA);

(2) The Site and Design Review application for a new 67,506 s.f. mixed-use building (added to an existing 6,616 s.f. building) on a 1.6 acre site (resulting in a total 74,122 s.f. of floor area on a 69,503 s.f. site, and FAR of 1.06:1) to provide 48 apartment units, including five below market rate units, and office and retail uses, with structured parking facilities (at surface and underground) providing 216 parking spaces (including 11 puzzle lifts for 196 cars),

(3) Density Bonus concession permitting increased FAR for both residential and commercial components of the project in the total amount of 4, 619 square feet; and

(4) A Conditional Use Permit (to allow 16,118 sq. ft. of office space on one parcel where the limit is 5,000 s.f.).

Background

Site Location

The project site, located south of Page Mill Road on State Route 82 (El Camino Real), is bounded by Portage Avenue to the southeast and Acacia Avenue to the northwest, and the developed site at 435 Acacia Avenue (Equinox Gym building). The site includes the 6,616 s.f. Equinox Gym annex at 3127 El Camino Real, the 900 s.f. "We Fix Macs" building at 3159 El Camino Real, the parking structure at 440 Portage and two surface parking lots. The lot located at the northwest corner of the site has 11 parking spaces, and the parking lot at the southwest corner of the site (near the El Camino Real and Portage Avenue intersection) has 44 parking spaces (on two separate parcels). The site has five curb cuts onto public rights of way: two curb cuts on Portage Avenue, one curb cut on the El Camino Real, and two curb cuts on Acacia Avenue. To the north of Acacia Street is surface parking lot, across El Camino Real to the west are restaurants (McDonalds and Fish Market), across Portage Street to the south is a retail use (Footlocker) and office buildings, and across the alley to the east is a retail use (Fry's Electronics).

The 1.6 acre project site (69,503 square feet) consists of four parcels to be merged under a separate application (preliminary parcel map process). The parcel is zoned CS (Service Commercial) and is regulated by requirements of Palo Alto Municipal Code (PAMC) Chapter 18.16. Mixed-use is a permitted land use in the CS zone district. The Comprehensive Plan designation for this site is also Service Commercial, which allows for facilities providing citywide and regional services and relies on customers arriving by car. Residential and mixed use projects may be appropriate in this land use category.

Project Description

The proposed project is 67,506 s.f. mixed use building which, when combined with the existing 6,616 s.f. Equinox gym annex located on the site, would result floor area to a total of 74,122 s.f. The maximum height would be 55 feet above grade to allow for loft space in the fourth floor residential units, as well as to screen mechanical equipment. At the ground floor level, retail/restaurant/commercial recreation space is proposed, and the building setback on El Camino Real would allow an effective 12 foot sidewalk width. A total of 48 residential apartment units would be provided on four of the floors (second, third, fourth, and partial fifth floors). The proposed loft spaces, accessible internally from fourth floor residential units would have floors below the ceiling level of the fourth floor units. Office space would be provided on portions of the first, second, and third floors. Third and fourth floors are proposed above a portion of the existing Equinox building at 3127 El Camino Real. The first and second floors would be separated across the site by the existing Equinox building walls and by a courtyard proposed between the gym and the new restaurant/retail space. The third and fourth floors across the site are mostly physically separated (using expansion joints) except for limited hallway access, but would be visually connected.

The project includes surface and one level of underground parking facilities (13 feet below grade) for 216 parking spaces, including 11 puzzle parking lifts. The building would be constructed to displace one surface parking lot and reduce the size and cover another surface parking lot on the site.

The subterranean garage would connect to the existing below grade garage on Portage Avenue (that serves tenants of 411-435 Acacia Avenue) at the south east corner of the site. The main, finished garage floor level would be located below the existing site grades, and three level car stackers would be installed in the garage. The lifts would extend approximately six to seven feet below the main garage floor. Vehicular access to the site would be provided exclusively on Portage Avenue via two curb cuts; all other existing curb cuts (on El Camino Real and Acacia Avenue) would be removed. The parking spaces would be provided in both the existing two-level garages on Portage Avenue, and in the new underground garage that would be accessed from a below grade connection to the existing Portage Avenue garage. Fifteen (15) surface-level visitor parking spaces are proposed beneath the residential wing of the proposed building.

Site improvements such as landscaping, walkways and an outdoor dining terrace are also included in the proposed project. Plans also reflect a new concrete pad projecting at the level of the El Camino Real sidewalk into El Camino Real right of way to provide a corral for 18 bike parking spaces.

Other project aspects include a Conditional Use Permit (CUP), Design Enhancement Exceptions (DEEs), Floor Area Ratio (FAR) Concession, and parking reduction incentives. A CUP is requested to permit the proposed office floor area to exceed the 5,000 square feet per parcel limit (by 11,118 s.f.). Two DEEs are requested and would be reviewed by the Architectural Review Board. One DEE is a request for the height of the residential loft spaces to exceed the 50 foot height limit by five additional feet. The second DEE requests a relaxation from the build-to requirement along the Portage Avenue frontage, resulting in a greater setback of seven feet six inches rather than a five foot setback. The proposal also includes five below market rate residential apartment units (10% of the total units), allowing a concession for greater floor area than the maximum allowable area, as well as fewer parking spaces than would otherwise be required.

Summary of Land Use Action

Commission Purview

The Commission reviews and recommends the Mitigated Negative Declaration, Site and Design Review, density bonus concession and Use Permit applications. The recommendations will be forwarded to Council following hearing and recommendation by the ARB on the Site and Design Review and Design Enhancement Exception requests. The ARB hearing will be another public

comment opportunity on the environmental document and project as a whole, but the ARB focus is on the ARB findings to ensure good site design, landscaping and building design, and the sustainability of the project. The Commission's focus is on the environmental document, land use and Site and Design Review findings. The Council will receive both recommendations and minutes of the public hearings in the staff report and presentation to Council.

Summary of Key Issues

Concessions for FAR

Five of the proposed 48 rental apartment units will be provided as below market rate units. This is 10% of the total number of units. The floor area allowance in the CS zone district is 1:1 or 69,503 square feet for this site. The maximum nonresidential floor area is 0.4:1 of the site or 27,801 sq.ft., where the proposed nonresidential floor area is 31,262 sq.ft. (3,460 sq.ft. over the 0.4:1 nonresidential FAR). Of the nonresidential floor area, .15:1 FAR or 10,425 sq.ft. of floor area must be ground floor commercial area; the project includes 17,073 s.f. of ground floor commercial area, meeting the minimum standard. The maximum residential floor area is 0.6:1 or 41,701 sq.ft. where 42,860 sq.ft. is proposed (1,158 sq.ft. over the 0.6:1 residential FAR).

To assist in providing the proposed BMR units, the applicant has proposed to exceed the allowable 1:1 FAR (69,503 sq.ft. of floor area) by 4,619 square feet for a total floor area of 74,122 square feet. State density bonus law allows for concessions when at least 10% of the housing units proposed are affordable units. The requested concession is an FAR of .06:1 over the maximum allowable 1:1 FAR. The housing component of this project is a good example of the type of housing development envisioned by the new Housing Element. The sites were located on the City's inventory. The project combines smaller sized parcels to maximize density. The small units are designed to appeal to an urban commuter and they are located close to transit. The requested concession is also consistent with the Density Bonus recently recommended by the Commission.

Parking Reductions

The total number of parking spaces that would generally be required for the project based on the city's zoning requirements is 247 parking spaces. State density bonus law (Government code Section 65915, also formerly known as SB 1818) provides the ability to use a lower number of parking spaces when a project provides a minimum of 10% BMR units in a project. The differences between the City's residential parking requirements and the residential parking requirements under the State law are provided in the table below.

Parking Table

Residential unit type	City Standard (# of units X spaces per unit required)	Number of Spaces per PAMC	State Incentives (# of units x spaces per unit required)	Number of spaces per State
Studio	33 x 1.25	41.25	33 x 1	33
1 bedroom	14 x 1.5	21	14 x 1	14
2 bedroom	1 x 2	2	1 x 2	2
Guest Parking	33%	16	0%	0
Total Parking Spaces		80		49

The State law allows for a 31 space reduction in the number of parking spaces required in the project. While the project would provide 31 spaces fewer than the City's parking code requires, with the state incentives for parking reductions, the project will be otherwise zoning compliant for required parking. A breakdown of the parking regulations is provided in the zoning compliance table attachment C.

DEE for Height

The height limit for the CS zone is 50 feet. The applicant has proposed a DEE to exceed the 50 foot height limit by 5 feet, for a total height of 55 feet. This is requested so the height of the mechanical roof screens and the loft roofs could be integrated into one single cohesive roof element, rather than multiple roof screens randomly scattered across the top of the building. The DEE findings are provided in the draft Record of Land Use Action (Attachment A).

DEE for Build to Line

The CS zone district requires that 33% of the building be built up to the setback on the side streets (Acacia and Portage Avenues), and that 50% of the main building frontage (El Camino Real) be at the setback line of zero to ten feet to create a 12 foot effective sidewalk with (curb to building face). On the 150 foot long Acacia Avenue frontage, 39% or 59' of the building wall is proposed to be placed at the five foot setback, therefore the requirement is met. On the 458 foot long Portage Avenue frontage, the length of the building wall is approximately 149 feet long. To meet the 33% build to setback requirement, at least 49 linear feet of the building wall would need to be built up to the five foot required setback. To accommodate the extension of the residential balconies and the accessible ramp up to the elevated plaza, the building would be built with a minimum seven foot six inch setback, rather than up to the required five foot setback. This would be two and one half feet further back from the street than is required by

the code for 33% of the wall length. This would result in a greater setback than the build to requirement allows, necessitating a DEE request. While the building wall is further from the setback than required, the residential balconies at the second, third, and fourth floors would extend out forward 11 inches beyond the property line.

Site and Design Review

The Site and Design Review combining district is intended to provide a process for review and approval of development in environmentally and ecologically sensitive areas, including established community areas which may be sensitive to negative aesthetic factors, excessive noise, increased traffic, or other disruptions, in order to assure that use and development will be harmonious with other uses in the general vicinity, will be compatible with environmental and ecological objectives, and will be in accord with the Palo Alto Comprehensive Plan. The property is not located within an ecologically sensitive area or within a Site and Design combining district. The code, however, does require that mixed use projects providing more than four residential dwelling units are subject to Site and Design Review. Because the application includes 48 residential units, it is therefore subject to Site and Design Review which requires review by the Commission, the ARB and the City Council. The Commission and ARB will forward their recommendation to City Council for final approval of the proposed mixed use project. Since the CUP and the DEE's are part of the project proposal the final Council action will include these project elements as well. The Site and Design review findings are provided within the RLUA (Attachment A).

Conditional Use Permit

The CS zoning limits office uses to no more than 5,000 square feet per parcel. The zoning also contains a provision that allows the parcel to exceed the 5,000 s.f. office limit with a Conditional Use Permit. The limit is ultimately established by the Director. Since the four parcels will be combined into one parcel a Conditional Use permit to exceed the 5,000 s.f. limit of office space per parcel is included as part of the application. The total amount of office space proposed within the project is 16,118 square feet. This is only 21.7% of the total floor area within the project. The amount of office square footage is similar to the amount of retail floor area, providing a balance between the two uses while being considerably less than the proposed residential floor area proposed within the project. The CUP findings are provided within the RLUA (Attachment A).

Bike Parking

The plans provided in this packet includes a bulb out area at the El Camino Real frontage to provide additional bike parking spaces. El Camino Real is a State Highway and the California

Department of Transportation (Cal Trans) has ultimate authority over modifications to the El Camino Real public right-of-way. Transportation staff does not believe that Cal Trans will be supportive of the bulb out element into the roadway and has directed the applicant to find alternative locations for the bike parking. The applicant has stated that the plans will be revised to eliminate the bulb out element and also provide the required bike parking at grade and in secured bike cages in the below grade garage.

El Camino Real Development

Three guidelines are applicable to this site: (1) El Camino Real Design Guidelines (ECR Guidelines), (2) South El Camino Real Guidelines, recommended by ARB in 2002 (South ECR Guidelines), and (3) El Camino Real Master Schematic Design Plan, 2003 Draft (Design Plan).

South ECR Guidelines: The project site is located within the Cal Ventura Area, a corridor area, as defined by the South El Camino Real Design Guidelines (Guidelines). The Guidelines indicate new buildings should front El Camino Real with prominent facades and entries should face El Camino Real or clearly visible and easily accessible to pedestrians.

- *Guideline 3.1.2* states "the design of the sidewalk setback should create an urban character"; the buildings would be set back from El Camino Real to provide a 12 foot wide effective sidewalk width (curb face to building, required by Zoning Code Section 18.16.060). A raised outdoor dining terrace is proposed, facing El Camino Real at the corner of Portage Avenue.

- *Guideline 3.1.8* notes "new buildings should relate to and compliment surrounding buildings and street frontages" and "projects should relate to adjacent buildings with complimentary building orientations and compatible landscaping." No landscape plans have been submitted to date, but will be required for the Architectural Review Board hearing of the project. The proposed design would meet Guideline 4.1.6, which states, "buildings facing El Camino Real should be oriented parallel to the ECR right of way to create a cohesive well-defined street." Two entries would be facing El Camino Real.

  The proposed project would cover an entire El Camino Real frontage block. Contextual streetscape views beyond the block were provided to allow for comparison of the project height and scale with development along the same side of El Camino Real, mostly one-story buildings. The ARB would also evaluate the project pursuant to Guidelines 4.3.6, 4.5.4 and 4.5.5, which are:

- *Guideline 4.3.6*: "All exposed sides of a building should be designed with the same level

of care and integrity" and "Buildings should be attractive and visually engaging from all sides, unless in a zero lot-line condition."

- *Guideline 4.5.4 and 4.5.5*: "rooflines and roof shapes should be consistent with the design and structure of the building itself as well as with roof lines of adjacent buildings" and "roof forms should reflect the façade articulation and building massing, as opposed to a single-mass roof over an articulated façade."

ECR Guidelines: The 1979 ECR guidelines are somewhat helpful with respect to street trees, signage, architecture and building colors.

- *Trees:* ECR guidelines call for street tree spacing every 25 feet (page 2, top) or 30 feet (page 2, bottom); whereas the Design Plan calls for London Plane street trees in this segment of El Camino Real, planted every 22 to 33 feet on center in 4' x 6' tree wells, and prunes to provide 14 feet of clearance below to allow for truck and bus traffic. The five existing London Plane trees on El Camino Real are shown as to be retained; three new street trees are proposed along Acacia, and one street tree is proposed on Portage to supplement the existing Ash street tree. The Landscape Plan to be prepared for ARB review would provide further detail as to plantings and proposed tree species.

- *Signage:* There are a few relevant statements, such as – "Signs on ECR are limited to ½ to 2/3 the maximum size permitted by the sign ordinance"; "Wall signs should appear as though the building and the sign were designed together. The sign should not appear as if it were attached as an afterthought"; "A place for a sign should be designed into the elevation (if a sign is needed)"; and "Three signs, one on each elevation, are usually not approved." The project plans indicate one location for signage, at the intersection of El Camino Real and Portage, a low wall sign. Further detail would be required for the staff and ARB review of signage placement.

- *Architecture:* "In neighborhood commercial zones, the design should be pedestrian oriented; signs and details should not be primarily auto-oriented." Also, "when possible buildings should be set back from the front property line, with landscaping or a people-oriented plaza in front." The project provides for planter landscaping, new street trees where none currently exist, and some pedestrian oriented signage. An outdoor dining terrace, facing El Camino Real, with trelliage, is also proposed to activate the El Camino Real elevation.

- *Colors*: "More than three colors on a structure will make it incompatible with the

surroundings. Using bright colors, such as reds, yellows, purples and greens as the predominant color on a structure may make it incompatible with the surroundings. The ARB usually feels these colors are used to attract attention." Colors and materials board would be provided for the ARB review.

Policy Implications

Many of the City's policies are reflected in the project's design. The South El Camino Real Guidelines, the Context-Based Design Criteria, and Comprehensive Plan policies are implemented by this proposal. The project has pieced together smaller parcels to form a large enough parcel that is able to realize the elements of the various City Guidelines. The building provides a strong street edge along El Camino Real while providing a wide 12 foot sidewalk, at minimum, and various other pedestrian amenties. The building would have four floors but the uper floors would be set back to reduce the apparent height and mass of the building on the street. The building would have an elevated corner plaza at the intersection of Portage Avenue and El Camino Real for outdoor seating, storefront entries that face the street, an arcade providing pedestrian weather protection, and residential balconies that relate to the street. The building façade is well articulated with ample fenestration and a multitude of design elements including a corner glass element with sunshades, balconies at the residential floors, a wide opening to an interior courtyard and stair tower, and multiple transitions in building materials with numerous colors and textures. The project would replace surface parking lots, visible from El Camino Real, with underground parking and surface parking that is at grade behind and beneath the new building. All curb cuts along El Camino Real would be removed, resulting in improved pedestrian safety. Many of the project elements work together to improve pedestrian access and serve to implement the vision of a more pedestrian-oriented El Camino Real. In addition to the physical elements, the proposed uses within the project also serve to reduce auto usage and encourage pedestrian activity. This is a true mixed use project with a high number of small rental residential units not typically seen in mixed use projects of the recent past. This is a housing project that is not commonly built in Palo Alto and would be a welcome addition to the City's rental housing stock. The housing development is consistent with the City's recently adopted Housing Element and also consistent with the pending Density Bonus ordinance (scheduled for Council review in August). In adition to the residential uses, the proposal also includes a reasonable balance of office and retail spaces.

Timeline

Application submittal:	January 29, 2013
Mitigated Negative Declaration available for Public comment:	May 31, 2013
Planning and Transportation Commission Review:	July 10, 2013
Architectural Review Board Review:	TBD

City Council Review: TBD

Environmental Review

An Initial Study and Mitigated Negative Declaration have been prepared for the project and the 30 day public review and comment period began on May 31, 2013. The environmental analysis notes there are a few potentially significant impacts that would require mitigation measures to reduce them to a less than significant level. These include mitigations for dust constrol during excavation, protection for nesting birds, building design for earthquake resistance, basement shoring, a Health and Safety Plan for construction workers, a Remedial Risk Management Plan, collection of additional soil samples, installation of a vapor barrier, vapor collection, and venting system, third party inspection of vapor barrier and venting system, a Groundwater Mitigation Plan, development of a Groundwater Extraction design, technical documents uploaded to the appropriate agencies, and the addition of a southbound West Charleston Road right turn overlap signal phase.

Courtesy Copies

Fergus Garber Young Architects

Portage Avenue Portfolio, LLC

Attachments:

- Attachment A: Draft Record of Land Use Action (PDF)
- Attachment B: Site location map (PDF)
- Attachment C: Zoning Compliance Table (PDF)
- Attachment D: Comprehensive Plan Compliance Table (PDF)
- Attachment E: Applicant letter (PDF)
- Attachment F: Initial Studay and Draft Mitigated Negative Declaration (PDF)
- Attachment G: Project Plans (P&TC and Libraries only) (PDF)
- Attachment H: Letter of Support (PDF)

Planning and Transportation Commission
Draft Verbatim Minutes
July 10, 2013

EXCERPT

Public Hearing

3159 El Camino Real [13PLN-00040]: Request by Heather Young on behalf of Portage Avenue Portfolio, LLC, for Site and Design Review and request for concessions under Density Bonus law of a five story, 55 foot tall, 75,042 s.f. building, replacing an existing 900 s.f. commercial building to establish 48 residential apartment units, and commercial and retail uses on a 1.6 acre site. The proposal includes retention of 6,661 s.f. of floor area (3127 El Camino Real) and the existing parking structure at 440 Portage Avenue. Parking spaces provided for 223 vehicles would include mechanical parking lifts. Environmental Assessment: An Initial Study and Mitigated Negative Declaration have been prepared. Zone District: Service Commercial (CS). *Quasi-Judicial (Continued from June 26, 2013)

Chair Martinez: And that's consideration of an application for Site and Design Review and environmental review and recommendation on the record of land use action on 3159 El Camino. Staff?

Aaron Aknin, Interim Director – Planning: Thank you and good evening Honorable Chair and Planning Commission. Aaron Aknin, Interim Planning Director. Staff is here to give, Russ Reich our Senior Planner will be giving a short presentation, but we also have Transportation staff here to answer any questions you may have as well as our traffic transportation consultant who prepared the transportation portion of the environmental review. I'll turn it over to Russ at this time.

Russ Reich, Senior Planner: Thank you. Good evening Chair Martinez and Commissioners. The proposed project is a 67,506 square foot mixed-use building which combined with the existing 6,616 square foot Equinox Gym Annex located on the same site would result in a floor area of 74,122 square feet. The proposed height of the building would be 55 feet above grade. At the ground level retail, restaurant, and commercial recreation spaces are proposed. The building setback on El Camino would allow for an effective 12 foot sidewalk. A total of 48 residential apartment units would be provided on the second, third, and fourth floors of the building.

The project includes surface and one level of below grade parking facilities for 216 parking spaces including 11 puzzle parking lifts. The subterranean garage would connect to the existing below grade garage on Portage Avenue at the southeast corner of the site. Three level car stackers or puzzle lifts would be installed in the garage. The applicant will provide a short video that demonstrates how these work. Vehicular access to the site would be provided exclusively on Portage Avenue via two curb cuts. All other existing curb cuts on El Camino and Acacia would be removed. The parking spaces would be provided in both the existing two level garage on Portage Avenue and in the new underground garage that would be accessed from a below grade connection to the existing Portage Garage. Fifteen surface level visitor parking spaces are proposed beneath the residential wing of the building. Site improvements such as landscaping, walkways, and other outdoor, and an outdoor dining terrace are also included in the proposed project.

I'd like to touch on some of the key issues that are detailed within the staff report. Because the project will provide ten percent or 5 of the 48 residential units as Below Market Rate (BMR) units also known as BMR's the applicant is entitled to request one concession to the City's zoning requirements. The concession the applicant has requested is for floor area. They've requested a total of 4,619 square feet. This amount is consistent with the draft Density Bonus Ordinance that is likely to move forward to the City Council next month. When providing BMR units projects are entitled by right to use the State's calculation for required parking for the residential units. This is not a concession. The State's formula results in 31 fewer spaces than the City's formula. A breakdown of the City's parking ratio versus the State's is provided in the parking table at the top of Page 5 of the staff report.

The applicant has requested two Design Enhancement Exceptions (DEE). One is for five feet in additional height to allow for the height of the proposed loft spaces to be at the same height as the mechanical roof screens to integrate them into one single rooftop element. The second Design Enhancement Exception would allow the building to be setback two and a half feet further from the required setback on Portage Avenue resulting in a seven and a half foot setback rather than a five foot setback.

Upon further analysis of the traffic study the applicant has modified the traffic report. At places you have revised language of the proposed traffic mitigation and the traffic consultant's letter explaining the change. Also at places are questions from Commissioner Keller and staff responses along with a table indicating the parking distribution of the various properties associated with the new project and the existing parking structure at 440 Portage Avenue.

Staff has recommended that the Planning and Transportation Commission (PTC) recommend approval of the proposed project. Staff and the applicant are here to answer any questions that you may have. Thank you.

Chair Martinez: Thank you. Before we go forward the Vice-Chair has reminded me that this is quasi-judicial item and therefore Members of the Commission are asked to disclose any ex-parte communications with the public or the applicant. Anyone? I see none. Ok. Is there additional members of the staff that care to speak? City Attorney?

Mr. Aknin: No. If there's any questions we're available.

Chair Martinez: And the applicant is not going to?

Mr. Aknin: The applicant is here.

Mr. Reich: The applicant is here and prepared to make a presentation.

Chair Martinez; Ok. So if you're ready to go forward with that. Before you do that we are going to open the public hearing and if there are members of the public that care to speak to this, I don't think that we have any speaker cards yet. One comment. Ok. We invite more than one. And you'll have 10 minutes. Is that right? Fifteen minutes. Thank you.

Heather Young, Fergus Garber Young Architects: Good evening Commissioners, my name is Heather Young and I'm with Fergus Garber Young Architects. We're representing the project team. The project we are bringing before you tonight is a mixed-use project. And it's unusual in Palo Alto because it is a, what I call a true mixed-use project. It doesn't have a little bit of retail, a lot of commercial office, and a little bit of residential. It's very balanced in its distribution of nonresidential commercial office and residential. As you can see from the perspective it is a multi-story structure.

The zoning for the project as you know is the CS, Commercial Service Zone, which has a 1.0 Floor Area Ratio (FAR). That FAR is divided 0.6 for residential and 0.4 for nonresidential. We believe that the project is supporting the goals of the Comprehensive Plan and the El Camino Real design guidelines and we'd like to walk you through some of the ways that we believe it does that. Just to orient you, here's El Camino, Oregon, and Alma. We're at 3159. You can see the property outlined here in the red dashed line. There currently is Equinox's extension on El Camino in this area, a surface parking lot with a small structure to support a used car dealership that has not been in operation for several years, there's some additional surface parking to support Equinox, and surface parking and a small structure for We Fix Macs, a retail establishment. The remainder of the site is an existing parking garage with surface parking and below grade parking. The below grade parking is accessed off of Portage and goes under an elevated pool structure that supports the Equinox gym.

Some other things in the neighborhood you'll be familiar with: Fry's store is further down Portage, there's a McDonald's and the Fish Market, a local restaurant, an empty surface parking lot, Mike's Bikes, Foot

Locker in a surface parking lot situation, and then as you go down Portage some older industrial style buildings that have some been recently converted. And these are just some images of those structures: the Fish Market, nearby is Palo Alto Square, We Fix Macs, Showcase Luxury Cars, Equinox in these three images. And this building at 435 Portage are actually buildings that we've recently provided design services for and those are the only buildings that have been modified in the recent past.

The existing site again you've got the expansion for Equinox that fronts El Camino Real, the parking lots, We Fix Macs, and the other surface parking lots. This is the main component of Equinox's gym and these are General Motors (GM) offices. From the traffic you can see a number of curb cuts going in and out of the site from Portage, El Camino, and Acacia. This again is the entrance to the below grade lot and the surface lot. There are some primary entries and exits along this sidewalk. Only exits onto Acacia and exits here. We Fix Macs is a tiny little entrance, nothing of significance. All of the structures have rooftop mechanical equipment and obviously El Camino is a source of noise generation.

The proposed project would complete the block from Acacia to Portage. Part of the goals of the Comprehensive Plan it would maintain the existing structure at Equinox and add a new structure at the corner of El Camino and Acacia and another structure at Portage. There would be a small surface parking lot here to complement the existing parking and a pedestrian portal connecting El Camino and the courtyard. The curb cuts on Acacia and El Camino would be removed. One of the curb cuts along Portage would be removed. These orange areas here indicate locations for bicycle parking and a proposed bike share location for the project that's being rolled out now in San Francisco and along the Peninsula. We would propose to have primary entrances into the building off of El Camino and also off of the pedestrian portal and another primary entrance to the restaurant space off of the surface parking in this area. There would also be a grade connection between this internal courtyard and the existing parking.

This is just going to walk very quickly how the different uses of the site are composed. So this view from Portage and El Camino you can see the existing Equinox structure and We Fix Macs. Excuse me, once that's removed the first addition would be a double height retail space, a double height restaurant space, another double height space that's either retail or commercial recreation, a little bit of commercial office on the ground here, and some support spaces. The second floor some support spaces and residential units, a small area of office. On the third floor along El Camino, commercial office space, more residential on the two side streets, and then the fourth floor all residential, and then the roof screens and lofts and the vertical circulation areas.

What you can see highlighted in this slide is the development of the urban plaza on the corner of Portage and El Camino and a strengthening of the pedestrian experience along El Camino between Acacia and Portage. As you probably know, we're required to build up to 12 feet from the curb to create a maximum 12 foot sidewalk effective width for at least fifty percent of the frontage on El Camino. We have no choice. However, we're very sympathetic to some of the conversations that have been between City Council and the community recently about the desire to have a greater sidewalk width. And so we've gone intentionally to create this urban plaza in this area and also are developing this frontage as a pedestrian arcade, a dining arcade to support the restaurant behind it and developing the pedestrian portal to allow again for the pedestrian connection between El Camino and the interior courtyard. And here you can see it built out with additional balconies, terraces, other opportunities for pedestrian and occupant engagement with the street.

If we look at it from the Acacia corner again this is the existing structure to be removed and the double height commercial recreation or retail space, office, the double height restaurant, the double height retail, and some support with that small parking area. The second floor commercial office and residential. The third floor across El Camino with commercial office, residential on the two flanking corners and then again residential along the fourth floor. We've worked very hard to maintain this existing structure so that it's an infill project that goes adjacent to, above, and under that existing structure. We've also worked aggressively to provide for that safety and welfare of the occupants of that structure during construction such that the design for the seismic improvements that we're executed last year on this building allow for the shoring to occur, it's already in place, the shoring for the building is already in place

and will have safe exits for any of the occupants in the building. There's also a small pet friendly park in this area I should just mention. And here you can see again that built out with additional terraces, balconies, the fourth floor has been setback considerably from the street to have a lower mass developed along El Camino so that we're able to reinforce the pedestrian experience, but then set back for a more private residential experience.

You can see we've highlighted some of the programs and policies from the Comprehensive Plan that we believe the project is supporting and one of them is to consider a variety of strategies to address housing density. And what we've done to address housing density in addition to maxing out this with 48 residential units, which is the most that we're allowed. The units are studios, one bedrooms, and I believe there's 1 two bedroom unit. So it's a dense housing opportunity. They are for rental only; they are not condominiums at all. And we realized early on in the project that there would be a roof screen that would be required for the mechanical equipment and that there was potentially an opportunity to maximize the usable square footage within the same mass that would occur because of the roof screen. And that's the little lofts that you've seen referenced in the discussion and also in your package, the little sectional drawings. So it's just a small little bonus room for some of those residential units to make them more usable.

And parking I'm sure is a very, a very sensitive topic. As you saw in the report there have been calculations for all of the parking requirements for the different uses: the retail, the commercial recreation, the restaurant, the office, and the residential. And all of those are being met with the parking that's being provided. We have 15 additional sites, parking spots here at grade and then when you go below grade again through the ramp to go down to the lower level these gray toned areas are the puzzle lifts that Russ referred to a moment ago. They are car stacking machines and those would be dedicated reserved spaces for the residents and the commercial office users, not just in this building, but in the other structures that are served by the Portage garage, this existing garage. So by reassigning for instance GM office people a reserved spot in the puzzle lifts, the spot that their car may have taken all day now becomes available for intermittent users who are visitors to the site either to the retail or to the restaurant or to Equinox. You won't have a condition where office workers for instance or residents are parking in the surface spaces all day long. Those will be high turnover spaces.

And if you come to look at this you will see this is an example of how the puzzle lifts work. When a vehicle approaches it the occupant gets out. They use a fob that recognizes their car and the platform that is reserved for their car moves into position. They get out of the car, hit the fob again and the gate closes. Their car is relocated to its designated spot. If you go to retrieve your car it's a similar activity. You use the fob to call your car. The puzzle lifts move the car to the correct location, the gate opens, you're able to retrieve your car and then you close the gate again.

These photos off to the left are of a trip that was taken to an installation of this type of car stacking machine here in Oakland. And we were very fortunate Amy French, Rafael Ruiz, and Jaime Rodriguez from City staff were able to go and see the lifts in operation for themselves. And it is an unusual thing, but I think for all of us seeing how they worked and how easily they worked gave us a great deal of confidence to move forward with this proposal. Also you should know that the operators of this system have installations throughout the Bay Area. Not all of them as large as the installation we're proposing, but I believe it's 200 different locations throughout the Bay Area that they are utilizing products manufactured by this company.

And we have some additional images of the project they're probably better viewed on your screen. Sorry, I'll just close up. As you go through here you just see the different elevations and I hope you'll see the attention to detail that we're bringing to the project with the change in scale between the commercial and retail spaces versus the residential spaces with the private balconies. We've been working to develop an interior courtyard space that would connect the upper and lower surface parking lots that would provide a great deal of bicycle parking and open views between the site to help to integrate it and take what had previously been a number of individual parcels, again some of them parking or underuse parcels to turn it into one coherent project. And if you have any questions we'd be more than happy to try and address them. Thank you very much for your time.

Chair Martinez: Thank you very much. Aaron, what's next? Are there other members of the applicant's team to speak on this or they just here questions?

Mr. Aknin: I believe that was just it so we're here to answer questions or the applicant can answer questions as well.

Chair Martinez: Ok, then we're going to open the public hearing. Members of the public we have three members of the public who wish to speak on this. Each will be given three minutes to speak.

Vice-Chair Michael: So, excuse me, the first speaker will be Arthur Liberman to be followed by Bob Moss.

Arthur Liberman: Good evening Commissioners. Again I live on Chimalus in Barron Park. We are a neighborhood in Barron Park of over 1,500 residences just across and down a few blocks from 3159 El Camino. I wanted to say that I'm pleased that I met the representative of the proponents of the representative of this project. Their application I understand was submitted in January. I wish that we had the opportunity to discuss the scope and impact of the project with members of our community beforehand. The first that I heard about it was in the agenda packet for this meeting. And I would like to suggest to the Planning Department and Commissioners that you really use your persuasive legal powers, whatever you can do to encourage developers to meet with neighborhood association groups at an early stage of the project formulation, not just before it comes before a commission for a hearing.

So we are some of the folks in Barron Park who might be walking down the street to dine at one of the restaurants in your project. We also are some of the folks who will be affected by the traffic generated by the project. And as was said in Oral Communications by Mr. Buchanan traffic is a common issue that a number of the associations and parking is another issue a number of the associations are focusing on because it's a common issue. At a PAN meeting when Mayor Scharff came he asked each of the members of the association of this representative what's the principle issue that you're concerned with? Traffic, parking, parking, traffic, traffic and parking, parking, traffic. So you get the picture. This is kind of the common issue that many of us are hearing from our members of our associations.

So I would just like to, you mentioned traffic does extend beyond the nearby streets. One of the mitigated issues for that was mentioned in the draft Mitigated Negative Declaration (MND), can't remember all the words, was a significant impact on Arastradero and West Charleston. That's a mile and a half away from this. So traffic does really go and extend beyond just the local area. and I wanted to urge the Commission to try to focus on getting a comprehensive traffic study for the California Avenue that actually I think had been begun, but it's been parked into the Comprehensive Plan and it's been pushed down and down and at one, at some point it's going to become irrelevant because all these developments will happen before the plan is actually developed.

You really need to have a plan in place to know what the capacities are of the traffic infrastructure. The Santa Clara Valley Transportation Authority (VTA) for example has a LOS methodology where they rate the intersections. A lot of the intersections are already F. You can't get below the F. That's the bottom line. How bad are we going to go? Without traffic study, a comprehensive traffic study to say what really we can accept in our neighborhoods before people start using neighborhood streets and cause that kind of problem you really need to have a comprehensive study. So that's my suggestion for the Commission. Thank you very much.

Chair Martinez: Thank you. Before the next speaker staff can you comment on neighborhood outreach for this? What's been happening?

Mr. Aknin: Yeah we typically encourage developers to do broader neighborhood outreach. In this case the developer you could speak to, but in this case the only outreach that staff did was the standard noticing of the 600 foot notice legal requirement. But I do agree with the speaker in common practice it is good to have greater neighborhood outreach than less neighborhood outreach.

Chair Martinez: And the applicant? Can you speak to neighborhood outreach on this?

Ms. Young: Actually we did a good bit of outreach with the immediate adjacent neighbors, but did not contact Barron Park folks.

Chair Martinez: Ok. Thank you.

Vice-Chair Michael: So the next speaker is Bob Moss to be followed by Mark Sabin.

Robert Moss: Thank you Chairman Martinez and Commissioners. To follow up on the outreach issue and the problem a project of this scope definitely should have talked to the neighborhood associations, made sure Barron Park, Charleston Meadows because this is going to have a horrendous impact on traffic. If you're familiar with that area if you're driving north on El Camino between eight and ten o' clock in the morning traffic backs up bumper to bumper from Cambridge past Portage, sometimes several blocks past Portage. In the evening rush hour it's basically bumper to bumper from Page Mill all the way down past Charleston and Arastradero. This project is not going to help that. It's going to make it much worse. And as Art said we're going to have a risk of people ducking off El Camino and going through the neighborhood. We've already had a significant increase in traffic on some of the neighborhood streets because of the narrowing of Arastradero and blocking El Camino with more traffic isn't going to make it any better it's going to make it worse.

There are a couple of other problems with this project. The first one is I think it looks much too massive along El Camino. As you may recall the City Council wanted to have buildings setback and scale down along El Camino so they didn't just present a wall basically at the sidewalk. And that's essentially what this does. Having a little niche in the corner, let's call it a semi architectural benefit doesn't do it because when you go down El Camino you just still see the wall. And if you want to see a really disastrous mistake which emulates this, drive to Alma Plaza where the former Miki's store was, I can't tell you how many people have told me how disgusted they are at that type of architecture and that lack of setback.

The second problem is I don't see any reason why the 50 foot height limit should be exceeded. You have a 50 foot height limit. If they can't build as much interior space within 50 feet, cut it back. It'll also help the traffic. But we don't want to have massive buildings creating major problems for traffic and pedestrians and potential cut through traffic in neighborhoods just because somebody says, "Well I can get away with it." That's not a good way of doing things and the traffic and the scale of the building I think are going to be excessive.

Chair Martinez: Thank you.

Vice-Chair Michael: Next speaker is Mark Sabin to be followed by and I may have problems with your last name, Richard Tevempler.

Mark Sabin: Good evening. A few weeks ago I was looking at Palo Alto Online and there was one piece of information there. It said that the average house in Palo Alto was built in 1958. What I assume by that is half the housing was built on or before 1958 and half was built after 1958. If that's the case than I don't think anybody thinks that half the housing in Palo Alto should be demolished because it's 50 years old. I bring that up because anything that's built now we should expect it to last more than 50 years. And in less than 40 years we come up against maybe thirty-two mandates where carbon dioxide production has to be 80 percent below what they were in 1990. So anything that gets built now is going to factor in whether we're going to meet that mandate gracefully or we have to do something drastically be able to do it.

That's why I think it's important for developments like this to move forward because with more density that's closer to transit and also closer to commercial and services and all that sort of thing like this is you have a development that I believe is more energy appropriate to what the realities are going to be in the future. And so I think we're going to be needing to look creatively at things like this more now and in the future than we are in simply looking at traffic impacts and that sort of thing. Down the road traffic

impacts may be the least of our problems. While they are important, it's really important I think to be creative and give projects like this a serious look because we can either start planning for that or start getting done for it if we're not being aggressive about meeting those mandates that are becoming down the road. Thank you.

Chair Martinez: Thank you.

Vice-Chair Michael: Next speaker is Richard Tevempler.

Richard Tevempler: Good evening and thank you for your time. I'm Richard Tevempler and I'm the Director of Development for the Sobrato Organization and we are owners of 311 El Camino and 200 through 370 Portage Avenue. And we're here tonight or I'm here tonight to support the project that's before you. I think it's a good design and a good project along the El Camino. Thank you.

Chair Martinez: Thank you very much. That was our last speaker. We're going to keep the public hearing open for a time. Before we, it comes to the Commission City Attorney do you have something you want to add?

Cara Silver, Senior Assistant City Attorney: Yes, you may want to offer the applicant some rebuttal time. It's customary in a quasi-judicial application to allow for that.

Chair Martinez: I will, but first I thought we might want to hear comments from the traffic consultants that might be here because there were some significant issues raised about traffic impacts.

Mr. Aknin: He's on his way up.

Jim Daiso, Traffic Engineer, Kimley-Horn and Associates: Good evening Commissioners, I'm Jim Daiso with Kimley-Horn and Associates. I don't have a formal presentation on the traffic study, but if you have any questions I'd be happy to answer those. If not I can walk you through what we did in general, but I think there might be some questions you would like answered.

Chair Martinez: Well members of the public raised some issues about the level of service along El Camino and I thought you might want to address that in terms of the additional impacts if any of the proposed project.

Mr. Daiso: Well the level of service element of the traffic study follows the Santa Clara VTA congestion management program methodologies. Just about any project in Santa Clara County follows those guidelines that are put out by Santa Clara VTA. And what it states is if it's on the CMP network, the Congestion Management Network or network of streets, highways, and intersections then there are standards for level of service established for those. And the level of service established for most of those intersections, if not all of them, is level of service E, which is in traffic engineering denoted by amount of delays that an average driver would experience during the peak hour at a particular intersection. So to determine impacts of a project on an intersection you measure how much additional delay that the project would add to the intersection plus you look at how it might change the volume to capacity ratio, which is another fancy term for how much of the capacity does the project take away from the general motoring public. So you look at these two terms, these two calculations essentially.

We studied three fairly large or major intersections on either side of the project. And because it, the project did not in our estimates of its traffic generation did not generate more than 100 trips in any given period, which is the VTA's CMP threshold for doing a major traffic study we looked at these three intersections that were fairly major and potentially impacted so that the criteria we go by once we generate, we estimate the traffic, we assign it to the roadways and based on existing patterns of travel and then we look at, we use software and we calculate the delay and we look at the volume to capacity ratio. Criteria states that if the project adds four seconds of delay or more plus and this is an and takes away one percent of the intersection's capacity for other people to use then it's considered a significant impact and requires mitigation.

So we found that of the three intersections we were studying the one I think is in most question is Charleston and El Camino Real that it was operating at a level of service F, which is not meeting CMP standards today. And we add a few seconds of delay to it over four and we in essence we did trigger an impact so we were required to mitigate that impact. We barely went over the criteria requirements, but it was easily mitigated by looking at the signal timing and optimizing the signal timing, which is clearly stated in the VTA guidelines as a legitimate mitigation measure. So while we looked at the study we're doing a Mitigated Negative Declaration by definition we needed to mitigate the impacts. We had that one impact; we mitigated it and brought it down to just slightly below where it was before without the project. The issue is this impact occurs in the year 2025. So it doesn't occur today, it doesn't occur in 2015. It occurs in 2025. So implementation of the mitigation measure really doesn't need to happen for a long time and I think we'll work with staff on how that gest implemented. I think it's more likely contribute to a fund or something for a future signal system upgrade of the El Camino Real corridor. In general not aside from the comments we heard that's in essence the summary of the project and its impacts and mitigation.

Chair Martinez: Great, thank you. That was helpful. Commissioners any questions before he (interrupted)

Mr. Aknin: Chair?

Chair Martinez: Yes.

Mr. Aknin: Just to reiterate one thing that the Traffic Engineer just touched on. The level of service at Charleston and El Camino right now operates at a level D. It does not operate at a level F right now. That's projecting out to (interrupted)

Mr. Daiso: I'm sorry, that's the future level of service.

Mr. Aknin: Future, not the current.

Chair Martinez: Ok. So things will get worse not better. Great feature. Ok. Commissioners, questions or comments? Commissioner Panelli. Please.

Commissioner Panelli: Thank you Mr. Chair. I'm going to ask staff some questions. Senior Planner Reich, I want to, what I'm trying to understand is what in this project is absolutely by right versus what is being asked for above and beyond by right? From what I understand and correct me if I'm wrong the density bonus concession is a right, but we have discretion as to whether that's the concession they get or can you just give us a little more color and clarity there?

Mr. Reich: I'll defer, thank you Commissioner Panelli, I'll defer to the City Attorney to explain the Commission's purview over the concession.

Ms. Silver: Thank you. Cara Silver, Senior Assistant City Attorney. We're in a bit of a limbo situation here because we have not yet passed our Density Bonus Ordinance. So as you know the Planning Commission has made a recommendation on the Density Bonus Ordinance and it will be going to the Council in probably August for approval. But right now it has not been passed and so we must rely on the State Density Bonus Law. So under State Density Bonus Law they are required or entitled to one concession given the affordability restrictions of this particular project and that is by right in light of that fact that the City does not have its own ordinance in place at this point.

Mr. Reich: And I just wanted to point out that the proposed concession of the 4,619 square feet that is consistent with the proposed Density Bonus Ordinance that we're proposing. So in the menu of items that one can request for a concession in our proposed ordinance it specifies that an applicant can request up to 50 percent additional FAR beyond what's allowed in the code or up to the square footage of the size of the additional restricted units. And so if you look at five units plus the associated area that is

needed in order to access them like the stairwells and the hallways and things like that it basically comes up to that amount. So the request that they made would be consistent with what we're considering adopting in our ordinance.

Chair Martinez: Can I ask a follow up on that Russ? But aren't they applying it to the commercial spaces?

Mr. Reich: The, our ordinance that's in draft doesn't specify how the square footage is allocated. It just says, it just specifies what the potential limits that the City is looking at placing on them. Yes they are diversifying the square footage; a portion of that for the residential and a portion for commercial. The benefit though of using some of the square footage commercial though is that they have to fully park the commercial where as if in the residential units under the State Density Bonus allowances they actually, it's a different parking calculation which results in fewer parking spaces.

Commissioner Panelli: Alright so let me just, just so it's absolutely clear to me, the rest of my fellow Commissioners, and all the public, members of the public the only way this would be not by right is if we had a Density Bonus policy that was something different than what we're proposing that would be more restrictive than what we're proposing? Would that be a fair way to characterize it?

Ms. Silver: Well first of all you're of course only talking about the residential concession portion of this project and the way our Density Bonus Ordinance is structured is that there are certain concessions on the menu of concessions that are prioritized and an applicant is directed to those in the ordinance. If the applicant wants to select a concession that's not on the preferred menu they need to under the proposed ordinance show economic justification for that. So they still theoretically could be entitled to additional concessions, but there would be more scrutiny and it would come to this body and the Council for approval.

Commissioner Panelli: Thank you for the clarification. Ok, so now that my understanding has been validated and clarified further I'd like to understand this 5,000 square foot per parcel limit on office floor area. And specifically I'm trying to understand why it's a fixed number limit rather than a percentage of FAR or percentage of… it sort of doesn't make sense to me because as I understand it the applicant is in the process of actually merging four lots. So theoretically by right for four smaller lots they could have more office square footage than one larger lot of the exact same aggregate square footage. This makes no sense to me and I really want staff to take a closer look at this and come up with a policy that's more sensible. Otherwise you could see some really weird behavior like trying to… first of all as I understand it for this project they don't need to merge these lots. They could just leave these as separate APN's in perpetuity, right?

Mr. Reich: They wouldn't be able to build the project though because you can't construct buildings over property lines. So it really would hinder what you can do with the properties if they're left individual.

Commissioner Panelli: You could make, well, ok. Fair enough. I'm thinking you can make them zero lot lines buildings, but I understand. The point I'm trying to say is you could effectively build a similar project. It might be a little goofy, but it's, I just really wish that we could take a closer look at this and come up with something that was more sensible. I've taken up enough time. I'm going to let my fellow Commissioners chat and hopefully we'll have another round. Thanks.

Chair Martinez: Thank you Commissioner. Commissioner King.

Commissioner King: Thank you. So just to go back to confirm on the existing entitlements. So restating this, so as things sit right now before the City Density Bonus the things that are not within existing entitlements are the FAR, now at 1.06 when the standard FAR would be 1.0. Is that accurate?

Mr. Aknin: Correct.

Commissioner King: And please explain on that 50 foot height limit so where are we, I know there's been precedent I know I think the JCC, Lytton Gardens there were exceptions for either mechanical or other

reasons beyond the 50 foot limit. So I'm unclear on who gets to, if it is a breach of our ordinance who gets to decide that we go over 50 feet and what is commonly done in the case of particularly mechanical equipment?

Amy French, Chief Planning Official: I'll answer that. Amy French, Chief Planning Official. The Architectural Review Board (ARB) is the, designated in our code is the board to consider exceptions to height above the maximum height limit in any district. And so there's a menu of things that they have that are in the code for criteria for consideration of a Design Enhancement Exception for being over 50 feet. Now there is provisions in the code that allow mechanical screens to go 15 feet above the height limit. So you could have without an exception just by right. So they can have their mechanical screen go 15 feet above the height limit. They're doing 5 feet above the height limit for the mechanical screen and that's allowed. It's the areas between those (interrupted)

Commissioner King: The loft areas (interrupted)

Ms. French: Yes.

Commissioner King: That are outside of the existing entitlement (interrupted)

Ms. French: Yes.

Commissioner King: Without any exception. Ok.

Ms. French: Yes.

Commissioner King: Yeah.

Chair Martinez: As a follow-up on that? Ms. City Attorney, is that entirely correct that it is the Architectural Review Board that has purview over deciding height when it's something expressed in our Comprehensive Plan? I find that odd.

Ms. Silver; The Architectural Review Board has purview over the Design Enhancement Exception. And typically we have implemented height variances through a Design Enhancement Exception administered by the ARB. There's also certainly a policy discussion in our Comprehensive Plan about the 50 foot height limit, but the code does envision that there will be some modifications administered by the ARB.

Ms. French: I might add that in the case of a Site and Design Review, which is ultimately it's not the Director's approval as would be a standard ARB decision. So in this case for this project the Design Enhancement Exception is a Council decision.

Chair Martinez: Thank you for that. Sorry.

Commissioner King: Thank you. And so the next, my question is regarding the traffic impacts. So at what point do traffic impacts impede then the users or owners' rights to the existing entitlements? In which case there would be some reason for us to deny them building out existing entitlements.

Mr. Aknin: I think if you were in the situation where there was an impact that could not be mitigated and you, so then an Environmental Impact Report (EIR) would have to be considered and there would potentially have to be something called a Statement of Overriding Considerations that the Planning Commission and Council would have to adopt. And a Statement of Overriding Considerations would say some, you know, could range a thing but it would basically say there's benefits that outweigh this impact that cannot be mitigated and in that case you might say that that hey, it doesn't outweigh it. I don't think we should approve this project. But in this case there is a mitigation measure that could mitigate the impact.

The other thing I'd like to add and we touched on this somewhat in the previous hearing on the golf course and this is kind of a Planning 101 thing is that even though these are all categorized as net new trips I think the idea of putting this type of housing near employment that is in reality they are potentially not all net new trips; that you're actually bringing the workforce closer to the jobs. So in many cases you have people commuting far away, commuting in impacting intersections at a greater radius, but I think the overall goal of cities up and down the El Camino Real is to put housing on El Camino so that you are closer to jobs so that people could walk to work or commute shorter distances to work.

Commissioner King: Ok, thank you. And by the way so it sounds like through technology that mitigation is sort of getting something for nothing through a change to a timing of the light. Do we believe that that's inarguable, that by doing that those, that is mitigated?

Mr. Aknin: Yeah I think for this potential project, yes. I think as we go on as a City and we take a comprehensive look at things I think there could be greater things that we do both to intersections and to reducing our overall workforce and the amount of people that commute by car. So I think it's going to be a more comprehensive approach and there's other things we could do. But for this particular impact doing better, synchronizing the intersection better will mitigate that potential impact.

Commissioner King: Ok. Thank you. And then my other concern, my next question is really regarding parking. So let's see, where to start. So one question is regarding that puzzle lifts I guess my questions are, are the other locations in which those are apparently successfully implemented are those in a similar location where there is overflow parking? And maybe staff could address where overflow parking might go here, which I believe would probably be along El Camino Real, along the surface streets. So I guess my concern is if those were in downtown San Francisco or downtown Oakland where there really is no other parking nearby I would expect that the users of those lifts would be quite happy to use them because there is no other parking. Here there's parking quite nearby and so my concern is how long do those things take? Are people going to say, "Well I'm going to be there for four hours instead of using the lifts I'm going to park on the street."

And the following to that is particularly with the State parking requirements, which are one parking space for a one bedroom apartment there's just no way there aren't going to be two people with two cars. It's very unlikely that there aren't going to be some people. So in my mind we're building in some level of under parking and so my concern is where does that overflow parking go?

And then lastly regarding the lifts how much energy do they use? Are we looking at that? And does that impact, is that factored into the Silver Leadership in Energy & Environmental Design (LEED) designation? Do they look at the fact that there's some amount of energy being used every time someone parks a car? Thank you.

Mr. Aknin: I will pass most of those technical questions about the amount of wait time and electrical usage to the applicant. Perhaps they can answer that because they know more details about that. In terms of LEED designation yes it does take a look at overall energy use. So that would be calculated into that.

Ms. Young: Thank you. Yes, the project is anticipated as a LEED Silver project.

Chair Martinez: Excuse me Ms. Young. Identify yourself please.

Ms. Young: Heather Young.

Chair Martinez: Thank you.

Ms. Young: The project is anticipated as a LEED Silver project and as you know LEED projects are not all or nothing. There's a balance of means that you use to achieve that level of sustainability. We have been working with our Electrical Engineer on the electrical requirements and a base level is going to require us to beat California Title 24, which is already higher than the national standard for a base

electrical usage. We are actually hoping, we're planning that seven of the parking spaces in the puzzle lift system will be electric vehicle charging stations. So we're excited that we actually have that opportunity sort of built in to using them.

Regarding the time that it takes to actually access your vehicle, for the largest of the machines and the machines can handle anywhere between 5 and 29 cars depending on how they're configured. For the largest machine it takes a minute or less to put your car in or retrieve your car. And we think that contrasted with circling around and looking for a parking space knowing I have a spot I can get in and out that there won't be a temptation to put your car in a non, in another spot as opposed to using your designated spot.

Commissioner King: And can you address, do you know how much energy each time that cycle occurs how much energy that uses?

Ms. Young: I don't. I know that each machine has a 30 amp dedicated circuit for it. So it's not as much as you'd think. It's a fairly standard geared system. So it's more of a machine than you might think. We can get that answer for you at a later date if you don't mind.

Commissioner King: Well I would be curious; I mean I think it's important (interrupted)

Ms. Young: Sure.

Commissioner King: If we're saying because that's, I think that's about somewhere around 2,500 watts or something. So it would be like burning a 2,500 watt light bulbs obviously for a very short period of time.

Ms. Young: Short period of time.

Commissioner King: 30 amps is not insignificant. So ok, thank you. And then I guess I could address this one to you while we're, on the bike parking. So I note references to bike parking and I hope that to staff that we start looking at bike parking requirements for new residences as well. I believe that's important particularly when they're small residences, studios, one bedrooms where there often isn't a lot of space. I see references to adequate bicycle parking and ample bicycle parking, but no actual metrics unless I missed them in here.

Ms. Young: We actually did put them in our drawing package. I don't know if you received that.

Commissioner King: Oh yeah, this one?

Ms. Young: Yes, thank you. It should be right (interrupted)

Commissioner King: So if they're in here, that's fine. I'll address them (interrupted)

Ms. Young: And it includes both short term and long term bicycle parking. And as to your comment about bicycle parking for the residences, many of the residences have a designated bike parking spot in the unit. And we did that specifically because so many of the residents might have a more expensive bicycle that they would not be excited about leaving out of their responsible control. And that's part of the unit design is to have a long term bike parking for them.

Commissioner King: Great, thank you. And then just to finish back to the other part of the question on have we studied where if people do not park, if the building is under parked as I mentioned based on the State requirements I can't see how it won't be at least somewhat under parked, the residences, where people will park?

Mr. Aknin: No we haven't taken a look at specifically where they would park, but I think there's two answers to that. I think the first is that I don't believe, I don't think it's necessarily true that it's under parked. I think you have a lot of smaller units there and you have people who are in close proximity to

major employment centers. So there's not as much of a drive for every single person to own a car. And then the second thing I would say is that there is commercial parking there, that surface parking that's probably not going to be used during the peak time that's necessary for residential. So I could see a situation where if there is to someone or a guest or someone that needs to park is visiting the residence that they could use that commercial parking, that surface lot, because it's not going to be in use as much during the peak residential parking crunch.

Commissioner King: Ok, thanks. And then lastly in the numbers for parking it shows we would be 80.25 spots would be the City's parking requirement. And this is somewhat trivial, but I think it's important to understand. And so then we rounded down when we say there's a 31 based on the State requirements, that's 31 less than our requirements, but really it's 32 if we were to be at 81. So do we round down? Is that what we do if it's, if the parking requirement is 80.25 we round to 80?

Mr. Aknin: It's 0.5 we round up, 0.49 we round down.

Commissioner King: Ok, thank you. Thank you.

Chair Martinez: Commissioner Tanaka.

Commissioner Tanaka: Yes. I actually had some questions around parking as well. So I think this project's kind of unique because it has, it's truly mixed-use right? It has all types of uses on this property. And because of that I think sometimes for instance the office may be parked during the day and residential may not be parked because the person that lives there is driving somewhere else. Has there been, is there any guidance on, because you don't see too many projects like this where they have truly a lot of different uses where I think, I guess what I'm trying to get at is that there is like non-overlapping periods of parking in terms of, not all the office people are going to be there when the residential people are going to be there, right? And vice-versa. And I guess is there anything that factors that into this project? All of the parking mandates are kind of assuming it's all one type of property, right? And so everyone's going to be parking at the same time. Like all during the day or all at night.

Mr. Reich: There's actually reductions that an applicant can request from the City when they're doing mixed-used because there is the understanding that there will be that potential overlap in parking. Office use might be more intensive during the day and residential less and vice-a-versa, but this applicant's not asking for any reduction related to the mixed-use. So there's a benefit of that interaction will definitely take place in a project like this where the parking would be reciprocal in that nature, but they're not asking for a reduction for it.

Commissioner Tanaka: I see, ok. And then the other thing is so if the office is 250 square feet for each space, right? And then for the residential so I guess it's depending on what size unit it is, but I guess what I'm interested in knowing is for the residential studio units how much, how big are each unit? Do you know? I'm just trying to figure out which is more parking. The studio? I mean if it was actually used for office.

Mr. Reich: The square footage of the units vary. I could defer to the applicant to specify the actual square footage, but the parking requirement is, changes depending on the number of bedrooms. So for a studio it's one parking space required. For a one bedroom it's 1 space, but when you have a two bedroom unit it actually moves up to 2 parking spaces per unit.

Commissioner Tanaka: Ok.

Mr. Reich: But there's only one 2 bedroom unit within the development.

Commissioner Tanaka: Ok. And then right now some of the properties aren't being used right now where the project is not used or not fully used. Was the traffic study done in such a way that it's anticipating that those are in full use? I guess what I'm trying to figure out is there's the current condition today,

which is kind of maybe below normal because some of the properties are vacant, are simply not being used. And so I guess I'm trying to understand the delta like from if the traffic study was done now or is projected forward after this project's built and it's fully used compared to a project which a lot of the property is vacant. So I'm trying to see the delta between like not just what it is today, but what it would have been today had it been fully used versus what it will be when this project's built and being fully used.

Mr. Aknin: Correct, so and the Traffic Engineers could correct me if I'm wrong, but there was an existing, they basically used three different measures: existing, a background analysis, as well as a cumulative analysis. So they take a look at how are the current intersections working under existing conditions with current counts; then they build on this project that you're adding this many more people to the site and then they're also projecting growth out through the year 2025 doing two major things, taking into consideration major projects. For instance, if the 395 Page Mill project is built plus putting in a 1.1 percent growth factor overall with the City and having that compound over the years up until the year 2025.

Commissioner Tanaka: I see. Ok. And then the loft on the top floor is that part of the residential Floor Area Ratio or is that excluded?

Mr. Reich: It's included in the square footage.

Commissioner Tanaka: Ok. And then in terms of our purview for tonight's meeting this is not a Planned Community (PC) so we can't just make arbitrary recommendation I would assume, but maybe, I don't know, maybe we could hear a little bit about what kind of recommendations can we make and what is, kind of what is our scope and purview given this type of project?

Mr. Aknin: There would have to be some nexus requirement, but I mean if there's something that you want to consider I mean that's always said you have something specific that you would like to consider related to the project I mean we could help think through that and whether or not there's a nexus of that condition.

Commissioner Tanaka: Ok.

Ms. French: Amy French. I might just add we certainly have provided the Site and Design Review findings and Conditional Use Permit (CUP) findings. Those are both in your area to look at those findings and consider how you're looking at those.

Commissioner Tanaka: Ok. Thank you.

Chair Martinez: Vice-Chair Michael.

Vice-Chair Michael: So I want to thank my colleagues for asking the easy questions about the height limit and traffic and parking. So all that's left is the easy stuff. So I recall when I applied for a vacancy on the Planning Commission and interviewed by Council at one point I was asked what I thought would be an important issue for the City. And I think my answer was mixed-use and California Avenue area and I'm not sure why I said that, but this project seems to fit that expectation. And Council Member Burt said just wait till you see the California Avenue Concept Plan, and I think we're still waiting for that, but…

So I've got a number of questions in the order of importance. You've got bike parking and maybe this is a question for the City staff. I've ridden my bike sort of along there and it's kind of scary. Is there sort of a bike lane under consideration or some short of a share the road? I mean I had to go from Mike's Bikes to the California Avenue area to make a purchase and I was taking my life in my hands. So what's up with that?

Mr. Aknin: Are you speaking on El Camino or?

Vice-Chair Michael: Yeah.

Mr. Aknin: Yeah, Rafael Rius is coming up from our Transportation Division. I think I'd give a general question about El Camino. It is a scary place to ride a bike. I think that's all the way from South San Francisco to San Jose and Palo Alto is one of nineteen different jurisdictions that's working on grand boulevard improvements now through the next 20 years, 30 years and I think making the El Camino pedestrian as well as safe for bicycles is one of the key goals, but it's something that's going to happen incrementally. And I agree with you right now it's not a safe place to ride a bike.

Rafael Rius, Traffic Engineer – Transportation: Hi, Rafael Rius, a Traffic Engineer with the City staff. Aaron's correct, there's incremental studies. There's not currently a proposal for bike lanes on El Camino at the moment. We are trying to make efforts to improve the bike boulevard along Park and access to and from Park Boulevard. That's currently the City's busiest bike route and we do want to do emphasis on and improvements along that route, which is not too far from this project site.

Vice-Chair Michael: Ok. So my next question and this is all pretty random, so we have a Housing Element and it's gone, it's been approved by the Council it's not yet been certified by the State. We've got a target to add some number of housing units to the City. This project would add some housing units. Can you bring up to date on how this contributes to the City's targets?

Ms. French: Well the Housing Element looked at this site as, with all three sites together as 32 units; a reasonable number. Of course with the Density Bonus it goes above that and the smaller units so looking at the minimum number of units was 32. And then is that true for or does that add to is? So it was 30 units for three of the addresses. The fourth address I guess has another 8. It wasn't included in the Housing Element. So I guess that would bring it to 40 units under the current Housing Element that's been approved by the City.

Vice-Chair Michael: And it's 40 out of how many? What's our total that we?

Ms. French: The total for this project is 48.

Vice-Chair Michael: But for the City? What's the City's total?

Ms. French: About 2,800 for the entire. 2,860.

Vice-Chair Michael: Ok. We had a project at Lytton Gateway that was going to have some Below Market Rate units and then it wasn't going to have Below Market Rate units and this is going to have BMR units and that looks to be a new thing, but in the prior discussion there was a lot of questions about what were the details? I mean is this forever or maybe the applicant can explain how's the Below Market program work? How many units are these studio units, one bedroom units? What's the allocation and is this forever and ever or is it for 10 years or what's, any details that are relevant?

Mr. Aknin: The applicant could give an explanation of which units are there. It's a minimum, we'll take a look, but it's a minimum of 30 years for the affordability. But why doesn't the applicant explain more of the details of how the units will be dispersed around the development?

Ms. Young: As you saw in the massing diagrams we've got residential on the second, third, and fourth floors on Portage, Acacia, and El Camino. There are studio, one bedroom, and then the single two bedroom unit. Our goal is to have a diversity of unit types and locations that are the five designated units. And we'll be working with the City staff to make sure it's a good representation. The units have slightly different sizes and qualities and our goal is to have the five units be a reasonable representation of the overall project.

Vice-Chair Michael: Ok, that's good. Thank you. And the next question relates to the sidewalk and in our packet that we got in the staff report there was a discussion of the build to setback requirement, which basically I believe means you have to make sort of a narrow sidewalk in order to build to the setback, yet

we have a civic kind of objective of widening the sidewalks. Can you explain to me exactly how we strike the balance here between the build to setback requirement and the sidewalk width?

Ms. French: Amy French. I'll add to that or start with that. That is what you're seeing here is a request to not be at the build to line. The build to line is for, is to say put 75 percent of your building wall at the build to line along El Camino. I believe it's 75 percent. Is it 50? Ok. Because we don't want to see parking lots basically. The old model of El Camino was to have parking lots in the front and the buildings push way back. So the El Camino guidelines, the context base guidelines, and the zoning code now are geared up towards having buildings forward on the street towards the sidewalk and having more building up at that level rather than pushed back. Now striking the balance is providing the terraces that they're providing, looking for landscaping. We are going to be coming back to the Planning and Transportation Commission as well as the ARB in a joint meeting at the end of this month to talk about some possibilities for going forward with some different standards. But currently the standard is 12 foot effective sidewalk from curb face to building and then what our current regulations and guidelines say is to bring most of the building forward. We're trying to see that loosened up with pedestrian amenities like the terrace for dining along the pedestrian right of way there.

Vice-Chair Michael: Ok. And then I guess maybe unlike Alma Plaza there's a little bit of fenestration here. I mean the building mass is a little bit more attractive than… ok. That wasn't a question. On the commercial occupancy and the traffic impact is there going to be a Traffic Demand Management (TDM) aspect to this? Caltrain passes or some sort of encouragement for people who work in the commercial space to utilize transit?

Mr. Reich: Because the project is complaint with parking for all intents and purposes and there was no significant impacts that need to be mitigated other than the one there was no proposal for TDM program for the project.

Vice-Chair Michael: Is that something that could be done voluntarily because it's a good thing to do?

Mr. Reich: Certainly.

Vice-Chair Michael: Ok. That's it.

Chair Martinez: Rather than voluntarily can we make that as a recommendation that has a little bit of strength to it? Someone?

Ms. Silver: Cara Silver, Senior Assistant City Attorney. You might want to discuss certain refinements to the project that would encourage TDM measures. I know that there's currently some bike parking, which is certainly an aspect of TDM. So we'd have to see what you have in mind and we can work with you and I'm sure the applicant will also work with the Commission to come up with some TDM programs.

Chair Martinez: Well there is a recommendation in our Comprehensive Plan. I don't know whether it's in the amended one yet to be adopted that there be TDM as sort of general policy throughout downtown and El Camino. So it's not sort of out of our realm of desiring this to be something that goes forth with every project. So this is a good place to start.

Speaking of which I'm going to be Chair for at least another 30 days and I am going to declare a moratorium on saying "The El Camino Real," Interim Planning Director, ok? I'm from Los Angeles (LA) so we say things like "The 101" and "The 405," but we don't say "The El Camino."

Ms. City Attorney, do we have to accept BMR's. I know that's kind of nutty to ask that, but do we have to accept it when an applicant says they want to do this?

Ms. Silver: Was the question do we have to accept BMR's?

Chair Martinez: Yes.

Ms. Silver: Yes under the State Density Bonus Law it is a requirement.

Chair Martinez: So if any applicant comes forward and they want to build one or ten or whatever the number that works in their development we're required to say yes? But what, I'm sorry, I didn't give you a chance there.

Ms. Silver: Yes, that's correct. You do have some discretion in certain instances on the overall density. If they're seeking more density than is allowed under the zoning code of course that's where discretion comes into play. But if the density complies with the existing zoning code and they want to dedicate a certain number of those units as BMR's in order to take advantage of the State Density Bonus law they are entitled to do that by right.

Chair Martinez: Well that's good to know. And what is our BMR benefit that we're receiving? I mean what is the difference between a Market Rate (MR) studio rent and a BMR studio rent? Do we know for this project? Any speculation or?

Ms. Silver: I don't know and I don't know that we have landed on the mixture of units. It might be some low, very low, and moderate income dispersed in this project. There certainly is a considerable difference in Market Rate between Market Rate housing and BMR housing in this area and in the Peninsula in general.

Chair Martinez: Well Below Market in this area can be much higher than other areas. So I'm just wondering whether there really is a substantial benefit that we're receiving for the impacts we're also receiving. Do we know?

Mr. Aknin: I don't know, we don't know the exact rents, but that's something we could report back to the Commission on.

Chair Martinez: Ok.

Mr. Aknin: Overall obviously and the Commission knows this but the public may not, it's tied to the median income. So you take the median income. It has to be affordable depending on what type of moderate income unit has to be affordable to someone who earns 80 percent of the median income. A low has to be affordable to someone who earns 60 percent of the median income. I believe an extremely low is 30 or 40 percent of the median income. So it depends on what rate of affordability as well as what the median income is at the time. But given where rents are right now from what I've seen there is a pretty big discrepancy between Market Rate and affordable units.

Chair Martinez: Alright, that's good to know. So we may get some very low in this offering by the applicant. Is that true or we don't know? Yes, please.

Mr. Aknin: You could ask the applicant.

Ms. Young: We've had preliminary discussions with the Palo Alto Housing Corporation (PAHC) and our initial discussions with them indicated that the project would be for low income housing. That there are substantial waiting lists for all levels of housing and that with the quantity that we have and the overall project that low income housing is a good approach.

Chair Martinez: Yeah, that sounds good but that means it's their discretion to decide if it's very low.

Ms. Young: I don't think it's wholly at their discretion. I think it's, we work with them to identify the units and to set that, but our understanding is that they would be looking to this project for low income units.

Chair Martinez: Ok. Since you're there Ms. Young I'm going to switch gears. In the reduced parking that's allotted I read in the chart in the staff report that 16 spaces are being eliminated for guest parking.

Does that, and zero guest parking spaces are required. Does that mean there's not going to be any guest parking available for housing units?

Ms. Young: It means that guest parking is not required for the housing units as per the government code. The parking facility as I mentioned before has a mix of the puzzle lifts as well as the surface spaces and there are, I'm going to get the number wrong… over 200, sorry?

Mr. Reich: Well in the Portage garage there's 192 spaces.

Ms. Young: Correct. And then the new project has additional non puzzle spaces which are available for parking. And I think it was also pointed out earlier that with the mixed-use occupancy of the site there is a much larger likelihood that in the evening hours when the 48 residential units are occupied that the office and the commercial recreation and the retail functions would not be occupied so there should be ample parking for guests at that time.

Chair Martinez: But so there will be guest parking but you still are receiving a reduced parking, which means that those added or available guest parking spaces will be counted by taking away from residential parking or from the office parking?

Ms. Young: No I'm just saying that because it's a mixed-use project that the time that the parking spaces are utilized is truly a 24 hour cycle, not focused on a 10 hour workday. And (interrupted)

Chair Martinez; But not the lift parking, that (interrupted)

Ms. Young: The lift parking is 24 hour reserved spots. Those are your spot is your spot is your spot.

Chair Martinez: Right, yeah. I can't see how that could be used for you know if it's available somebody could use it.

Ms. Young: Correct and it's the non-lift spots, which are more than 50 percent of the overall spots in the Portage and the El Camino garage that are used by first come first served.

Chair Martinez: Ok. As long as you're still here the lofts (interrupted)

Ms. Young: Yes.

Chair Martinez: That takes you up to 55 feet. Can you do it without asking for, maybe this is a staff question, but I think you're familiar with architectural review. Can you do it without asking for a DEE?

Ms. Young: Our understanding is that you do need a DEE, a Design Enhancement Exception, to allow for the occupied use in that additional five feet. The five feet as you know is a required roof screen element because we have rooftop mechanical equipment. We're required to put a roof screen on all sides of the building to screen it visually. And our concept was that the mass of that roof screen was already part of the project and that this was an opportunity as I pointed out to find a creative way to improve and enhance the housing stock by adding just that little bit, that five feet allow us to tuck in an extra little bit of housing. I hope that answered the question.

Chair Martinez: Well no I get it, but I'm still not that happy with it. I think it works architecturally because you're stepping back from the street. It's not entirely, it's visible if you're walking in front of the building. You'll never see it. El Camino Real, the El Camino Real is really wide so it's in scale to everything and it's not very much. It's just five feet.

Ms. Young: So you love it?

Chair Martinez: I love it a lot, but not as a DEE. It just seems that the design enhancements were meant for architectural elements that weren't part of your FAR.

Ms. Young: So let me try it this way. The roof screen could have been an inexpensive corrugated clotting material, but because we are utilizing it for the lofts we're actually improving the quality of that exterior wall material and we're unifying the look of the roof screen across the top of the building. So we actually do feel that we are achieving those nice things that you said as well as aesthetically improving what would have been a rational roof screen.

Chair Martinez: But you're adding building height and you're adding FAR. So why don't we (interrupted)

Ms. Young: We are entitled, yes. We are.

Chair Martinez: So I'm just looking at zoning and just trying to make it work and not… well, and respect zoning as you would want to as well. I just staff… anyone? Commissioners? Commissioner Panelli any ideas on this?

Commissioner Panelli: Well, maybe this is another way to tackle it. I'd like to ask our staff if we didn't allow that extra five feet for the loft space would not the applicant have the right to instead of have a fourth floor that's stepped back build right up so that we have a monolith, four story monolith kind of like what we ended up with on Charleston and San Antonio?

Ms. French: Yeah. The displaced loft area could be placed elsewhere in the massing including forward of the fourth floor building mass, including in the interior of the site for a more blockish appearance.

Commissioner Panelli: So I would propose, I would suggest that what the applicant has proposed here is even though it violates the 50 foot height limit it's actually better than what they would be allowed to do by right.

Chair Martinez: Well that doesn't help. I've already agreed with that. What I'm trying to do is respect zoning and not call it something that it isn't because it in creating this form it surpasses what zoning allows without these exceptions in two areas that are important to the City and especially the height limit. So staff is there any kind of ideas about how this can be achieved without calling it a Design Enhancement that makes it a little more acceptable to us? To me.

Mr. Aknin: So the City Attorney and I were just discussing you could potentially ask for another Density Bonus Concession to allow to the height. It would get you to the same place as doing a Design Enhancement Exception so we just, it would be just going a different route with the same outcome.

Chair Martinez: And that's permitted under the State law or are we kind of stretching that too?

Ms. Silver: An enhancement in excess of 50 feet would be allowed under State Density Bonus law. Again, it would not however be consistent with the pending Ordinance, which does state that the menu of concessions shall not include height increases above 50 feet. It may be possible for them to receive that type of enhancement though upon a showing of economic need under the City's proposed ordinance.

Chair Martinez: Vice-Chair Michael, help me out.

Vice-Chair Michael: So I'm very sympathetic to Chair Martinez wrestling with the implications of respecting the zoning ordinance, but let me just kind of put out a personal and maybe somewhat contrary opinion and that is that I've often wondered not as an architect, not as a Planning Commissioner the mechanical structures on top of roofs with the screening always seemed to me to be pretty unattractive. I mean I think they're eyesores. Every time I've seen that I've had a very visceral negative reaction to is this necessary? Is there any other way? So I think that the approach here to do something functional and also kind of improve the visual aspect of what would otherwise be allowed in terms of the screening of the mechanical elements I think is interesting. It may be something that's actually properly in front of the ARB in one way or another rather than a land use question for the Planning Commission, but I think that the height limit itself is obviously a big issue in Palo Alto and the opinions differ on that.

But I think this is a pretty practical and aesthetic attempt to do, to combine what you're allowed to do with something which would actually be beneficial for this particular project.

Chair Martinez: You still want to add something Commissioner Panelli?

Commissioner Panelli: Well I hate to follow up something so beautiful and eloquent as Commissioner Michael or Vice-Chair Michael just suggested, but getting back to tactics and simply trying to assuage your conscious I'm going to try one more time to convince you it can be a DEE. If there's going to be a five foot mechanical screen without that FAR for those lofts at least in this case that screen is effectively broken up by a series of windows or skylights, right? Which to me breaks up that monotony of a five foot screen that would be effectively what is that? Two hundred and something, two hundred feet maybe? So I'll see if that one passes your muster.

Chair Martinez: Well we're all arguing that it's attractive, but I think you're both missing the point. The point is if we establish this precedent of a DEE being allowed for livable building height then the next project we get will have the same thing. And I think it's fine if the City Council decides to change the building, it's their decision to raise the building height because there's some practicalities. As an architect I know that building a four story building to 50 feet is really hard and it's kind of a press of space. So I understand why there should be some flexibility, but unless it's addressed directly that it can be permitted calling it a DEE is really an aberration of zoning. So I'll just leave it at that. You can all decide for yourselves how you want to proceed on that.

Couple other questions. On this rendering you have from Portage what is that dark space on the corner again?

Ms. Young: This area is a double height retail space and on the third floor is part of the office space that extends along the El Camino frontage. Is this what you're referring to?

Chair Martinez: Right.

Ms. Young: I apologize. It is a technical glitch in our model. It's actually something that's happening interior. It won't be a part of the exterior façade. I apologize.

Chair Martinez: Ok, good. Ok, I'm going to just say a couple of things. I think as an example of good urban design this is a great project. I think what's happening on the streetscape is wonderful. The small but important corner that we're looking at now I think we should find a way to incorporate more ideas like that. If you look at some of the old urban design in Palo Alto and other good downtowns there's a lot of these corners that are open like that. And I think it's a very attractive building.

I'm not excited about the traffic. Parking I think we really need to find a way that every major project that comes before us parks itself without concessions. I know that's difficult given the mandate of the State, but I think there's some overriding considerations. We've heard it from the neighbors. We hear it every time. We see it in every project including the next one we're going to hear that it's parking, parking, parking. I want to thank you Ms. Young. I think you and your firm did a great job and I'll bring it back to the Commissioner for a Motion and further discussion and questions. Yes, Commissioner King.

Commissioner King: Yeah so this is for Senior Assistant Attorney. Regarding the BMR and the 30 year period I think in my mind it's insane or criminal that the entitlements, the upgraded entitlements go for perpetuity and the BMR lasts a very finite period of time. But my recollection is when we had this discussion before regarding the 30 years before it reverts to market is that we really can't do anything about that. Correct? That it's the… yes, that's my question.

Ms. Silver: Yes, Cara Silver, Senior Assistant City Attorney. That's correct the State Density Bonus Law does specify that the applicant only needs to deed restrict the affordable units for 30 years in certain situations and I believe it's 50 years for moderate income units. And the City you're correct cannot do anything about that.

Commissioner King: And that would include there's no legal way that we could do any sort of additional benefits so we would say well if you agree to this in perpetuity we'll give you some additional benefits?

Ms. Silver: That would be perhaps applicable to a Planned Community zone or a development agreement.

Commissioner King: Thank you. And then lastly regarding timing so my sense is and my observation is that we get these projects and it's natural for a developer to want to max things out and sometimes they'll come in a bit over. You rarely get one coming in a bit under their maximum entitlements. And so in this case we're talking about the 1.06 FAR, which and in general I like the project I think it's positive, but I don't like when things are over. But now we're saying however under the, if the City Council passes the new Density Bonus, the City Density Bonus that that would be within those future, that future Ordinance. My concern is now we're being asked to approve it; in my mind if that didn't pass then I would not want to support this. So my question is we're being asked to support this based on what might happen or that's part of the equation. Do you have any advice on that?

Ms. Silver: The applicant is permitted a concession by right under State Law regardless of whether the City has an ordinance in place or not. The City's Ordinance once it is adopted simply specifies which options will be given priority so that they can be approved essentially administratively without further approval by the Planning Commission and City Council. And if the applicant chooses from those preferred menu of options they, there's no further review. If the applicant wants additional concessions they do need to show some type, some economic finding in front of this Commission and the City Council.

Commissioner King: So I'm, I may be missing this. So you're saying that as the project sits now by State law it's within, this is within the entitlements regardless of what the City law is currently, this is within… the State entitlements override ours?

Ms. Silver: Yes, that's correct. The State Density Bonus Law in the area of requested concessions for developing housing that is deed restricted by affordability provides that the applicant is entitled legally to at least one concession as requested by the applicant if they deed restrict at least 10 percent of the units.

Commissioner King: Ok and that 1.06 FAR is the one item?

Ms. Silver: Yes, that's the one item that the applicant has requested and therefore they are entitled to that under State law.

Commissioner King: Ok, thank you.

Chair Martinez: Anyone else? Commissioner Tanaka.

Commissioner Tanaka: This is kind of going back to the purview question I was asking earlier. I wanted to know if as part of our recommendation we can suggest whether a certain portion of units be office versus residential? Is that within our purview at all?

Mr. Aknin: Clarify a little bit?

Commissioner Tanaka: Let's say we thought that certain units shouldn't be maybe, should be have office use instead of residential or maybe have, could be either use. Is that within our purview to make a recommendation towards?

Mr. Aknin: So in this case you would be recommending that something that's residential right now become office?

Commissioner Tanaka: Or perhaps be (interrupted)

Mr. Aknin: Swapped?

Commissioner Tanaka: Either use perhaps.

Mr. Aknin: Yeah, I mean that would be, I haven't heard that one before. That would be a little bit unusual. I don't know if the nexus would be there or not. I would think you would probably have to explain what about this project necessitates for that switch to happen. I mean it could always be something that you recommend and something for the applicant to consider. I haven't seen that applied as a condition of approval before requesting the specific uses be something else.

Mr. Reich: It would also, Russ Reich, Senior Planner. It would also impact the parking calculation and so it wouldn't be very easy to switch from residential to office because the parking requirement would be higher and the parking spaces wouldn't be there.

Commissioner Tanaka: Yeah, where this is coming from is I think while I understand the aesthetics and the mechanics of the DEE and I fully respect that issue I think to me the biggest issue with this project is really the parking and traffic considerations. But I think what's really neat about this project is it's truly mixed-use and because it's mixed-use you, it's kind of like one my first earlier comments is that because it's mixed-use you don't have the same kind of intensity. Maybe overall it's the same intensity, but because the uses are non-overlapping the traffic's not as bad, the parking's not as bad even though as a whole maybe it looks from the straight addition but because there's this kind of non-overlapping use that's kind of a neat aspect of it. But where I was just thinking of was on the second floor. Right now on Acacia they have office on the other side. And on the Portage side, which is actually a much busier street and it's actually a lot busier traffic. I think one thing that would make this project perhaps more, would perhaps lessen the traffic and parking impact in terms of this non-overlapping use of the structure would be if let's say the units facing Portage, which is actually a very busy street. It's only second level. For residential having a lot of traffic on there is not usually a good thing, but for office it actually is a good thing would be perhaps somewhere all of those units on that second floor facing Portage be office. Or perhaps be allowed to be residential or office.

Mr. Reich: You're suggesting that they potentially switch the office with the residential in the current design?

Commissioner Tanaka: Yeah, exactly.

Mr. Reich: To make it more sensitive to the residential to be off the busy street.

Commissioner Tanaka: Not just that, but if there was perhaps more office use on the second level instead of residential on the Portage side that also would I think contribute to a, more of the non-overlapping use of the parking and traffic that would be impacting the area. The other thing I was thinking about it during our Cal Ave Concept Plan discussions we thought about having some sort of incubator space in that area. If it could swing either way where it's residential or office use on that second floor perhaps that's a way to make that happen. And even if, so let's say I think there's five units right now facing Portage, which is a much busier street than Acacia on the other side, if that was let's say that switched to office or is mixed-use that would still, the project would still be over the allocation in the Housing Element originally that we set before.

Chair Martinez: Commissioner I think I'm going to give Ms. Young her rebuttal time right now. Go ahead.

Ms. Young: Thank you. No rebuttal, but I may have something to help you. As you know, Palo Alto allows for home office use. So anyone who lives in Palo Alto is entitled to have their home office there, to work out of their home, them and their immediate spouse. So it's a maximum of two person. And I don't know of any reason why the units that you're proposing could not be used as a home office use, again with that limit of the tenant and their spouse or partner. Does that help you in (interrupted)

Commissioner Tanaka: It does, I was just thinking about ways to lessen the impact of traffic and parking. Because you, I think by the design of this project itself it's actually kind of clever because it does

minimize it already because of the fact you don't have, it's not all residential, it's not all office, it's not all one thing so you don't have anyone colliding for parking or colliding for traffic, right? So already it's kind of neat. I was just thinking in this one area because I notice you put office on the other side on Acacia, which is not that busy actually, but Portage is maybe two, three times the volume, I would imagine of traffic you put residential against that. If I was the designer of this project, which I'm not and we're not here to design it, I would have had that office. But that's certainly in your prerogative to do whatever you feel is correct. That was just my recommendation.

Ms. Young: Thank you.

Chair Martinez: Ms. Young you are allowed your time for rebuttal if you choose to take it or to make your final statement.

Ms. Young: Just thank you for your time and your consideration and if you do have follow up questions please feel free to forward them to us or to staff and then they can forward them to us. Thank you.

Chair Martinez: Wait, there's one question for you. Go ahead Commissioner King.

Commissioner King: One of the things I think is attractive about this or desirable is we're looking at studios and one bedrooms predominantly with the goal of minimizing, one of the benefits of minimizing impacts on our schools. The loft units, those look like, how, and this may be regardless of whether in loft format or square footage on the same floor it may have the same end result. But how likely are those to be used as a second bedroom and therefore potentially impact, have kids that might impact the schools?

Ms. Young: Pretty minimal. Many of those units on the fourth floor that have lofts are true studio spaces in the main space and so the little loft area is right at the size of an allowable room, which is 70 square feet. And some of them are a little bit larger at 90 or 100 square feet, but the number of studios, one bedrooms, and then the two bedroom is accurate from the list that you have. I don't see we're going to get families of four or five moving into these units. It's…

Commissioner King: Yeah, it may not be families; even just one kid. I think the ideal is we're trying to meet our housing requirements and get not add any more ideally zero net growth to the schools.

Ms. Young: Well to the point they're designed for urban professionals. There is a very small pet friendly park. There's no playground. There's no lawn, green space for, to support a childhood activity. The ground floor with Equinox, the gym is intended to be symbiotic with that urban professional life as is the intended restaurant. We're actually hoping for parking and traffic that a lot of traffic trips are reduced or eliminated because you're able to walk downstairs or walk to the gym or walk to Mollie Stone's or one of the other local restaurants. So we're actually hoping that the design of the project and the integration with the local existing infrastructure will reduce traffic and increase pedestrian activity in many locations.

Commissioner King: Thank you.

Chair Martinez: Great, thanks. Ok. Let's close the public hearing and Commissioners we need some movement on a Motion. Anyone? Ok, Commissioner King.

MOTION

Commissioner King: There we go. I recommend that City Council approve the draft record of land use action approving Items 1, 2, 3, and 4 per the agenda.

Chair Martinez: Is that sufficient Ms. City Attorney or do you want it to be more explicit as a Motion?

Ms. Silver: I assume that that incorporates the language in the recommendation on Page 1 of the staff report.

Commissioner King: Correct.

SECOND

Chair Martinez: Ok. We have a legitimate Motion. Do I have a second? Motion by Commissioner King and second by Commissioner Tanaka. Discussion? Really? Ok. Yes, Vice-Chair Michael.

Vice-Chair Michael: So when I saw the staff report on this project I was very intrigued about the true mixed-use character. I also was interested that it is a project that seems to be very sensitive to the Comprehensive Plan and important details to the what will be emerging in the California Avenue Concept Plan, the El Camino Grand Boulevard, and perhaps that's fitting for an architectural firm that includes partners that have chaired the Architectural Review Board and the Planning Commission in the past and have a deep understanding of the City's objectives and ideals in this regard. So I'm also impressed that the real mixed-used characteristic of the project seems to be excellent. The whole notion of having commercial, retail, residential, a gym, a restaurant, proximity to transit, proximity to a vibrant California Avenue, proximity to jobs all of this seems to be something that is important to the City as it goes forward and I think that the concerns about traffic and parking are appropriate and inevitable. I think that's going to be a struggle on every single project that we see and I hope the community continues to express their concerns which are legitimate and important. And with that I think this is the kind of project that will enhance this block and El Camino and the California Avenue area and I think it's an excellent proposal.

Chair Martinez: Thank you. I asked staff to look at our newly adopted Housing Element and provide us some excerpts from that that support this project. I'd like that to go into the record if you would please.

Mr. Aknin: We will and we will incorporate that into the reports as they go on to the Council.

Chair Martinez: No I think for if you haven't had time to do that now I understand, but I wanted the public to understand the sort of how the Housing Element is being supported through projects like that. So if you've done it, please; if not I understand because this was a last minute request.

Mr. Aknin: Yeah we don't have the policies in front of us know, but that's something that we can put together both post on our website and include in the report to Council.

Chair Martinez: Ok, I appreciate that. I also just want to add to what the Vice-Chair Michael has said. I think we're starting to get this right in terms of higher density housing along El Camino and in terms of the kinds of mixed-uses and the kind of downtown and urban living that supports our workforce. So along with other Commissioners I completely support the project.

So let's call for the vote. All those in favor of the Motion signal, say aye (Aye). The Motion passes unanimously with Commissioner Alcheck and Commissioner Keller absent. Thank you very much. We're going to take a 10 minute break.

MOTION PASSED (5-0-2, Commissioners Keller and Alcheck absent)

Commission Action: Commission approved staff recommendation for Site and Design Review and request for concessions under Density Bonus law. Motion by Commissioner King, second by Commissioner Tanaka (5-0-2, Commissioner Keller and Commissioner Alcheck absent)

Attachment H

WSJ PROPERTIES
REAL ESTATE DEVELOPMENT

3201 ASH STREET
PALO ALTO, CALIFORNIA 94306
(650) 493-5310
(650) 493-7705 FAX

June 21, 2013

Mr. Russ Reich
Senior Planner
250 Hamilton Avenue
Palo Alto, CA 94301

Re: 3159 El Camino Real – 13PLN-0040

Dear Mr. Reich,

As a neighboring property owner we would like to express our support of the proposed project at 3159 El Camino Real. We feel that the scale, height, and density are appropriate for the area.

The two biggest challenges in development today are parking and traffic flow, and this sub-area of Palo Alto is no exception. We feel that the applicant has sufficiently addressed these issues by

1) maximizing the number of rental housing on site to incentivize nearby tenants to live and work in close proximity to one another, thereby minimizing the impact on traffic and parking.
2) providing adequate parking on-site through the use of parking lifts.

We strongly encourage the Planning Commission to approve the proposed project as it has been presented.

Sincerely,

WSJ Properties

Boyd Smith

24 September 2013

Department of Planning and Transportation
C/O Mr. Curtis Williams
250 Hamilton Avenue
Palo Alto CA 94301

650.329-2321

Dear Folks,

I am writing in support of Tarlton Properties proposed development for 3159 El Camino Real, Palo Alto, CA. This project appears to very closely follow the City of Palo Alto's vision for the El Camino Real corridor. It is positioned to take advantage of many public transportation options and the architecture is sure to attract a viable group of occupants likely to participate in the technological think tank that this neighborhood has become.

We own several nearby properties, the first I acquired in 1973. For many years I have been suggesting that this area would benefit from development similar to this proposal. We are excited by Tarlton's architectural design. It is dynamic, uplifting, and evokes cutting edge style with its bold texture and generous setbacks. It will enhance the El Camino / Page Mill Road node which has become a hive of technological innovative pioneered here by Hewlet and Packard.

My wife, children and I have gained an intimate knowledge of this neighborhood during my forty years of living and working here. Over the years our neighborhood appears to have lost its zest. Projects such as this Tarlton's is likely to help us regain our spark.

The nearby transportation options here are exceptional which this project is sure to take full advantage of. We observe many pedestrians and bicyclists passing by on a daily basis, often walk to California Avenue, Barron Park, or along El Camino Real to shop, dine, or visit with friends, and bike to Stanford University, the Palo Alto Medical Foundation, and to University Avenue. Caltrain is our preferred method to connect with the SFO or SJO airport and the 8 minute walk to the train station allows us to leave our vehicle parked at home. Santa Clara County transit, the Dumbarton Express, and a plethora of private and company van pools also serve this area.

Tarlton Properties 3159 El Camino Real project is in step with the times and we enthusiastically support it.

Peter & Sandy Lockhart

Peter and Sandy Lockhart
405 Olive Avenue Palo Alto CA 94306
650.321-2226

ENVIRONMENTAL CHECKLIST FORM
City of Palo Alto
Department of Planning and Community Environment

PROJECT DESCRIPTION: Request for Site and Design Review of the demolition of two existing commercial buildings (at 3111 and 3159 El Camino Real, comprising 6,616 s.f.) and the construction of a 69,503 s.f. building (net gain of 62,887 square feet of new floor area) to establish a 49-6" foot tall, 4-story, 46-unit apartment building, with commercial, office and retail uses with underground parking providing 223 parking spaces including parking lifts on a 1.6 acre site located at 3159 El Camino Real. Zone District: Service Commercial (CS).

1. PROJECT TITLE

3159 El Camino Real
Palo Alto, California 94306

2. LEAD AGENCY NAME AND ADDRESS

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

3. CONTACT PERSON AND PHONE NUMBER

Margaret Netto
Contract Planner, City of Palo Alto
650-617-3137

4. PROJECT SPONSOR'S NAME AND ADDRESS

Heather Young
81 Encina Avenue
Palo Alto, CA 94402

5. APPLICATION NUMBER

13-PLN-00040

6. PROJECT LOCATION

3111-3159 El Camino Real
Palo Alto
Parcel Numbers: 132-38-32, 35, 65 and 66

The project site is located in the northern section of the City of Palo Alto, in the northern part of Santa Clara County, west of U.S. Highway 101 and east of Interstate 280. The project site has frontage on State Route 82 (El Camino Real), Portage Avenue to the southeast, Acacia Avenue to the northwest and a developed commercial property to the northeast.

To the north of the site is surface parking, across El Camino Real to the east are restaurants (McDonalds and Fish Market), across Portage Street to the south is a retail (Footlocker) and office building, and across the alley to the east is retail (Fry's Electronics).

Figure 1: Regional Map

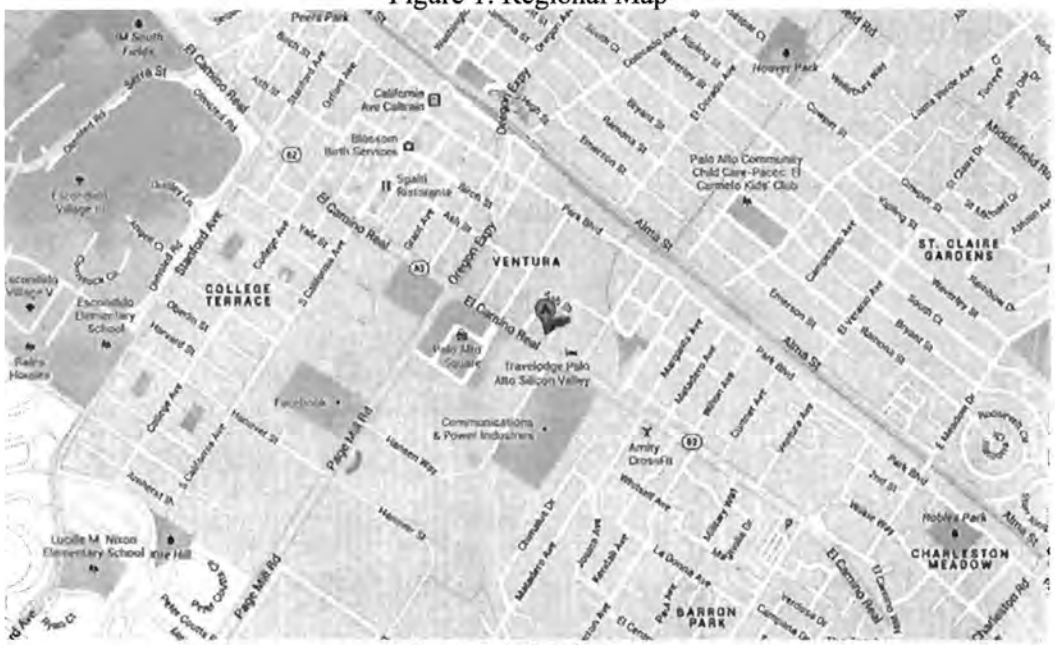

Figure 2: Vicinity Map

7. GENERAL PLAN DESIGNATION:

The General Plan designation for this site is Service Commercial, per the Palo Alto 1998 - 2010 Comprehensive Plan. The Service Commercial land use designation allows for facilities providing citywide and regional services and relies on customers arriving by car. Typical uses encouraged in this district include auto services and dealerships, motels, appliance stores and restaurants. Within some locations, residential and mixed use projects may be appropriate in this land use category. The proposed mixed-use development within this section of the City is consistent with the Comprehensive Plan goal to provide residential and mixed-use.

8. ZONING

The project site consists of four parcels having approximately 1.6 acres (69,696 square feet) which will be merged under a separate application. The parcel is zoned CS (Service Commercial) and is regulated by the Palo Alto Municipal Code (PAMC) Chapter 18.16. Commercial development on the project site is subject to the development standards, review process, and context based design criteria established for mixed use developments within PAMC Chapter 18.16. The specific regulations of this chapter and the additional regulations and procedures established by other relevant chapters of the Zoning Code apply. Mixed-use is a permitted land use in the service commercial (CS) district.

9. PROJECT DESCRIPTION

The proposed project at 3159 El Camino Real is the demolition of two existing commercial buildings (at 3111 and 3159 El Camino Real), totaling 6,616s.f., and the construction of a 49-6" foot tall, 4-story, 46-unit apartment building, with commercial, office and retail uses totaling 62,887 square feet of new floor area. The project includes underground parking facilities (13 feet below grade) providing 223 parking spaces including parking lifts. The four story building would be constructed over a portion of the below grade garage footprint in the southwest corner of the site, near El Camino Real and Portage Avenue intersection. Third and fourth story additions are also proposed above the central portion of the existing building (3127 El Camino Real-Equinox Fitness Gym) at the site. A second four-story building would be constructed over the below-grade garage in the northwest corner of the site. The upper two floors of the three buildings would be connected. The building would be occupied by residential apartments on the second through fourth floors, office space on the third, and recreational, restaurant, retail spaces on the ground level.

A single level of below-grade parking garage would be constructed beneath the majority of the site. The subterranean garage would connect to the existing below grade garage on Portage Avenue at the south east corner of the site. The main finished garage floor elevation would be below the existing site grades, and car lifts would be installed on the southeastern half of the garage, which would extend approximately 6 to 7 feet below the main garage floor.

Primary access to the site would be provided from Portage Avenue with secondary access from Acacia Avenue. Vehicular parking is provided in the existing two-level garage on Portage Avenue, to be supplemented by a new underground garage that would be accessed from the below-grade portion of the existing garage. Surface visitor parking is proposed beneath the residential wings of the building accessed from Portage Avenue and Acacia Avenue. Site improvements related to the mixed use project, such as site landscaping, driveways, at-grade parking spaces, and walkways, would be constructed as part of the proposed project.

10. SURROUNDING LAND USES AND SETTING

The project site is located on the south frontage of El Camino Real, one block south of the El Camino Real and Acacia Avenue intersection and one block north of the El Camino Real and Lambert Avenue intersection.

The property is located across El Camino Real from two restaurants (McDonalds and Fish Market). To the north, across Acacia Avenue is surface parking, to the south across Portage Avenue is retail (Footlocker) and office use and east is retail (Fry's Electronics).

11. OTHER PUBLIC AGENCIES

California Department of Transportation, Santa Clara Valley Transportation Authority, Santa Clara Valley Water District (SCVWD), the San Francisco Bay Regional Water Quality Control Board (RWQCB) and the Office of the County Clerk-Recorder.

ENVIRONMENTAL CHECKLIST AND DISCUSSION OF IMPACTS

EVALUATION OF ENVIRONMENTAL IMPACTS

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. **[A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e. g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e. g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).]**

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "(Mitigated) Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 17, "Earlier Analysis," may be cross-referenced).

5) Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (C)(3)(D). In this case, a brief discussion should identify the following:
   a) Earlier Analysis Used. Identify and state where they are available for review.
   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) The explanation of each issue should identify:
   a) the significance criteria or threshold, if any, used to evaluate each question; and
   b) the mitigation measure identified, if any, to reduce the impact to less than significance.

DISCUSSION OF IMPACTS

The following Environmental Checklist was used to identify environmental impacts, which could occur if the proposed project is implemented. The left-hand column in the checklist lists the source(s) for the answer to each question. The sources cited are identified at the end of the checklist. Discussions of the basis for each answer and a discussion of mitigation measures that are proposed to reduce potential significant impacts are included.

A. AESTHETICS

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially degrade the existing visual character or quality of the site and its surroundings?	1,2,6			x	

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Have a substantial adverse effect on a public view or view corridor?	1,2,3,5,6				x
c) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	1,2- Map L4,6				x
d) Violate existing Comprehensive Plan policies regarding visual resources?	1,2,6				x
e) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	1,5,6,			x	
f) Substantially shadow public open space (other than public streets and adjacent sidewalks) between 9:00 a.m. and 3:00 p.m. from September 21 to March 21?	1,5,				x

DISCUSSION:

The project site is not located within a major view shed. The project would not substantially damage scenic resources within a state scenic highway and does not violate any existing Comprehensive Plan policies regarding visual resources.

The project is subject to review by the Planning and Transportation Commission (P&TC), Architectural Review Board (ARB) and City Council approval; the Site and Design Review approval findings and ARB approval criteria and findings are designed to ensure an appropriate site layout and architectural design, including landscaping that is aesthetically pleasing and compatible with its surroundings. The mixed-use project is designed to meet development standards (PAMC 18.16.060), Context Based Design Criteria (PAMC 18.16.090), and observe the concepts set forth in the El Camino Real Design Guidelines. The guidelines and context based design criteria in the zoning code are currently under Council consideration as to whether the building setbacks and sidewalk widths specified in the zoning code and guidelines are desirable going forward, given the Grand Boulevard Initiative document advising 18 feet of sidewalk width along El Camino Real.

The height of the development is 49-6" feet, measured to the top of the parapet meeting the 50-foot maximum allowable height limit for the CS zone district. The proposed rooftop light monitors and mechanical roof screen would exceed the 50-foot height limit, none would be taller than 63'-5" these projections above 50-feet are monitors that would provide lighting to the interior of the fourth floor residential units. Inserting the light monitors between the required roof screens provides a consistent horizontal element at the roof top where an assortment of mechanical screens would be located, resulting in a streamlined profile. Section 18.40.090 of the Palo Alto Municipal Code permits this type of height exception so long as it does not extend 15-feet above the 50-foot maximum height limit. However, these are considered habitable floor areas and would require a Design Enhancement Exception (DEE). The roof screens and light monitors enhance the overall aesthetics of the building.

The mixed-use design incorporates an articulated building base, body and roof. The exterior finish materials would be simple forms of concrete and steel to evocate the industrial character of the neighborhood. The color scheme employs medium neutral tones as a base, with deeply saturated accent colors to highlight certain areas.

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

With the required site and design review process, which includes the architectural review process, and project compliance with the applicable zoning standards, context based criteria and design guidelines, the proposed project will not substantially degrade the existing visual character or quality of the site or its surroundings, therefore no mitigation is required.

Mitigation Measure:

None

B. AGRICULTURAL RESOURCES

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	1,2,3,5				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	1,2-Map L-9,3,5				X
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	1,2-MapL-9,3,6				X

DISCUSSION:
The site is not located in a "Prime Farmland", "Unique Farmland", or "Farmland of Statewide Importance" area, as shown on the maps prepared for the Farmland Mapping and Monitoring Program of the California Resources Agency. The site is not zoned for agricultural use, and is not regulated by the Williamson Act. Consequently, the proposed project would have no impact on agricultural resources.

Mitigation Measures:

None

C. AIR QUALITY

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct with implementation of the applicable air quality plan (1982 Bay Area Air Quality Plan & 2000 Clean Air Plan)?	1,2,5,6			X	
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation indicated by the following:	1,2,5,6			X	
i. Direct and/or indirect operational emissions that exceed the Bay Area Air Quality Management District (BAAQMD) criteria air pollutants of 80 pounds per day and/or 15 tons per year for nitrogen oxides (NO), reactive organic gases (ROG), and fine particulate matter of less than 10 microns in diameter (PM_{10});	1,2,5,6			X	
ii. Contribute to carbon monoxide (CO) concentrations exceeding the State Ambient Air Quality Standard of nine parts per million (ppm) averaged over eight hours or 20 ppm for one hour (as demonstrated by CALINE4 modeling, which would be performed when a) project CO emissions exceed 550 pounds per day or 100 tons per year; or b) project traffic would impact intersections or roadway links operating at Level of Service (LOS) D, E or F or would cause LOS to decline to D, E or F; or c) project would increase traffic volumes on nearby roadways by 10% or more)?	1,2,5,6			X	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	1,2,5,6			X	
d) Expose sensitive receptors to substantial levels of toxic air contaminants?	1		X		
i. Probability of contracting cancer for the Maximally Exposed Individual (MEI) exceeds 10 in one million	1			X	
ii. Ground-level concentrations of non-carcinogenic TACs would result in a hazard index greater than one (1) for the	1				

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
MEI					
e) Create objectionable odors affecting a substantial number of people?	1			X	
g) Not implement all applicable construction emission control measures recommended in the *Bay Area Air Quality Management District CEQA Guidelines?*	1				X

DISCUSSION:

The project is not expected to result in a significant impact on air quality. The project may result in temporary dust emissions due to construction activity. The City of Palo Alto uses the Bay Area Air Quality Management District's (BAAQMD) thresholds of significance for air quality impacts, as follows:

Long Term Impacts: Long-term project emissions primarily stem from motor vehicles associated with the proposed project. As discussed in the Transportation/Traffic section of this Initial Study, the project would generate additional vehicle trips and one intersection would be impacted but can be mitigated to less than significant. However, the change of land use will not have an impact on the surrounding area because of the anticipated increase in the volume of traffic that is expected within the project area regardless of the project being built or not. The mixed-use development is a permitted use for the site and will not affect a substantial number of people which would be limited to other commercial uses and pedestrians in the immediate vicinity. Long-term air-quality impacts are expected to be less than significant.

Sensitive receptors are defined as children, elderly, or ill people who can be more adversely affected by air quality problems. The proposed project will be located in a mixed area consisting of retail, residential, and commercial uses. Although sensitive receptors are in the immediate vicinity of the project, the construction impacts would be addressed as standard approval conditions, resulting in a less than significant impact to sensitive receptors.

<u>On-site Impacts</u>

As described in the Hazards and Hazardous Materials section, a Phase I and Phase II was prepared which indicates that the project site is in an area where there is known contamination of the soil and groundwater with volatile organic compounds (VOCs). Because of this contamination, the proposed project, which includes residential uses, would be at potential risk for vapor intrusion to the building. VOCs can disperse easily into small air spaces in soil and underneath structures, such as through foundation cracks, holes in concrete floors, and small gaps around pipes and utility lines. Some vapors, such as VOCs, may enter structures at low contamination levels, and building ventilation systems are used to prevent harmful vapor buildup. VOCs may or may not have a noticeable odor and may be present at levels posing acute or chronic health risks.

According to the EPA, steps can be taken before site redevelopment to prevent vapor intrusion.[1] Some examples of prevention include ensuring that VOC contamination is removed from the site (and sent to a proper treatment and disposal facility); preventing upward contaminant migration with an impermeable barrier such as a clay cap; and venting soil gas to outdoor air before it can reach indoor spaces. At sites where the source of contamination cannot be completely eliminated through removal, other solutions to vapor intrusion problems can be implemented. Building techniques that serve to provide a vapor barrier between interior spaces and soil (or groundwater) can be combined with structures that provide an escape route for soil vapor to vent to the atmosphere rather than into indoor air. Some ventilation systems operate effectively without the use of energy (passive systems), while others may need connection to a power supply (active systems). It should be noted for indoor air quality monitoring that the presence of VOCs in indoor air may not necessarily be a result of vapor intrusion because there often is a background or pre-existing level of VOC contamination present from chemical use in the building or from ambient air. As such, it is often difficult to distinguish between contamination attributable to vapor intrusion and contamination from background levels.

As noted in Section VII, Hazards and Hazardous Materials, of this Initial Study, the proposed project would implement Mitigation Measure H-5, which would require the inclusion of a full vapor barrier and the installation of an active vapor collection and venting system underneath the building to mitigate potential soil vapor intrusion, and a monitoring plan to verify positive air flow and monitor for VOCs. Implementation of Mitigation Measure H-5 would reduce the potential for on-site impacts from VOCs to on-site residential and commercial uses to less than significant.

The project would be subject to the following City's standard conditions of approval:

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

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

Mitigation Measures C-1: The effects of construction activities would be increased dustfall and locally elevated levels of particulate matter downwind of construction activity. Construction dust has the potential for creating a nuisance at nearby properties. This impact is considered potentially significant but normally mitigable by implementing the following control measures:

During demolition of existing structures:

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[1] Environmental Protection Agency "Design Solutions for Vapor Intrusion and Indoor Air Quality," on-line at http://www.epa.gov/swerosps/bf/facts/vapor_intrusion.pdf (accessed December 12, 2008)

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

- During all construction phases:
  - Pave, apply water 3x/daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
  - Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
  - Enclose, cover, water 2x/daily, or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
  - Limit traffic speeds on unpaved roads to 15 miles per hour.
  - Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
  - Replant vegetation in disturbed areas as quickly as possible.

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

Mitigation Measures: See H-5 under Section VII, Hazards and Hazardous Materials

D. BIOLOGICAL RESOURCES

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	1, 2-MapN1, 5				x
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, including federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	1,2-MapN1, 5				x
c) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	1, 2-MapN1, 5				x

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or as defined by the City of Palo Alto's Tree Preservation Ordinance (Municipal Code Section 8.10)?	1, 2, 3, 5, 7, 8		x		
e) Conflict with any applicable Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	1, 2, 3, 6, 7, 8,			x	

DISCUSSION:

The project site is located in an established urban area with no riparian or tree habitat for the candidate, sensitive, or special status species in the area. No endangered, threatened, or rare animals, insects and plant species have been identified at this site. The project site is located in an established commercial urban setting.

The Comprehensive Plan includes policies, programs and implementing actions to ensure the preservation of biological tree resources. The following policies and programs are relevant to the proposed Project:

- *Policy N-14*: Protect, revitalize, and expand Palo Alto's urban forest.
- *Policy N-15*: Require new commercial, multi-unit, and single family housing projects to provide street trees and related irrigation systems.
- *Program N-16:* Require replacement of trees, including street trees lost to new development.
- *Program N-17*: Develop and implement a plan for maintenance, irrigation, and replacement of trees.

Palo Alto's Regulated Trees

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

Palo Alto Municipal Code Tree Preservation Ordinance

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

- *Protected Trees.* Includes all coast live oak (*Quercus agrifolia*) and valley oak trees 11.5 inches or greater in diameter, coast redwood trees 18 inches or greater in diameter, and heritage trees designated by the City Council according to any of the following provisions: it is an outstanding specimen of a desirable species; it is one of the largest or oldest trees in Palo Alto; or it possesses distinctive form, size, age, location, and/or historical significance.
- *Street Trees.* Also protected are City-owned street trees (all trees growing within the street right-of-way, outside of private property)
- *Designated Trees.* Designated trees are established by the City when a project is subject to discretionary design review process by the Architecture Review Board that under Municipal Code Chapter 18.76.020(d)(11) includes as part of the findings of review, "whether natural features are appropriately preserved and integrated with the project." Outstanding tree specimens contributing to the existing site, neighborhood or community, and that have a rating of "High" Suitability for Preservation as reflected in Table 3.6-1 would constitute a typical designated tree.

Palo Alto Tree Preservation Guidelines

For all development projects within the City of Palo Alto, discretionary or ministerial, a *Tree Disclosure Statement* (TDS) is part of the submittal checklist to establish and verify trees that exist on the site, trees that overhang the site originating on an adjacent property, and trees that are growing in a City easement, parkway, or publicly owned land. The TDS stipulates that a *Tree Survey* is required (for multiple trees), when a *Tree Preservation Report* is required (development within the dripline of a Regulated Tree), and who may prepare these documents. The *City of Palo Alto Tree Technical Manual*[2] (Tree Technical Manual) describes acceptable procedures and standards to preserve Regulated Trees, including:

- The protection of trees during construction;
- If allowed to be removed, the acceptable replacement strategy;
- Maintenance of protected trees (such as pruning guidelines);
- Format and procedures for tree reports; and
- Criteria for determining whether a tree is a hazard.

There are six street trees that would be impacted by the proposed underground parking. Some of the trees will likely need to be cut for the underground parking to be installed. The arborist report identifies protection measures to be incorporated in the plans to reduce the potential impact on public trees. These include root removal during the winter, protective fencing, mulching, irrigation, and guidelines for tree protection zone setback clearances for buildings and grading, above ground measures for walkways, structures, landscaping and flatwork.

[2] City of Palo Alto, *City of Palo Alto Tree Technical Manual*, June 2001. Provided on line at http://www.cityofpaloalto.org/environment/urban_canopy.asp

Nonetheless, the proposed project could result in disturbances to nesting birds in these trees. Nesting birds, their nests, and eggs are fully protected by the State Fish and Game Code (Sections 3503, 3503.5) and the Migratory Bird Treaty Act of 1918 (MBTA). Destruction of a nest would be a violation of these regulations, and would be a significant impact. The magnitude of impact would depend on the species affected.

Mitigation Measures B-1:

The applicant shall abide by all provisions of Sections 3503 and 3503.5 of the State Fish and Game Code and Migratory Bird Treaty Act of 1918 (MBTA) as published in the Federal Register (Vol. 70, No. 49; March 15, 2005).

Although there is no vegetation on the project site that may contain nesting birds, there may be nesting birds in existing vegetation abutting the proposed project site. To protect any nesting birds, the proposed project may avoid construction during the nesting period. Alternatively, a qualified wildlife biologist (to be hired by the applicant) shall conduct a survey for nesting birds that are covered by the MBTA and/or Sections 3503 and 3503.5 of the State Fish and Game Code in the vicinity of the project site. This survey shall cover all areas that would be disturbed as a result of construction-related activities during the nesting period, and shall include a "buffer zone" (an area of potential sensitivity, beyond the bounds of the proposed project construction area) which shall be determined by the biologist based on his or her professional judgment and experience. This buffer zone may include off-site habitat.

This biological survey shall be conducted no more than 14 days prior to the commencement of construction activities. The wildlife biologist shall provide a report to the City promptly detailing the findings of the survey. No construction shall be conducted until this report has been provided to the City and the City has authorized in writing the commencement of construction activities in accord with the biologist's findings.

E. CULTURAL RESOURCES

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Directly or indirectly destroy a local cultural resource that is recognized by City Council resolution?	1,2-MapL-7				x
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?	1,2-MapL8			x	
c) Directly or indirectly destroy a unique paleontological resource or site or unique	1,2-			x	

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
geologic feature?	MapL8				
d) Disturb any human remains, including those interred outside of formal cemeteries?	1,2-MapL8				x
e) Adversely affect a historic resource listed or eligible for listing on the National and/or California Register, or listed on the City's Historic Inventory?	1,2-MapL7				x
f) Eliminate important examples of major periods of California history or prehistory?	1				x

DISCUSSION:

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

The project would entail excavation of one level of parking to a depth of 15 to 22 feet below grade. The project site is to be developed with underground parking. If archaeological materials are discovered the applicant would be required to perform additional testing and produce an Archaeological Monitoring and Data recovery Plan (AMDRP) to be approved prior to the start of construction. The City's standard conditions of approval will address this potentiality.

Mitigation Measures:

None

F. GEOLOGY, SOILS AND SEISMICITY

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	See below				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	2-MapN-5, 5			x	

ii) Strong seismic ground shaking?	2-MapN-10, 5,9			x	
iii) Seismic-related ground failure, including liquefaction?	2-MapN-5, 5,9			x	
iv) Landslides?	2-MapN-5, 5,9				x
b) Result in substantial soil erosion or the loss of topsoil?	1, 2,5,9				x
c) Result in substantial siltation?	1,2,5,9			x	
d) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	2-MapN-5, 5,9			x	
e) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	2-MapN-5, 5,9			x	
f) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	1,5,9				x
g) Expose people or property to major geologic hazards that cannot be mitigated through the use of standard engineering design and seismic safety techniques?	1,4,5,9				x

DISCUSSION:

The entire state of California is in a seismically active area. According to the Palo Alto Comprehensive Plan the project site is not in an area that is subject to very strong ground shaking in the event of an earthquake or in an area subject to expansive soils, surface rupture, liquefaction, or earthquake induced landslides. Based on the engineering analysis in the Geotechnical Investigation prepared by Murray Engineers Inc, the site is not located in an area considered susceptible to earthquake liquefaction. There are no active or potentially active faults across the property, therefore no fault rupture would occur on-site. Since the subsurface condition is not susceptible to liquefaction because the soil is not silty sand saturated by groundwater. The site would not be subject to lateral spreading and or seismic settlement if the recommendations provided by the Geotechnical Engineering Investigation prepared by Murray Engineers Inc. are followed.

Development of the proposed project would be required to conform to all requirements in the Uniform Building Code, which includes provisions to ensure that the design and construction of all buildings includes provisions to resist damage from earthquakes to the extent feasible and acceptable. The primary geotechnical constraints to the development are the presence of moderately shallow groundwater (relative to the planned basement excavation depths), the highly expansive nature of the near-surface soils, the site's seismic setting, and the City's guidelines eliminating the use of subsurface drainage in relation to all basement construction.

The excavation for the 13 to 20-foot deep (to floor elevation) below grade garage would likely extend to depths on the order of 15 to 22-feet below existing site grades, in some cases near or immediately adjacent to existing buildings and street sidewalks. Therefore, to mitigate the issue of differential settlement and potential impacts on these structures, the basement excavation would need a well-designed shoring system to be designed. The groundwater level is expected to be typically in order of 17 to 18-feet below existing grades. Therefore, because at least portions of the basement excavation would extend below the estimated ground level, dewatering by the contractor will likely be necessary to control groundwater during construction.

Based on Murray Engineers Inc. investigation, the site appears to be blanketed by stiff to hard and medium dense to very dense alluvial soils to the depth explores at 46.5 feet. The alluvial soils should provide adequate support for the new foundation proposed.

Substantial or permanent changes to the site topography are not expected. Standard conditions of approval require submittal of a final grading and drainage plan for the project for approval by the Public Works Department prior to the issuance of a building permit. The application of standard grading, drainage, and erosion control measures as a part of the approved grading and drainage plan is expected to avoid any grading-related impacts.

All earthwork and site drainage, including foundation and basement excavations, retaining wall backfill, preparation of the subgrade beneath hardscape, placement and compaction of engineered fill, and surface drainage should be performed in accordance with the Geotechnical Report prepared by Murray Engineers, Inc., dated March 12, 2013.

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

Mitigation Measure F-2: Prior to building permit approval, the applicant shall submit a well-designed shoring system for the basement excavation to be designed by a licensed engineer subject to review and approval by Public Works Department.

G. HAZARDS AND HAZARDOUS MATERIALS

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routing transport, use, or disposal of hazardous materials?	1, 5,16			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	1, 5,16		X		

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	1, 5,16				X
d) Construct a school on a property that is subject to hazards from hazardous materials contamination, emissions or accidental release?	1,5,16		X		
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	1, 2-MapN-9, 5				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	1, 2				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working the project area?	1, 2				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	1,2-MapN-7				X
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	2-MapN-7				X
i) Create a significant hazard to the public or the environment from existing hazardous materials contamination by exposing future occupants or users of the site to contamination in excess of soil and ground water cleanup goals developed for the site?	1, 5,11,16				X

DISCUSSION:

The proposed project would not involve the handling, transportation, use, disposal, or emission of hazardous materials. The project is not expected to pose airport-related safety hazards. The proposed project would not interfere with either emergency response or evacuation. The project site is not located in a designated fire hazard area. The new construction and site design shall be required to comply with the City's building permit approval standards and fire equipment and fire protection coverage standards as conditions of project approval prior to the issuance of a building permit.

The property is not currently listed on any commercially available database, or on the Santa Clara Valley Water District or Water Board databases, as having a release of hazardous materials or documented contaminants. Several vicinity properties are listed as having reported releases of hazardous materials or documented environmental contamination. Based on the location, it is likely that a groundwater plume underlays the property. The site is documented to be contaminated by VOCs, primarily trichloroethene (TCE). The groundwater contamination is referred to the California-Olive-

Emerson plume (COE) based on the city streets that bound it. The COE Study Area has a long (since 1981) of investigation and remediation by the responsible parties (HP and Varian). Both HP and Varian agreed to accept financial responsibility to investigate and remediate the plume, and the Water Board is providing regulatory oversight of the monitoring and cleanup action.

Stellar Environmental Solutions, Inc. conducted a Phase 1 of the subject site. During the course of this assessment, Stellar Environmental identified several potential environmental concerns with the development of the site: 1) Ensuring that the excavated soils are appropriately disposed of based on soil sampling and profiling; 2) Evaluating the impact of dewatering during the deeper car lift machine excavation areas that will require construction phase discharge of groundwater; and 3) Assessing the potential for soil-vapor intrusion through the collection of site specific soil gas data collected at the base of the area [above groundwater] of the excavation.

Soil samples results show minimal concentrations of any environmental concern and those that were reported appear to be naturally occurring or de-minimus. No VOCs were detracted in any of the 12 soil composite samples collected. Diesel and oil range petroleum hydrocarbons detected in soil composite samples collected for this investigation are at non-hazardous concentrations, with only chromium and lead (Pb) in one sample that showed concentrations above the 50 mg/kg requiring a Waste Extraction Test (WET). The WET analysis showed no soluble concentration of concern, confirming the non-hazardous nature.

Stellar Environmental concludes the soil shows no contamination of environmental concern and can be disposed of offsite as non-hazardous to a regulated landfill placed on the dirt reuse market if an infill area accepts the analytical profiling completed to date. The detected VOC contamination in the groundwater shows TCE concentrations at the de-minimus levels consistent with the distal area of the HP plume. The soil-gas is the one media showing significant concentration variations in the four samples with one of the four samples showing a concentration of TCE and PCE above regulatory guidance. The elevated TCE and PCE soil-gas can be mitigated during the excavation phase because the base excavation depth is below the clay-rich cap that traps the soil-gas.

Mitigation Measures H-1: A project specific Health and Safety Plan (HASP) and a Site Mitigation Plan (SMP), would be implemented, and adhered to during construction and excavation activities. All workers on site should be read and understand the HASP and SMP, and copies should be maintained on site during construction and excavation at all times.

Mitigation Measures H-2: A Remedial Risk Management Plan (RRMP) should be developed and followed by current and future owners, tenants, and operators. The plan will include the implementation of the described remedies and engineering design.

Mitigation Measures H-3: Additional collection of four soil samples at the site should be completed after the base excavation to 14 feet bgs is achieved. This soil-gas collection will verify if the removal of the clay cap has resulted in a reduction of residual soil gas below the residential ESLs. Current PCE and TCE concentrations in soil-gas are one or two orders of magnitude greater that what would be expected to accumulate based on current groundwater concentrations of PCE and TCE, and would not be likely to reach the current concentrations in the future if the reduction of groundwater contaminants continues as it is expected to.

Mitigation Measures H-4: If soil-gas concentrations collected following the initial base excavation phase have not resulted in significant decrease, a sub slab passive vapor collection and passive vapor collection and passive venting system designed full vapor barrier would be implemented to mitigate against the identified VOC soil-vapor intrusion (see Mitigation Measure H-5 for vapor intrusion mitigation system).

Mitigation Measure H-5: Prior to issuance of the occupancy permit the applicant shall file documentation from an independent consultant specializing in vapor mitigation system design and installation for final approval by a third party inspection service reporting to the City financed by the applicant confirming that each component (collection pipes, transmission pipes, inlets, risers, vents, etc.) of the vapor intrusion mitigation system (VIMS) has been installed in accordance with recommendations of the Vapor Mitigation System and Monitoring Plan, and includes the installation of a full vapor barrier, which shall be a 60-mil thick, spray applied membrane below elevator shafts, stairwells, pipe chases, and entire floor slab, as part of the active vapor collection and venting system (i.e., driven by electric fans at the effluent end of the VMS riser pipes enhanced by outside air entering through inlet vents) to be installed in the building to mitigate potential soil vapor intrusion.

Mitigation Measure H-6: A Groundwater Mitigation Plan shall be provided for lowering ground water levels during the excavation phase that may reach depths to 22-feet bgs which is about 4-feet below the expected level of first encountered groundwater. The mitigation plan shall specify the number of groundwater dewatering wells with dedicated pumps to be installed around the site perimeter throughout the project duration. This plan shall be prepared and submitted for final approval by the City's Public Works Department prior to issuance of City permits.

Mitigation Measure H-7: A detailed groundwater extraction design shall be developed including a staging plans for dewatering system, including all required chemical testing, dewatering systems layout, well depths, well screen lengths, dewatering pump locations, pipe sizes and capacities, grades, filter sand gradations, surface water disposal method, permitting and location. This design shall be prepared and submitted for final approval by the City's Public Works Department prior to issuance of City permits

Mitigation Measure H-8: This and future technical reports should be uploaded (as required) to the appropriate regulatory agencies- including uploads to the SCCDEH's ftp system and the State Geo Tracker system.

H. HYDROLOGY AND WATER QUALITY

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	1,2,5				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit					

	in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	2-MapN2				X
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	1,2,5				X
d)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	1,2,5				X
e)	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	1,2,5				X
f)	Otherwise substantially degrade water quality?	1,2				X
g)	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	1, 2-Map N-6,5				X
h)	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	2-MapN6				X
i)	Expose people or structures to a significant risk of loss, injury or death involve flooding, including flooding as a result of the failure of a levee or dam or being located within a 100-year flood hazard area?	2-MapN6 N8				X
j)	Inundation by seiche, tsunami, or mudflow?	2-MapN6, N8				X
k)	Result in stream bank instability?	1,2-MapN6,9				X

DISCUSSION:

Construction of the proposed building and related site improvements would not result in an increase in the amount of impervious surface area on the site. The site is entirely paved with asphalt. Stormwater runoff is currently conveyed from the site via curb street gutters to the paved parking areas, where it runs to the street and ultimately discharges into the San Francisco Bay. As previously referred to in the *Geology, Soils and Seismicity* section of this study layers of moderately to highly plastic fine-grained alluvium and medium dense to very dense coarse-grained alluvium.

The project site is not located in an area of groundwater recharge and will not deplete the groundwater supplies. The project site is located outside of the 100-year flood hazard area and would not impede or redirect flood flows. The project site is not in an area that is subject to seiche, tsunami or mudflow. With the City's required conditions of approval the water impacts of the project will not be significant.

Water quality standards and waste discharge requirements that are applicable to the proposed project are established in the Water Quality Control Plan for San Francisco Bay (Basin Plan) prepared by the RWQCB in compliance with the federal CWA and the State Porter-Cologne Water Quality Control Act, and the NPDES permits issued by the RWQCB in accordance with the Clean Water Act, which incorporates Basin Plan objectives. All point and non-point discharges (including urban runoff) must comply with the identified water quality objectives and the concentrations of contaminants in the discharges must be controlled, either through NPDES permits or waste discharge requirements. Two components of the proposed project are subject to separate NPDES requirements: construction and operation. Although the RWQCB is ultimately responsible for ensuring discharges from development in the City comply with conditions in the permits, which are summarized below, the City of Palo Alto is required by the terms of its NPDES Municipal Permit to review and regulate stormwater discharges from development sites.

During demolition, grading and construction, storm water pollution could result. Standard conditions of architectural review approval would require the incorporation of Best Management Practices (BMPs) for storm water pollution prevention in all construction operations, in conformance with the Santa Clara Valley Non-Point Source Pollution Control Program, and submittal of a stormwater pollution prevention plan (SWPPP) in conjunction with building permit plans to address potential water quality impacts. The City requires the Storm Water Pollution Prevention Plan (SWPPP) required by the NPDES Construction General Permit be reviewed by the Public Works Department prior to issuance of a grading permit. Overseeing conformance to the SWPPP is the responsibility of the Public Works Department, or a third party hired by the Public works Department, at the owner's expense, that specializes in the monitoring of activities related to water quality and water discharge requirements.

If contaminated soils were found, the soils would be managed appropriately by segregating them into separate piles in a designated area onsite and covering the piles with plastic sheeting until additional testing was completed. The stockpiles would be managed in accordance with the SWPPP and the SMP. This would reduce the potential for soils (regardless of whether contaminants are present or not) to be washed into storm drains and enter the creek. To prevent cross-contamination, construction equipment and transportation vehicles that contact exposed native soils would be decontaminated prior to leaving the site. Wash water from decontamination would be collected and managed in accordance with applicable laws and regulations and monitored by trained personnel. The stored water would be sampled for chemicals, the results of which would determine how the water should be disposed. The water used for on-site dust control would have to meet NPDES permit requirements for such use and for any subsequent discharge to the storm drain. If the water were found not to meet the permit requirements, it would either be treated on-site or removed. In either case, no discharges to the storm drain exceeding adopted standards would be permitted. This measure would reduce the potential for contaminants to be transported off-site and possibly enter runoff from roadways, and would ensure proper disposal.

Implementation of the required NPDES SWPP as monitored and enforced during construction would be compliance with storm water quality standards. City development standards and standard conditions of project approval would reduce potential negative impacts of the project to less than significant.

Mitigation Measure:

None

I. LAND USE AND PLANNING

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	1,2			X	
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	1,2,3,6,11			X	
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	1,2			X	
d) Substantially adversely change the type or intensity of existing or planned land use in the area?	1,2,6,11			X	
e) Be incompatible with adjacent land uses or with the general character of the surrounding area, including density and building height?	1,2,3,6,11			X	
f) Conflict with established residential, recreational, educational, religious, or scientific uses of an area?	1,2,6,11			X	
g) Convert prime farmland, unique farmland, or farmland of statewide importance (farmland) to non-agricultural use?	1,2,6				X

DISCUSSION:

The proposed project at 3159 El Camino Real is the demolition of the two existing commercial buildings (at 3111 and 3159 El Camino Real) for the construction of 62,887 square feet of new floor area to establish a 49-6" foot tall, 4-story, 46-unit apartment building, with commercial, office and retail uses with underground parking facilities (13 feet below grade) providing 223 automobile spaces including parking lifts. The project is subject to review by the Planning and Transportation Commission (P&TC), Architectural Review Board (ARB) and City Council approval; the Site and Design Review approval findings and ARB approval criteria and findings are designed to ensure an appropriate site layout and architectural design, including landscaping that is aesthetically pleasing and compatible with its surroundings. The site development complies with the land use designation as described below. Compliance with parking regulations is addressed in *Section O* below.

The Service Commercial land use designation allows for facilities providing citywide and regional services and relies on customers arriving by car. Typical uses encouraged in this district include auto services and dealerships, motels, appliance stores and restaurants. The proposed hotel development within this section of the City is consistent with the Comprehensive Plan goal to provide citywide and regional services. The proposed mixed use is an allowed use within the CS Zone District.

The project complies with the Floor Area Ratio (FAR) allowed under the CS zone district. The CS zone allows for an FAR of 1.0:1 for a total mixed use floor area ratio. The total building area is 69,503 square feet (1:0:1 FAR).

Three DEEs are requested as part of this application. The first DEE is to exceed the maximum height limit in the CS zone district. The height of the development is 49-6" feet, measured to the top of the parapet meeting the 50-foot maximum allowable height limit for the CS zone district. The proposed rooftop light monitors and mechanical roof screen would exceed the 50-foot height limit; none would be taller than 63'-5" - these projections above 50-feet are monitors that would provide lighting to the interior of the fourth floor residential units. The monitors would provide lighting to the interior of the fourth floor residential units. Inserting the light monitors between the required roof screens provides a consistent horizontal element at the roof top where an assortment of mechanical screens would be located, resulting in a streamlined profile.

The second DEE request is for a reduction in the required setback from 5-feet to 2-feet along Acacia Avenue. The project is unique in that it encompasses an entire block face of El Camino Real and serves to anchor the entire frontage with a strong building mass that reinforces the street edge. The area available for ground floor retail/recreation space at the corner of El Camino Real and Acacia Avenue is constrained in width by the existing structures that will remain at 3127 El Camino Real. The reduced setback allows a better proportional building element at the intersection of El Camino Real and Acacia Avenue, with a strong corner presence at the street level that steps back at the upper level as it transitions to the residential element along Acacia Avenue.

The third requested DEE is to allow for an increase of the "build to" line requirement along Portage Avenue to allow a 7-foot setback in lieu of a 5-foot setback. The proposed ground floor levels have been set to allow accessibility across the site as well as at the El Camino Real entry points. This results in an elevated plaza area at the corner of El Camino Real and Portage Avenue, which serves both to mark the corner and to provide a distinct sense of destination for plaza visitors. Access to the elevated plaza would be provided via a stairway at the corner and a ramp along Portage Avenue at the face of the building. A 7-foot setback at this location would allow access space for the ramp in addition to a landscape buffer strip. The two-foot exception would afford enhanced aesthetics while providing easy site accessibility. The commercial area would be set back from El Camino Real to provide a 12-foot wide effective sidewalk width (curb face to building, required by Zoning Code Section 18.16.060). The front setback is 4- feet from the back of sidewalk. The rear setback is 10-feet at the residential portion which is consistent with the CS zone.

The project site is located within the Cal-Ventura Mixed Use Area, identified in the Comprehensive Plan, a mixed use area adjacent to the California Avenue business district. It is also served by the California Avenue Multi-model Transit Station. Cal-Ventura offers opportunities for new transit-

oriented development, as it includes several underutilized properties likely to redevelop in the near future. New housing in this area could provide the momentum for new pedestrian amenities and shuttle bus connections to nearby Stanford Research Park. The project is consistent with the Comprehensive Plan.

The project site is located within the Cal-Ventura corridor area, as defined by the South El Camino Real Design Guidelines (Guidelines). It is not considered a strategic site within the Cal-Ventura Area. The area is characterized by mixed-use as well as auto-oriented retail commercial uses. Although presently pedestrian activity is light, the Guidelines look toward accommodating such activity. With that in mind the Guidelines indicate new buildings should front El Camino Real with entries fronting the street or clearly visible from the street providing recognizable and easily accessible entries for both pedestrians and vehicular arrivals. The project proposal complies with many of the specific Guidelines for the mixed-use area relative to site planning and design. The Guidelines indicate that all buildings should have entries facing El Camino Real. The proposed commercial entry faces on El Camino Real adjacent to the Portage Avenue corner.

The project is requesting three DEEs that would provide for enhanced aesthetics and stronger pedestrian oriented entry on El Camino Real. Consequently, the project would have a less than significant impact with respect to land use and zoning designation.

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

Mitigation Measures:

None.

J. MINERAL RESOURCES

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	1,2				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	1,2				X

DISCUSSION:

The City of Palo Alto has been classified by the California Department of Conservation (DOC), Division of Mines and Geology (DMG) as a Mineral Resource Zone 1 (MRZ-1). This designation signifies that there are no aggregate resources in the area. The DMG has not classified the City for other

resources. There is no indication in the 2010 Comprehensive Plan that there are locally or regionally valuable mineral resources within the City of Palo Alto.

Mitigation Measures:

None.

K. NOISE

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	1,2,13			X	
b) Exposure of persons to or generation of excessive ground borne vibrations or ground borne noise levels?	1,2,13			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	1,2,13			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	1,2,13			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, would the project expose people residing or working in the project area to excessive noise levels?	1,2				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	1,2				X
g) Cause the average 24 hour noise level (Ldn) to increase by 5.0 decibels (dB) or more in an existing residential area, even if the Ldn would remain below 60 dB?	1,2,13			X	
h) Cause the Ldn to increase by 3.0 dB or more in an existing residential area, thereby causing the Ldn in the area to exceed 60 dB?	1,2,13			X	
i) Cause an increase of 3.0 dB or more in an existing residential area where the Ldn currently exceeds 60 dB?	1,2,13			X	
j) Result in indoor noise levels for residential development to exceed an Ldn of 45 dB?	1,2,13			X	
k) Result in instantaneous noise levels of greater than 50 dB in bedrooms or 55 dB in other rooms in areas with an exterior Ldn of 60 dB or greater?	1,2,13			X	X
l) Generate construction noise exceeding the	1,2,5,13				X

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
daytime background Leq at sensitive receptors by 10 dBA or more?					

DISCUSSION:

The project site is located in an area with an existing noise level ranging between 67-74 L_{dn}. Vehicular traffic along El Camino Real provides the dominate source of "steady-state" environmental noise at the site. The typical events include cars and trucks as well as regularly scheduled buses. This noise level is typical for commercial districts. Grading and construction activities will result in temporary increases in local ambient noise levels. Typical noise sources would include mechanical equipment associated with excavation, grading and construction, which will be short term in duration. Standard approval conditions would require the project to comply with the City's Noise Ordinance (PAMC Chapter 9.10), which restricts the timing and overall noise levels associated with construction activity. Short-term construction that complies with the Noise Ordinance would result in impacts that are expected to be less than significant.

Based on acoustical measurements performed by Charles Salter and Associates, the future noise levels at the proposed setback of the apartment units would range from DNL 74dB to 67dB. Facades facing El Camino Real receive the highest noise levels, DNL 74dB. Facades along Acacia Avenue and Portage Avenue receive noise levels to 67dB. Project noise levels exceed 65dB threshold for CalGreen. Therefore, the commercial and retail spaces require acoustical treatment. All of these measured noise levels would be considered "normal to conditionally acceptable" for commercial space and "conditionally acceptable" for residential per the City's noise goals. Therefore, noise reducing measures would be required to comply with City's noise standards.

Where the DNL exceeds 65dBA, the project must incorporate mitigation measures into the building design to reduce interior noise levels from exterior sources to DNL 45dBA or less. To meet the indoor noise level criteria, sound-rated exterior facades will be necessary for some units. Recommendations for sound rated construction will depend on the size and type of rooms, window and exterior facades, and must be determined during the design phase.

In addition to the background noise affecting the project, the project will generate noise that would increase the ambient noise levels. Equipment such as roof top air conditioning and exhaust fans as well as emergency engine generators crates noise that must comply with the City of Palo Alto Noise Ordinance. The ordinance requires that mechanical equipment noise not exceed 6dB above the local ambient at residential property lines or 8 dB at commercial property lines with a maximum daytime exception of 70 dB when measures at 25 feet.

To mitigate the potential noise impacts of the mechanical equipment it is recommended that the project incorporate mitigations measures as outlined in the Palo Alto Noise Ordinance which include equipment selection, equipment location, and equipment enclosures. The underground parking will require an exhaust system. Any noise from this system will be attenuated.

The City's standard conditions of approval will be applied to the project to ensure the construction noise and rooftop mechanical equipment noise impacts will be reduced to a level of insignificance. The project site is not located within an airport land use plan or within the vicinity of a private airstrip.

Mitigation Measures:

None

L. POPULATION AND HOUSING

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	1,2,5,6				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	1,5,6				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	1,5,6				X
d) Create a substantial imbalance between employed residents and jobs?	1,2,6				X
e) Cumulatively exceed regional or local population projections?	1,2,6,				X

DISCUSSION:
The project is the redevelopment of a 1.6 acre site to construct 62,887 square feet of new floor area to establish a 49-6" foot tall, 4-story, 46-unit apartment building, with commercial, office and retail uses. This mixed-use project will not impact the City's jobs-housing (im) balance.

Population in Palo Alto's sphere of influence in 1996, according to Palo Alto Comprehensive Plan was 58,000 people. This is projected by the City's Comprehensive Plan to increase to 62,880 by 2010. By adding 46 units to the housing stock, the proposed project would contribute to population growth in the area. With an average household size of 2.24 persons the proposed project would generate a population increase of approximately 103 people; however, the project is included as Housing Opportunity site in the Housing Element, and the population increase has been anticipated. This incremental increase in population generated by the proposed project would be less than significant.

Mitigation Measures:

None.

M. PUBLIC SERVICES

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
Fire protection?	1, 2				X
Police protection?	1, 2				X
Schools?	1, 2				X
Parks?	1, 2			X	
Other public facilities?	1, 2			X	

DISCUSSION:

Fire

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

Police

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

Schools

The Palo Alto Unified School District (PAUSD) serves the City of Palo Alto and portions of the City of Los Altos Hills. PAUSD includes 12 elementary schools (kindergarten through grade five), 3 intermediate schools (grades six through eight), and 2 high schools (grades nine through twelve). Other schools and programs in the PAUSD include a pre-school program, a self-supporting adult school, a school for the hearing impaired, the Children's Hospital School at the Lucille Packard Children's Hospital, and a summer school.[3] In 2006, PAUSD employed approximately 646 teachers, providing a ratio of one teacher for every 17.5 students.[4]

[3] Palo Alto Unified School District, http://pausd.org/parents/schools_sites/index.shtml, accessed December 12, 2008

[4] The staffing ratio is calculated based on 2006 student enrollment of 11,329 as reported by the Palo Alto Unified School District, Agenda, Regular Meeting, September 23, 2008

Enrollment in the PAUSD is approaching capacity. According to the City of Palo Alto's Board of Education, in the 2008-2009 school year, elementary schools have room for an additional 123 students, middle schools have room for 95 students, and high schools have room for 239 students. Therefore, PAUSD schools' classroom capacity can accommodate approximately 457 additional students. Based on the PAUSD student generation rates (Lapkoff & Gobalet Demographic Research, Inc. (Lapkoff Forecast page 20), an apartment unit yields 0.15 student, a stacked condominium yields 0.25 student, and a BMR multifamily residential unit yields 0.7 student. With 46 apartments at a 0.15 yield factor, a total of 6.6 students are estimated to be generated from the development. Student enrollment associated with the proposed project would be within existing capacity. Consequently, the impact of the proposed project on schools would be less than significant.

Parks

The City of Palo Alto follows the National Recreation and Park Association (NRPA) Standards as guidelines for determining parkland needs. These standards recommend that a city of the size and density of Palo Alto should provide 2 acres of parkland for every 1,000 residents. The proposed project would generate 103 additional residents at the project site and would generate additional workers at the project site. Based on the NRPA Standards, the addition of 103 residents to the project site would generate a demand for 0.10 acres of parkland. Impact fees to address impacts on parks were adopted by the Palo Alto City Council in March of 2002. As a condition of approval and prior to receiving a building permit, the project applicant will be required to pay a one-time development impact fee for parks. The City's park-in-lieu fee and park facility fee will be used to offset impacts on park facilities as a result of this project. Therefore, the project would result in a less than significant impact.

Other Public Facilities

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

Mitigation Measures:

None

N. RECREATION

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	1,5,6				X

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	1,5,6				X

DISCUSSION:
This project is subject to payment of impact fees for parks, libraries and community facilities. The project would not have any significant impact on existing parks, nor include or require construction of recreational facilities. No mitigation is required.

There would not be a significant change to the demand of recreation services as a result of the proposed project.

Mitigation Measures:

None

O. TRANSPORTATION AND TRAFFIC

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	1, 5,14,20			X	
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	1, 5,14,			X	
c) Result in change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	1				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	1,6,14			X	

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Result in inadequate emergency access?	1,2,5			X	
f) Result in inadequate parking capacity?	1,2,5,14,			X	
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian, transit & bicycle facilities)?	1,2,5,6,14			X	
h) Cause a local (City of Palo Alto) intersection to deteriorate below Level of Service (LOS) D and cause an increase in the average stopped delay for the critical movements by four seconds or more and the critical volume/capacity ratio (V/C) value to increase by 0.01 or more?	1,2,5,14			X	
i) Cause a local intersection already operating at LOS E or F to deteriorate in the average stopped delay for the critical movements by four seconds or more?	1,2,5,14			X	
j) Cause a regional intersection to deteriorate from an LOS E or better to LOS F or cause critical movement delay at such an intersection already operating at LOS F to increase by four seconds or more and the critical V/C value to increase by 0.01 or more?	1,2,5,14			X	
k) Cause a freeway segment to operate at LOS F or contribute traffic in excess of 1% of segment capacity to a freeway segment already operating at LOS F?	1,2,5,14			X	
l) Cause any change in traffic that would increase the Traffic Infusion on Residential Environment (TIRE) index by 0.1 or more?	1,2,5,14,20			X	
m) Cause queuing impacts based on a comparative analysis between the design queue length and the available queue storage capacity? Queuing impacts include, but are not limited to, spillback queues at project access locations; queues at turn lanes at intersections that block through traffic; queues at lane drops; queues at one intersection that extend back to impact other intersections, and spillback queues on ramps.	1,2,5,14			X	
n) Impede the development or function of planned pedestrian or bicycle facilities?	1,2,5,14			X	
o) Impede the operation of a transit system as a result of congestion?	1,2,5,14			X	
p) Create an operational safety hazard?	1,5,14			X	

DISCUSSION:

A Transportation Impact Analysis & Neighborhood Traffic Study provided by Kimley-Horn analyzed the potential impacts to the transportation system as a result of the redevelopment of the project site. The existing facilities at the project site include the operation health/fitness club (Equinox) and operational retail building (We Fix Macs). The existing operational specialty building would be displaced and its square footage incorporated into the proposed.

Significant findings of the study concluded:

- The proposed project is estimated to generate 893 total new daily trips, 89 trips occurring during the AM peak-hours, 58 new trips occurring during the PM peak-hour.
- As defined by Santa Clara Valley Transportation Authority (VTA), the addition of the proposed project to the Cumulative (2035) scenario significantly worsen operating conditions at the El Camino intersection with West Charleston Road/Arastradero Road. This impact can be mitigated to less than significant.
- The addition of the proposed project adds nominal additional queuing to several of the study locations. Specifically, the project contributes at least one car length (25-feet) to the eastbound El Camino Real left-turn queen at the Portage Avenue/Hansen Way intersection.

The significant impact at the El Camino West Charleston Road/Arastradero Road intersection can be mitigated with the addition of a southbound West Charleston Road right-turn overlap signal phase.

Access/Circulation

Primary access to the site will be provided from Portage Avenue with secondary access from Acacia Avenue. Pedestrian and bicycle access to the site will also be provided via El Camino Real and Portage Avenue.

Parking Spaces

Vehicular parking is provided in the existing two-level garage on Portage Avenue, supplemented by a new underground garage that will be accessed from the below-grade portion of the existing garage. In addition, on-grade visitor parking is tucked beneath the residential wings of the building accessed from Portage Avenue and Acacia Avenue.

According to the Palo Alto Municipal Code, Section 18.52.040, the project is required to provide 235 parking spaces. The project proposes 223 parking spaces, 5% (12 parking spaces). The parking provided is a joint facility serving a variety of uses, the applicant will request a reduction in accordance with PAMC Section 18.52.050 Table (4). PAMC 18.52.050 allows for Director adjustments for, for joint use parking facilities where at least 10 spaces are otherwise required where the Director can require a TDM program to be submitted and approved (up to 20% reduction). The applicant is requesting a 5% reduction in the required number of stalls. Car lifts for tenants will be employed in the new portion of the underground garage, while conventional spaces are provided for customers and visitors.

Transit Service Impacts

Existing bus service is provided on El Camino Real. The project is estimated to have a less than significant impact to transit service.

Pedestrian and Bicycle Impacts

The project includes adequate bicycle parking as well as pedestrian access to and from the site. The project is estimated to have a less than significant impact to bicycle and pedestrian impacts.

The project has been reviewed by the City Fire Department and Transportation Division and does not contain design features that will substantially increase hazards or result in inadequate emergency access. The project will not result in a change to air traffic patterns.

Impact Fees
The property is subject to citywide traffic impact fees.

Mitigation Measures T-1: The applicant shall conduct an evaluation and implementation of signal cycle length optimization and reallocation of the green time at the intersection of El Camino Real and West Charleston Road.

P. UTILITIES AND SERVICE SYSTEMS

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	1,2				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	1,2				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	1,2				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	1,2				X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	1				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	1				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?	1				X
h) Result in a substantial physical deterioration	1				

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
of a public facility due to increased use as a result of the project?					X

DISCUSSION:

The proposed project would not significantly increase the demand on existing utilities and service systems, or use resources in a wasteful or inefficient manner. Standard conditions of approval require the applicant to submit calculations by a registered civil engineer to show that the on-site and off site water, sewer and fire systems are capable of serving the needs of the development and adjacent properties during peak flow demands. Trash and recycling facilities are proposed in the project to accommodate the expected waste and recycling streams that would be generated by the expected uses within the building. The project is subject to all conditions of approval provided by all applicable city departments.

Mitigation Measures:

None

Q. MANDATORY FINDINGS OF SIGNIFICANCE

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	1,2-Map L4,5		X		
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	1,2,5			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	1,5,9,10,13,		X		

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

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

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

The project would generate greenhouse gases primarily through electricity generation/use and generation of vehicle trips. Efforts to reduce the project's greenhouse gas emissions by reducing electricity demand and reducing vehicle trips and miles, therefore, should be implemented. The land use is changing from general business service and to a larger mixed use development consisting of retail, commercial and residential. The proposed project would conform to the City's Comprehensive Plan and other policies to reduce vehicle trips and miles traveled, and encourage automobile-alternative modes of transportation (e.g., public transit, walking, and bicycling), as described in detail in *Section O, Transportation* of this Initial Study.

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

Declaring an impact significant or not implies some knowledge of incremental effects that is several years away, at best. To determine whether the proposed project would have a significant impact on global climate change is speculative, particularly given the fact that there are no existing numerical thresholds to determine an impact. However, in an effort to make a good faith effort at disclosing environmental impacts and to conform with the CEQA Guidelines [§16064(b)], it is the City's position that, based on the nature and size of this project, its location within an established urban area served by existing infrastructure (rather than a greenfield site) and the project's location in an area served by local and regional shuttle and transit systems, the proposed project would not impede the state's ability to reach the emission reduction limits/standards set forth by the State of California by Executive Order S-3-05 and AB 32. For these reasons, this project would not make a cumulatively considerable contribution to global climate change associated with greenhouse gas emissions.

The measures to reduce energy use have not been specifically identified. Final measures to reduce energy use and emissions would be prepared during the building permit process. The project includes components that will offset the project's potential minor incremental contribution to global climate change. These include:

- Cal Green Tier 2 compliance
- Incorporate low-and zero-VOC products
- Interior design will incorporate sustainability harvested, recyclable and renewable materials
- Location in proximity of existing public transportation network
- Incorporating materials and finishes to protect indoor air quality
- Indoor water reduction
- Energy Star equipment and appliances

SOURCE REFERENCES

1. Project Planner's knowledge of the site and the proposed project
2. Palo Alto Comprehensive Plan, 1998-2010 (list specific policy and map references)
3. Palo Alto Municipal Code, Title 18 – Zoning Ordinance
4. Required compliance with the Uniform Building Code (UBC) Standards for Seismic Safety and Windload
5. Project Plans, Architectural Dimensions, received May 22, 2013
6. Project Description, Architectural Dimensions, received March 4, 2013 and April 5, 2013
7. Arborist Report, Urban Tree Management, received March 4, 2013
8. Palo Alto Tree Technical Manual, Municipal Code Chapter 8.10.030, June 2001
9. Geotechnical Engineering Investigation, Murray Engineers, Inc., March 2013
10. City of Palo Alto South El Camino Real Design Guidelines, June 2002

11. Phase I and Phase II Environmental Site Assessment, Steller Environmental Solutions, April 2013, March 2013
12. Transportation Analysis, Kimley-Horn and Associates, February 21, 2013
13. Environmental Noise Assessment, Charles M. Salter, February 27, 2013

DETERMINATION

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	
I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.	**x**
I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.	
I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect: 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.	
I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.	

Project Planner **Date**

Director of Planning and Community Environment **Date**

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

I. DESCRIPTION OF PROJECT

Date:	**May 31, 2012**
Application No:	**13PLN-00040**
Address of Project:	**3159 El Camino Real**
Assessor's Parcel Numbers:	**132-38-032, 035, 065, and 066**
Applicant:	**Heather Young of Fergus Garber Young Architects**
Owner:	**Portage Avenue Portfolio, LLC**
Public Review Period:	**May 31, 2013 – July 1, 2013**

Project Description and Location:

Request for Site and Design Review of the demolition of two existing commercial buildings (at 3111 and 3159 El Camino Real, comprising 6,616 s.f.) and the construction of a 69,503 s.f. building (net gain of 62,887 square feet of new floor area) to establish a 49-6" foot tall, 4-story, 46-unit apartment building, with commercial, office and retail uses with underground parking providing 223 parking spaces including parking lifts on a 1.6 acre site located at 3159 El Camino Real. Zone District: Service Commercial (CS).

The project site is located in the northern section of the City of Palo Alto, in the northern part of Santa Clara County, west of U.S. Highway 101 and east of Interstate 280. The project site has frontage on State Route 82 (El Camino Real), Portage Avenue to the southeast, Acacia Avenue to the northwest and a developed commercial property to the northeast.

To the north of the site is surface parking, across El Camino Real to the east are restaurants (McDonalds and Fish Market), across Portage Street to the south is a retail (Footlocker) and office building, and across the alley to the east is retail (Fry's Electronics).

II. DETERMINATION

In accordance with the City of Palo Alto's procedures for compliance with the California Environmental Quality Act (CEQA), the City has conducted an Initial Study to determine whether the proposed project

located at 3159 El Camino Real could have a significant effect on the environment. On the basis of that study, the City makes the following determination:

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

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

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

In addition, the following Mitigations have been incorporated into the **project:**

Mitigation Measures C-1: The effects of construction activities would be increased dustfall and locally elevated levels of particulate matter downwind of construction activity. Construction dust has the potential for creating a nuisance at nearby properties. This impact is considered potentially significant but normally mitigateable by implementing the following control measures:

During demolition of existing structures:

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

☐ During all construction phases:
☐ Pave, apply water 3x/daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
☐ Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
☐ Enclose, cover, water 2x/daily, or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
☐ Limit traffic speeds on unpaved roads to 15 miles per hour.
☐ Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
☐ Replant vegetation in disturbed areas as quickly as possible.

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

Mitigation Measures B-1: The applicant shall abide by all provisions of Sections 3503 and 3503.5 of the State Fish and Game Code and Migratory Bird Treaty Act of 1918 (MBTA) as published in the Federal Register (Vol. 70, No. 49; March 15, 2005).

Although there is no vegetation on the project site that may contain nesting birds, there may be nesting birds in existing vegetation abutting the proposed project site. To protect any nesting birds, the proposed project may avoid construction during the nesting period. Alternatively, a qualified wildlife biologist (to be hired by the applicant) shall conduct a survey for nesting birds that are covered by the MBTA and/or Sections 3503 and 3503.5 of the State Fish and Game Code in the vicinity of the project site. This survey shall cover all areas that would be disturbed as a result of construction-related activities during the nesting period, and shall include a "buffer zone" (an area of potential sensitivity, beyond the bounds of the proposed project construction area) which shall be determined by the biologist based on his or her professional judgment and experience. This buffer zone may include off-site habitat.

This biological survey shall be conducted no more than 14 days prior to the commencement of construction activities. The wildlife biologist shall provide a report to the City promptly detailing the findings of the survey. No construction shall be conducted until this report has been provided to the City and the City has authorized in writing the commencement of construction activities in accord with the biologist's findings.

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

Mitigation Measure F-2: Prior to building permit approval, the applicant shall submit a well-designed shoring system for the basement excavation to be designed by a licensed engineer subject to review and approval by Public Works Department.

Mitigation Measures H-1: A project specific Health and Safety Plan (HASP) and a Site Mitigation Plan (SMP), would be implemented, and adhered to during construction and excavation activities. All workers on site should be read and understand the HASP and SMP, and copies should be maintained on site during construction and excavation at all times.

Mitigation Measures H-2: A Remedial Risk Management Plan (RRMP) should be developed and followed by current and future owners, tenants, and operators. The plan will include the implementation of the described remedies and engineering design.

Mitigation Measures H-3: Additional collection of four soil samples at the site should be completed after the base excavation to 14 feet bgs is achieved. This soil-gas collection will verify if the removal of the clay cap has resulted in a reduction of residual soil gas below the residential ESLs. Current PCE and TCE concentrations in soil-gas are one or two orders of magnitude greater that what would be expected to accumulate based on current groundwater concentrations of PCE and TCE, and would not be likely to reach the current concentrations in the future if the reduction of groundwater contaminants continues as it is expected to.

Mitigation Measures H-4: If soil-gas concentrations collected following the initial base excavation phase have not resulted in significant decrease, a sub slab passive vapor collection and passive vapor collection and passive venting system designed full vapor barrier would be implemented to mitigate against the identified VOC soil-vapor intrusion (see Mitigation Measure H-5 for vapor intrusion mitigation system).