



City of Palo Alto

City Council Staff Report

(ID # 7878)

Report Type: Action Items

Meeting Date: 3/27/2017

Summary Title: PUBLIC HEARING: 670 Los Trancos

Title: PUBLIC HEARING: 670 Los Trancos Road [16PLN-00266]: Site and Design Review to Allow the Construction of a new Single Family House and Guest House With a Total of approximately 10,960 Square Feet of Floor Area. Environmental Assessment: Categorically Exempt From CEQA Pursuant to Guidelines Section 15303 (New Construction or Conversion of Small Structures). Zoning District: OS

From: City Manager

Lead Department: Planning and Community Environment

Recommendation

Staff recommends that the Council approve a Record of Land Use Action for a Site and Design application to allow the construction of a new two-story single family residence, detached guest house, and associated site improvements on the property at 670 Los Trancos Road. (Attachment A)

Background

The Municipal Code requires that the City Council review Major Site and Design Review applications for new development in the Open Space zoning district, and provides for Council Consent Calendar review of new single family homes.

Planning and Transportation Commission Review: The current application was reviewed by the Planning and Transportation Commission (PTC) on January 11, 2017, and the PTC recommended that the staff prepare a draft Record of Land Use Action for approval. A link to the full PTC staff report is included here:

<http://www.cityofpaloalto.org/civicax/filebank/documents/55399>, and a copy of the staff report without attachments is included in Attachment D. The minutes of the PTC hearing are included in Attachment G. The video recording of the meeting is available at: <https://youtu.be/cUMezJcq9O8?t=1113>.

Following the PTC hearing the application was placed on the Council Consent Calendar for the meeting on February 27, 2017. The application was pulled from the Consent Calendar and subsequently scheduled for a public hearing on March 27, 2017.

Discussion

The applicant proposes to construct a two-story single family residence, detached guest house, and associated site improvements on the undeveloped property located at 670 Los Trancos Road. The site is located in the Open Space (OS) zoning district, which permits limited housing development. The proposed house is 9,363 square feet, not including approximately 2,100 square feet of exempt basement area, and the proposed detached guest house is 1,508 square feet.

The site is a 5.42 acre parcel in a residential subdivision known as the Hewlett Tract. As with the nine other home sites in the subdivision, the subject parcel was approved in August 1980 with a site area less than the 10 acre minimum for the Open Space district in order to provide a clustered subdivision plan with two large common open space areas. The site is situated on a hill overlooking the Arastradero Preserve, and the topography slopes downhill to the north from the top of the knoll along Los Trancos Road.

The proposed main house would be situated on a sloped portion of the site below the highest point of the ridge, and portions of the house would be tucked into the hillside. Approximately 1,915 square feet of the gross first floor area of the house, including the garage, will have green roofing systems that support native vegetation and will be integrated with the post-grading contours of the site. This design feature would create the appearance that these portions of the house are subterranean from certain vantage points. The guest house would be situated in an existing clearing adjacent to the oak and buckeye grove, with access to the house from a secondary branch of the driveway connecting the site to Los Trancos Road.

Summary of Key Issues

Tree Protection: The site contains a large grove of oak and buckeye trees in the northwestern portions of the site. One protected valley oak on the edge of the grove is proposed for removal due to the tree's decayed condition, which was assessed in the applicant's tree protection report. The City's Planning Arborist has approved the tree removal with a replacement ratio of 10:1, with either blue oak or valley oak trees to be planted with a minimum 6 foot crown diameter at the time of planting.

Offsite Views: Story poles were erected on the site to simulate the building envelopes of the structures prior to the PTC hearing, and staff received a letter from a hiker at the Arastradero

Preserve which expressed concerns regarding the visual impact of the house. The residence would be located on a hill overlooking the preserve, and existing tree cover is confined to either side of the lot. As a result, the home would be visible from certain vantage points in the Preserve, including from the Meadowlark Trail. The applicant has proposed ten new blue or valley oak trees as mitigation for the loss of one decayed oak, and these mitigation trees would provide a degree of screening for the home at maturity. A follow up arborist and landscape report would be required at two and five years from the time of permit submittal to ensure continued conformance with the approved landscape plans.

Guest House: One member of the public spoke on the application at the PTC hearing, and raised a question about whether the proposed guest house should be considered an accessory dwelling unit, which currently, would be permitted only on Open Space (OS) sites greater than 10 acres.

The Council's recent direction on Accessory Dwelling Units (ADUs) would prevent the establishment of an ADU on this site. The ordinance being contemplated by the City Council allows ADUs on any residential property; however, the OS district is not considered a residential property pursuant to the municipal code. Therefore, the site remains subject to the 10-acre size limitation for ADUs in this district. Moreover, the property owner would not be able to convert floor area in the residence or the proposed accessory structure for use as an ADU due to a provision that prohibits such conversions in residences permitted after January 1, 2017.

The municipal code currently defines an a dwelling unit (including an accessory dwelling unit) as a room or group of rooms including living, sleeping, eating, cooking, and sanitation/bathing facilities, constituting a separate and independent housekeeping unit, occupied or intended for occupancy on a non-transient basis and having not more than one kitchen. The code further defines a kitchen as a room designed, intended or used for cooking and the preparation of food and dishwashing. Kitchen facilities include the presence of major appliances or utility connections and the ability to store, prepare, cook, and cleanup of food and food preparation. As the application before the PTC did not include a kitchen with major appliances or utility connections, staff recommended that the guest house not be considered an accessory dwelling unit.

After the application was removed from the February 27, 2017 Council Consent Calendar the applicant removed the kitchenette entirely from the floor plan of the guest house, and reduced the size of the guest house to 1,508 square feet from 1,596 square feet. This amended plan is included in Attachment H.

Open Space Development Criteria and Site and Design Review Objectives

Section 18.28.070 of the Municipal Code requires the Planning and Transportation Commission and City Council to evaluate the proposed project in the context of the Open Space

Development Criteria and Site and Design Review objectives. These criteria and objectives constitute the findings for approval of the project, and an analysis of the project's conformance with each specific criterion and objective are included in the Draft Record of Land Use Action (Attachment A). One criterion in particular states that the proposed development should not be visually intrusive from public roadways and public parklands. As much as possible, development should be sited so it is hidden from view. While the development is screened from the public roadways, it would be visible from some views in the public parkland. The development is not required to be fully screened from view, so long as it is not visually intrusive. The applicant has provided landscape renderings that are included with this report showing views of the house from the parkland and different stages of tree planting growth.

Planning and Transportation Commission Review

The PTC reviewed the project on January 11, 2017 and recommended approval of the project 5-1. While there was no dissenting remarks offered after the motion, the dissenting commissioner expressed a perspective that the accessory structure as proposed before the PTC functionally served as a accessory dwelling unit, which would be in conflict with the municipal code (see discussion above). Additionally, the commissioner expressed concerns about the visibility of the house from the Preserve and interest in reducing the amount of driveway paving needed to access the accessory structure and main residence. Commissioners supporting the project noted the house was thoughtfully designed, adequately addressed screening the house from views, cited the environmental design attributes, and the project's compliance with applicable zoning regulations. The PTC minutes are attached to this report.

Policy Implications

As set forth in the Draft Record of Land Use Action (RLUA), staff has concluded that the proposed project is consistent with the Comprehensive Plan, substantially complies with the Open Space Development Criteria and the objectives of Site and Design Review. The application has been analyzed for consistency with the applicable provisions of the Zoning Ordinance, and a summary table is included in Attachment B of this report.

Environmental Review:

The subject project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. Specifically, the project is categorically exempt per Section 15303 of the CEQA Guidelines, which includes but is not limited to the development of one single family residence, or a second dwelling unit in a residential zone, as well as accessory or appurtenant structures including garages, carports, patios, swimming pools, and fences. Staff finds that the development of a single family house and guest house in a residential use in the Open Space District, which permits single family use, is substantially similar to the examples included in Section 15303 of the CEQA Guidelines.

Attachments:

Attachment A: Draft Record of Land Use Action (DOCX)

Attachment B: Zoning Comparison Table (DOCX)

Attachment C: Location Map (PDF)

Attachment D: January 11, 2017 PTC Staff Report (PDF)

Attachment E: Applicant Response to PTC Hearing (PDF)

Attachment F: Public Correspondance (PDF)

Attachment G: January 11, 2017 PTC Excerpted Hearing Minutes (PDF)

Attachment H: Project Plans (DOCX)

Attachment A

Draft

ACTION NO. 2017-03

RECORD OF THE COUNCIL OF THE CITY OF PALO ALTO LAND USE ACTION FOR 670 LOS TRANCOS ROAD: SITE AND DESIGN REVIEW (16PLN-00266)

On March 27, 2017, the Council of the City of Palo Alto approved the Site and Design Review application for construction of a two-story single-family residence with detached guest house, landscaping and other site improvements in the Open Space Zoning 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. Michael Anglisano of McClean Design, on behalf of the property owners Noa Grant and Guy Gecht, has requested the City’s approval to allow construction of a two-story house, a detached guest house, and associated site improvements that include the installation a new driveway and landscaping. (“The Project”)

B. The project site is a 5.42 acre parcel (APN 182-56-001) in the Palo Alto Foothills. The site is designated on the Comprehensive Plan Land Use Map as Open Space/Controlled Development and is located within Open Space (OS) zoning district.

The project includes construction of a new, approximately, 9,363 square foot house (excluding basement areas), with a 1,508 square foot guest house and swimming pool. The main driveway would be constructed of pervious pavers and decomposed granite. As conditioned, the total impervious area would be a maximum of 15,050 square feet. The house would contain stone, wood, and plaster cladding materials with muted colors, and the rear of the main house would contain glass curtain walls. The roof would be a dark brown standing seam metal, while some portions would contain a green roofing system covered with native vegetation.

C. The Planning and Transportation Commission (Commission) reviewed and recommended approval of the Project on January 11, 2017. The Commission’s recommendations are contained in CMR #7451 and the associated attachments.

SECTION 2. Environmental Review. The proposed project has been determined to be Categorically Exempt per section 15303 of the California Environmental Quality Act. This exemption includes the construction and location of limited numbers of new, small facilities or structures and includes one single-family residence, or a second dwelling unit in a residential zone.

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 project is located in a residential subdivision containing other houses. The project has been designed to minimize the visual impacts of the new house from the Arastradero Preserve by dropping portions of the house below grade, and keeping the top of the main house below the elevation of the knoll on the site. The

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project will have minimal visual impacts on adjacent residential sites due to site topography, the physical separation between the site and the surrounding sites, and the mature tree cover. Furthermore, the materials, colors and landscaping selection have been designed to blend in with the natural environment to the greatest extent feasible.

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 project represents a substantial investment in a residential subdivision for the purpose of constructing a residence. As designed and conditioned, the proposed design and use of the site are consistent with the Open Space zoning and land use classification and is compatible with the existing adjacent residential uses. The construction of all improvements would be governed by the regulations of the 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 project has been designed to respect the environmental setting and existing vegetation. Although grading is proposed to cut the house and drive court into the hillside, the project will retain the general form of the top of the knoll present on the site. Over 91% of the site will remain undisturbed or will be restored with native vegetation.

4. *The use will be in accord with the Palo Alto Comprehensive Plan.* The project proposal complies with the policies of the Land Use and Community Design, and the Natural Environment elements of the Comprehensive Plan, including:

Policy L-1: The Comprehensive Plan encourages the preservation of *undeveloped land west of the Foothill Expressway and Junipero Serra as open space, with allowances made for very low-intensity development consistent with the open space character of the area.* The Palo Alto Comprehensive Plan land use designation for the project site is Open Space/Controlled Development. Single-family residential uses are permitted within this district, and the site was subdivided in 1980 for the purpose of constructing a house. The structures would retain the open space character of the area through the use of materials and colors that are compatible with the environment, and through the restoration of native vegetation in areas proposed for grading.

Policy L-5: The Comprehensive Plan states to *maintain the scale and character of the City. Avoid land uses that are overwhelming and unacceptable due to their size and scale.* Although the house would be larger than others currently located in the Hewlett Tract subdivision, the house has been designed to limit the scale by dropping substantial portions of the mass below-grade, and by re-grading portions of the slope to visually integrate the land with the structures.

Policy L-69: *Preserve the scenic qualities of Palo Alto's roads and trails for motorists, cyclists, pedestrians, and equestrians.* Due to the topography and grassland vegetative cover in the center of the property, the project would be visible from certain locations within the Arastradero Preserve. However, oak and buckeye groves on both sides of the property limit the extent of the visual impact to areas of the Preserve immediately north and northeast of the site. The project would be less visible from Los Trancos Road due to the hilltop knoll present on the site.

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Policy N-7: All development in the foothill portion of the Planning Area should be consistent with the City of Palo Alto Open Space development Criteria. Conformance with the Open Space Development Criteria is discussed below.

SECTION 4. Open Space Review Criteria

The project proposal meets the following Open Space Review Criteria and the intent of the Comprehensive Plan regarding development in designated open space areas.

1. *The development should not be visually intrusive from public roadways and public parklands. As much as possible, development should be sited so it is hidden from view.* The proposed house would not be visually intrusive from public roadways and will be screened to some degree from a number of the trails in the Arastradero Preserve; however, portions of the house will be visible from the Arastradero Preserve, including the Meadowlark Trail. While visible, the proposed structure will not be visually intrusive due to existing oak and buckeye groves on either side of the property, as well as ten proposed blue oaks that would limit the views from the surrounding properties and from more oblique locations in the Preserve. Substantial portions of the home have been dropped below grade to help minimize the overall scale of the development. Native vegetation and existing mature trees will be maintained and the added landscaping will restore the native vegetation lost with the construction. The use of earth tone colors and natural building materials would also minimize the visual impact of the development.

2. *Development should be located away from hilltops and designed to not extend above the nearest ridgeline.* While the site is fully situated on a hill, the highest point of main residence's roof will be below the adjacent 879.9 foot-high knoll. The guest house would be located on a level portion of the top of the hillside, and would extend 2.5 feet above the height of the adjacent knoll. However, the guest house is surrounded on three sides by an oak grove, and this structure would not be visible from the Preserve and minimally visible from Los Trancos Road.

3. *Site and structure design should take into consideration impacts on privacy and views of neighboring properties.* The topography and oak groves of the site will limit views of the proposed structures from adjacent properties. Additionally, the physical distance between the site and the adjacent houses greatly limits the potential for privacy impacts.

4. *Development should be clustered, or closely grouped, in relation to the area surrounding it to make it less conspicuous, minimize access roads, and reduce fragmentation of natural habitats.* The plan of the subdivision containing the site follows a clustered design, and the house and guest house would be located relatively close to two other homes in the vicinity. The mass of the home is set into and along the natural contours of the site. The guest house is situated away from the main residence, which minimizes the apparent scale of the development, and allows the guest house to take advantage of the natural screening provided by the adjacent oak and buckeye grove. The width and design of the driveway would minimize grading and reduce impacts on existing trees.

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5. *Built forms and landscape forms should mimic the natural topography. Building lines should follow the lines of the terrain, and trees and bushes should appear natural from a distance.* The building footprint and driveway areas generally follow the natural topography, while also cutting into the hillside in order to drop the mass of the house beneath the top of the knoll on the site. The main house presents a horizontal, modern design with a mixture of glass and natural cladding materials. Portions of the first floor elements of the house would appear subterranean due to the green roofing system, which would integrate native vegetation.

6. *Existing trees with a circumference of 37.5 inches, measured 4.5 feet above the ground level, should be preserved and integrated into the site design. Existing vegetation should be retained as much as possible.* The project includes the removal of one protected Valley Oak 22.8 inches in diameter at breast height (DBH) due to severe decay and a large open cavity. The Urban Forestry division has reviewed and supports this proposed removal with a replacement ratio of 10:1. The Arborist Report submitted with the project and construction plans have been evaluated by the Urban Forestry Planning Arborist, who has agreed that sufficient tree protection measures have been included in the project.

7. *Cut is encouraged when it is necessary for geotechnical stability and to enable the development to blend into the natural topography. Fill is generally discouraged and should never be distributed within the driplines of existing trees. Locate development to minimize the need for grading.* The site topography and project design require cutting into the hillside, and new grading will integrate the contours of the land with the roof level of most of the one-story elements of the house. On balance, relatively little fill is proposed, and no construction activity of any sort is proposed within the Tree Protection Zone as outlined in the Arborist Report.

8. *To reduce the need for cut and fill and to reduce potential runoff, large, flat expanses of impervious surfaces should be avoided.* Impervious surfaces have been limited primarily to the building footprints and rear patio areas. The driveway and car court would be constructed of a combination of pervious pavers and decomposed granite to reduce runoff.

9. *Buildings should use natural materials and earthtone or subdued colors.* The home would be cladded with stone, plaster and wood materials with muted colors, which would blend with the hillside surroundings. Additionally, the dark brown standing seam metal roof, as well as the green roofing system used to integrate the one-story elements of the house with the finished grade, would be consistent with the setting.

10. *Landscaping should be native species that require little or no irrigation. Immediately adjacent to structures, fire retardant plants should be used as a fire prevention technique.* The landscape plan was designed primarily to restore the post-grading site with native vegetative covers. The landscaping plan describes various irrigation and planting zones, with the vast majority of the restored areas requiring only temporary irrigation.

11. *Exterior lighting should be low-intensity and shielded from view so it is not directly visible from off-site.* Exterior lighting fixtures and a site photometric plan will be required

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with the building permit plans, and will be required to demonstrate low intensity site lighting to minimize glare.

12. *Access roads should be of a rural rather than urban character. (Standard curb, gutter, and concrete sidewalk are usually inconsistent with the foothills environment).* The primary 12 foot-wide driveway will be constructed of pervious pavers and decomposed granite to reflect the rural character of the area. The secondary driveway serving the guest house will be constructed with a Hollywood strip, with vegetation planted between the concrete tracks. Urban-style improvements, such as curb, gutter, and sidewalks, are not proposed.

13. *For development in unincorporated areas, ground coverage should be in general conformance with Palo Alto's Open Space District regulations.* The project is within the City limits and, as proposed and conditioned, meets the O-S (Open Space) District zoning regulations.

SECTION 5. Site and Design Approvals Granted.

Site and Design Approval is granted by the City Council under Palo Alto Municipal Code Section 18.82.070 for application 16PLN-00266, subject to the conditions of approval in Section 6 of the Record.

SECTION 6. Conditions of Approval.

Planning Division

1. The plans submitted for a Building Permit shall be in substantial conformance with plans last revised on March 13, 2017 and the materials board on file with the Planning Department, except as modified to incorporate the following conditions of approval and any additional conditions placed on the project by the Planning Commission or City Council.
2. BUILDING PERMIT. Apply for a building permit and meet any and all conditions of the Planning, Fire, Public Works, and Building Departments.
3. BUILDING PERMIT PLAN SET. The following conditions of approval shall be printed on the second sheet of the plan set submitted with the Building Permit application.
4. Project plans submitted for Building permits shall incorporate the following changes:
 - a. The plans shall be revised to reflect a maximum impervious cover for the site not to exceed 15,050 square feet as approved with Variance 86-V-22. The water surface of the swimming pool may be excluded from the impervious area calculation.
 - b. The Pervious Surface Tabulation on Sheet A001 shall be amended to indicate the percentage of permeability for each surface material based on the proposed design and installation. All paved surfaces shall be classified as 100%, 75%, 50%, or 25%

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impervious. This final impervious coverage calculation shall be subject to approval by the Planning Director, not to exceed the maximum permitted by Variance 86-V-22.

- c. A photometric plan with footcandle readings shall be submitted and shall demonstrate that exterior lighting is low-intensity and that light emitted from skylights shall be minimal during the night hours. All exterior lighting shall be directed down to avoid any impact upon surrounding property and open space lands.
 - d. Unless otherwise permitted by state law or local ordinance, the guest house shall not be considered or used as a separate dwelling unit, and shall not provide a kitchen with permanent cooking facilities.
 - e. As a requirement of receiving bonus FAR, the property owner shall enter into a covenant that is recorded with the property and would apply to all future property owners assuring that the designated “undisturbed” and “restored” vegetation areas will remain in the approved vegetative condition; enforcement provisions acceptable to the City Attorney will be outlined in the covenant. To remove the landscape restrictions related to the bonus FAR, the site development shall be modified to reduce the FAR to meet the standard requirements. These modifications are subject to site and design review.
 - f. As a requirement of receiving bonus FAR the property owner shall be required to submit a follow-up landscape-arborist report verifying the site is in compliance with the approved plans, five years after the project’s sign-off, as outlined in PAMC 18.28.070(d).
- 5. The approved building materials and color scheme shall be shown on the building permit drawings for all buildings, structures, and other features.
 - 6. A landscaping plan shall be included with the plans submitted for the building permit. The plan shall include species type, size and quantities to be planted. The irrigation plan shall be included showing any mechanical irrigation systems.
 - 7. The existing natural vegetation and land formations shall remain in a natural state unless modification is found to be necessary for a specific use allowed in the Open Space zone district through the site and design approval procedure. Reduction or elimination of fire hazards will be required where heavy concentrations of flammable vegetation occur.
 - 8. A follow-up arborist and/or landscape report shall be required two and five years after the final sign-off of the project completion. This report shall evaluate the health of trees and significant

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landscape that were required for screen/mitigation planting and/or were designated as protected plantings on the approved plans and renderings for the project. Any subsequent owner(s) shall also be obligated to replace any trees that die with trees of the same size and species stated on the approved planning and building permit plans. Additional trees may be required at the discretion of the Director if the planting does not achieve the desired screening at the time of the follow-up arborist and/or landscape report. The property owner shall be required to pay for all costs associated with this review and, if required, additional planting.

9. All new windows and glass doors shall be of a glass type that minimizes reflectivity from off-site views.
10. If during grading and construction activities, any archeological or human remains are encountered, construction shall cease and a qualified archaeologist shall visit the site to address the find. The Santa Clara County Medical Examiner's office shall be notified to provide proper direction on how to proceed. If any Native American resources are encountered during construction, construction shall cease immediately until a Native American descendent, appointed by the Native American Heritage Commission of the State of California, is able to evaluate the site and make further recommendations and be involved in mitigation planning.
11. Indemnity: To the extent permitted by law, the Applicant shall indemnify and hold harmless the City, its City Council, its officers, employees and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside or void, any permit or approval authorized hereby for the Project, including (without limitation) reimbursing the City for its actual attorneys' fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its own choice.
12. Judicial Review. 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.
13. Impact Fees. Development Impact fees (including Parkland Dedication, Community Facilities, Library, Housing, and Citywide Transportation Impact Area fees) with an estimated total of \$32,297 must be paid prior to building permit issuance. This is an estimate and the final total may change based on date of building permit submittal.
14. 90-day Protest Period: 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,

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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.

15. If these requirements constitute fees, taxes, assessments, dedications, reservations, or other exactions as specified in Government Code Sections 66020(a) or 66021, this is to provide notification that, as of the date of this notice, the 90-day period has begun in which you may protest these requirements.

Public Works Engineering

16. SIDEWALK, CURB & GUTTER: As part of this project, the applicant must replace those portions of the existing sidewalks, curbs, gutters or driveway approaches in the public right-of-way along the frontage(s) of the property that are broken, badly cracked, displaced, or non-standard, and must remove any unpermitted pavement in the planter strip. Contact 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 submitted with the building permit plan set 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 Street Work Permit from Public Works at the Development Center.
17. BASEMENT DRAINAGE: A drainage system is required for all exterior basement-level spaces, such as lightwells, patios or stairwells. This system consists of a sump, a sump pump, a backflow preventer, and a closed pipe from the pump to a dissipation device onsite at least 10 feet from the property line, such as a bubbler box in a landscaped area, so that water can percolate into the soil and/or sheet flow across the site. The device must not allow stagnant water that could become mosquito habitat. Additionally, the plans must show that exterior basement-level spaces are at least 7-3/4" below any adjacent windowsills or doorsills to minimize the potential for flooding the basement. Public Works recommends a waterproofing consultant be retained to design and inspect the vapor barrier and waterproofing systems for the basement.
18. 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

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obtained written permission from the private property owners and/or an encroachment permit from Public Works.

19. **DEWATERING:** Basement excavations may require dewatering during construction. Public Works only allows groundwater drawdown well dewatering. Open pit groundwater dewatering is disallowed. Dewatering is only allowed from April through October due to inadequate capacity in our storm drain system. The geotechnical report for this site must list the highest anticipated groundwater level. We recommend a piezometer to be installed in the soil boring. The contractor must determine the depth to groundwater immediately prior to excavation by using the piezometer or by drilling an exploratory hole if the deepest excavation will be within 3 feet of the highest anticipated groundwater level. If groundwater is found within 2 feet of the deepest excavation, a drawdown well dewatering system must be used, or alternatively, the contractor can excavate for the basement and hope not to hit groundwater, but if he does, he must immediately stop all work and install a drawdown well system before he continues to excavate. 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 Public Works specifies and submit the results to Public Works. Applicant shall install a water station for the reuse of dewatering water. This water station shall be constructed next to the right-of-way and shall be accessible 24 hours a day for the filling of water carrying vehicles (i.e. street sweepers, etc.). The water station shall also be used for onsite dust control. Applicant shall meet with Public Works to coordinate the design details.
20. Public Works reviews and approves dewatering plans as part of a Street Work Permit. The applicant can include a dewatering plan in the building permit plan set in order to obtain approval of the plan during the building permit review, but the contractor will still be required to obtain a street work permit prior to dewatering. Alternatively, the applicant must include the above dewatering requirements in a note on the site plan. Public Works has a sample dewatering plan sheet and dewatering guidelines available at the Development Center and on our website.
21. **WATER FILLING STATION:** Due to the California drought, applicant shall install a water station for the non-potable reuse of the dewatering water. This water station shall be constructed within private property, next to the right-of-way, (typically, behind the sidewalk). The station shall be accessible 24 hours a day for the filling of water carrying vehicles (i.e. street sweepers, etc.). The water station may also be used for onsite dust control. Before a discharge permit can be issued, the water supply station shall be installed, ready for operational and inspected by Public Works. The groundwater will also need to be tested for contaminants and chemical properties for the non-potable use. The discharge permit cannot be issued until

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the test results are received. Additional information regarding the station will be made available on the City's website under Public Works.

22. **GRADING & DRAINAGE PLAN:** The plan set must include a grading & drainage plan prepared by a licensed professional that includes existing and proposed spot elevations and drainage flow arrows to demonstrate proper drainage of the site. Adjacent grades must slope away from the house a minimum of 2%. Downspouts and splashblocks should be shown on this plan, as well as any site drainage features such as swales. Grading will not be allowed that increases drainage onto, or blocks existing drainage from, neighboring properties. Public Works generally does not allow rainwater to be collected and discharged into the street gutter, but encourages the developer to keep rainwater onsite as much as feasible by directing runoff to landscaped and other pervious areas of the site. See the Grading & Drainage Plan Guidelines for New Single Family Residences:
<http://www.cityofpaloalto.org/civicax/filebank/documents/2717>
23. The site drainage system that collects runoff from downspouts and/or landscape area shall be a separated from the pump system that discharges runoff from light wells. Plot and clearly label the two separate systems and including the separate outfalls for each system.
24. **GRADING & EXCAVATION PERMIT:** The site plan must include an earthworks table showing cut and fill volumes. If the total is more than 100 cubic yards, a grading permit will be required. An application and plans for a grading permit are submitted to Public Works separately from the building permit plan set. The application and guidelines are available at the Development Center and on our website.
25. **STORM WATER POLLUTION PREVENTION:** The City's full-sized "Pollution Prevention - It's Part of the Plan" sheet must be included in the plan set. The sheet is available here:
<http://www.cityofpaloalto.org/civicax/filebank/documents/2732>
26. **STREET TREES:** Show all existing street trees in the public right-of-way. Any removal, relocation or planting of street trees; or excavation, trenching or pavement within 10 feet of street trees must be approved by Public Works' arborist (phone: 650-496-5953). This approval shall appear on the plans. Show construction protection of the trees per City requirements.
27. **PAVEMENT:** Applicant and Contractor shall meet with Public Works to discuss the extent of pavement restoration along Los Trancos Road. If any utility trenching is done into the street, full street width resurfacing may be required prior to building permit final. At minimum contractor shall be responsible for resurfacing the pavement along the project frontage. The site plan submitted shall include full pavement width restoration of the along the project frontage.

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28. Provide the following note on the Site Plan and Grading and Drainage Plan: “Contractor shall not stage, store, or stockpile any material or equipment within the public road right-of-way or easement.” Construction phasing shall be coordinate to keep materials and equipment onsite.
29. **WORK IN THE RIGHT-OF-WAY:** The plans must clearly indicate any work that is proposed in the public right-of-way, such as sidewalk replacement, driveway approach, or utility laterals. The plans must include notes that the work must be done per City standards and that the contractor performing this work must first obtain a Street Work Permit from Public Works at the Development Center. If a new driveway is in a different location than the existing driveway, then the sidewalk associated with the new driveway must be replaced with a thickened (6” thick instead of the standard 4” thick) section. Additionally, curb cuts and driveway approaches for abandoned driveways must be replaced with new curb, gutter and planter strip.
30. **IMPERVIOUS SURFACE AREA:** The project will be creating or replacing 500 square feet or more of impervious surface. Accordingly, the applicant shall provide calculations of the existing and proposed impervious surface areas with the building permit application. The Impervious Area Worksheet for Land Developments form and instructions are available at the Development Center or on our website.
31. **RESIDENTIAL STORM WATER TREATMENT:** This project may trigger the California Regional Water Quality Control Board’s revised provision C.3 for storm water regulations (incorporated into the Palo Alto Municipal Code, Section 16.11) that apply to residential land development projects that create or replace between 2,500 and 10,000 square feet of impervious surface area. The applicant must implement one or more of the following site design measures:
- Direct roof runoff into cisterns or rain barrels for reuse.
 - Direct roof runoff onto vegetated areas.
 - Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas.
 - Direct runoff from driveways and/or uncovered parking lots onto vegetated areas.
 - Construct sidewalks, walkways, and/or patios with permeable surfaces.
 - Construct driveways, and/or uncovered parking lots with permeable surfaces.
32. **LOGISTICS PLAN:** The contractor must submit a logistics plan to the Public Works Department 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

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control, storm water pollution prevention, erosion control, contractor's contact, noticing of affected businesses, and schedule of work.

Public Works - Urban Forestry

PRIOR TO DEMOLITION, BUILDING OR GRADING PERMIT ISSUANCE

33. TREE REMOVAL—REPLACEMENT TREES. Building permit plans shall reflect: Ten new replacement trees shall be planted, watered and maintained to offset the removal of native valley oak # 4. Pursuant to the Tree Technical Manual, Section 2.20, Tree Canopy Replacement Standard, the commensurate replacement of 10 new trees shall include a mix of black oak, blue oak or valley oak (minimum 24-inch box size) installed in key locations relative to keeping the top of the knoll visible.
34. TOP SOIL. The grading and excavation plans shall include topsoil preservation. Specify steps and location to stockpile of the upper horizon or native soil for collection, retention and properly reapplying, coordinated with the landscape architect. Indicate dedicated areas, protection, erosion control and reuse areas.
35. SOIL DISTURBANCE. Plans submitted for building permit shall include a detailed landscape plan that includes vegetation control of disturbed areas of the site, including construction and access areas. The landscape plan shall identify all disturbed, exposed, compacted soil and slope areas for invasive thistle removal and revegetation. Specifying soil scarifying, preparation and seeding using Palo Alto Hydroseeding Specification for the Los Trancos Watershed Area.
36. SLOPE VEGETATION. All graded slopes shall be scarified to a 6" minimum. All graded areas shall be covered with a layer of jute netting, laid over irrigation lines where installed for native plants. Hydroseed shall overlap any graded area by 20'. Hydroseed shall be applied only after all planting/irrigation/jute netting is in place, October to November 27 preceding winter rains.
37. PLANTING & IRRIGATION. All drip irrigation shall be carefully located and pinned upslope of plant material. Trees shall have at least two concentric irrigation rings for root growth. Project arborist shall verify in Monthly Activity Report that tree planting area is loosened 2x diameter of root ball prior to planting. Irrigation system shall be adjusted yearly for three years for function by a qualified technician.
38. BUILDING PERMIT SUBMITTAL- PROJECT ARBORIST CERTIFICATION LETTER REQUIRED. Prior to submittal for staff review, attach a Project Arborist Certification Letter

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that he/she has; (a) reviewed the entire building permit plan set submittal and, (b) verified all his/her updated TPR mitigation measures and changes are incorporated in the plan set, (c) affirm that ongoing Contractor/Project Arborist site monitoring inspections and reporting have been arranged with the contractor or owner (see Sheet T-1) and, (d) understands that design revisions (site or plan changes) within a TPZ will be routed to Project Arborist/Contractor for review prior to approval from City.

39. The Building Permit submittal must be accompanied by the project site arborist's certification letter.

- a. Provide a project arborist's Updated Tree Protection Report (TPR) with building permit level mitigation measures, (e.g., resolve grading proximity issues with Public trees; exact TPZ scaled in feet). Provide plan revision directions to minimize root cutting conflicts that are obvious in the civil, basement, sidewalk improvement sheets. See TPR below.
- b. Verify the Plan design changes are incorporated and consistent with the Palo Alto Tree Technical Manual Construction Standards, Section 2.00 and PAMC 8.10.080.

40. PLAN SET REQUIREMENTS. The final Plans submitted for building permit shall include the following information and notes on relevant plan sheets:

- a. SHEET T-1, BUILDING PERMIT. The building permit plan set will include the City's full-sized, Sheet T-1 (Tree Protection-it's Part of the Plan!), available on the Development Center website at <http://www.cityofpaloalto.org/civicax/filebank/documents/31783>. The Applicant shall complete and sign the Tree Disclosure Statement and recognize the Project Arborist Tree Activity Inspection Schedule. Monthly reporting to Urban Forestry/Contractor is mandatory. (Insp. #1: applies to all projects; with tree preservation report: Insp. #1-7 applies)
- b. The Tree Preservation Report (TPR). All sheets of the Applicant's construction level TPR approved by the City for full implementation by Contractor, arborist to be identified, shall be printed on numbered Sheet T-1 (T-2, T-3, etc) and added to the sheet index.
- c. Plans to show protective tree fencing. The Plan Set (esp. site, demolition, grading & drainage, foundation, irrigation, tree disposition, utility sheets, etc.) must delineate/show the correct configuration of Type I, Type III fencing around each Regulated Tree, using a bold dashed line enclosing the Tree Protection Zone (Standard

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Dwg. #605, Sheet T-1; City Tree Technical Manual, Section 6.35-Site Plans); or by using the Project Arborist's unique diagram for each Tree Protection Zone enclosure.

41. SITE PLAN REQUIREMENTS: In addition to showing TPZ fencing, slope vegetation, planting & irrigation above, add the following Notes on the specified Plan Sheets.

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

42. LANDSCAPE PLANS

- a. Include all changes recommended from civil engineer, architect and staff, including planting and special irrigation specifications for hillside planting, as detailed by the project arborist,
- b. Provide a detailed landscape and irrigation plan. A licensed landscape architect and qualified irrigation consultant will prepare these plans, to include:
 - i. All existing trees identified both to be retained and removed including street trees.
 - ii. Complete plant list indicating tree and plant species, quantity, size, and locations.

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- iii. Irrigation schedule and plan.
 - iv. Landscape Plan shall ensure the backflow device is adequately obscured with the appropriate screening to minimize visibility (planted shrubbery is preferred, painted dark green, decorative boulder covering acceptable; wire cages are discouraged).
 - v. Landscape plan shall include planting preparation details for trees specifying digging the soil to at least 30-inches deep, backfilled with a quality topsoil and dressing with 2-inches of wood or bark mulch on top of the root ball keeping clear of the trunk by 1-inch.
 - vi. Automatic irrigation shall be provided to all trees. For trees not fitted with dual circles of drip tubing, then Standard Dwg. #513 shall be included on the irrigation plans and show two bubbler heads mounted on flexible tubing placed at the edge of the root ball. Bubblers shall not be mounted inside an aeration tube. The tree irrigation system shall be connected to a separate valve from other shrubbery and ground cover, pursuant to the City's Landscape Water Efficiency Standards.
- c. Include a detail for retaining walls near tree trunks.
- d. Include a detail for slope planting, including water berm, cut, drainage provision and erosion control.
- e. Include planting detail provision for (a) rodent control (root protections) and (b) deer control (twig & bark browsing protection).
43. GRASSLAND HYDROSEED MIX. All disturbed areas (20' overlap) of the site shall be applied with CPA approved Hydroseed mix by November 27 preceding winter season rains. Unless otherwise specified, CPA Hydroseed Mix Specifications for Los Trancos Watershed shall be utilized from Planning Department Staff.
44. Add note to L Sheets: "Mandatory Landscape Architect (LA) Inspections and Verification to the City. The LA shall verify the performance measurements are achieved with a letter of verification to City Planning staff, in addition to owner's representative for the following:
- a. All the above landscape plan and tree requirements are in the Building Permit set of plans.
 - b. Percolation & drainage checks have been performed and are acceptable.

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- c. Fine grading inspection of all plantable areas has been personally inspected for tilling depth, rubble removal, soil test amendments are mixed and irrigation trenching will not cut through any tree roots.
- d. Tree and Shrub Planting Specifications, including delivered stock, meets Standards in the CPA Tree Technical Manual, Section 3.30-3.50. Girdling roots and previously topped trees are subject to rejection.

DURING CONSTRUCTION

- 45. **TREE PROTECTION VERIFICATION.** Prior to any site work a written verification from the contractor that the required protective fencing is in place shall be submitted to the Urban Forestry Section (derek.sproat@cityofpaloalto.org). The fencing shall contain required warning sign and remain in place until final inspection of the project.
- 46. **SUDDEN OAK DEATH (Best Management Practices).** To deter the potential spread of sudden oak death disease in Palo Alto, the City requires that all contractor activities and delivery vehicles perform the work according to the county quarantine restrictions in the attached Sudden Oak Death Best Management Practices. Violation is subject to penalty and/or prosecution. <http://www.cityofpaloalto.org/environment/default.asp>
- 47. **EXCAVATION RESTRICTIONS APPLY (TTM, Sec. 2.20 C & D).** Any approved grading, digging or trenching beneath a tree canopy shall be performed using ‘air-spade’ method as a preference, with manual hand shovel as a backup. For utility trenching, including sewer line, roots exposed with diameter of 1.5 inches and greater shall remain intact and not be damaged. If directional boring method is used to tunnel beneath roots, then Table 2-1, Trenching and Tunneling Distance, shall be printed on the final plans to be implemented by Contractor.
- 48. **PLAN CHANGES.** Revisions and/or changes to plans before or during construction shall be reviewed and responded to by the (a) project site arborist, to be confirmed, or (b) landscape architect with written letter of acceptance before submitting the revision to the Building Department for review by Planning, PW or Urban Forestry.
- 49. **CONDITIONS.** All Planning Department conditions of approval for the project shall be printed on the plans submitted for building permit.
- 50. **TREE PROTECTION COMPLIANCE.** The owner and contractor shall implement all protection and inspection schedule measures, design recommendations and construction scheduling as stated in the TPR & Sheet T-1, and is subject to code compliance action pursuant to PAMC 8.10.080. The required protective fencing shall remain in place until final landscaping and inspection of the project. Project arborist approval must be obtained and

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documented in the monthly activity report sent to the City. The mandatory Contractor and Arborist Monthly Tree Activity Report shall be sent monthly to the City (pwps@cityofpaloalto.org) beginning with the initial verification approval, using the template in the Tree Technical Manual, Addendum 11.

51. **TREE DAMAGE.** Tree Damage, Injury Mitigation and Inspections apply to Contractor. Reporting, injury mitigation measures and arborist inspection schedule (1-5) apply pursuant to TTM, Section 2.20-2.30. Contractor shall be responsible for the repair or replacement of any publicly owned or protected trees that are damaged during the course of construction, pursuant to Title 8 of the Palo Alto Municipal Code, and city Tree Technical Manual, Section 2.25.
52. **GENERAL.** The following general tree preservation measures apply to all trees to be retained: No storage of material, topsoil, vehicles or equipment shall be permitted within the tree enclosure area. The ground under and around the tree canopy area shall not be altered. Trees to be retained shall be irrigated, aerated and maintained as necessary to ensure survival.

PRIOR TO OCCUPANCY

53. **LANDSCAPE CERTIFICATION LETTER.** The Planning Department shall be in receipt of a verification letter that the Landscape Architect has inspected all trees, shrubs, planting and irrigation and that they are installed and functioning as specified in the approved plans.
54. **PROJECT ARBORIST CERTIFICATION LETTER.** Prior to written request for temporary or final occupancy, the contractor shall provide to the Planning Department and property owner a final inspection letter by the Project Arborist. The inspection shall evaluate the success or needs of Regulated tree protection, including new landscape trees, as indicated on the approved plans. The written acceptance of successful tree preservation shall include a photograph record and/or recommendations for the health, welfare, mitigation remedies for injuries (if any). The final report may be used to navigate any outstanding issues, concerns or security guarantee return process, when applicable.
55. **PLANNING INSPECTION.** Prior to final sign off, contractor or owner shall contact the city planner (650-329-2441) to inspect and verify Special Conditions relating to the conditions for structures, fixtures, colors and site plan accessories.

POST CONSTRUCTION

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

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57. FINAL REPORT. Because of the importance of visual screening represented by the trees proposed with this project, the property owner shall ensure the survival of the tree plantings for a period of five years. The owner shall install any necessary replacement trees or irrigation and monitor for their survival. A certified arborist shall prepare a report at the end of five years photo documenting the prognosis of the trees and forward said report to the Department of Planning and Community Environment. Any subsequent owner(s) shall also be obligated to replace any trees that die with trees of the same size and species stated on the approved building permit plans.

Fire Department

58. Fire Department access driveway shall be a min 12 ft wide and 13 ft 6 in vertical clearance with an all weather surface.
59. This property is located in the High Hazard Fire Area as defined in the Palo Alto Municipal code.
60. Install a NFPA 13-D fire sprinkler system in all structures. Protection shall extend to all rooms, closets, bathrooms and attic spaces. Provide a 4 head calc in main house and a 2 head calc in the accessory structure.
61. Building construction shall comply with the California Residential Code and California Building Code Chapter 7A.

Green Building

62. CALGreen Checklist: If the project is a new construction residential building, then the project must meet the California Green Building Code mandatory requirements outlined in Chapter 4, (with local amendments) plus Tier 2 minimum pre-requisites and electives outlined in Appendix A4* (with local amendments). The project must hire a Green Building Special Inspector for a pre-permit third-party design review and a third-party green building inspection process. The project must provide a preliminary GB-1 sheet for planning entitlement approval. Submittal requirements are outlined on the Development Services Green Building webpage. http://www.cityofpaloalto.org/gov/depts/ds/green_building/default.asp PAMC 16.14.080 (Ord. 5324 § 1 (part), 2015)

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63. *Note: Projects subject to Tier 1 or Tier 2 shall not be required to fulfill any requirements outlined in Appendix A4.2 Energy Efficiency. All energy efficiency measures are found in the 2013 California Energy Code and the Palo Alto Energy Reach Code PAMC 16.17 & 16.18.
64. EVSE Transformer Location: If the project triggers the EVSE requirements in Part B of these comments, then applicant must identify transformer requirements associated with EVSE mentioned and show the appropriate transformer location and size on the Planning Application. The applicant must contact the Electric Engineering Department within Utilities to confirm the any transformer requirements associated with the proposed EVSE. For questions, contact the Electric Engineering mainline at 650-566-4500.
65. Energy Efficiency: If the project includes new construction, then the project triggers the Local Energy Efficiency Reach Code. For all new single-family residential, multi-family residential, and non-residential construction, the performance approach specified within the 2013 California Energy Code shall be used to demonstrate that the TDV Energy of the proposed building is at least 15% less than the TDV Energy of the Standard Design. (Ord. 5324 § 1 (part), 2015)
66. CALGreen Checklist: If the project is a new construction residential building, then the project must meet the California Green Building Code mandatory requirements outlined in Chapter 4, (with local amendments) plus Tier 2 minimum pre-requisites and electives outlined in Appendix A4* (with local amendments). The project must hire a Green Building Special Inspector for a pre-permit third-party design review and a third-party green building inspection process. The project must select a Green Building Special Inspector from the City's list of approved inspectors. http://www.cityofpaloalto.org/gov/depts/ds/green_building/default.asp PAMC 16.14.080 (Ord. 5324 § 1 (part), 2015)

Note: Projects subject to Tier 1 or Tier 2 shall not be required to fulfill any requirements outlined in Appendix A4.2 Energy Efficiency. All energy efficiency measures are found in the 2013 California Energy Code and the Palo Alto Energy Reach Code PAMC 16.17 & 16.18.

67. EVSE: If the project is a new detached single-family dwelling, then the project shall comply with the following requirements for electric vehicle supply equipment (EVSE) as shown in :
- a) The property owner shall provide as minimum a panel capable to accommodate a dedicated branch circuit and service capacity to install at least a 208/240V, 50 amperes grounded AC outlet (Level 2 EVSE). The raceway shall terminate in close proximity to the proposed location of the charging system into a listed cabinet, box, enclosure, or receptacle. The raceway shall be installed so that minimal removal of materials is necessary to complete the final installation. The raceway shall have capacity to accommodate a 100-ampere circuit.

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- b) Design. The proposed location of a charging station may be internal or external to the dwelling, and shall be in close proximity to an on-site parking space. The proposed design must comply with all applicable design guidelines, setbacks and other code requirements. PAMC 16.14.420 (Ord. 5263 § 2, 2014)

68. EVSE Transformer Location: If the project triggers the EVSE requirements in Part B of these comments, then applicant must identify transformer requirements associated with EVSE mentioned and show the appropriate transformer location and size on the Permit Plans. The applicant must contact the Electric Engineering Department within Utilities to confirm the any transformer requirements associated with the proposed EVSE. For questions, contact the Electric Engineering mainline at 650-566-4500.

Utilities – Water, Gas, Waste Water

PRIOR TO ISSUANCE OF DEMOLITION PERMIT

- 69. Prior to demolition, the applicant shall submit the existing water/wastewater fixture unit loads (and building as-built plans to verify the existing loads) to determine the capacity fee credit for the existing load. If the applicant does not submit loads and plans they may not receive credit for the existing water/wastewater fixtures.
- 70. The applicant shall submit a request to disconnect all utility services and/or meters including a signed affidavit of vacancy. Utilities will be disconnected or removed within 10 working days after receipt of request. The demolition permit will be issued by the building inspection division after all utility services and/or meters have been disconnected and removed.

FOR PLANNING PERMIT

- 71. The applicant shall submit improvement plans for utility construction. The plans must show the size and location of all underground utilities within the development and the public right of way including meters, backflow preventers, fire service requirements, sewer mains, sewer cleanouts, sewer lift stations and any other required utilities. Plans for new wastewater laterals and mains need to include new wastewater pipe profiles showing existing potentially conflicting utilities especially storm drain pipes, electric and communication duct banks. Existing duct banks need to be daylighted by potholing to the bottom of the ductbank to verify cross section prior to plan approval and starting lateral installation. Plans for new storm drain mains and laterals need to include profiles showing existing potential conflicts with sewer, water and gas.

FOR BUILDING PERMIT

- 72. The applicant shall submit a completed water-gas-wastewater service connection application - load sheet for City of Palo Alto Utilities. The applicant must provide all the information

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requested for utility service demands (water in fixture units and g.p.m., gas in b.t.u.p.h, and sewer in fixture units).

73. 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.
74. The applicant must show on the site plan the existence of any water well, or auxiliary water supply.
75. 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.
76. Sewer drainage piping serving fixtures located below the next upstream sewer main manhole cover shall be protected by an approved backwater valve per California Plumbing Code 710.0. The upstream sewer main manhole rim elevation shall be shown on the plans.
77. The applicant's engineer shall submit flow calculations and system capacity study showing that the on-site and off-site water and sanitary sewer mains and services will provide the domestic, irrigation, fire flows, and wastewater capacity needed to service the development and adjacent properties during anticipated peak flow demands. Field testing may be required to determine current flows and water pressures on 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.
78. The City will not provide gas service in this area.
79. The applicant shall pay the capacity fees and connection fees associated with the installation of the new water and wastewater utility service/s to be installed by the City of Palo Alto Utilities. The approved relocation of services, meters, hydrants, or other facilities will be performed at the cost of the person/entity requesting the relocation.
80. Each parcel shall have its own water service and sewer lateral connection shown on the plans.

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81. A new water service line installation for domestic usage is required. Show the location of the new water service and meter on the plans.
82. An approved reduce pressure principle assembly (RPPA backflow preventer device) shall be installed for the new domestic water connection 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. Show the location of the RPPA on the plans. Inspection by the utilities cross connection inspector is required for the supply pipe between the meter and the assembly.
83. A new sewer lateral installation required. Show the location of the new sewer lateral on the plans.
84. All utility installations shall be in accordance with the City of Palo Alto utility standards for water, gas & wastewater.

Utilities – Electrical Engineering

Below are the specific comments for this project.

85. Service Voltage shall be 120/240V.
86. 24" min between Gas and Electric trench.
87. Customer will be responsible for new transformer pad, conduit and conductor between transformer location, to be determined, and service box, PB-1628.
88. Customer will be responsible for a new easement around new transformer and conduit between new transformer and PB-1628.
89. The applicant shall comply with all the Electric Utility Engineering Department service requirements noted during plan review.
90. The applicant shall be responsible for identification and location of all utilities, both public and private, within the work area. Prior to any excavation work at the site, the applicant shall contact Underground Service Alert (USA) at 1-800-227-2600, at least 48 hours prior to beginning work.
91. Only one electric service lateral is permitted per parcel. Utilities Rule & Regulation #18.

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92. If this project requires padmount transformers, the location of the transformers shall be shown on the site plan and approved by the Utilities Department and the Architectural Review Board. Utilities Rule & Regulations #3 & #16 (see detail comments below).
93. The developer/owner shall provide space for installing padmount equipment (i.e. transformers, switches, and interrupters) and associated substructure as required by the City.
94. The location of the electric panel/switchboard shall be shown on the site plan and approved by the Architectural Review Board and Utilities Department.
95. The customer shall install all electrical substructures (conduits, boxes and pads) required from the service point to the customer's switchgear. The design and installation shall be according to the City standards and shown on plans. Utilities Rule & Regulations #16 & #18.
96. The customer is responsible for sizing the service conductors and other required equipment according to the California Electric Code requirements and City standards.
97. If the customer's total load exceeds 2500 kVA, service shall be provided at the primary voltage of 12,470 volts and the customer shall provide the high voltage switchgear and transformers.
98. For primary services, the standard service protection is a padmount fault interrupter owned and maintained by the City, installed at the customer's expense. The customer must provide and install the pad and associated substructure required for the fault interrupter.
99. Any additional facilities and services requested by the Applicant that are beyond what the utility deems standard facilities will be subject to Special Facilities charges. The Special Facilities charges include the cost of installing the additional facilities as well as the cost of ownership. Utilities Rule & Regulation #20.
100. Projects that require the extension of high voltage primary distribution lines or reinforcement of offsite electric facilities will be at the customer's expense and must be coordinated with the Electric Utility.
101. The applicant shall secure a Public Utilities Easement for facilities installed on private property for City use.
102. Industrial and large commercial customers must allow sufficient lead-time for Electric Utility Engineering and Operations (typically 8-12 weeks after advance engineering fees have been paid) to design and construct the electric service requested.

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103. A completed Utility Service Application and a full set of plans must be included with all applications involving electrical work. The Application must be included with the preliminary submittal.
104. The applicant shall submit a request to disconnect all existing utility services and/or meters including a signed affidavit of vacancy, on the form provided by the Building Inspection Division. Utilities will be disconnected or removed within 10 working days after receipt of request. The demolition permit will be issued after all utility services and/or meters have been disconnected and removed.
105. All utility meters, lines, transformers, backflow preventers, and any other required equipment shall be shown on the landscape and irrigation plans and shall show that no conflict will occur between the utilities and landscape materials. In addition, all aboveground equipment shall be screened in a manner that is consistent with the building design and setback requirements.
106. Contractors and developers shall obtain permit from the Department of Public Works before digging in the street right-of-way. This includes sidewalks, driveways and planter strips.
107. At least 48 hours prior to starting any excavation, the customer must call Underground Service Alert (USA) at 1-800-227-2600 to have existing underground utilities located and marked. The areas to be checked for underground facility marking shall be delineated with white paint. All USA markings shall be removed by the customer or contractor when construction is complete.
108. The customer is responsible for installing all on-site substructures (conduits, boxes and pads) required for the electric service. No more than 270 degrees of bends are allowed in a secondary conduit run. All conduits must be sized according to California Electric Code requirements and no 1/2-inch size conduits are permitted. All off-site substructure work will be constructed by the City at the customer's expense. Where mutually agreed upon by the City and the Applicant, all or part of the off-site substructure work may be constructed by the Applicant.
109. All primary electric conduits shall be concrete encased with the top of the encasement at the depth of 30 inches. No more than 180 degrees of bends are allowed in a primary conduit run. Conduit runs over SOD feet in length require additional pull boxes.
110. All new underground conduits and substructures shall be installed per City standards and shall be inspected by the Electrical Underground Inspector before backfilling.

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111. For services larger than 1600 amps, a transition cabinet as the interconnection point between the utility's padmount transformer and the customer's main switchgear may be required. See City of Palo Alto Utilities Standard Drawing SR-XF-E-1020. The cabinet design drawings must be submitted to the Electric Utility Engineering Division for review and approval.
112. For underground services, no more than four (4) 750 MCM conductors per phase can be connected to the transformer secondary terminals; otherwise, bus duct or x-flex cable must be used for connections to padmount transformers. If customer installs a bus duct directly between the transformer secondary terminals and the main switchgear, the installation of a transition cabinet will not be required.
113. The customer is responsible for installing all underground electric service conductors, bus duct, transition cabinets, and other required equipment. The installation shall meet the California Electric Code and the City Standards.
114. Meter and switchboard requirements shall be in accordance with Electric Utility Service Equipment Requirements Committee (EUSERC) drawings accepted by Utility and CPA standards for meter installations.
115. Shop/factory drawings for switchboards (400A and greater) and associated hardware must be submitted for review and approval prior to installing the switchgear to:
- Gopal Jagannath, P.E.
Supervising Electric Project Engineer Utilities Engineering (Electrical)
1007 Elwell Court Palo Alto, CA 94303
116. All new underground electric services shall be inspected and approved by both the Building Inspection Division and the Electrical Underground Inspector before energizing.
117. The customer shall provide as-built drawings showing the location of all switchboards, conduits (number and size), conductors (number and size), splice boxes, vaults and switch/transformer pads.
118. The follow must be completed before Utilities will make the connection to the utility system and energize the service:
- a. All fees must be paid.
 - b. All required inspections have been completed and approved by both the Building Inspection Division and the Electrical Underground Inspector.
 - c. All Special Facilities contracts or other agreements need to be signed by the City and applicant.

Attachment A

- d. Easement documents must be completed.

SECTION 7. 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.

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

APPROVED:

City Clerk

Director of Planning and
Community Environment

APPROVED AS TO FORM:

Senior Asst. City Attorney

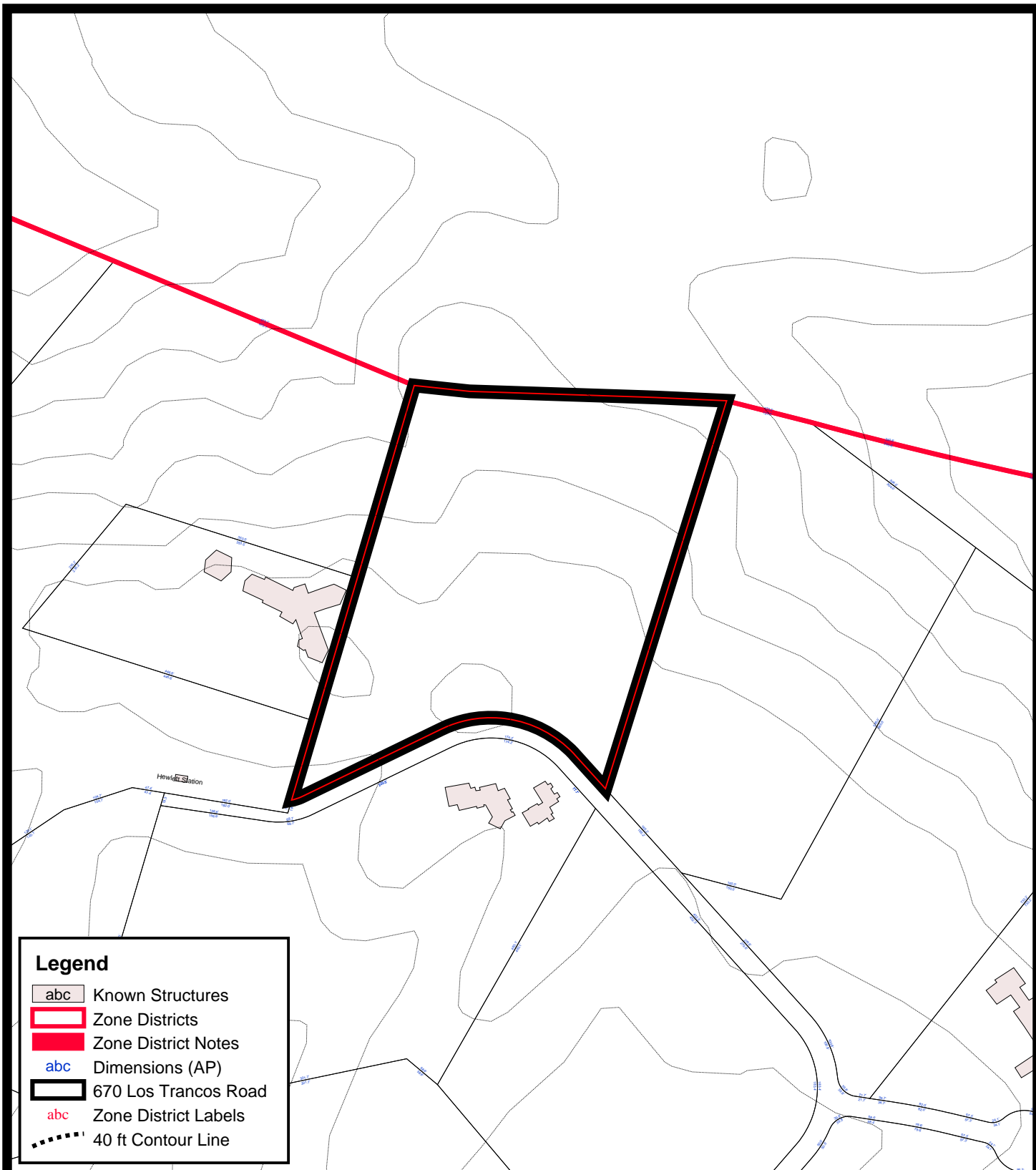
ATTACHMENT B
ZONING COMPARISON TABLE
670 Los Trancos Road 16PLN-00266

Table 1a: COMPARISON WITH CHAPTER 18.28 (OS DISTRICT)
OS Residential Development Standards

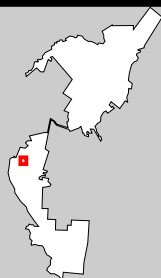
Regulation	Required	Existing	Proposed
Minimum Site Area, Width and Depth	Area: 10 acres Width: No standard Depth: No standard	Area: 5.42 acres Width: 288 feet Depth: 628 feet	No change to existing
Front Yard	30 feet	N/A	130 feet for main house, 62 feet for guest house
Street Side Yard	30 feet	N/A	N/A
Rear Yard	30 feet	N/A	224 feet for main house, 340 feet for guest house
Interior Side Yard	30 feet	N/A	R: 58 feet, L: 176 for main house; R: 288 feet, L: 85 feet for guest house
Max. Building Height	25 feet average height of the highest gable	N/A	25 feet average for the highest gable
Maximum Impervious Coverage	15,050 sq. ft. (Per Variance 86-V-22)	N/A	13,608 sq. ft.
Max. Total Floor Area Ratio	4% (9,444 sq. ft.) for a 5.42 acre site, or 5% (11,804 sq. ft) with FAR bonus	N/A	4.6% (10,871 sq. ft.) with FAR bonus
Native Vegetation Retained or Restored (for FAR bonus)	≥ 90% of site area		91.4% of site area

Table 1b: CONFORMANCE WITH CHAPTER 18.52 (Off-Street Parking and Loading)
for Single Family Residential Uses (Tandem Parking Allowed)

Type	Required	Existing	Proposed
Vehicle Parking	4 spaces, of which one must be covered	N/A	4 covered spaces



The City of
Palo Alto



670 Los Trancos Road

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





Planning & Transportation Commission

Staff Report (ID # 7451)

Report Type: Action Items **Meeting Date:** 1/11/2017

Summary Title: 670 Los Trancos: New Single Family Residence

Title: PUBLIC HEARING / QUASI-JUDICIAL MATTER. 670 Los Trancos Road [16PLN-00266]: Site and Design Review to Allow the Construction of a Single Family House and Guest House With a Total of 10,959 Square Feet. Environmental Assessment: Categorically Exempt From the California Environmental Quality Act (CEQA) Pursuant to Guidelines Section 15303 (New Construction or Conversion of Small Structures). Zoning District: OS

From: Hillary Gitelman

Recommendation

It is recommended that the Planning and Transportation Commission (PTC) take the following action(s):

1. Continue the project to a date uncertain with guidance to the applicant regarding strategies to better comply with applicable findings.

Report Summary

The applicant proposes to construct a two-story single family house, detached guest house, and associated site improvements on the undeveloped property located at 670 Los Trancos Road. The site is located in the Open Space (OS) zoning district, which permits limited housing development. The proposed house is 9,363 square feet, not including approximately 2,100 square feet of exempt basement area, and the proposed detached guest house is 1,596 square feet. Development in excess of 1,000 square feet and requires PTC review of the Site and Design Review application. The Commission's recommendation will be forwarded to the City Council.

Attachment A provides four objectives included in Palo Alto Municipal Code (PAMC) Section 18.30(G).060 for Site and Design Review approval for the Planning and Transportation Commission to review and apply toward the project.

In addition to these Site and Design Review objectives, PAMC Section 18.28.070 (p) codifies twelve Open Space Development Review Criteria that are applicable to the project. These criteria are also included in Attachment A.

While the project does incorporate a variety of measures to be compatible with environmental and ecological objectives of the open space district, staff is concerned that the residence could be perceived as visually intrusive from public roadways and public parklands.

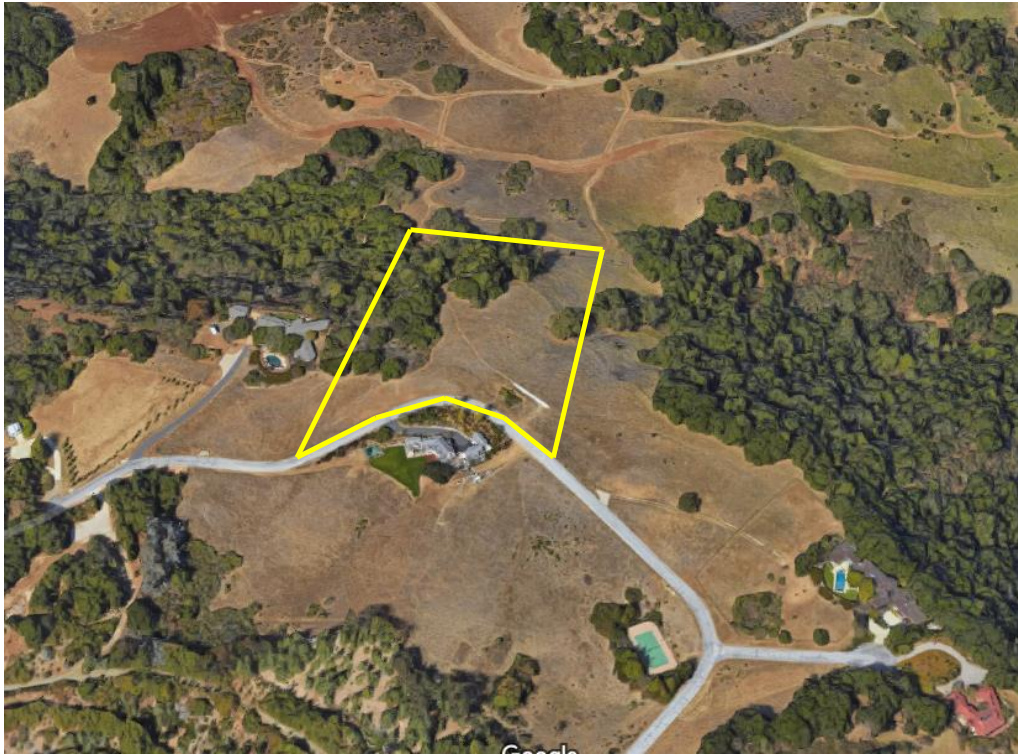
Background

Project Information

Owners:	Noa Grant and Guy Gecht
Architect:	Michael Anglisano; McClean Design
Representative:	N/A
Legal Counsel:	N/A

Property Information

Address:	670 Los Trancos Road
Neighborhood:	Palo Alto Hills
Lot Dimensions & Area:	5.42 acres (235,898 sf)
Housing Inventory Site:	No
Located w/in a Plume:	No
Protected/Heritage Trees:	Yes, protected live and valley oaks are present across the property
Historic Resource(s):	No
Existing Improvement(s):	Vacant lot
Existing Land Use(s):	Vacant lot
Adjacent Land Uses & Zoning:	North: Arastradero Preserve, Public Facilities (Site and Design Combining) District West: Single Family Residence, Open Space District East: Vacant, Open Space District South: Single Family Residence, Open Space District
Special Setbacks:	Not applicable
Aerial View of Property:	



Aerial Photograph Source: Google Maps

Land Use Designation & Applicable Plans/Guidelines

Zoning Designation: Open Space District (OS)

Comp. Plan Designation: Open Space / Controlled Development

Open Space Development

Review Criteria Yes

Context-Based Design: Not applicable

Downtown Urban Design: Not applicable

SOFA II CAP: Not applicable

Baylands Master Plan: Not applicable

ECR Guidelines ('76 / '02): Not applicable

Proximity to Residential
Uses or Districts (150'):

Not applicable

Located w/in AIA

(Airport Influence Area): Not applicable

Prior City Reviews & Action

City Council:	Variance 86-V-22, which provides a maximum impervious cover of 15,050 square feet on the subject site
PTC:	None
HRB:	None
ARB:	None

Site and Project Description

The subject site encompasses 5.42 acres (235,898 square feet) of vacant land currently covered by native grasses and oak forest. The topography varies greatly across the site, with a knoll rising near the southern front property line near the Los Trancos Road frontage. From the top of this knoll, the elevation drops over 100 feet towards the northern rear property line bordering the Arastradero Preserve. The top of knoll and most of the higher areas of the property are covered with grasses, while two large groves of live and valley oaks are located on either side of the property and in the northern, lower elevations.

The site is located in the Hewlett Tract, a subdivision encompassing ten building sites of which five have thus far been developed. According to Santa Clara County records, the houses in the subdivision range from 3,344 to 8,911 square feet in floor area, and four of the five houses contain two stories.

The applicant proposes to construct a 9,363 square foot two-story residence with a basement, as well as a 1,596 square foot detached guest house. Access to the main residence and guest house would be from a single entrance on Los Trancos Road. The main residence would be situated on the downslope, and would, to some extent, be tucked up against the hillside. The garage and two other single-floor elements totaling approximately 1,915 square feet of the gross floor area of the main residence contain green roofing systems that will support native vegetation, allowing these elements to be integrated with the post-grading contours of the hillside and lending the appearance of a subterranean structure from some vantage points. The guest house will be situated to the western side of the lot, and connected to the main residence by a dirt trail. For zoning purposes, the guest house is considered an accessory structure and use rather than a second dwelling unit due to the absence of a full kitchen with cooking facilities. As of the writing of this report, accessory dwelling units are only permitted in the Open Space District on properties in excess of 10 acres. However, it is understood that minimum lot sizes for accessory dwelling units may be subject to change in the future. The exterior siding materials include stone, plaster, and wood siding with muted colors, and the main elements of the roof would be a black standing seam metal.

Development Standards

The property is one of ten residential building sites which, in addition to two Common Areas, encompass a subdivision known as the "Hewlett Tract" ("Tract"). At the time that the Hewlett Tract tentative subdivision map was approved by City Council on August 18, 1980, the Open Space District restricted residential density to one dwelling unit for every ten acres, and

required a corresponding ten-acre minimum lot size. However, due to the slope constraints present on the land encompassing the 129-acre Tract, the allowable density of the original parcel was transferred to ten clustered building sites ranging from 3.9 to 6.0 acres. The remaining areas of the Tract were then recorded as dedicated common open space areas (owned in common by the owners of the building sites), and another portion of the Tract was dedicated to the City of Palo Alto for parkland. The current code no longer has an explicit maximum residential density in the Open Space District, but does retain the ten acre minimum lot size requirement.

When the Hewlett Tract subdivision was approved by the City Council in 1980, the most limiting development standard was a maximum impervious and building coverage standard of 3.5% of site area. As remains the case to the present, this impervious area standard included building coverage, retaining walls, patios, and other impervious areas. To incentivize the clustering concept of the Hewlett Tract, the impervious area allotments from Common Area A and the parkland dedication area were transferred to Common Area B (for a tennis court) and to the building sites. In effect, each of the ten building sites was treated as a 10 acre site for the purpose of applying the maximum allowable coverage, which was 15,246 square feet. Ordinance #3345, passed by the City Council in 1982, amended this standard to require the transfer of impervious coverage from open space-restricted areas of a “subdivision with clustered lots less than 10 acres in size” to the building sites in a proportional manner based on lot size. This code change increased the maximum impervious coverage on the subject site to 17,401 square feet. However, the original design intent with the Hewlett Subdivision had been to allocate equivalent impervious coverage across the ten building sites, and a variance was granted in 1986 to relieve the Hewlett Tract building sites from the proportional impervious requirement in favor of the equivalent impervious allocations that were originally intended. This variance thus provided the subject site with a maximum impervious coverage of 15,050 square feet, subject to revision through Site and Design Review.

In 2009, Ordinance #5062 added a maximum Floor Area Ratio (FAR) standard for single family houses proposed in the Open Space District, allowing for a floor area bonus if the majority of native vegetation on the site is retained or replaced. Gross floor area for houses in the Open Space District is calculated using the same inclusion and exclusion methods for single family residential development in the R-1 Zoning Districts.

Requested Entitlements, Findings and Purview:

The following discretionary applications are being requested and subject to PTC purview:

- Site and Design: The process for evaluating this type of application is set forth in PAMC 18.30(G). Site and design is intended to provide a review process for 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. If recommended for approval, the project is forwarded to the City Council for final action

of all requested entitlements. Site and design applications are evaluated to specific findings. All findings must be made in the affirmative to approve the project. The findings to approve a site and design application are provided in Attachment A.

Analysis¹

Views, Neighborhood Setting, and Character

The subject property is constrained by the down-sloping grade, which affords views of the Santa Clara Valley while also revealing some direct views of the site from the Arastradero Preserve, including from Meadowlark Trail. The degree of the visibility is somewhat muted by the placement of the main residence below the top of the knoll. However, story poles erected to simulate the building envelopes indicate that the main residence would be silhouetted against the sky from the perspective of the trail below. Additionally, some portions of the second story of the main house would also be visible from Los Trancos Road despite the siting of the house on the north side of the knoll.

The project design has taken into account the slope constraints and utilized many strategies for minimizing the potential visual impact by presenting a horizontal orientation to the house, tucking portions of the house into the hillside, and hiding the guest house from the northern perspective. However, the absence of tree cover in the immediate vicinity of the main house leaves it more conspicuous than others in the Hewlett Tract, which contain oak forests along the northern face of the hill that screen the houses along the ridge. This relatively barren landscape on the subject site also limits the efficacy of limiting the total house height to that of the top of the knoll, as the house appears to protrude above the ridge when viewed from below.

Commissioners are encouraged to review Attachment A, which contains the findings required to recommend approval of the project to Council.

Tree Protection

An arborist's report was prepared with the application, and provides a survey of the species, diameter, and health of the trees in the vicinity of the construction. There are twenty-eight protected live and valley oaks on the property that would form the perimeter of an extended Tree Protection Zone, which would separate the construction activities from the oak and buckeye groves. One valley oak in the center of the site is proposed for removal due to decay and its precarious location near a portion of the home. As mitigation for the removal of the valley oak, ten blue oak trees are proposed to be planted on the perimeter of the property, including six downslope from the main residence. Each of the trees is required to be 6 feet in crown diameter at the time of planting.

¹ The information provided in this section is based on analysis prepared by the report author prior to the public hearing. Planning and Transportation Commission in its review of the administrative record and based on public testimony may reach a different conclusion from that presented in this report and may choose to take an alternative action from the recommended action.

Zoning Compliance²

A detailed review of the proposed project's consistency with applicable zoning standards has been performed. A summary table is provided in Attachment B. As proposed, the project complies with all applicable codes, or is seeking through the requested permits permission to deviate from certain code standards, in a manner that is consistent with the Zoning Ordinance. The impervious cover area of 15,089 square feet shown in the project plans would exceed the amount permitted subject to Variance 86-V-22, which provides a maximum of 15,050 square feet for the site. However, it appears as though the water surface of the swimming pool has been included in the impervious calculation unnecessarily (PAMC 18.28.070(m)(6)), and therefore the project is compliant with the maximum impervious cover standard as designed.

Consistency with the Comprehensive Plan, Site and Design Findings, and Open Space Development Criteria³

The Comprehensive Plan contains Goals, Policies, and Programs for the Open Space areas of the City. The applicable Comprehensive Plan sections, including the Open Space Development Criteria, are included in Attachment A. The story poles described on the previous page indicate that the house would be visible from certain points in the Arastradero Preserve, and accordingly, staff is concerned with the project's consistency with the first Development Criterion, which seeks to minimize visual impacts. Additionally, while the project has been designed not to extend above the top of the knoll as suggested by the second Development Criterion, the second story of the house would be silhouetted against the sky when viewed from some locations in the Arastradero Preserve. These two criteria are related to the first Site and Design Review finding regarding the compatibility of uses of adjoining or nearby sites. Images of the site from various perspectives are provided in Attachment F. Additionally, it is anticipated that the applicant will provide a presentation showing the development in context to the surroundings.

Environmental Review

The subject project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. Specifically, the project is categorically exempt per Section 15303 of the CEQA Guidelines, which includes but is not limited to the development of one single family residence, or a second dwelling unit in a residential zone, as well as accessory or appurtenant structures including garages, carports, patios, swimming pools, and fences. Staff finds that the development of a single family house and guest house in a residential subdivision in the Open Space, which permits single family use, is substantially similar to the examples included in Section 15303 of the CEQA Guidelines.

² The Palo Alto Zoning Code is available online: http://www.amlegal.com/codes/client/palo-alto_ca

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

Public Notification, Outreach & Comments

The Palo Alto Municipal Code requires notice of this public hearing be published in a local paper and mailed to owners and occupants of property within 600 feet of the subject property at least ten days in advance. Notice of a public hearing for this project was published in the *Palo Alto Weekly* on December 23, 2016, which is 19 days in advance of the meeting. Postcard mailing occurred on December 20, 2016, which is 22 days in advance of the meeting.

Public Comments

As of the writing of this report, three project-related public comments were received and are included with Attachment D. Two comments expressed support for the project. A third comment expressed concerns about the impacts of the house on the views from the Arastradero Preserve from the Acorn Trail, which is situated to the northeast of the site.

Alternative Actions

In addition to the recommended action, the Planning and Transportation Commission may:

1. Direct staff to prepare a draft Record of Land Use Action recommending approval of the project based on findings that the project is consistent with the Site and Design Objectives and Open Space Development Criteria;
2. Direct staff to prepare a draft Record of Land Use Action recommending denial of the project based on findings that the project is inconsistent with the Site and Design Objectives and Open Space Development Criteria.

Report Author & Contact Information

Graham Owen, Associate Planner
(650) 329-2552
graham.owen@cityofpaloalto.org

PTC⁴ Liaison & Contact Information

Jonathan Lait, AICP, Assistant Director
(650) 329-2679
jonathan.lait@cityofpaloalto.org

⁴ Emails may be sent directly to the PTC using the following address: planning.commission@cityofpaloalto.org

February 8, 2017

RE: 670 Los Trancos Road, Palo Alto

Greetings Jon and Graham,

We are pleased with the PTC decision to recommend approval of our home project and are looking forward to presenting our proposed project to the city council.

As we listened to the members of the committee deliberate our project, we realized we can improve our project further to address the concerns that were raised in deliberation. We continue to strive to minimize our impact and to do what is right for the environment and our community.

Here are the actions we took after the PTC hearing to address these concerns:

Concern: Accessory structure appears as a second dwelling unit, to which we are not entitled

- We never intended for this structure to serve as a second dwelling unit, but rather as a yoga retreat and to host the occasional guest. For that purpose, such structure does not require a kitchen, and therefore we eliminated the 'kitchenette' and replaced it with a simple wet bar at the west part of the common space.

Concern: Viewshed from the preserve in the short term

- To expedite the screening effect, we decided to pre-plant the mitigation trees. This would result in the trees being 50% taller 5 years after construction, significantly accelerating the screening effect, as per attached rendering and growth analysis.
- Because Valley Oaks are faster growing and eventually become larger in scale (see comparison attached) we would select them over the slower growing and smaller overall blue oaks we were considering (blue oaks are still considered in high priority for the south side of the property, in the road cut area where the soil is poor and the screening requirements are lower).
- We prepared a rendering that shows the screening provided over time, see attached, as voiced by a couple of the commissioners.
- We intend to reduce the size of the second story area by at least 10% from 2724 to below 2450 sf.

In addition, while the level of grading wasn't brought up as a concern, we are working to reduce it. We intend to submit a new basement plan cutting the basement area by half (from the current 2200sf), and are considering alternatives that will allow us to raise the building pad by a couple feet. Any changes we propose will, of course, comply with all the rules and regulations and will not further the impact on the adjacent open space.

Let us know if there's any additional information we can provide.

Sincerely,

Noa Grant and Guy Gecht

Growth Rate

- **At planting***: 8-10 feet tall x 6 foot crown spread
- **At the end of construction***: 12-14 ft tall x 7-8 ft wide
- **After additional 5 years**: 20-22 ft tall x 12-14 ft wide
- **After additional 20 years**: 40 ft tall x 30-40 ft wide

* Young oaks typically appear upright, as they grow upwards for some time before they start to widen. They then become as wide as their height.





End of Construction



After 5 Years



After 20 Years

Blue Oak	Valley Oak
----------	------------

- | | |
|--|---|
| <ul style="list-style-type: none">• 25-50 feet high and spread (likely 15-30 feet in 25 yrs) | <ul style="list-style-type: none">• 50-70 feet high and spread (likely 40 feet in 25 yrs) |
|--|---|

Slow to moderate	Fast growth rate
------------------	------------------

Extremely tolerant of drought and poor soil (good for road cut)	Good for lowland with deep and rich soil (perfect for our downslope)
---	--

Carnahan, David

From: Jean Higgins <jwhiggins27@gmail.com>
Sent: Tuesday, March 14, 2017 8:59 PM
To: Council, City
Cc: Planning Commission
Subject: proposed house at 670 Los Trancos

Hello

We bought our house in Palo Alto 30 years ago, in part because of the wonderful parks and open spaces available to us here. We frequently hike at Foothills Park and the Arastradero Open Space Preserve. We treasure the unobstructed views of the hills as we hike -- the wildflowers, the wildlife, the gorgeous hillsides, the tranquility. The parks help us maintain balance and perspective in our busy lives.

I am writing today about a proposed house at 670 Los Trancos. I don't believe that the City of Palo Alto should allow this house to be constructed at this location. There are municipal codes that were written to protect parklands from huge houses like this one. (Actually, I believe that we are talking about two large structures, not just one.) Thousands of times in a year, Palo Alto taxpayers lace up their hiking boots and set off from the parking lot in an attempt to "get away from it all" for a bit. This will become hard for us if the City caves in to this sort of development.

Many of our friends and family will be watching to see what you decide to do about the proposed house at 670 Los Trancos.

Sincerely,
Jean Higgins

Carnahan, David

From: Kim Atkinson <atkinsonkim@pacbell.net>
Sent: Wednesday, March 15, 2017 8:48 AM
To: Council, City
Subject: 670 Los Trancos Road Palo Alto
Attachments: P1130974.JPG; P1130973.JPG; P1130977.JPG; P1130982.JPG; P1130981.JPG; P1130978.JPG; P1130980.JPG; P1130979.JPG; P1120298.JPG

To the Palo Alto City Council,

March 15, 2017

Thank you for taking the time to read this second letter from me concerning the proposed development at 670 Los Trancos Road in Palo Alto. I first wrote to the Planning Commission about this in early December (with photos) when I discovered the project while hiking at Arastradero Open Space Preserve. New information has since come to light.

The public has not had much chance to see this project as trails leading up to that part of the park have been muddy and closed for months, starting in December. Now the trails are dry and finally open again. The original red flags marking the project have faded to white, and are barely visible against a bright sky. For these and other reasons, most of the public is not aware of this project with, as I understand it, a planned house of over 9000 square feet, plus a 2080 square foot basement, plus a nearly 1600 square foot guest house labeled an “accessory” building. This is against code on a lot under 6 acres, and much of it is in view of our park.

Attempting to screen this development with trees will not work. The project is huge, but a building of *any size* can be seen through trees which take years to mature and can be quietly pruned or removed in the future. Trees and shrubs do not hide buildings on prominent hilltops. This project, landscaped or not, will create a blight on the scenic natural hilltop of the park.

This project is specifically prohibited by Palo Alto Municipal Code 18.28.070 parts 1 and 2 which state that development should not be visually intrusive from parklands, and must be hidden from view and away from hilltops and ridgelines. Hikers who I have spoken with about this project up at Arastradero are puzzled as to why the city is entertaining approving this at all. A lot of eyebrows have been raised.

The photos attached here, taken on March 14, show the visual impact this structure will have on the park. The first three photos were taken on the hike going up towards the proposed project, to show you the bucolic beauty of the park. As one approaches the top of Acorn trail, the poles and flags come into sight (see photos with white flags) and are visible from trails all over the top of the park. The final photo, with red flags, is one I sent you in December. It illustrates how the color of the flags has faded from red to white, and are now less visible.

The proposed project will do nothing to alleviate the housing shortage in Palo Alto. It will serve a single family, who would enjoy a rarefied lifestyle of unsurpassed views and parkland just out their door, at the expense of the many members of the public who use this park. If neighbors of this property have written in to support the project, I would suggest that their motivations may not be in the public interest. The residents up there already enjoy instant access to this park that we taxpayers fund.

Hundreds of people from the general public enter this park nearly every day. They hike, jog, walk their dogs, bicycle, horseback ride, fish, watch for birds, and do photography. Most of all, people go up there to relax and enjoy nature and get out of town for a bit. People do not want

to come face-to-face at the top of a hill with a building, when today there are only sky views and natural green hills to look at.

There is something uniquely beautiful about the open space park at Arastradero, which borders our equally beautiful Foothills Park, that the city had the foresight to create and protect decades ago. Arastradero is home to a wide variety of animals in a relatively small space, with a wildlife density not easily seen elsewhere. Additionally, sunlight reflects through the tree branches of this park, radiating off the hillsides, in a way similar to that of Yosemite Valley (see photos). This is not ordinary open space of mere grass and trees. It is special and should be protected.

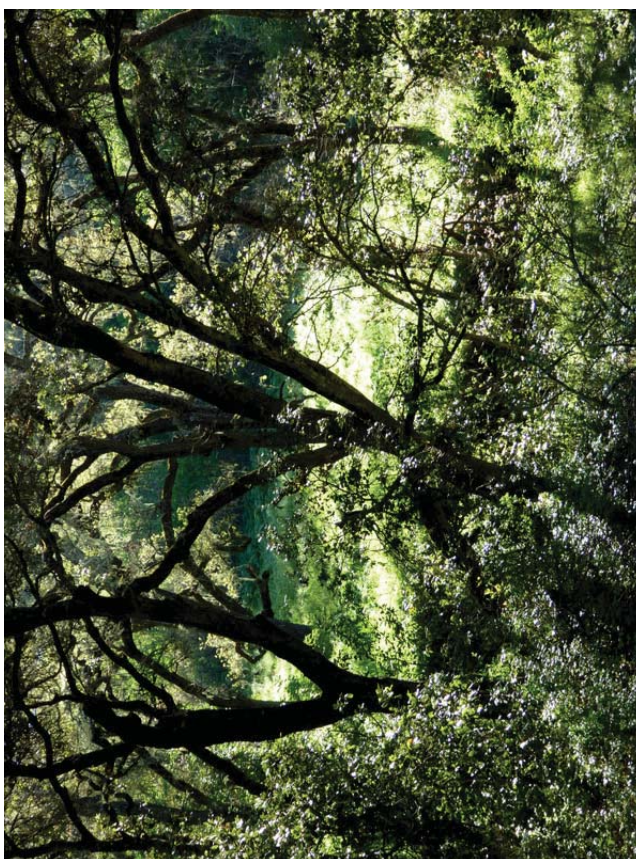
The City Council is called upon to please respect the wisely crafted building codes of Palo Alto, that were designed to protect the well-being of the citizenry, with vision for our future and our children, and to uphold what is right for the good of the public. This park cannot be a private playground for a lucky few. It would be very wrong to allow a building on this hilltop. Any development on this parcel should be kept completely out of sight of the park and its trails.

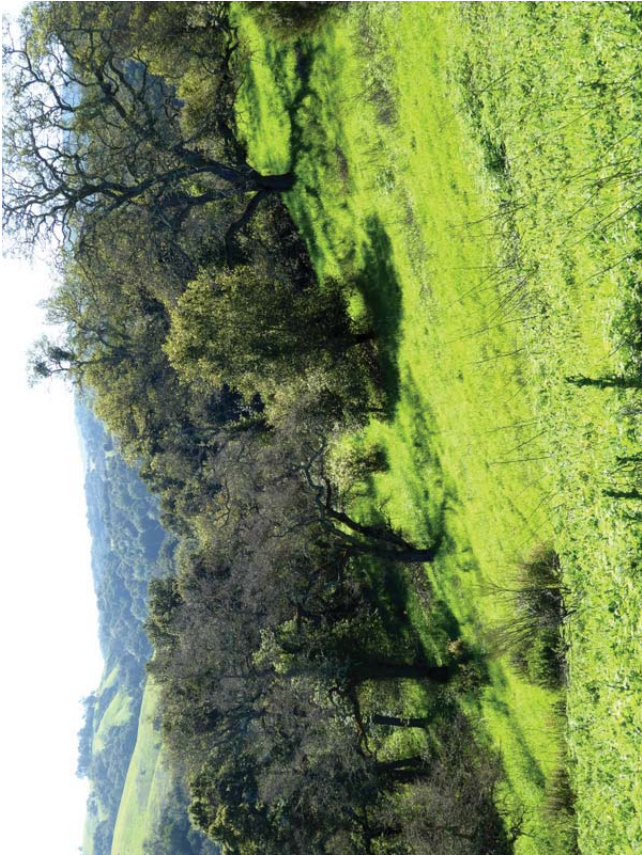
Now, more than ever, we need to be able to count on our government to make the right decisions on behalf of the people. We need our city government to uphold its wisely conceived guidelines and codes that were created for the good of all residents. Thank you for voting for what is right, on behalf of your constituents.

Kim Atkinson
Middlefield Road Palo Alto



















Carnahan, David

From: H. Grousbeck <grous@stanford.edu>
Sent: Wednesday, March 15, 2017 9:38 AM
To: Council, City
Cc: Lait, Jonathan; Gitelman, Hillary; Owen, Graham
Subject: Fwd: Latest development

Dear

Members of the Palo Alto City Council:

As residents of Palo Alto abutting Arastradero Preserve for the last 30 years, we have been strong advocates of Bay Area open space. For many years I (Susanne) was a member of the POST board of directors.

It is against this background that we are writing in support of the Gechts' proposed development at 670 Los Trancos. We will be neighbors 2 lots away when (hopefully) their proposed house is completed.

Noa and Guy Gecht have engaged our entire neighborhood in their design process from the very beginning. It is clear that they were determined to spend the time and resources to come up with an organic design that minimizes the impact to the Preserve as well as to the neighborhood. We are very impressed with their thoughtfulness: most of the house is tucked into the knoll, and they placed as much of the construction as possible behind trees. As a result, the facade will be partially visible only from very small sections of the trail paths.

We respectfully encourage you to approve this responsible and considerate design.

Susanne and H. Irving Grousbeck
706 Los Trancos Road

From: [Jason Hou](#)
To: [Planning Commission](#)
Date: Monday, March 13, 2017 11:38:55 PM

Hi- Do you enjoy the open space at Arastradero Preserve
As the bay area gets more crowded, preserving open space becomes even more important.

Address of property, at top of hill: 670 Los Trancos Palo Alto

This house will hurt our hiking views at Arastradero on Meadowlark trail
-- The proposed house will unlawfully impede views from our public park
-- It is against city code for houses to be built on hilltops in view of parks.
-- Property is under 6 acres, and yet illegally plans an additional 2nd house, too !

I oppose

- 1) Any exemption to Municipal Code to allow building on top of a hill
- 2) Any exemption to allow an extra dwelling at this site (zoned for a single house)

Pei Liu

From: [Robyn Preising](#)
To: [Planning Commission](#); [Council, City](#)
Subject: 670 Los Trancos
Date: Monday, March 13, 2017 2:04:37 PM

Hello,

I am wondering why the City of Palo Alto would even consider permitting this development, which impedes views from Arastradero Park trails. It is clearly against city code for houses to be built on hilltops in view of parks. Also, an illegal second home is being planned on the property (labeled a garage, but really a house).

Please do not approve of this development, which would also set a dangerous precedent.

Thank you,

Robyn Preising
1142 Byron St
Palo Alto
94301

Owen, Graham

From: Lait, Jonathan
Sent: Friday, March 10, 2017 8:38 AM
To: Owen, Graham
Subject: FW: development near Arastradero Preserve

From: Amy Santullo
Sent: Thursday, March 09, 2017 3:22 PM
To: Planning Commission <Planning.Commission@cityofpaloalto.org>
Cc: Council, City <city.council@cityofpaloalto.org>
Subject: development near Arastradero Preserve

Dear City Leaders,

It has recently come to my attention that there is a proposed development plan for 670 Los Trancos Road in Palo Alto that might violate the Palo Alto Municipal Code against building homes in view of public parklands. I am a longtime Palo Alto resident and a regular user of Palo Alto parks and open spaces. I urge all of you to resist any exceptions to the Palo Alto Code and to use conservative interpretations where appropriate in order to preserve the amazing resources that our community has in its parks.

There is regularly more and new research coming out about the importance of connecting with nature in green spaces free of disruptions for mental and physical health, especially for those who live in high stress communities like those throughout Silicon Valley. The abundance of green space here is one of the features that makes it possible to achieve a balanced life style. Please don't jeopardize that for the whole community for the sake of one family.

Thank you for your consideration.

Amy Santullo
850 Hamilton Ave
Palo Alto

Owen, Graham

From: Lait, Jonathan
Sent: Monday, February 27, 2017 2:08 PM
To: Gerhardt, Jodie; Owen, Graham
Subject: FW: February 27, 2017, Council Meeting, Item #8

From: herb
Sent: Sunday, February 26, 2017 5:55 PM
To: Council, City <city.council@cityofpaloalto.org>; Clerk, City <city.clerk@cityofpaloalto.org>
Subject: February 27, 2017, Council Meeting, Item #8

Herb Borock
P. O. Box 632
Palo Alto, CA 94302

February 26, 2017

Palo Alto City Council
250 Hamilton Avenue
Palo Alto, CA 94301

FEBRUARY 27, 2017, CITY COUNCIL MEETING, AGENDA ITEM #8
670 LOS TRANCOS ROAD: SITE AND DESIGN REVIEW

Dear City Council:

I urge you to reject the Record of Land Use Approval for this Site and Design Application unless the plans delete the second dwelling unit that is prohibited by the site development regulations of the Palo Alto Municipal Code (PAMC).

The PAMC has different definitions for "Dwelling Unit", "Dwelling Unit, Second" and "Kitchen".

18.04.030 Definitions

(a) Throughout this title the following words and phrases shall have the meanings ascribed in this section.

(46) "Dwelling unit" means a room or group of rooms including living, sleeping, eating, cooking, and sanitation/bathing facilities, constituting a separate and independent housekeeping unit, occupied or intended for occupancy on a nontransient basis and having not more than one kitchen.

(46.5) "Dwelling unit, second" means a separate and complete dwelling unit, other than and subordinate to the main dwelling unit, whether a part of the same structure or detached, on the same residential lot.

(75) "Kitchen" means a room designed, intended or used for cooking and the preparation of food and dishwashing. Kitchen facilities include the presence of major appliances or utility connections and the ability to store, prepare, cook, and cleanup of food and food preparation.

If the PAMC definition for Dwelling Unit was supposed to refer to the definition of "Kitchen", it would have included the word "kitchen" instead of the words "eating, cooking".

A second dwelling unit in the Open Space District requires a 10-acre site, and is limited to 900 square feet, a floor area limit that must include at least one covered parking space.

The project site is only 5.42 acres, has a unit that is 1,596 square feet, without a covered parking space.

Sincerely,

Herb Borock

Owen, Graham

From: Crawford, Sue
Sent: Monday, January 09, 2017 6:03 PM
To: Planning Commission
Cc: Owen, Graham
Subject: New construction 670 Los Trancos Road

Dear Palo Alto Planning Commission,

We are writing to express our support for the new home at 670 Los Trancos Road. We have reviewed the plans and are very pleased with the approach being taken. The Gechts have made a tremendous effort to fit the home to the site and follow the Open Space Building Guidelines. They have involved the neighborhood from the beginning and we look forward to having them as neighbors.

We encourage the commission to approve the plans.

Best regards,

Craig Dauchy and Sue Crawford
714 Los Trancos Road

Sent from my iPad

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Owen, Graham

From: Karen Gregory
Sent: Monday, January 09, 2017 3:54 PM
To: Owen, Graham
Subject: Strong Support for the Gecht Building Plans at 670 Los Trancos Road

Dear Graham Owen and all Palo Alto Planning Commissioners:

We are reaching out to you with our strong support of the Gecht family home building plans at 670 Los Trancos Road along the western boundary of Arastradero Preserve. We live at 701 Los Trancos Road, directly across the street from this property.

We moved to our home, located between Arastradero Preserve and Foothill Park, in 1993 specifically for the privilege of living in the open space environment with the incredible and abundant wildlife and views of undeveloped land. We love our parks and preserves and support them with our time, energy and advocacy, devoted to keeping them preserved and accessible for the community. All five of our family members are frequent and passionate trail hikers/equestrians who thrive as outdoor enthusiasts. Specifically, Karen is a current Equestrian Patrol Volunteer for SCC and SMC Parks and MROSD, David volunteered for POST and our children have run/hiked regularly each week growing up here. We treasure the gift of open space and all that it entails.

As passionate advocates for open space, we are grateful for and pleased with the consideration the Gecht Family gave to our neighborhood and the surrounding community, including visitors to our lovely Arastradero Preserve, in designing and building their new home. Preserve visitors (including our family) enjoy “the view” as part of their park experience, and there is, understandably, regret for any level of development. We believe the Gecht’s intended home design, with their priority for minimizing the impact of their development on wildlife and the natural beauty of the area, will be relatively low profile and respectfully discreet from the park, especially given what could have been built on that pristine and precious site. It is clear that the beauty of this natural area is what drew them to this lot, and they have taken great pains to honor, preserve and prioritize as much as possible the grandeur and natural feel of the land in their home design plans.

It is our hope that you will approve the Gecht’s plans for their house. We look forward to having them as our next door neighbors.

Sincerely,

Karen and David Gregory
701 Los Trancos Road

Owen, Graham

From: Annette Siegel
Sent: Monday, January 09, 2017 8:23 AM
To: Planning Commission; Owen, Graham
Cc: Noa; Guy Gecht; Mark Siegel
Subject: In support of the building at 670 Los Trancos

Dear Palo Alto Planning Commission,

My husband and I are writing in enthusiastic support of the building project proposed at 670 Los Trancos Rd. by Guy Gecht and Noa Grant. We have been a part of this neighborhood for over 10 years, and love it because of the careful stewardship of the parks provided by the Palo Alto Planning Commission. We are active hikers, and are thankful for the protected parks and wildlife in our area.

In this light, we have been nothing but impressed by the careful planning that has taken place on the 670 Los Trancos project. Guy and Noa have very thoughtfully sought to minimize the impact of the proposed house on both the neighborhood and park. Having walked the story poles, it is clear that the house will blend beautifully into its natural surroundings, and the impact on park views will be minimal. We feel that they have really done the best job possible in keeping our natural surroundings beautiful, and would very much like to see such environmentally engaged family become a part of our community.

Thanks you for your consideration,
Annette and Mark Siegel
720 Los Trancos Rd.

From: [Allan Alcorn](#)
To: [Owen, Graham](#)
Subject: 670 Los Trancos Rd project
Date: Thursday, December 29, 2016 2:53:49 PM

Dear Sirs and Madam,

I am writing this in support of the proposed new home at 670 Los Trancos Rd. I live at 660 Los Trancos Rd directly adjacent to the proposed new home and welcome their project. The lot has been vacant as long as we have been there and we knew that some day there would be a home built on that site. We have examined the plans and are pleased that such a beautiful home is going to be built there. It is clear that significant effort was spent in making the home have as little impact as possible and will fit into the natural environment.

I am a frequent visitor to Arastradero Open Space; I walk the trails about once a week and I am very familiar with the views. Compared to the existing structures on the ridge, mine included, that can only be seen from the Martin's trail I think this building will be less visible and blend in well. Much of the structure will be hidden by trees and some of it is underground.

I support this proposal and look forward to its approval.

Sincerely,

Allan Alcorn

660 Los Trancos Rd.
Portola Valley, CA 94028

From: [H. Grousbeck](#)
To: [Planning Commission](#); [Owen, Graham](#)
Subject: Fwd: Happy Holidays!
Date: Wednesday, December 28, 2016 12:12:00 PM

----- Forwarded message -----From:

H. Grousbeck

Date: Wed, Dec 28, 2016 at 10:01 AM

Subject: Fwd: Happy Holidays!

To: "H. Grousbeck"

----- Forwarded message -----From:

H. Grousbeck

Date: Wed, Dec 28, 2016 at 9:59 AM Subject:

Fwd: Happy Holidays!

To: "H. Grousbeck"

----- Forwarded message -----From:

H. Grousbeck

Date: Wed, Dec 28, 2016 at 9:56 AM Subject:

Fwd: Happy Holidays!

To: "H. Grousbeck"

Dear Palo Alto Planning Commissioners:

As residents of Palo Alto abutting Arastradero Preserve for the last 30 years , w e have been strong advocates of Bay Area open space .
For many years I (Susanne) was a member of the POST board of directors.

It is against this background that we are writing in support of the Gechts' proposed development at 670 Los Trancos. We will be neighbors 2 lots away when (hopefully) their proposed house is completed.

Noa and Guy Gecht have engaged our entire neighborhood in their design process from the very beginning. It is clear that

t hey were determined to spend the time and r esources to come up with an organic design that minimizes the impact to the Preserve as well as to the neighborhood. We are very impressed with their thoughtfulness: most of the house is tucked into the knoll, and they placed as much of the construction as possible behind the trees. As a result the facade will be partially visible only from very small sections of the trail paths.

We respectfully encourage you to approve this responsible and considerate design.

Kind

regards,

Susanne and H. Irving Grousbeck

706 Los Trancos Road

From: [Planning Commission](#)
To: [Owen, Graham](#)
Subject: FW: Please do not allow new construction above Arastradero Preserve
Date: Tuesday, December 20, 2016 10:27:04 AM

Yolanda M. Cervantes
Planning & Community Environment
City of Palo Alto
Yolanda.cervantes@cityofpaloalto.org
650.329.2404

From: Kim Atkinson
Sent: Thursday, December 15, 2016 5:05 PM
To: Planning Commission
Cc: Dunn, Curt
Subject: Please do not allow new construction above Arastradero Preserve

Hello Palo Alto Planning Commission,

I am a lifelong resident of Palo Alto, a homeowner, taxpayer, and we have raised our children here.

We have supported the public schools, have led a Girl Scout troop, volunteered, and have been good community members.

le, we have a long-term stake in this place, and hopefully may have a voice !

We are frequent hikers at Arastradero Preserve (as well as at Foothill Park).

Recently at Arastradero, while hiking west towards the top of the hill, near a trail junction at the top of Acorn Trail, I noticed red construction marker flags higher up in the direction towards Foothill Park. Apparently a home is planned for construction there. Please see attached photos, taken from the top of Acorn Trail.

As I understand it, this planned new house construction is in the 700 block of Los Trancos Road.

I would like to oppose this new house construction. It will affect the view of the hills and of the skyline at Arastradero Preserve, when one is hiking uphill and west. A new building there will make the preserve feel more closed in, or hemmed in, whereas now it feels fairly open and natural, with a great sky view above the highest hills.

There are a few existing houses in this area, but we are used to them being tucked in low among the trees and don't notice them. They are not very visible the way this new one will be.

The preserve is already encircled by a golf course, existing homes, and has an occasionally-audible pump in it near the lake.

When we hike up there, it is our chance to "get away" from urban stressors and traffic, and to enjoy nature and wildlife and sky views.

If you allow that house to be constructed directly in our sight-line as we climb west up that hill, the natural feel of this wilderness preserve will be spoiled.

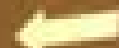
This house will serve a very privileged few, at the expense of many people who go up there to enjoy nature.

Re Palo Alto's housing shortage-- this single family dwelling will not put a dent in the problem, but will affect many park users.

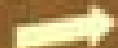
Please do not allow this construction to go forward.

Thank you for your time and attention to this letter,
Kim Atkinson
1753 Middlefield Road
Palo Alto 94301

**MEADOWLARK
TRAIL**



0.7 MI. TO
GATE C - JOHN
MARTHENS LANES



0.8 MI. TO
DE ANZA TRAIL

Trail is open from 6:00 a.m. to 6:00 p.m.









Planning & Transportation Commission Action Meeting Agenda: January 11, 2017

Council
Chambers 250
Hamilton Avenue
6:00 PM

Call to Order / Roll Call: 6:08pm

Chair Alcheck: Ok, I'd like to call to order the first Planning and Transportation Commission (PTC) of the 2017 year. Why don't we start with roll call?

Yolanda Cervantes, Administrative Assistant: Chair Alcheck, Commissioner Gardias, Commissioner Lauing, Commissioner Rosenblum, Commissioner Summa, Vice-Chair Waldfogel. All present.

Chair Alcheck: Before I open any Oral Communications I want to welcome the newest additions to the PTC. We are, we have everybody is here tonight that is on our Commission, but Ed and Doria welcome. We're still awaiting one more appointment, but we're really happy to have you and both Ed and Doria have a lot of experience working with our City and I think they're going to make great additions to the team.

-
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
 2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
 3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1 I also want to acknowledge our amazing Assistant Attorney's departure, Cara Silver, I just want to
2 say and I think I speak for all of us when I say this; it's really a delight to work with you. You've
3 helped us understand really complex issues and you're literally the most delightful person to
4 engage with and I think your presence will be sorely missed; certainly by us. And your note today
5 was really quite wonderful and very thoughtful and I think we all appreciated what you said. So
6 good luck onward and forward and yes you're still a resident so please come to our meetings since
7 you know how much we love to have guests.

9 **Oral Communications**

10 The public may speak to any item not on the agenda. Three (3) minutes per speaker.^{1,2}

12 Chair Alcheck: Ok, with that I'm going to open up Oral Communications. Are there any individuals
13 who would like to speak? We have David Carnahan he'd like to speak for Oral Communications.
14 You have three minutes.

16 David Carnahan, Deputy City Clerk: Good evening, Commissioners; David Carnahan, Deputy City
17 Clerk. I'm here tonight for two topics. One of which those of you on the Commission can guess is
18 board and commission recruitment. The City is currently looking to fill one vacant term on the
19 Planning and Transportation Commission (PTC), three terms on the Historic Resources Board
20 (HRB) and a total of five terms on the Parks and Recreation Commission (P&RC). The City is
21 accepting applications with a deadline of 4:30 p.m. on January 27th. Applications can be

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1 downloaded from the City's website or we also accept them electronically via DocuSign. I'm going
2 to have a few flyers with this information in the back and Yolanda is going to give you each a flyer.
3 The reason the Clerk's Office comes to board and commission meetings regarding recruitments is
4 because you are community members that have a much greater depth of knowledge of members
5 of the public that would be fantastic people to join you and we have members of the public both
6 here watching and at home. So again looking for folks for the HRB, the P&RC, and the PTC with
7 applications due on January 27th; questions can be directed to the City Clerk's Office 650-329-
8 2571.

9
10 And the second order of business I am here to recognize and share the Council's appreciation for
11 the four of you that were not able to make it to the Board and Commission recognition event. So
12 we have the proclamations which I promise I will not read to you right now since I only have 3
13 minutes not 20, but I would just want to recognize and thank Commissioners Alcheck, Lauing,
14 Rosenblum, and Waldfogel. Everyone else's appreciation and service was appreciated by the
15 Council. So if you give me just one moment I'll grab your gifts and proclamations. Thank you.

17 **Agenda Changes, Additions, and Deletions**

18 The Chair or Commission majority may modify the agenda order to improve meeting management.
19

20 Chair Alcheck: Ok why don't we... are there, staff are there any agenda additions or deletions you
21 want to address at this time?

-
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1 Jonathan Lait, Assistant Director: No.

2

3 **City Official Reports**

4

5 1. Assistant Director's Report, Meeting Schedule and Assignments

6

7 Chair Alcheck: Ok. Do you want to begin with the Assistant Director's Report?

8

9 Jonathan Lait, Assistant Director: Sure, just a couple of announcements. First, welcome to the
10 new Commissioners. It's great to have you on board and joining the Planning and Transportation
11 Commission (PTC). I also wanted to let the Commission know that the City Council will be taking
12 up on January 23rd two item, transportation related items that the prior Commission had
13 reviewed and commented on. It's the Middlefield Road North pilot project and the Evergreen
14 Park/Mayfield Residential Preferential Parking (RPP) program. Those two items will go to the City
15 Council on January 23rd. On January 30th the City Council will also take up the Housing Impact
16 Fee that the Planning Commission had considered. That was pulled off of the Consent Calendar
17 on Monday and has been scheduled for hearing.

18

19 I also wanted to just spend a quick second to say thank you to Cara Silver for her years of service
20 here with the City of Palo Alto. Actually Cara was one of the main reasons why I made the
21 decision to come from Southern California to Northern California knowing that she was here and
22 that I had worked with her in the past and she really gave me some great information about the

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1 City and the people that we work with and the community and it all sounded wonderful and darn
2 you for leaving now, but it's been a pleasure working with you. And certainly look forward to
3 seeing you in your post city employment. And while saying goodbye to Cara I want to say hello to
4 Albert Yang. He is the Senior Deputy City Attorney with the City Attorney's Office and he'll be
5 joining us indefinitely until there is a another plan or maybe this is the future, we don't know. So
6 Albert's going to join us and help us out with our reports and he'll be supporting the PTC in the
7 interim. So thank you Cara and thank you Albert.

8
9 Chair Alcheck: So you mentioned the two meetings that are coming up where they're discussing
10 topics we reviewed.

11
12 Mr. Lait: January 23rd, yes.

13
14 Chair Alcheck: Do you anticipate that it would be helpful if we had a Commissioner present?

15
16 Mr. Lait: So I've given that some thought. I'd, I think that with the representation on the City
17 Council you probably do have some representation. Of course if there were individual
18 Commissioners that wanted to go and speak on behalf of the Commission that certainly could be
19 an opportunity to do so. I thought with Council Members Fine and Tanaka they might be able to
20 represent the PTC thoughts or at least the dialogue that took place.

- 21
-
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1 Chair Alcheck: Yeah. That's probably very accurate. OK well I'll just piggy back on this. I'll take an
2 opportunity to say how about if, if you're looking at the City Official Reports page here you'll see
3 that we have all the months laid out for the year and typically what we do is we assign a
4 Commissioner a month and that Commissioner is responsible to attend the Council meeting, the
5 Council meetings that take place during that month when they're reviewing topics that we
6 reviewed as well so that during those agendized items you can provide some opportunity if they
7 want to ask a question. So why don't by the it's Wednesday what I'm hoping is that by Friday you
8 guys can email me and let me know which months you would prefer. Give me your top three and
9 if I don't hear from you I'll just assign them to you. So one, two, three like if you really wanted
10 January, February, and March let me know. And for the new Commissioners why don't you plan
11 on March being the earliest month because the stuff in January and February you wouldn't have
12 participated in. Ok, alright, are we prepared to begin item number two?

13

14 Mr. Lait: Sure just one final announcement. At the moment we don't have anything lined up for
15 your January 25th meeting, that's your next meeting. The Comprehensive Plan update is
16 something that we would just do it at a regular meeting, your next meeting. The Downtown
17 Parking Management Study is being pushed off. We need to do a bit more work on that. So as it
18 stands right now we're not seeing a need for a meeting, but I'll have a continued conversation
19 with you to see if we want to cancel that meeting.

20

21 Chair Alcheck: Yeah, let's see what happens tonight with Item Number Three. If it's, let's see what

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happens tonight and see if there's any... if we can't pack an agenda for that date we'll cancel that meeting. Ok.

Study Session

Public Comment is Permitted. Five (5) minutes per speaker.^{1,3}

Action Items

Public Comment is Permitted. Applicants/Appellant Teams: Fifteen (15) minutes, plus three (3) minutes rebuttal.
All others: Five (5) minutes per speaker.^{1,3}

2. PUBLIC HEARING / QUASI-JUDICIAL MATTER. 670 Los Trancos Road [16PLN-00266]:
Site and Design Review to Allow the Construction of a Single Family House and Guest House With a Total of 10,959 Square Feet. Environmental Assessment: Categorically Exempt From the California Environmental Quality Act (CEQA) Pursuant to Guidelines Section 15303 (New Construction or Conversion of Small Structures). Zoning District: OS

Chair Alcheck: Alright, let's start with Item Number 2 then. Do you want to do disclosures before the staff report or after? Ok if any Member of the Commission has had you know communications with the applicant, I guess the applicant for Item Number 2 would you disclose those at this time?

Cara Silver, Senior Assistant City Attorney: Actually it's the applicant or any neighbor or other public member.

Chair Alcheck: Ok. Any disclosure related to this item? Please.

Commissioner Gardias: So we exchange, I exchange emails with the applicant and received the

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1 pictures and the presentation that I forwarded to Yolanda and she forwarded to all of you.

2
3 Vice-Chair Waldfogel: Yeah, excuse me, I toured the site to see the story poles and met with the
4 applicant.

5
6 Commissioner Rosenblum: I also had email exchanges and got a presentation also with additional
7 pictures and drawings of the plan.

8
9 Chair Alcheck: Ok, staff do you want to kick it off?

10
11 Graham Owen, Planner: Sure, thank you very much. My name is Graham Owen, I'm a Planner
12 with the City and I've been working with the applicants on the project that is before you today at
13 670 Los Trancos Road. So this is an application for site and design review for a new two-story
14 single family house with a detached guest house and associated site improvements and it would
15 be on the property at 670 Los Trancos Road which is an undeveloped parcel in the Hewlett tract,
16 which is a subdivision that's located between Foothills Park and the Arastradero Preserve.

17
18 So just a little bit about the project in general we're going to be going through or have been going
19 through the site and design review process. And that's a requirement that you have for any sort
20 of development in the open space zoning district for any sort of proposal that proposes more than
21 a 1,000 square feet (sf) of impervious cover or a 1,000 sf of floor area. The site and design review

-
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1 application is taken in by staff and is reviewed by the Planning Commission, Planning and
2 Transportation Commission (PTC) for ultimate recommendation to the City Council. So this
3 application is for a single family house. The main house would be 9,363 sf of gross floor area.
4 That does not include a 2,100 sf of basement area which is excluded. It also includes 1,500, 1,596
5 sf for the guest house which is detached.

6
7 So with the site and design review process the purposes of the site and design review process is to
8 provide a process for evaluating development in environmental or ecologically sensitive areas of
9 the City. The open space zoning district requires it for any sort of residential application as I've
10 mentioned. So the Planning Commission's purview is basically to review the site plan and the
11 drawings that are included with the proposal and evaluate whether or not it complies with the
12 site and design review objectives. And there are four site and design review objectives and those
13 are contained in the staff report and they are also included here in the presentation. In addition
14 since site and design review is used throughout the City in specific areas it's a combining district,
15 but in addition to the four site and design review objectives in the site in the open space district
16 you also have 13 open space review criteria and these are essentially the findings that you have to
17 make for site and design review in the open space. Most of these findings have to do with view
18 sheds. They also encourage cutting when it's necessary to fit a proposal in with the natural
19 topography of the land and that also includes provisions for natural building materials so that any
20 sort of development does blend in to the degree possible with the existing surroundings.

-
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1 So here is the site and this is a just an aerial photograph, but the Hewlett tract essentially runs
2 from this site right here to the east along Los Trancos Road and I've included the entire tract here,
3 but this is a it gives you a description of what's going on on the site. This area is high and while
4 the Arastradero Preserve to the north is low. There's about a 100 foot drop from the top of the
5 road to the Arastradero Preserve below. So it is surrounded by other open space zoning as well as
6 residential development. And here's the basic outline of the site. It's a 5.4 acre parcel. The other
7 parcels in the Hewlett tract which encompasses ten building sites range in acreage from about 3.9
8 to about 6 acres. This was done intentionally in 1980 when the subdivision was created. It was
9 originally Bill Hewlett's land constituted about 100 acres and so at the time you had a
10 development standard that required as as we do today a 10 acre minimum lot size. The idea with
11 the Hewlett tract though was instead of doing a 10 acres across each building site to instead
12 cluster the homes in such a fashion that you could preserve the areas that have higher slopes and
13 are a little bit more environmentally sensitive. So those areas are included mostly in that larger
14 tree canopy over on the to the right of the project that have a higher slope. So those as a result
15 the density for the entire subdivision was transferred to these 10 smaller building sites.

16

17 So here is the site in question. So you have as my arrow is pointing out Los Trancos Road and
18 access to the site would be off of a single driveway. The guest house would have a Hollywood
19 strip that would take you to the site where the guest house is located. Most of the house would
20 be located about midway down the hill and would constitute as I described about 9,300 sf of gross
21 floor area. The guest house would have about 1,500 sf of floor area and it would be surrounded

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1 on three sides by an oak forest. The area where the main house is situated is mostly a rolling
2 grassy hillside although there are a couple of other additional value oaks and live oaks there that
3 are present in the vicinity.

4
5 And so here are some drawings that show the elevations of the house. This would be from the I
6 believe the west, the west elevation right here so you could see the garage, it's a four car garage,
7 as well as the first and second story. One of the interesting things about this proposal is that a
8 good amount of the gross floor area is actually tucked into the hillside. About 1,900 sf or so is
9 tucked into the hillside in a sense that you have the natural topography and with the grading
10 that's proposed for the site the grade would go up to the roof level for the garage and about I
11 think 800 sf of the main house. And that gives the impression that it's subterranean although it
12 does have a green roofing system it's not just grade, it's going to have its own roofing system that
13 has the capacity to have natural vegetation. This would be the northern elevation so the view
14 that you would see from the Arastradero Preserve if you're able to see the entire site. And here
15 the elevations for the guest house which is smaller of course.

16
17 So there are a couple of key issues that we wanted to focus on in our staff reports the most
18 important is the impacts or the potential impacts, views from the Arastradero Preserve which is
19 directly to the north. There are some trails that are in the immediate vicinity and we've taken
20 some photographs of the story poles that were installed on the site to simulate the view of the of
21 the building envelope. The other key issues and this is kind of part and parcel with both the with

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1 the views and with the impervious cover that's proposed is the landscaping. In order to have a
2 Floor Area Ratio (FAR) of five percent which is what is proposed on this site the applicant has
3 proposed to restore or maintain 90 percent of the landscaping either by restoring it or excuse me
4 by retaining it in its in its current configuration in the downslope areas and also in the areas that
5 have trees, but then and also in the areas that have been regraded to restore those with natural
6 vegetation. Impervious cover that used to be the more limiting development standard in the
7 open space district, but in I believe 2006 the FAR standard was included as well. And so that's it's
8 important for ecological purposes, environmental purposes, controlling runoff and what we have
9 is about 15,000 sf of impervious cover across the entire site. So we are recommending
10 continuance of this application for the purpose of evaluating the views and we wanted to seek the
11 PTC's input on the views and with that I'll take any questions that you might have.

12
13 Chair Alcheck: Staff will you remind us after you're finished we're going to allow the applicant to
14 do their presentation and then there will be an opportunity for public comment. We don't have
15 any cards from members of the public who want to comment on this item. Are you guys
16 comfortable with us taking questions after the applicant's presentation? Ok. Why don't we do
17 the applicant's presentation and then that way we can have questions addressed to staff that
18 might be released by the presentation.

19
20 Guy Gecht: Good evening Commissioners. Ok, I got a...

- 21
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1 Chair Alcheck: Ok. Yeah, you guys have 15 minutes to present.

2

3 Mr. Gecht: Sure, I'll speak fast. Good evening, Commissioners. Thank you very much for the
4 opportunity to present our project. We're very passionate about that and so we can talk about it
5 for more than 15 minutes, but we can limit it to 15 minutes. I'm going to talk about just a bit of
6 the background of the project then I'm going to introduce my hardworking team and we're going
7 to present landscape and an architectural. This is a unique project when the landscape actually
8 determined the architecture so we go in kind of reverse order. And then I'm going to spend the
9 rest of the time and really have the topic that they brought up the view from the areas in the
10 preserves that you can see the house.

11

12 In general as you can probably detect a fairly tiny accent. My wife and I came from Israel, but
13 our kids were born here in Palo Alto. We've been raising them here. We lived here 25 years and
14 we're very excited about the area. We're passionate about two things: technology and nature
15 and this place is really reflecting that. We're very excited about can't wait to start to work and
16 move there. It's probably our last house we're going to hopefully grow old there, not too fast, and
17 we have grandkids and we like to do a lot of fundraising so hopefully we'll be [unintelligible] to
18 show people the great view and what we're doing fundraising. The story is that and I see that
19 unfortunately it's not full scale. Hopefully you can see the rest of it. The story is that as
20 [unintelligible] mentioned this is Bill Hewlett the founder of Palo, the founder of H.P. land and in
21 1980 he entered into an agreement with the, with Palo Alto and California where he donate about

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1 one third I think of 150 fifty acres to the parks and then one third became common area to create
2 additional buffer from the parks and then the rest of it the other one third was divided between
3 10 residential properties. Each property got a good view, but still with the buffers from the park.
4 And so Bill was loved nature and worked both the residential nature into this.

5
6 This is the Hewlett tract. As you can see that's not the only residential on the park. We'll show
7 you I think we worked really hard to make sure that one, ours would be one of the least view from
8 the park. There's no way to have zero visibility of the house from zero percent of the park, but we
9 got pretty close.

10
11 So I'm not going to go too much into this for interest of time. I just want to say that this is more
12 than 18 month's journey for us. We took we started actually to talk to the City before we bought
13 the property. We took a very serious approach to the code to the 14 design criteria. We worked
14 very closely... we evaluate over 50 different models and types to try to solve the criteria, the
15 neighborhood, the landscape, and our own preference for our house and you can see we actually
16 did hard models for most of those fifties to try to figure out how it works. It was fascinating and
17 we're very happy that we have an opportunity to show you the conclusion of this journey. We
18 also are very thankful to the City, Graham, Dave Dockter, and many other people worked very
19 closely with us again from before we bought it we had many meetings including on the site before
20 we submitted plans. Graham you can feel free to correct me later if you want, but I believe we
21 implemented 100 percent of the City comments so far and tried to move that along so we can get

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1 to this opportunity.

2
3 So let me introduce the design team and you can see that we tried to put a team together that
4 will accomplish the ideas that we have. So we have here Paul McClean from McClean Design and
5 Paul has fabulous designs, but one of his... the main reason we picked him is that he does a lot of
6 hillside houses. And in often time we need to take into consideration public viewing. And so
7 actually we hired him after we visit his house that he built a couple of years ago that is facing a
8 preserve on the downhill where he worked the same thing and you can see I think Paul and his
9 team did a great job on this.

10
11 Landscape is really important. It's part of our mitigation, it's part of the preserve. David Dockter
12 was very passionate about trying to restore to native. The most of the grass today is not native
13 there. And so the Number 1 goal if you go research some of you probably heard the names Paul
14 Kephart give a lot of presentation, presentation on restoration. We brought Paul and Paul will
15 talk in a little bit about all the things we do for restoration. And then we hired an arborist that
16 worked with Palo Alto quite a few times and he did a fabulous job.

17
18 I'm not going to go over all the points here. Just really take away that we tried to do, we put big
19 portion of the house below the ground. Now that's beyond the basement. We're not actually...
20 we counted [this in] FAR. It doesn't consider basement in Palo Alto, but it's below ground. And
21 then we took the rest of the building, a big portion of what's left and put it beyond trees.

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1 Unfortunately we don't have as many trees right now so the part that's left [unintelligible] we
2 worked really hard to create new trees around the blue [ox or box?] and with the grading to mask
3 as much as possible and you will see that. So let me turn it over to Paul Kephart on the landscape,
4 I'll come back to talk about the view angles in a minute.

5
6 Paul Kephart, Rana Creek Design: Thank you. Good evening, I'm Paul Kephart, I'm a restoration
7 ecologist and landscape architect and our focus here is on working with nature and integrating the
8 site and structure. I'll share with you some of those goals. We've had about 30 years' experience
9 in this area. I have done grassland restoration on Windy Hill Preserve. We've done view shed
10 analysis and mitigation planting trees on a nearby ridge. We've specialized in habitat restoration,
11 sustainable landscapes, and urban ecology.

12
13 Some of these landscape goals that Guy referred to are a reflection of their values. The living roof
14 that integrates the site and structure we're going to use natural materials, focus on impervious
15 surfaces. We have an aggressive tree mitigation program and planting plan for screening the
16 house in the critical view areas. Rana Creek also specializes in the production of trees and
17 specimen trees and native plants. We have a 30 acre nursery. You've probably seen some of our
18 vegetation recently on the Facebook living roof.

19
20 One of the key design issues for Rana Creek is the water and just how precious potable water is
21 and we're going to employ a strategy of storm water harvesting from the roof scuppers and

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1 combined with drought tolerant and native vegetation we're going to take that water store it
2 underground and then deploy it in the summer months when we don't have available water. And
3 this will potentially decrease the potable water needs by 60 percent. And now I'm going to turn it
4 over to Paul McClean and he's going to describe the methodology that was utilized for constraint
5 analysis on the way in which the house was placed and how we came about.

6
7 Paul McClean, McClean Design: Thank you very much. My name is Paul MacLean. I'm the
8 architect for the project. I have Michael Anglisano with me tonight as the project manager. And
9 first of all and thank you all for your time and also thank you for the energy and time you put into
10 your community.

11
12 I'm just going to take you through this diagram here which kind of changes as I click the slides, but
13 as you can see right now we're seeing the whole lot and as we do have five and a half acres I
14 thought it would be useful to spend some time and explain where we located the house and why
15 we had to locate it where we did. So if we move to the next slide this is the setbacks which the
16 City requires which is pretty self-explanatory, but now we're introducing the trees that need to be
17 protected and you can see how that limits the areas we have to work on the site. This blue area is
18 the ridge, ridge line and we're required to be below the ridge line with our structure so that
19 becomes a critical maximum height for anything we do. This area in purple is the very steep part
20 of the lot leading down towards the preserve which is too steep for us to build on in terms of
21 gaining access. And this area in light blue is the area between the street and where we can

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1 actually build. We have to utilize a 10 percent driveway slope per the Fire Department so by
2 locating the house essentially to 25 feet building envelope has to be below the ridge line we have
3 to work our way down to that area. And then finally this area in orange is a problem in terms of
4 its steepness, but also its adjacency to the neighbors and potential impact on privacy.

5
6 So it leaves us with three basic areas that we can work with and as you'll see in the design and
7 what you're presented we've utilized those. The one to the left, out to the bottom towards the
8 street we've tucked the guest house in between the trees and then we bridged between the two
9 other areas to locate the house where we can. And our goal with this house is to create a house
10 that's sustainable, but also use a palette of materials that's natural and reflects the palette that
11 you see in the adjacent and landscape. This particular slide is of the single-story part of the home
12 which is in the critical view shed area. We chose to try and locate that in the critical view shed
13 area so that we would minimize the impact from the preserve below. So we were able to take
14 what we're describing is a two-story section further to the left behind the tree where it's not
15 visible from below. And interestingly that's actually the two-story section there as you walk
16 across the top of the garage so it's a bit of a misnomer to call it a two-story structure. It's really
17 integrated as it steps down the hill.

18
19 Apart from the palette of materials using natural materials we want to utilize we tried to make
20 that section of the home that was visible as transparent as possible. If it's transparent on both
21 sides it will become minimal in its impact. And I think I will leave it at that for now and hand it

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1 back to Guy to talk about those impacts and the critical view shed a little more. Thank you.

2
3 Mr. Gecht: Thank you both. So I want to talk about the view from the [unintelligible] and just
4 going to give the highlights. We did a lot of research in the last 18 months, but essentially if you
5 look at that because way below the ridge there's a big portion of the trails is not going to see the
6 house and Foothill Preserve is most of it. So I'm not going to get into this.

7
8 I'm actually going to focus on the area where the some part of the house can be seen. And that's
9 0.36 miles which is 1.2 percent. So essentially 99 percent of the trails in the parks cannot see any
10 of the house. In that area some parts can see some part of the house and you can see those
11 dotted this is the area where the house is kind of disappearing, part of the house disappearing not
12 just showing because of the mitigation trees that's already in the park. So that part you can see,
13 the single story part of the house. And we provided you with the way we look at the experience
14 of where you go and how we got to this number of 1654 total yards in the trails as you can see it
15 and we thought about the expenses.

16
17 So to be honest it's not showing a lot of photos where the house has not been seen; I'm going to
18 focus on where it's the most critical part today, where we had to do the most mitigation. So you
19 can see that's a low mitigation area. You see a small part of the house with the trees we'll be
20 adding the 10 oak trees and we will be able to mitigate. That's not my concern. This is the really
21 the area where the most we spend the most time because that's the vertical part this is 500 feet

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1 where you walk toward the house [unintelligible]. And that's the toughest one to be honest. We
2 spent a lot of time on this and we... wonderful work by Rana Creek and Paul and then with some
3 cuts mitigation I think we really were able to maximize the [shining] and I'll show you that in the
4 second. I just want to be complete with the neighborhood because that was also very important
5 to us to make sure that we're not infringing on anybody's privacy. You don't see it that high from
6 people's houses and I think we're very successful with this; all the neighbors very supportive of
7 this. We kept them in and I think that all told us they saw, they sent you letters in support.

8
9 So back to this notion if you see the trees we're proposing I can't say where we got to 100 percent
10 invisible house, but this is a rendering from the worst [unintelligible] on this one percent where
11 it's visible. And that's what the worst situation would be and I think we, we're very happy [at this]
12 and hopefully you will share it with us that we got to really mitigate as much as possible and when
13 the code asked us to minimize we did a lot on minimize in the 18 months of work.

14
15 So this is other houses that we took photos when we were going to preserve our goal was always
16 to be one of the least seen house and also it's important how what percentage of the trails you
17 see it. Obviously we lot of those been seen for much more than one percent. We were clearly
18 out and I think we're very successful at this to be a lot better than the average house in the
19 preserve. So we have what we call the Ten Commandments actually 14 commandments the
20 guideline we achieved all of that, we did not ask for any variance, we accomplished we
21 accommodate every one of the City requests so far and we very appreciate the work that

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1 everybody put so far and we're eager to move forward. We have the window of April to October
2 where you are allowed to do the grading and that's the first thing we have to do here so we
3 hoping we can move forward and do it this year, not delay everything to 2018. Thanks a lot.

4
5 Chair Alcheck: Ok, we have one comment card for Agenda Item 2. Do we want take that now?

6 Yeah, let's take that now. Herb Borock you have three minutes.

7
8 Herb Borock: Thank you and good evening. The project indicates it has a second residential unit
9 called a guest house of over 1,500 sf and I don't see anything in the analysis in the staff report
10 comparing that to the site development regulations. I know that in other zones that are
11 essentially a single family residence which is what this is there is a limit on the size of the second
12 residential unit. As I recall in I guess R-1 and RE it's 900 sf. And I would think that in the site
13 development regulations for the OS zone that there would also be a size limit, but I don't recall
14 since I don't see anything in the table of conformance or compliance with that to indicate what it
15 is. Instead it's just adding up the structures the way it would if it was a garage or a barn or a silo
16 rather than a residence unit which may have a separate allowable floor area in it.

17
18 The one thing they noticed as I recall and that when this site was, when the subdivision was
19 created we had the same rules that we have now which is that subdivisions of four or more lots
20 are required to cluster them and that's why we've got this, this arrangement in terms of the
21 transfer of development potential from the common open space area. And I see that the

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1 recommendation is to continue it and I think it would be helpful to do that so that you could
2 actually see site views from high points in trails. It's unclear from what's provided in the staff
3 report it looks to be taken from roads and doesn't indicate you have viewpoints from the trails
4 within the Arastradero Preserve there are some places even Foothills Park such as... there's a high
5 point off of one of the trails like a little ridge line to that also could look down, but I think it's
6 mainly from the Arastradero Preserve. Thank you.

7
8 Chair Alcheck: Ok, staff do you want to quickly respond to the any of those assertions before we
9 get started?

10
11 Mr. Owen: Yes I would. So the guest house is not considered an Accessory Dwelling Unit (ADU).
12 The reason for that is that it doesn't have a kitchen with an oven. So it's not considered an ADU,
13 dwelling unit is living, sleeping, and eating and that requires the kitchen.

14
15 Chair Alcheck: Great. Ok.

16
17 Mr. Owen: And it does conform to the code. We don't have a specification in the code saying that
18 you can't have a guest house in the open space. It's actually quite common.

19
20 Chair Alcheck: Ok. Ok, what I'd like to do now Commissioners is sort of combine our question and
21 comments. Why don't we start on this side and we'll just go down and if we need to go two

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1 rounds we can.

2
3 Commissioner Rosenblum: Yeah, I'm going to be pretty lightweight because I think that the
4 applicant and team have done a really nice job in working with their neighbors being very
5 systematic about matching each of their efforts against each of the requirements, the 14
6 commandments so to speak. I want to ask the City are there any outstanding concerns
7 whatsoever? I didn't see anything highlighted in the staff report around things that remain to be
8 done from the City's recommendations, but I want to give you a chance to bring up anything that
9 is remaining.

10
11 Mr. Owen: When we developed the staff report we were the real reason for the continuance was
12 the views, the impact from the Arastradero Preserve. I went out with another staff member took
13 photos and I have some of the photos here today from the Arastradero Preserve if you'd like to
14 see them. And when we went to the Meadowlark Trail in particular we noticed that it's a visible,
15 it's a visible site. The story poles indicated that it would be silhouetted against the sky. Obviously
16 one of the things that you can't see now is the trees that we would be planted. I believe that
17 they're proposing 10 trees to mitigate the loss of 1 that's going to be cut and it's dying and
18 diseased. We have an arborist report for that. And so that's one of the things that we weren't
19 100 percent on is what is the impact going to be once the trees are there because it's as it is it's a
20 grassy knoll. It doesn't have the benefit that some of the other sites in the Hewlett tract have
21 which is established [unintelligible] basically.

-
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1
2 Commissioner Rosenblum: Yeah so I'm, I appreciate that comment because I think as a PTC body
3 the reason that you have us have to look over these things is that the subjectivity I think is largely
4 in how you perceive the view and how disruptive it is and how mitigated it is. And other things I
5 think are more... it's an easier standard to measure whether or not they preserve trees of certain
6 diameter or whether or not they adhered to the recommendations of the arborist, whether or not
7 the water use requirement is excessive, etcetera. But this is the one, is it a disruptive view? And
8 based on the report and based on all of our enjoyment of the open space it seems like the
9 applicant has done a very good job and if the views represented in the presentation are
10 representative of what you would get in the worst case on the Meadowlark Trail then as a hiker
11 myself I would be comfortable with that especially given the existing houses, but I wanted to ask.
12 So it seems like the City spent their time mostly on the view and view mitigation so I appreciate
13 that. I have no further questions.

14
15 Commissioner Summa: Hi, well I wanted to thank everyone for the presentation and it looks like
16 you put a lot of thought into restoration, retention of landscape, and also this specific sighting of
17 the structures on the house. That being said I did appreciate that staff still had some reservations
18 about the views so I just want to make that comment. I'm kind of confused about the second
19 unit. It says in the staff report on packet Page 10 that a second unit is only permitted in the open
20 space district on properties in excess of 10 acres. So I don't think... well how big is the
21 kitchenette? So it looked like it was like fourteen by maybe six or seven or eight feet. Because I

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1 mean I don't think the oven is a significant issue that would mitigate whether or not it's meeting
2 that requirement. So and I'm not sure how staff would recommend dealing with that.

3
4 I also had a question about the changes the ordinance and variance changes since the subdivision
5 was made and I'd like staff's advice on this. Would a new subdivision have to be submitted and
6 approved because of the two ordinance changes 3345 and 5062 I think and the one variance
7 which was just I think two years after the subdivision. So that's something I'd like advice on. That
8 being said I mean since we do allow buildings here I understand that may not be 100 percent
9 possible to mitigate the view and I really appreciate the outreach of the neighbors; however, it's
10 not the neighbors I'm as concerned about it's people who don't have the benefit of living in an
11 open, beautiful open space area like that who live in a more urban area and need to use the park.
12 I think a lot of people in Palo Alto appreciate that we have stricter requirements than some of the
13 neighboring communities to preserve views. So I wouldn't mind being more convinced that the
14 views were being, weren't going to be impacted too much.

15
16 So oh the other thing I wanted to say I wanted to make sure that the tree that was being removed
17 I think it's a valley oak or white oak so it wasn't susceptible to Sudden Oak Death (SOD), but I just
18 wanted to make sure that that's accurate and that any tree material that was infested with that
19 would not be removed from the site. So that was just a comment I wanted to make and let me
20 see... did you, do you have the exact dimensions of the kitchenette by any chance?

-
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1 Jonathan Lait, Assistant Director: Looks like it's 19 by 9 feet the kitchenette?

3 Mr. Owen: Correct, yeah it's 13 by 9. It's 13 by 9 so...

5 Commissioner Summa: Ok, so I guess I would still need to be convinced that an oven was really
6 going to change that, but from being a full kitchen.

8 Mr. Lait: So if I may Chair? One of the... one of things that we use for our guidance on whether we
9 would classify this as a second dwelling unit is the definition of a dwelling unit in the zoning code
10 and the I'll just restate or I'll state what the definition says. It's in [Chapter 1804030 number 46],
11 dwelling unit means a room or group of rooms including living, sleeping, eating, cooking, and
12 sanitation/bathing facilities constituting a separate and independent housekeeping unit occupied
13 or intended for occupancy on a non-transient basis and having not more than one kitchen. So
14 when we look at the floor plan for the second, for the accessory structure it checks I would say
15 most of those boxes, but the one that it doesn't check is the ability to have independent cooking
16 without the range or without the stove that's a function of the cooking part of it. So in the past
17 what we've done consistently is you can have a kitchenette, you can have a wet bar and a sink,
18 you might even have a microwave in there, but if it doesn't have an oven or a stove component
19 we've not considered that a dwelling unit. And so the Commission may have some thoughts
20 about that, but that's what went into our and has gone into our thought process previously.

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1 Chair Alcheck: Ok, thank you staff. You know an interesting side point you can't get a mortgage if
2 there isn't a range and like a stove. You need a construction loan. So I'm satisfied with that
3 definition. So I won't I'm just going to cut to the chase; would you mind putting the slide up with
4 the criteria that we need to review? That's number three on the staff presentation.

5
6 While you're doing that I'll just say that I think that this satisfies all 4 of the criteria and all 13 of
7 the open space review criteria. To my fellow Commissioners the objective is not invisibility it's to
8 minimize visibility. And that's a really tough balancing act. It's almost laughable that slide that
9 shows all the different complexities of the property and the three spots that you guys can build
10 on. It's almost like it's almost funny if it wasn't potentially so costly. I think some of the things we
11 heard tonight are sound very cutting edge and I think it's worth sort of recognizing that those the
12 implementation of let's say the water recycling process. I mean these are things that only the
13 most fortunate of homeowners get to really implement and they stand as sort of as a guideline for
14 people all over the country when they have an opportunity to develop something and how can
15 they make it more friendly to the environment your average homeowner will never expend the
16 funds necessary to recapture water the way that you're considering. And I want to applaud you in
17 that effort for doing that because it's not entirely clear how much of that you would be required
18 to do.

19
20 So again I'll just say that I found that the four criteria were satisfied. I will, I'm prepared to
21 support a Motion that recommends that we that this project be approved with basically standard

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1 development conditions that we typically incorporate into... I know that we don't have in this
2 packet those standard development conditions, but they're pretty straightforward and they get
3 incorporated into most of our open space reviews. It's worth noting that as a Commission we
4 typically don't review this. We don't frequently review projects like this maybe once a year,
5 maybe once every two years we get a project in the open space. So it's not something that we do
6 very often, but the development conditions are typically pretty standard and even though we
7 don't have them here tonight I'm comfortable moving this forward with the incorporation of
8 standard conditions without having to bring it back to the Commission. But I'll let my other
9 Commissioners sort of opine on whether or not they feel that the criteria up on the on the board
10 is needs greater mitigation.

11

12 And then I'll just say that I interpreted the staff report as just being a little gun shy. I feel like
13 everything's there and you want a little bit more time to say yes. And I'm guessing the applicant
14 wants to get started in April because they probably have from April to October to do their grading
15 before they probably can't grade based on the grading limitations in the City. And so their
16 timeline is I'm guessing, but you can let me know if that's true. Yeah. So considering that they've
17 been in this process for a long time I'm hoping that we can make this, we can be efficient with our
18 time. Ok, Asher would you like continue?

19

20 Vice-Chair Waldfogel: Yeah, just a couple of quick comments. I also want to thank the applicant
21 and the team for a careful, thoughtful, analytical process. I do actually want to thank staff for

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1 bringing this forward in this way because there is a judgment call here and I'm glad that you raised
2 the judgment call and brought it to us. I am in agreement with my several of my colleagues in
3 supporting this moving it forward with standard conditions. I would like projects like this to come
4 to us sooner in the process in the future if that's possible, but I won't stand in the way of this one
5 kind of given where it is in the process.

6
7 Commissioner Lauing: Ok, thank you. This definitely did not come to this Commission half-baked.
8 It was very well baked and very well prepared. It is a very large structure so what comes to mind
9 is if this were continued and you were asked to do something a little bit different to make it even
10 better in conformance if there are contingency plans as to what would happen. I mean the
11 obvious thing would be to make it smaller than almost 15,000 fifteen thousand sf of living space
12 including the basement. Another thing that obviously comes to mind is that we could say you
13 have to put up big trees not small trees because it takes a long time for trees to grow. So there
14 should be, could be some specification on that one.

15
16 The question maybe to the staff in general is do we think that we would might want some more
17 public comment on this? Would this be a reason to continue it? I don't see a lot of cards tonight,
18 right?

19
20 Mr. Lait: Yeah I would say to that point we don't typically get a lot of public comment on open
21 space homes in the hillside. It's 600 foot radius and that usually encompasses only a few

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1 properties in the area. We did provide notice to Portola Valley as there might be some trucking
2 routes through that City. We've advised them. We did the standard mailing. We posted on the
3 website and posted it on paper. It's not the lack of public participation which at least from our
4 perspective would be the reason to push the item forward. It's more of the Commission's
5 deliberation and whether or not you would feel like you would need some more information
6 because we believe that we've got it adequately noticed. We certainly have done it in compliance
7 with the code and then some.

8
9 Commissioner Lauing: Ok. I think of all the criteria the one in the Comprehensive Plan that is
10 going to be a gray area or subjective area as you said is this issue of is it low intensity
11 development enough. But that's a sliding scale that's not put together with 14 criteria. So that's
12 where the whole size of the project is the question that comes to mind and the size of the
13 landscaping to obscure some of that. I do want to just underscore what one other Commissioner
14 said which is that is the citizens even more so than the neighbors and there's only so much open
15 space granting that there are other houses there. So it's not like it's an empty canvas that you're
16 putting the first structure in place.

17
18 The... and I just I do think that the particularly the mitigation plan on tree protection is very well
19 done. So I'm cautious on these kinds of things because it's huge. So it's kind of borderline to me
20 in terms of what you think might be the right thing to do, but if it's just to get our opinion as
21 opposed to the public opinion then I could be persuaded to support moving forward.

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Mr. Lait: And just if I can just clarify that point? We certainly value and welcome the public's opinion. There is an opportunity and a forum for that and you just had it with your when you open up the public hearing you heard from Herb Borock and some of the comment letters that have come in. So it's not that we're just interested in it's the Commission that makes that gives the recommendations that would that's what we move on, but obviously there is the public input that is valuable to the Commission and its deliberation.

Commissioner Lauing: And just a follow up on one of my own questions; is it would be possible to specify the size of the landscaping when it went in?

Mr. Lait: That is within the Commission's discretion. We would probably want to and maybe you already understand what size options are available.

Mr. Owen: In terms of the amount that needs to be restored and/or to remain in order to have the FAR that they're requesting they need to restore or retain in its natural state 90 percent of the lot. And so what they've proposed in the landscaping plans conforms to that requirement.

Mr. Lait: What about size trees?

Mr. Owen: The size of the trees we do have standard conditions of approval for mitigating the loss

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1 of a tree. We have a replacement ratio that adheres to a tree technical manual that is City policy.

2 I believe that the current (interrupted)

3

4 Commissioner Lauing: It's very minimal. I think it's very minimal, the master plan, Forest Master
5 Plan.

6

7 Mr. Owen: Ok, so and that was what I was going to get to is that I believe that the mitigation
8 requirement that Dave Dockter had recommended is above and beyond what is standard
9 [foresee] for the replacement for the one tree that's being removed.

10

11 Commissioner Lauing: I see. Ok, thanks.

12

13 Mr. Lait: And again Dave Dockter is the City is one of a is a member of the City's Urban Forestry
14 Division and if the Commission felt that additional because the findings that you need to make if
15 additional landscaping were warranted or larger specimen trees if available could be established
16 that's within your discretion.

17

18 Chair Alcheck: Excuse me. Just to be clear is Dave Dockter's above and beyond recommendation
19 incorporated into the plan as is?

20

21 Mr. Owen: Yes it is.

-
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Chair Alcheck: Ok, Commissioner Gardias.

Commissioner Gardias: Thank you. So I'd like to have this conversation more... I mean between this different parties I will have different questions so, but let me start with this, right? We talk about this in the past and before I just get to it, Cara we'll truly miss you, right? So if you just want to come into another session we'll accommodate you and I don't know how we can move forward without you. I mean probably we should shut down for one year or maybe you're going to consider another position so.

But just remind me we had this conversation when we reviewed prior Los Trancos development and I asked this question if this goes to Architectural Review Board (ARB) and I believe it does not, right? There reasons that I'm saying this and I'm just bringing this again I think that with the whole respect to the seniority of my colleagues on this Commission I think that the process is broken because this Commission is not equipped with the knowledge and with the process of looking into the projects like this. So my recommendation is that we need to change the municipal code to either have additional review by ARB to address some other items that are out of our purview or just remove it totally out of our hands. Currently it's a mixture of the because there is a traffic impact, but you have also visibility, some privacy, aesthetics so it's just not a disco mission. It's and it's a purview of the other Commissions. So I think we need to add it to our omnibus or some other items that would allow us to correct this process.

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So with saying this let me just get to the, to this project. So as I said I have a couple of questions that are to staff and to the applicant and before I get them thank you very much to the applicant for just preparing a presentation and just making this additional effort to provide us with additional pictures of the site, of the stakeout from the trails. I appreciate this. Thank you.

So now let's get to some detailed questions and they will be coming from random items, from random areas. So the Number 1 is that there is a portion of the building that's underground that's beyond the roof parameter. Does this area count toward impervious area square footage?

Mr. Owen: Which area in particular are you referencing? Because the garage does count towards the gross floor area and the portion (interrupted)

Commissioner Gardias: I'm not talking about the, not talking about the gross floor area, I'm talking about the impervious area. There is a portion underground portion of the building so that is beyond that parameter of the story that's above it. I don't know what is that because the plans are not maybe labeled readably or at least I couldn't read them, but (interrupted)

Mr. Owen: Can you tell us the page number that you're on?

Chair Alcheck: I haven't closed the public hearing. Does it make sense to invite the applicant up

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1 and help bring clarity to this?

2

3 Mr. Lait: Absolutely. That's you're certainly welcome to do that.

4

5 Chair Alcheck: Ok. Do you guys want to sort of approach the podium and provide clarity on any of
6 Commissioner Gardias' questions?

7

8 Mr. Owen: Are you referring to the garage that is buried?

9

10 Commissioner Gardias: Yes, there is a portion of the building that's underground and my
11 apologies I should have marked this on the plan, but I recognize that there is a clear portion of the
12 building that is beyond the walls of this structure super... that's on top of this. It just goes beyond
13 that the parameter.

14

15 Mr. Kephart: Yeah, I think I can address that. That's the area above the garage and that has two
16 to two and a half feet of soil on top of it and it's blended into the natural landscape and it's
17 completely pervious in its nature.

18

19 Commissioner Gardias: So it doesn't count to the impervious... I understand because you have the
20 management of the water, right, and so this is living roof from your perspective so, but it doesn't
21 count toward the impervious area because of this fact.

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Mr. Kephart: Correct.

Mr. Lait: So staff has I think a different take on it.

Mr. Owen: My understanding was that the garage area did count towards the impervious, oh excuse me, pervious. I'm sorry. Sometimes I get them mixed up.

Commissioner Gardias: Ok, so pervious. So yeah, so there is a limitation of the impervious area. So I'm asking about impervious area not the pervious area.

Mr. Owen: So the garage area and the other below grade area that have soil on them would be pervious.

Commissioner Gardias: Would be pervious, ok. So doesn't count toward the impervious area. And where does the water drain from that area?

Mr. Kephart: That living roof the growing media will attenuate 60 percent of all rainfall during peak flows and then the rest of the water will be collected in the below ground cistern so they'll be a zero runoff condition.

-
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1 Commissioner Gardias: Ok, but from that portion of the garage that's buried where does the
2 water drain to?

3

4 Mr. Kephart: Into the cistern.

5

6 Commissioner Gardias: So there are some drains, area drains that collect the water from
7 (interrupted)

8

9 Mr. Kephart: Absolutely, yeah.

10

11 Commissioner Gardias: Ok.

12

13 Mr. Kephart: But 60 percent of all the rainfall that falls on that site will be adsorbed into the
14 growing media during peak flows and then the remainder will go into our cistern for reuse.

15

16 Commissioner Gardias: So you collect 40 percent. So let's talk about water for a moment, right?
17 So you collect 40 percent you retain 40 percent on the site. You allow runoff along the existing
18 run off areas of 60 percent of that water. How does this when you work on this you must of asked
19 yourself a question how this compares with the natural soil saturation and the runoff. How much
20 this site retains currently when you compare it to your residence, to your project, sorry.

21

-
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1 Mr. Kephart: Well we don't have a baseline as yet, but the idea is to create topography and
2 topographic relief, use best management practices such as bio swells and rock line channels.
3 We'll want to infiltrate as much of the water as we can. We've also matched the contours and
4 drain lines, natural drainage patterns on the site so that we're going to minimize runoff
5 completely on the site.

6

7 Commissioner Gardias: I understand. The reason why I asked this question is because not like the
8 flat area of Palo Alto where we can where we would have a propensity to retain the water
9 because this is the water that belongs to that lot here you have a natural run off. So somebody
10 may raise an argument that this is not your water, right? You retain portion of it, but the question
11 is does the portion of the water that you retain would be same or similar to the portion retained
12 naturally?

13

14 Mr. Kephart: Absolutely and it's retained during short duration high frequency events.

15

16 Commissioner Gardias: And then what the water is used for landscaping?

17

18 Mr. Kephart: Reused in the landscape or returned to the natural topography and allowed to run
19 off.

20

21 Commissioner Gardias: I see. Ok, thank you very much. If you don't mind I have since you're

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1 there, right, I have a question about the spreader. I think that this is your design.

2

3 Mr. Kephart: About which?

4

5 Commissioner Gardias: I can tell you which spreader I'm looking for this is the one that's on the
6 northern portion of the lot where the [feel/fill?] occurs and this is on Page... this is on Page [a C
7 2.0].

8

9 Mr. Kephart: Ok let me reference it. I'll have to take a look.

10

11 Commissioner Gardias: Ok, so yeah so please take a look at this. [C.2] you have two spreaders
12 that are on the north end of the field.

13

14 Mr. Kephart: [Unintelligible – off microphone]

15

16 Commissioner Gardias: So when you have a front when you have a most northern part of the
17 building, of the residence, that extends with the I think that it extends with the flat area or just or
18 some area that extends with a field and at the bottom of the field there are two spreaders as they
19 should have been there. And then my question is about is I couldn't (interrupted). These two,
20 this one and these two. Ok? So my question relates to the water run off management. I didn't
21 see on the landscape drawings any swales or any landscaping that would work in tandem with the

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1 spreader.

2

3 Mr. Kephart: I understand what you're saying, yeah. Those will be infiltration or slope
4 interrupters and that water will go down into a swale and then vegetation will be planted within
5 those areas.

6

7 Commissioner Gardias: Ok. So I couldn't observe it on the drawing so maybe it will be there or
8 just or maybe I missed it so.

9

10 Mr. Kephart: As our landscape plans are developed all those details will be developed as well.

11

12 Commissioner Gardias: Ok, so they're not there yet, but I have your word that they will be there?

13

14 Mr. Kephart: Oh yeah, absolutely.

15

16 Commissioner Gardias: Very good. Thank you very much. And then just a comment, right, but it's
17 please don't take it personally. It's just about the quality. When we look at the plans like this
18 we... the plans are more finished. Some of the drawings here they look like they are still work in
19 progress. And then when I was looking at the civil drawings some information about the water
20 run off that the slopes and the treatment of the water specifically that the drains of the access
21 road it's not information it's not there. So because to fulfill our mandate we need to have this

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1 information to make sure that this is done properly because sometimes the design is not up to the
2 standards, but I'm just raising this question because I know that staff is noting this and I hope that
3 they will look after those civil drawings to make sure that water management is done properly.
4

5 Mr. Kephart: Ok, I'll talk to the civil engineer about those specific requests.
6

7 Commissioner Gardias: Thank you. And another question is about the soil management. I don't
8 know who can answer this. What's the soil (interrupted)
9

10 Mr. Kephart: Oh soil. Sure, erosion controls and (interrupted)
11

12 Commissioner Gardias: No, no. This is about the soil management. So you've had to get to build
13 this beautiful structure you excavate and then you fill. How much of the soil that's on this lot will
14 go to the waste, how much would be retained on the site?
15

16 Mr. Kephart: I don't have the, do you have it? Ok. But our strategy is to harvest the top six inches
17 of the topsoil of course and retain that to put back on the site because that's where most of the
18 seed bank is and the fertility. That's part of the soil management plan and I believe the
19 calculations are on the drawings for the cut and fill balance.
20

21 Commissioner Gardias: Ok. So just a quick question; so how much soil would be taken away from

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1 the site?

2

3 Mr. Kephart: Like I said the cut and fill calculations are on the drawings.

4

5 Commissioner Gardias: Oh, they are there? Just the number please, yeah. One number.

6

7 Mr. Gecht: So the natural thing of the cutting they allow for the mitigation and be below the
8 range, it's probably going to be somewhere in the 12,000 to 14,000 cubic foot. We're still trying
9 to work it down because it's expensive to get it out, but that's what you need to do in order to
10 bring the entire house below the ridge which is the what the 14 commandments of the open
11 space.

12

13 If I may just 10 seconds there was a question about public notice which was very important
14 question. The code that requires the two weeks of story [boarding] we actually did six and for a
15 variety of reasons. And so I think it's also speak to the fact that six weeks it's out there and if it
16 was too big a problem you probably would have heard much more.

17

18 Commissioner Gardias: Ok, thank you. Let me see if I have any other questions.

19

20 Chair Alcheck: While you're thinking I just want to reiterate something and staff, correct me if I'm
21 wrong, but in this site and design review stage the applicant hasn't submitted any of their plans to

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1 the Building Department yet. And so I think it's important for us to just all be aware that the next
2 step for them once they're completed with this process is to prepare their themselves for that
3 submittal and bringing themselves into compliance with all the requirements of the Building
4 Department; for example, with respect to grading and some of the drainage questions that you're
5 discussing right now. So for example, whether I don't know that you have a civil engineer yet, but
6 they have a civil engineer. The next step will be to prepare civil engineering plans that not only
7 the Building Department will review, but they have to approve and sometimes there's a back and
8 forth.

9
10 So elements of the current plan that you're reviewing that may seem unfinished are
11 understandably unfinished because they have to get through this process before they can prepare
12 those finalized plans. And preparing finalize plans at this stage would potentially be redundant if
13 for example you felt that the site was located in a place that didn't satisfy our requirements and
14 then they had to move it then they would be essentially creating a second set of finalized plans.
15 So anything that you see unfinished doesn't necessarily suggest that it won't comply with the
16 code as it's written it just hasn't, they haven't taken it to that stage yet. And they will still be
17 subject to all the requirements of our current building process. I just want to make sure that
18 we're all aware of that. Ok.

19
20 Commissioner Gardias: Alright just for the record I want to disagree with this comment because if
21 there is information not provided to us we just cannot relate to it. So it's not about not having

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1 trust in the process, but we need to receive the information like we would receive on another
2 project. So that's I think it's a normal submittal and review process and that's the only thing I was
3 looking to this because the projects come to us at a different quality levels. Sometimes they are
4 better. Sometimes they are not up to the code. I just I said clearly that I entrust staff just to
5 follow on this process, but I just wanted to make the architect and designer aware as they may
6 come back to us another time. But also staff may be in the position to enforce the quality of the
7 submittals.

8
9 So I have another question may I? So in terms of the now it's to staff so we have new regulations
10 about the basement dewatering. Does those regulations apply to the in the to this Los Trancos
11 area? And will there be any dewatering for this site?

12
13 Mr. Owen: I don't know the answer to that question. I would (interrupted)

14
15 Mr. Lait: So yeah, if there was dewatering required it would be subject to the City's dewatering
16 requirements. I'd be very surprised if dewatering was required as part of this development.

17
18 Commissioner Gardias: There will be no dewatering? Can you confirm this?

19
20 Chair Alcheck: No I don't think he can confirm it. I think what he's suggesting is that he would be
21 very surprised and the reason why is because it's at the top of the hill. And so typically the

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1 dewatering regulations apply if for example their grading consultant or there earth soils
2 consultant determines that there's water at a level that their structure would potentially I think
3 it's what is it, seven feet with? I don't know what the criteria is, but they dig and if the water table
4 exists at a height where they will reach then they'll have to create a dewatering plan. And correct
5 me if I'm wrong that would only be determined at the time that they submit their plans to the
6 Building Department or how would that work?

7
8 Mr. Lait: We typically discover that during this phase. We do send the plans to other departments
9 for review and comment that we would probably get back from Public Works is A) you're near the
10 flood zone or you're in the flood zone or you're near the flood plain and dewatering it would be
11 anticipated and there are these regulations that apply.

12
13 Chair Alcheck: Right.

14
15 Mr. Lait: I'll look to Graham. I don't we don't have any of those comments in the record from our
16 Public Works Department for this property 670 Los Trancos.

17
18 Chair Alcheck: Ok.

19
20 Mr. Owen: With the standard conditions of approval for any sort of residential development with
21 a basement you'll have a standard condition of a dewatering plan just in case there is ground

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1 water that's penetrated when you get to the basement.

2

3 Chair Alcheck: Ok. So there's a failsafe.

4

5 Commissioner Gardias: Otherwise thank you very much.

6

7 Chair Alcheck: Ok, I have a light from, sorry hold on a second, from Commissioner Rosenblum. Go
8 ahead.

9

10 Commissioner Rosenblum: Yeah just briefly because we've had a long discussion. I appreciate
11 Commissioner Gardias doing the due diligence on this, but I would argue that a lot of the
12 questions are outside of what our purview is which is pretty clearly stated. And I think it's useful
13 to link each area of our concern to a specific area that's called out in our PTC purview. And so this
14 is with regards to the quality of design I think it's important to look at what stage things are
15 coming to us. Commissioner or Vice-Chair Waldfogel made the point that he'd like to see this
16 coming even earlier.

17

18 So this is much earlier than many other things that come before the PTC. It's a much different
19 kind of project. It gets captured and brought before us because of its situation in the open space
20 and therefore we're seeing it at such an early stage to basically make sure that this that the sight
21 lines for the users of the parks are not disturbed. And I think that's almost the main purpose for

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1 us as an advocate for the residents of Palo Alto to make sure their enjoyment of the open space is
2 not disturbed. And so to the extent that they meet the other statutory requirements around the
3 cuts and fills, around the replacement of trees, etcetera, things that are easier for the City to
4 measure I think that our role I just want this on the record is around our role as stewards for the
5 open space for the citizens of Palo Alto. And that has to do with the sightlines. That's my opinion,
6 but I also think that is reflected in how they defined our purview. So while I appreciate your
7 comments on the architectural drawings and understanding every aspect I would argue this is a
8 different kind of project than many that get put in front of us.

9
10 Commissioner Gardias: I understand and appreciate this comment, but when I read a paragraph of
11 Municipal Code 18.30.G it says that in order to assure that use and development will be
12 harmonious with other uses in the general vicinity will be compatible with environmental and
13 ecological objectives and those clearly pretty much address questions that I asked. But then as I
14 said at the beginning I'd rather just pass my mandate onto ARB because I think that there are
15 better equipped.

16
17 Chair Alcheck: Ok, alright Commissioner [Note-Vice-Chair] Waldfogel.

18
19 Vice-Chair Waldfogel: I may need some help on this because I'd like to propose a Motion and
20 given what we have in the packet can I propose a Motion to recommend approval of the standard
21 conditions or do I have to, does the Motion need to be to bring it back to us with standard

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1 conditions? Which of those two is available to me?

2

3 Mr. Lait: If you just give us one second on it? Ok, so (interrupted)

4

5 Chair Alcheck: Before you respond I'm going to take this opportunity to close the public comment
6 portion of this hearing and let that be noted.

7

8 Mr. Lait: So thank you. We just wanted to make sure we were giving you the right guidance on
9 this. So we do believe that you could take an action on the item this evening to forward a
10 recommendation to the City Council it sounds like approving the project or at least that sounds
11 where the Motion is going. And we don't really have a whole lot of standard conditions, but we
12 do have and this is nuance, we have typical conditions that we apply to projects and it's the type
13 of stuff that we get for from every department about applying the standard issues that we see in
14 the code. We don't have any, do not anticipate any special conditions that we would apply; if the
15 Commission were interested in a special condition regarding trees that would be a special
16 condition. So yes, I guess the short answer is you could draft a you can make a Motion and if
17 there's a second and support for it, it could go forward to the Council. And there's going to be a
18 public hearing at the City Council as well so if there is anybody who was aggrieved or concerned
19 about our typical conditions there would be a forum for a dialogue about that at that time.

20

21 Chair Alcheck: Ok, why don't before you make the Motion I'd love to follow the same sort of

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1 program we've been utilizing the last two sessions which is that you make a standard Motion and
2 then we can treat let's say any additional conditions as Unfriendly Amendments that would
3 essentially get a up or down vote by the Commission and to determine whether or not they're
4 incorporated into the Motion. Ok? So.

5
6 MOTION

7
8 Vice-Chair Waldfogel: Ok, so I'd like to recommend approval with typical conditions.

9
10 SECOND

11
12 Chair Alcheck: Ok and a second? I'll second that Motion. Before I let you speak to it are there any
13 proposed amendments?

14
15 Commissioner Summa: Ok, I'd like to make some amendments.

16
17 Chair Alcheck: Let's do them one by one.

18
19 Commissioner Summa: One by one? Ok. One is is that I cannot be comfortable with the second
20 unit status it is not analyzed in any depth in the staff report and it seems to rely on that sometime
21 in the future there may be a change in the law about second units. The law clearly states to have

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1 a second unit here you have to have 10 acres and I don't find the oven issue to be rigorous or
2 compelling enough. So I would like that to be examined further. So I'd like to take that off for
3 now until that is resolved. And I would like also to mention with regards to making the Finding
4 Number 4 that the use will be in accord with the Palo Alto Comprehensive Plan, the
5 Comprehensive Plan requires that projects be legal with regards to their consistency with the
6 municipal code.

7
8 And one thing I'm embarrassed that we did, not embarrassed, that I'm not happy with one of the
9 13 criteria for the open space is that building should use materials and earth tones or subdued
10 colors. They also I understand should be reflective. We haven't seen I had asked staff and I
11 thought we would have a materials board. Oh. Well we didn't see it.

12
13 And I would also ask that some consideration be given by the applicant and the applicant's team
14 to further reducing the views from the preserve. And I wonder I don't think we've got too much
15 specificity with all the trees that are screening it will they be deciduous or non-deciduous trees?
16 And I think one of my colleagues brought up the fact that there could, could there be bigger trees
17 and would it work even a little better? With that being said I wish we could resolve these issues
18 for you very quickly so you can move ahead on schedule with starting in April when you would be
19 allowed to. Those are my main concerns and I also I had a slight concern about the access road to
20 the guest house and somebody had a term for it I forget if it was staff or the applicant. It was a
21 holiday something?

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Mr. Owen: Hollywood strip.

Commissioner Summa: Hollywood, thank you. I wasn't familiar with that term. So Criteria Number 4 says developments should be clustered or closely grouped, blah, blah, blah. Make it less conspicuous and minimize access roads. I had a slight concern that that was a pretty big road on the site and I didn't know if that had been explained fully. Am I right in thinking it's two 18 inch tracks that are paved and the rest is native plants? So I don't know if any other colleagues are interested in that, I just wanted to get on the record. But I feel that the particularly the other issues I mentioned have not been resolved.

Chair Alcheck: Ok let me just get some clarity here. Let's assume for a minute there was consensus that the kitchenette created some problem. Is that within our purview? Could we create a condition that suggested eliminating the kitchenette from the guest house?

Ms. Silver: So you obviously need to make a finding that this is consistent with the zoning code requirements. So to the extent you find that the second unit does not meet the zoning code requirements for an accessory unit then that certainly is within your purview.

Chair Alcheck: So just to be clear if we were going to make a finding like that what happens if it's...
let's say that contradicts the staffs, let's say that contradicts the interpretation by our Building

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1 Department. Like how do we, how would that be resolved?

2

3 Ms. Silver: Right. So you know I don't know that it's necessarily a finding it's a recommendation to
4 Council that this does not comply with the zoning code is one way to frame it. Another way to
5 frame it is perhaps as a condition that the accessory unit is you recommend approval of it, but
6 that it be built in a way to meet the definition of an accessory unit i.e. it shall not have any kitchen
7 facilities.

8

9 Chair Alcheck: Ok.

10

11 Ms. Silver: So two options.

12

13 Chair Alcheck: Ok so what I'm going to do is I'm going to go to Ed and do you have an amendment
14 to the current Motion?

15

16 Commissioner Lauing: Yes it might have been commented on.

17

18 Mr. Lait: So just [unintelligible] there I don't know that the Motion has been seconded.

19

20 Chair Alcheck: I seconded it.

21

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1 Mr. Lait: Did you second it?

2

3 Chair Alcheck: Yeah.

4

5 Mr. Lait: Ok, thank you.

6

7 Chair Alcheck: And I'm looking for a specific amendment. So essentially for example if you wanted
8 to suggest that a specific condition be added (interrupted)

9

10 Commissioner Lauing: That's what I was going to do, but I don't know if you put a Unfriendly
11 Amendment on the table or you were just making comments?

12

13 Chair Alcheck: I heard comments, but if you want to make a specific...

14

15 Commissioner Summa: I'd like to clarify; I'd like to help the applicant get their guest house they
16 want by having staff come back to us with a way that I can understand that it's legal. And I don't
17 know what the process would be, but I'd like... that's what I'd like to see because I, they want to
18 have a guest house. So...

19

20 Chair Alcheck: Yes.

21

-
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1 Vice-Chair Waldfogel: What is your concern relative to the lot size?

2

3 Commissioner Summa: That it's not legal to have that guest house unless the lot is 10 acres and
4 that other people in these situations are expected to applicants are expected to follow the code.

5 That's all.

6

7 Vice-Chair Waldfogel: Right, but the so maybe staff could clarify this; the total parcel is 10 acres
8 including the share of the common land and do we count that in this case or not? I mean I
9 noticed some notes on Page 1 of the plans that there is some disagreement here and could you
10 clarify that?

11

12 Mr. Owen: The site is 5.2 acres I believe. It's either 5.2 or 5.4; 5.4 acres. So that would be the
13 area that we consider to be for zoning purposes the site area. I believe that the property owners
14 also have a 1/10th ownership in the common areas, but for the purpose of applying development
15 standards we would use that 5.4 acres for FAR, for impervious cover (interrupted)

16

17 Vice-Chair Waldfogel: That's not what we do in the Research Park.

18

19 Mr. Owen: But that Stanford owns the entire parcel.

20

21 Vice-Chair Waldfogel: Right, but I mean I just want some clarity here because there's ownership

-
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1 on these other 4.52 acres.

2

3 Mr. Lait: Right.

4

5 Vice-Chair Waldfogel: And I'm just unclear on whether that's whether that's germane or not.

6

7 Mr. Lait: So the subdivision for this property clearly delineates the property with property lines
8 and that's been recorded with the map and that's the 5.4 acre site. In the Research Park there's,
9 there aren't the property lines that you see on this condition, it's lease lines. And there is a
10 another property or properties that are held in common ownership and that is a separate law and
11 would not be considered part of the square footage for this parcel.

12

13 Chair Alcheck: Ok...

14

15 Commissioner Lauing: But did we clarify that this ADU does not, is ok?

16

17 Chair Alcheck: So right now what's... if I could sort of summarize the current situation the staff's
18 interpretation of this the City's interpretation of this application is that this is not a second
19 dwelling unit because it doesn't have all the requirements that we require. And just to be really
20 clear you can't build a home in this City without a range and an oven. Even if you, if they had
21 come with just one structure and it didn't have an oven and a range that would be problematic

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1 because it wouldn't have a kitchen according to our definition. So right now what we're dealing
2 with is I believe Commissioner Summa's sort of un-comfort with that being the only reason why
3 the guest house isn't deemed a second unit, but so that's where we're at with that. I, my read is
4 that she's not prepared to support the Motion because she's not comfortable with that, but I
5 don't have a specific amendment so I want to move on and see if I can get an amendment and the
6 objective here is to see if we have a majority of individuals to support a Motion so.

7
8 Commissioner Lauing: My amendment would be on the tree size.

9
10 Chair Alcheck: Go ahead.

11
12 Commissioner Lauing: And not being an arborist I'm not quite sure how to phrase this, but if we
13 could specify that the mitigated mitigation trees and trees in general would obscure the building
14 in five years or something along those lines. So it would specify kind of the size of the trees that
15 would go in at this point hence they wouldn't be five gallon trees, they would be large ones
16 requiring heavy digging.

17
18 Mr. Owen: Just to clarify the mitigation trees that have been proposed for the loss of the one are
19 currently proposed at six feet in diameter at the time of, of the crown diameter at the time of
20 planting. So it's just a baseline.

- 21
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1 Commissioner Lauing: Are these the ones that would be going in front of the high elevation that
2 would be viewable from Arastradero trails?

3

4 Mr. Owen: Yes. Yes they are.

5

6 Commissioner Lauing: Ok and do we know how long that would take to pretty much obscure the
7 house?

8

9 Mr. Lait: Yeah. We're talking oaks and these are slow majestic trees and it would take some time
10 to obscure. And part of the challenge the applicant I think has a landscape person here obviously
11 that could speak. We don't have the City's arborist here. That could be something we bring back
12 to the next meeting if this is something that is needing to be (interrupted)

13

14 UNFRIENDLY AMENDMENT #1

15

16 Commissioner Lauing: Right that's why I don't know exactly how to specify the Motion, but you
17 understand the intent of obscuring that most almost all of that building over time in a reasonable
18 time not two decades.

19

20 Chair Alcheck: Ok I'm going to treat that as an Unfriendly Amendment for the purposes of this
21 process. Do I have a second for that Amendment?

-
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SECOND

Commissioner Summa: I'll second it.

Chair Alcheck: Ok, great. So we don't really have a specific Amendment, but the idea is essentially to create a condition that would there's one tree that's being removed?

Mr. Owen: Correct.

Mr. Lait: If I may?

Chair Alcheck: Yeah.

Mr. Lait: My concern is that's going to write... I would like for maybe the based on the comments I heard from Commissioner Summa and Commissioner Lauing I know there's an interest in wanting to move the project forward. We can be back at the next Planning Commission meeting in two weeks on the 25th with some specific information that addresses what size tree should be planted and where if that's the Commission's interest. I feel a little uncomfortable just kind of winging it at this point trying to say within two decades we want to see it screened. I just don't know what that translates to or how feasible that might be.

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Chair Alcheck: I can appreciate that.

Mr. Lait: And I can also (interrupted)

Commissioner Lauing: So can I.

Mr. Lait: Provide some written responses to some of the inquiries that have come up.

Chair Alcheck: I guess what I would like to know and I really am opposed to straw polls, but let me put it this way from my perspective Mr. Dockter’s above and beyond tree assessment satisfies my sensibilities here. And so if for example this amendment even in its vagueness didn't have enough support then in theory I could move this Motion on with it's typical conditions without having to come back. And so what I would like to avoid is having to reschedule another meeting here to discuss the idea of planting a slightly larger tree if there isn't sort of enough support for that particular thing. So aside from the two Commissioners that are currently supporting this amendment will you guys just chime in real quick and let me know if you're, if that's, if this tree issue is something you feel like you'd like to address at the follow up hearing.

Commissioner Gardias: May I just? Sorry, I was trying to I'm not one of those that proposed this amendment, but may I?

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Chair Alcheck: Yeah, I just want to understand if this is a concern you have about this particular (interrupted)

Commissioner Gardias: It's in the same topic, right? Because the commonly done trick in terms of the property screening is pretty much that you plan low growing trees, slow growing I'm sorry, slow growing trees and then next to it you plant [weed/wheat?] trees that pretty much obscure. They grow very quickly and they obscure the view very quickly, but then they could be removed. So my question would be to the staff or to the arborist is are there any trees in that area that can be planted that would do the requirements and then they could be removed after certain sizes which (interrupted)

Mr. Kephart: Yeah, you have the process down correctly.

Mr. Lait: Sorry, so Chair if you wanted (interrupted)

Chair Alcheck: [Unintelligible] sorry, I closed the public hearing. So at this time we really can't take comments from you.

Mr. Owen: If I may speak to the record for that? So as a part of the site and design review process in the open space district one of the requirements is that you have a mitigation basically or

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1 landscape monitoring program and you check in basically every five years on the screening
2 capacity and the landscape that was installed in the area that was disturbed. So that's a standard
3 part of the open space site and design review process.

4
5 Mr. Lait: And as far as any quick growing trees I mean we would want something that was native
6 to the area and natural as opposed to something that may do well, but not native to the area.
7 And just also to speak to Dave Dockter's review or the City's Urban Forestry review I believe that
8 review is more about a replacement mitigation. If you remove a tree you plant 10 more,
9 whatever the standard is and that's different than a view shed analysis of impacts from trails. So
10 I'll just add that to the Commission's dialogue as well. Right.

11
12 Chair Alcheck: Right. Ok, so let me reiterate my question. Is there enough interest among the
13 Commissioners to discuss a planting plan that would further screen this home at a future date? I
14 mean go ahead.

15
16 Commissioner Rosenblum: Yeah. I'm for me the answer would be no and specifically again I think
17 this is within our purview. I don't think we're to play arborist from the dais. I think that the
18 arborist's recommendations there are standards, they are working with the City's approved
19 arborist, and I think that as again fellow Palo Alto residents interested in preserving views in the
20 open space... taking into account the recommendation and views of our arborist with all of the
21 site photos and pictures of the story of the story poles I don't personally feel comfortable that I

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1 can override or recommend a better arboreal plan than our City's arborist.

2
3 Chair Alcheck: Ok, why don't we do this, why don't we do this so that this is just a textbook
4 version of this process. We can treat your amendment as a Substitute Motion if you'd like which
5 would essentially be the following: you would like a Substitute Motion that would delay this to
6 our next meeting where we would have an opportunity to review a staff prepared planting plan
7 that would further screen the house. You can see if someone will second that Motion and then
8 we can vote on that Motion immediately. If that Motion fails to gain a majority then the original
9 Motion that's on the floor will be back up and we can have a vote on that Motion assuming there
10 are no other specific amendments to the current Motion. Because I agree with staff that your
11 Motion is a little vague; we don't really know what you want to add to this Motion and so it would
12 not be practical to move forward a Motion without sort of more precision. So are you
13 comfortable sort of changing it to a Substitute Motion?

14
15 Commissioner Lauing: Yes I am. All I'm saying is that the only thing that we have to show and I'm
16 speaking to Eric what you said is that this is all about the views. And the only thing we have is a
17 rendering right now in some year as to the maximum and just trying to figure out how long that's
18 going to take.

19
20 Chair Alcheck: Yeah. So why (interrupted)

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1 UNFRIENDLY AMENDMENT #1 WITHDRAWN, SUBSTITUTE MOTION #1

2
3 Commissioner Lauing: I would make that Motion.

4
5 Chair Alcheck: Ok, so (interrupted)

6
7 Mr. Lait: And before you vote that would be a continuation to the January 25th meeting.

8
9 SECOND, VOTE

10
11 Chair Alcheck: So there's a Substitute Motion currently on the table to come back to this body to
12 review a staff prepared planting plan that would further obscure the home. And are you
13 comfortable seconding Motion? Ok. Can we have a second to the Motion? Ok, let's quickly take
14 a vote. All those in favor of that Motion? Ok that's two. All those opposed to that Motion?
15 That's three. All those abstaining? Ok. That Motion fails. The previous Motion is on table. I'm
16 going to give anybody else an opportunity to suggest an amendment to the current Motion as it
17 stands. Go ahead.

18
19 SUBSTITUTE MOTION #1 FAILED (2-3-1, Commissioner Gardias abstained)

20
21 SUBSTITUTE MOTION #2

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Commissioner Summa: So I probably wasn't very clear and I apologize for that, but I wanted to continue it for, I want to amend the Motion to continue it to resolve the issue and I would like staff to come back with a way to provide the second unit, the guest unit, that has the appearance of being more reliably consistent with the code.

Chair Alcheck: I'm going to treat that also as a Substitute Motion.

Commissioner Summa: That's fine.

Chair Alcheck: Is there a second on this issue of the guest house?

SECOND

Commissioner Rosenblum: I'll second that.

Chair Alcheck: Ok there's a second. I'll treat that Substitute Motion as the Motion on the floor.

All those in favor of that Motion?

Commissioner Rosenblum: Can I speak to that?

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1 Chair Alcheck: Yes.

2

3 Commissioner Rosenblum: So I actually think Commissioner Summa I disagreed originally when
4 you were making this, but then went back and read their report along with the additional
5 comments. I had thought that the Hewlett tract had taken 10 acre plots, but in accordance with
6 the City's wishes had concentrated the plots and made common ownership of a greater area so
7 that the average ownership size would still be 10 acres and therefore be compliant. However, if
8 you are only using the 5.42 acre as a definition for zoning compliance then Commissioner Summa
9 is right. Is it is if this were an ADU it's not technically compliant. So then the question is: is it an
10 ADU or not? And it certainly looks a lot like an ADU. And so it's hard for me to say in good faith
11 that this isn't if I built this thing in my backyard that looked exactly like this it would look and feel
12 and act a lot awful like an ADU.

13

14 At the same time I think it's a little absurd. I do think the spirit of this whole thing was to
15 concentrate the houses, have a shared open space, and to penalize the families for that action is
16 what the effect of this is, is a little bit absurd. But I think that this is technically correct that if the
17 zoning rules apply to 5.42 acres and therefore they would not be eligible for an ADU and this looks
18 like an ADU. I understand Commissioner Summa's concern and I agree with it.

19

20 Chair Alcheck: Ok. All those in favor of this (interrupted)

21

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1 Commissioner Lauing: Well wait, is it... can I ask, I thought we had talked about that and the
2 opinion was that it is legal because in open space that's ok. So I thought we already got the view
3 that that was legal because my question was is it legal and I thought you guys more or less said
4 yes.

5

6 Mr. Owen: Our position is that with the lack of an oven then the kitchenette is not a kitchen and
7 so therefore you don't have the ability to have cooking facilities which is our code definition. One
8 of the code definitions (interrupted)

9

10 Commissioner Lauing: Which makes it legal even in the five point something acreage?

11

12 Mr. Owen: Correct, right.

13

14 Commissioner Lauing: And that's consistent with how that is applied across any area. So it seems
15 like it's legal.

16

17 Chair Alcheck: Yeah ok. I don't disagree with you. I think there's (interrupted)

18

19 Commissioner Lauing: I just wanted to get clear on that answer.

20

21 Chair Alcheck: Yeah. Just to be clear what is your definition for a kitchenette? I mean are we

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1 talking about a sink and a garbage disposal? If you don't have any cooking appliances what can
2 you do?

3
4 Mr. Owen: So typically and this is you see this more often in the R-1 neighborhoods where you
5 have like a wet bar down in a basement for example. You can have a microwave, but once you
6 have a gas hookup. You know a range for example that's a red flag. That's usually our trigger for
7 considering something to be an actual second unit.

8
9 Chair Alcheck: Ok. So I think we're on the same page here, but I'm going to process this Motion.

10
11 Commissioner Gardias: Just to if one moment if I just may ask about the clarification not about
12 what would be the action item after this amendment, what is the proposed action item?

13
14 Chair Alcheck: I think the current (interrupted)

15
16 Commissioner Gardias: [Unintelligible] Commissioner Summa could speak to it and just advise
17 what she's asking the staff.

18
19 Commissioner Summa: Well once again I am sorry if I'm not being clear. I was asking for a way to
20 really help this applicant get what they want which is a guest house and have it be consistent with
21 the code. It's as simple as that. And I don't think the code can rest on whether there's an oven.

-
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1 People you know ADUs now where they're legal like in RMD and R-2 second units typically have
2 kitchens or kitchenettes and are still called second dwelling units. So I just I guess if staff could
3 convince me tonight I will let it go, but I would like the at least to recommend that Council
4 consider that and be aware of it. And I also think it gives the applicant an opportunity come back
5 very quickly and having resolved all my concerns.

6
7 Chair Alcheck: Ok.

8
9 Mr. Lait: Just for the Commission's consideration?

10
11 Chair Alcheck: Sure.

12
13 Mr. Lait: We do have a definition of kitchen if you'd like hear it.

14
15 Chair Alcheck: Yeah, go ahead.

16
17 Mr. Lait: Also in [1804030 Number 75] kitchen means a room designed, intended or used for
18 cooking and the preparation of food and dishwashing. Kitchen facilities include the presence of
19 major appliances or utility connections and the ability to store, prepare, cook and clean up of food
20 or food preparation. So that major appliances and utility connections are areas that we have in
21 this case and in previous cases seeing that they're not there and therefore not a kitchen and

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1 therefore without a kitchen not a dwelling unit.

2
3 Chair Alcheck: Ok and can I just ask you one more point of clarification? Assuming we didn't weed
4 into these details the Building Department would be all over this because they in theory would
5 flag any utility hook ups in that accessory unit.

6
7 Mr. Lait: So it's a combination of the Planning Department and the Building Department and
8 Utilities. It's a review process.

9
10 Chair Alcheck: Right.

11
12 Mr. Lait: And so if this didn't come to the Commission we would still be having this conversation
13 at a staff level.

14
15 Chair Alcheck: Yeah. Ok, alright. So we have a Substitute Motion.

16
17 Ms. Silver: I'm sorry if I could just chime in on one more issue. You know I think if there is a
18 consensus that you do want to move this forward tonight one way to address this issue to help
19 Council is just to recommend a special condition that very clearly says no kitchen facilities will be
20 permitted and that second unit.

- 21
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1 VOTE

2

3 Chair Alcheck: Yeah, no I understand that. I don't particularly feel... I want to just get a sense of
4 whether there's any support for this at all. I'm not entirely sure how staff would come back and
5 make their case at the next meeting, but we have a Substitute Motion on the floor and I want to
6 sort of give it its process. So all those in favor of this Substitute Motion to have staff come back to
7 us regarding the legality of the current layout of the guest house please say aye, but raise your
8 hand. That's three. All those opposed? That's three. Ok that Motion fails for lack of a majority.
9 We have still the current Motion on the floor which is essentially to move forward this application
10 with typical conditions. Are there any other amendments?

11

12 SUBSTITUTE MOTION #2 FAILED (3-3, Chair Alcheck, Vice-Chair Waldfogel, and Commissioner
13 Lauing against)

14

15 Commissioner Lauing: An amendment could come forth along the lines of what Council [Note-
16 Staff?] just recommended.

17

18 Chair Alcheck: Like what?

19

20 Commissioner Lauing: To the main Motion that a recommendation to make sure that there aren't
21 any kitchen facilities in the particular house.

-
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Chair Alcheck: Are you suggesting that the applicant couldn't have a wet bar or that they shouldn't have a range or oven?

Commissioner Lauing: However specific it needs to be to address the...

Chair Alcheck: Are you interested in making that amendment or are you just suggesting it?

Commissioner Lauing: I was suggesting it to the original maker of the other Motion.

Chair Alcheck: Ok.

Commissioner Lauing: Commissioner Summa.

Commissioner Summa: I don't think that achieves what my goal was and my goal was to have it not be a controversial issue that they have the guest house they want and that there be a legal way to do it. And I was looking for staff to come back with so I don't think, I don't think I need to do that.

Chair Alcheck: Ok. I'm going to put this to a vote. So we have a Motion on the (interrupted)

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1 Commissioner Gardias: I was going to follow up on your question about amendments.

2

3 Chair Alcheck: You have an amendment to the current Motion?

4

5 Commissioner Gardias: Yes. I would like to suggest an amendment to my colleague that proposed
6 amendment before that failed. If you consider making amendment along the same idea that you
7 made initially about proposing a screening yet as opposed to providing this plan to us would you
8 consider amendment that would entrust the screening, accelerated screening and then just allow
9 this project to move forward tonight.

10

11 Vice-Chair Waldfogel: Accelerated screening from the applicant? Is that what you're saying?

12

13 Commissioner Gardias: No as opposed to just having the trees that are six feet in diameter to
14 request the applicant to provide screening that would reach the screening objectives much faster.
15 And how this would be done it would be done it would be up to the arborist's discretion and
16 negotiation with the applicant.

17

18 Vice-Chair Waldfogel: That sounds to me like the same as what we previously discussed. So I think
19 we'd rather leave it at a sense of the Commission of we'd like as much screen as fast as possible
20 then to try to legislate it.

21

-
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1 Chair Alcheck: Ok here's what I'd like to do. I'd like to have a vote on the current Motion unless
2 someone has an amendment they want to make themselves. Barring that I really appreciate the
3 effort to encourage our new Commissioners to make amendments, I do, but let's do this. We
4 have a current Motion on the table to move this forward with typical conditions of development.
5 All those in favor of this Motion please say aye and raise your hand. Ok. Five in favor. All
6 opposed? One. The Motion passes. I want to take a five minute break and then we'll pick up on
7 Agenda Item Number 3. Thank you.

8
9 MOTION PASSED (5-1, Commissioner Summa opposed)

10
11 **Commission Action:**

12 **Motion:** Recommend approval of the project to the City Council, subject to typical conditions of
13 approval. Motion made by Vice Chair Waldfogel, seconded by Chair Alcheck; motion **PASSES** 5-1,
14 Commissioner Summa against.

15
16 **Substitute Motion:** Continue the project to January 25, 2017. Motion made by Commissioner
17 Lauing, seconded by Commissioner Summa; motion **FAILED** 2-3-1, Chair Alcheck, Vice Chair
18 Waldfogel, and Commissioner Rosenblum against, Commissioner Gardias abstaining.

19
20 **Substitute Motion:** Continue the project to allow staff time to demonstrate the legality of the
21 legality of the accessory structure. Motion made by Commissioner Summa, seconded by
22 Commissioner Rosenblum; motion **FAILED** 3-3, Chair Alcheck, Vice Chair Waldfogel, and
23 Commissioner Lauing against accessory structure.

24
25 **The Commission took a break**

- 26
27 3. Recommendation to the City Council for the Adoption of an Ordinance Making
28 Permanent Interim Urgency Ordinance 5330 (Limiting the Conversion of Ground
29 Floor Retail and Retail Like Uses), With Some Modifications; Extending the Ground
30 Floor Combining District to Certain Properties Located Downtown and in the South of
31 Forest Avenue Coordinated Area Plan; Modifying the Definition of Retail; Adding

-
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Attachment H

Project Plans

Hardcopies of project plans are provided to City Council Members. These plans are available to the public by visiting the Planning and Community Environmental Department on the 5th floor of City Hall at 250 Hamilton Avenue.

Directions to review Project plans online:

1. Go to: <https://palalto.buildingeye.com/planning>
2. Search for "670 Los Trancos" and open record by clicking on the green dot
3. Review the record details and open the "more details" option
4. Use the "Records Info" drop down menu and select "Attachments"
5. Open the attachment named "**3/13/2017 Project Plans**"