



Architectural Review Board Staff Report

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

Meeting Date: November 2, 2023
Report #: 2309-1978

TITLE

739 Sutter [23PLN-00201]: Request for a Streamlined Housing Development Review to Allow the Construction of an Approximately 18,000 Square Foot (sf) Multi-Family Project Consisting of 12 Three-Bedroom Condominium Units in 3-story Buildings on an Approximately 0.38-acre (16,707 sf) Parcel. The Project would replace an existing 8-Unit Residential Rental Building. The Project includes two Units Provided at Below Market Rate and, Accordingly, Requests Concessions and Waivers Pursuant to State Density Bonus Law. Environmental Assessment: Exempt from the Provisions of the California Environmental Quality Act in Accordance with CEQA Guidelines Section 15332 (in-fill development). Zoning District: RM-20 (Multiple-Family Residential). For More Information Contact the Project Planner Claire Raybould at Claire.Raybould@cityofpaloalto.org

RECOMMENDATION

Conduct a study session to provide feedback on whether minor adjustments to the application would result in closer adherence to the objective design standards contained in Chapter 18.24, Objective Standards, consistent with the streamlined review pursuant to 18.77.073 for housing development projects.

EXECUTIVE SUMMARY

The proposed residential for-sale townhome project, located on a 0.38-acre parcel at 739 Sutter Avenue, includes 12 residential for-sale units, two of which are to be provided at below market rate to low income (50-80% of AMI). The project would replace an existing 8-unit residential rental development that is currently occupied.

The project is a housing development project in accordance with the Housing Accountability Act and qualifies for a Density Bonus based on the percentage and income level restrictions on the provided units. The project is also eligible for three concessions as well as unlimited waivers, or changes to the objective development standards, to accommodate the development in accordance with the State Density Bonus allowances (California Government Code §65915) and PAMC Chapter 18.15.

A location map for the proposed project is included in Attachment A and the project plans are included in Attachment I. The City, acting as the lead agency in accordance with the California Environmental Quality Act, determined that the project is categorically exempt from CEQA in accordance with CEQA Guidelines Section 15332 (infill exemption). Documentation to support the exemption is also provided in Attachment I.

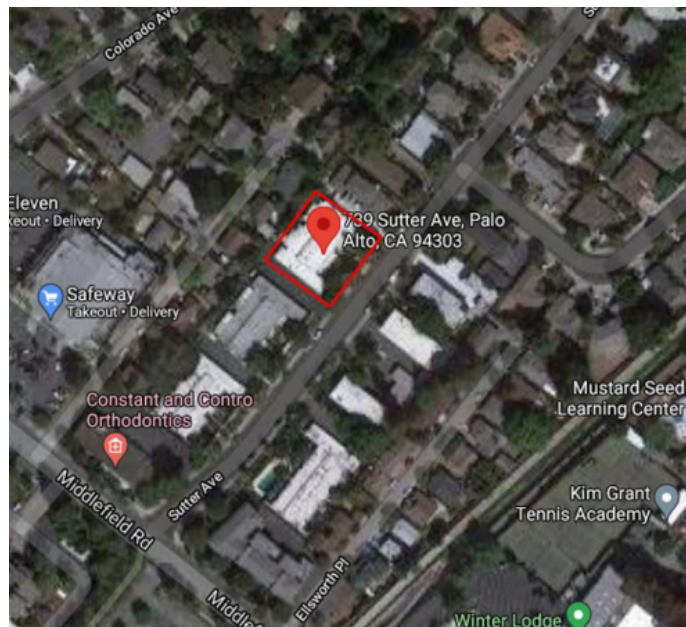
BACKGROUND

Project Information

Owner:	Ge Sun (Grace Li)
Architect:	Dahlin Group
Representative:	Kriselle Rodriguez and Eric Muzzy, Dahlin Group
Legal Counsel:	Not Applicable

Property Information

Address:	739 Sutter Avenue
Neighborhood:	Midtown
Lot Dimensions & Area:	~125x~133 (16,707 sf [.38 ac])
Housing Inventory Site:	Not Applicable (Site identified as a pipeline project for the Cycle 6 Housing Element)
Located w/in a Plume:	Not Applicable
Protected/Heritage Trees:	No heritage trees; see discussion below regarding street trees
Historic Resource(s):	Not Applicable (see discussion below)
Existing Improvement(s):	Approximately 5,250 sf; single story; 1954
Existing Land Use(s):	Multi-family residential (8 rental units)
Adjacent Land Uses & Zoning:	North: Multi-family Land Use (RM-20 Zoning) West: Single-family Land Use (R-1 Zoning) East: Multi-family Land Use (RM-20 Zoning) South: Multi-family Land Use (RM-20 Zoning)
Aerial View of Property:	



Source: Google Satellite Maps

Land Use Designation & Applicable Plans

Comp. Plan Designation: Multi-Family Residential

Zoning Designation: RM-20 (Low Density Multi-Family Residential)

	Yes		Yes		Yes
Baylands Master Plan/Guidelines (2008/2005)	<input type="checkbox"/>	El Camino Real Guidelines (1976)	<input type="checkbox"/>	Housing Development Project	<input checked="" type="checkbox"/>
Downtown Urban Design Guidelines (1993)	<input type="checkbox"/>	South El Camino Real Guidelines (2002)	<input type="checkbox"/>	Utilizes Chapter 18.24 - Objective Standards	<input checked="" type="checkbox"/>
Individual Review Guidelines (2005)	<input type="checkbox"/>	Within 150 feet of Residential Use or District	<input checked="" type="checkbox"/>	Context-Based Design Criteria applicable	<input type="checkbox"/>
SOFA Phase 1 (2000)	<input type="checkbox"/>	Within Airport Influence Area	<input type="checkbox"/>		<input type="checkbox"/>
SOFA Phase 2 (2003)	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>

Prior City Reviews & Action

City Council: None

PTC: None

HRB: None

ARB: Yes, see discussion below.

The ARB held a study session to provide preliminary feedback on this proposal on November 18, 2021. Following is a summary of the key comments from board members during the preliminary review and revisions made to the design prior to formal submittal.

Board member Comments	Design Revisions Since Preliminary Review
Encouraged reduction to the height of the units by not having open space or mechanical equipment on the roof.	The applicant reduced the height of Building 2 from approximately 35.5 feet to 31.5 feet. Rooftop open space is not provided on the rear buildings. Second floor decks were also removed. Decks are provided on the third floor to meet private open space requirements but were stepped back further away from the property line (approximately 9 additional feet) to comply with daylight plane requirements and privacy requirements for balconies as outlined in the objective standards. The mechanical equipment for the rear building (Building 2) is incorporated into the third-floor deck area to avoid height increases on the roof at the rear building.
Encouraged revisiting the windows on the rear of the building to reduce privacy impacts to neighboring residents	The applicant has modified the window design to comply with the privacy requirements set forth in PAMC 18.24.
Encouraged changes to Building 1 to incorporate more of the design concepts of Building 2, particularly with respect to colors.	The color palette of the buildings has been modified to align more with each other as well as to align more with the color scheme originally proposed for Building 2 (eliminating the beige colors originally proposed for Building 1).
Some board members commented on the increased density of units on this property and asked the applicant to consider whether the number of units proposed was appropriate for this site.	The project complies with the density bonus allowances under state density bonus law. Accordingly, the number of units has not been reduced and the city cannot require modifications, or otherwise condition approval of the project, to reduce the number of units.
Board members asked whether the parking could be reduced in order to help reduce the height of the units.	The project complies with the parking requirements set forth in the municipal code, which requires 2 parking spaces per unit. State law requires 1.5 spaces per unit. The project is meeting code and state density bonus law by providing 2 spaces per unit. However, as noted above, modifications were made to reduce the height of the rear

	building abutting R-1 to meet the base zoning requirement of 30 feet.
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PROJECT DESCRIPTION

The proposed project is a request from Dahlin Group on behalf of the property owner, Grace Li (also known as Ge Sun), to construct a 12-unit, three-story, multifamily residential development on a 0.38-acre lot at 739 Sutter Avenue. The development would replace an eight-unit multifamily residential rental building. Parking for the proposed project would be provided in individual garages with two spaces per unit. For the rear building the project includes open space on third floor balconies; on the front building the project includes rooftop open space as well as balconies along the frontage.

Two of the units (25% of the base 8 units) would be deed restricted and sold at a rate affordable to lower-incomes (50%-80% of Area Median Income). The application accordingly proposes to utilize waivers and concessions in accordance with State Density Bonus regulations. The project includes the following waiver requests:

- Floor area ratio (1.4:1 where 1.25:1 is allowed)
- Maximum site coverage (50 percent where 35 percent is allowed)
- Minimum front yard setback (5 feet where 20 feet is required)
- Minimum interior side yard setback (4.6 feet where 10 feet is required)
- Side lot line daylight plane (10 ft and 82 degrees where 10 feet, 45 degrees is required)
- Private street width (20-24 feet where 32 feet is required)
- Minimum finished floor height (0.5 feet where 1.5 feet is required)
- Upper floor stepback on south side (setback of 8.5 feet for 25 percent of the building at 27 feet in height where 6 ft setback for 70 percent of the building at 33 feet is required when adjacent to single-story)
- Façade break (1-foot by 4-foot break with minimum 8.9 square foot area where 2-feet by 4-feet break with 32 square foot area is required)
- Individual residential entry width (4.5 feet for Building 2 entry stoops where 5 feet is required)
- Private open space dimensions (5.5 feet clear where 6 feet clear is required)
- No privacy screening along the southern property line (between 723-737 Sutter and the proposed project) due to its conflict with the private street
- Allowances for fixtures (guardrail and stairs) to exceed the 45-degree angle from the edge of the building starting at the rooftop garden surface sloping upward and inward toward the center of the property.
- 0 percent landscaping with raised beds for gardening on the rooftop deck where at least 15 percent but no more than 25 percent of the rooftop shall be landscaped with raised beds for gardening or other landscaping.

The following concession is also requested:

- Building height (36.5 feet for Building 1 and 32 feet for Building 2 where 30 feet is allowed)

Additionally, although the City's code limits tandem parking to 25%, state density bonus law includes an additional allowance for density bonus projects to provide all parking spaces as tandem without the need for an additional waiver. A project location map showing the parcel is included in Attachment A. The project plans are included in Attachment I.

Requested Entitlements, Findings and Purview:

The following discretionary applications are being requested:

- Streamlined Housing Development Review: The process for evaluating this type of application is set forth in PAMC 18.77.073. Streamlined Housing Development Review applications require a study session with the ARB and recommendations are forwarded to the Planning & Development Services Director for action following the review. Action by the Director is appealable to the City Council if filed within 14 days of the decision. Streamlined Housing Development projects are evaluated against specific findings. Both of the findings must be made in the affirmative to approve the project. Failure to make any one finding requires project redesign or denial. Draft findings for this project are provided in Attachment B.
- Tentative Map and Final Map for condominium purposes: The process for evaluating this type of application is set forth in Title 21 of the Palo Alto Municipal Code (PAMC) and California Government Code 66474. The process for approval of a Tentative Map for a condominium subdivision is outlined in PAMC Sections 21.12.010. Tentative maps require Planning and Transportation Commission (PTC) review. The PTC reviews whether the amended subdivision is consistent with the Subdivision Map Act (in particular Government Code 66474), Title 21 of the Palo Alto Municipal Code, the Palo Alto Comprehensive Plan, and other applicable provisions of the Palo Alto Municipal Code and State Law. The PTC's recommendation is forwarded to the City Council for final approval.

The applicant has not yet filed their application for a Tentative Map; however, a tentative map is required for a one lot subdivision for condominium purposes to create the 12 condominium parcels. A tentative map may be filed concurrent with the entitlement for proposed improvements, but cannot be formally processed for decision until all other entitlements are complete. Filing and processing of a Tentative Map and Final Map would be made a condition of approval of this project.

The ARB's purview of the formal application is limited by the following state law:

- Housing Accountability Act (Government Code 65589.5): The project constitutes a “housing development project” under the Housing Accountability Act. The Housing Accountability Act Section 65589.5(j) requires that when a proposed housing development project complies with applicable, objective general plan and zoning standards, a local agency may only deny or reduce the density the project or reduce its density if the agency first finds that (1) the development would have a specific adverse impact on public health or safety unless disapproved, or approved at a lower density; and (2) there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval, or approval at a lower density.

ANALYSIS

The proposed project has been analyzed for consistency with applicable plans, the municipal code, state law, and the findings for approval.

Neighborhood Setting and Character

The project is located on Sutter Avenue and surrounded on the northeast, east, and south by other multi-family residential uses within the RM-20 Zone district. At the rear of the property (west) the site abuts single-family residential uses along San Carlos Court. Surrounding development is primarily single-story. The site is located within close proximity to commercial uses along Middlefield, such as a grocery store and small retail, financial, and personal service uses.

Consistency with the Comprehensive Plan, Area Plans and Guidelines¹

The Comprehensive Plan land use designation for the project site is Multiple-Family Residential. The Land use element describes this designation as having a density range of eight to 40 dwelling units per acre. The project has a density of 31.5 dwelling units per acre (12 units/.38 acre), which complies with the intended multiple-family residential density.

Although the site is not listed as a housing inventory site, the project site was alternatively listed as a pipeline project for the purposes of the Housing Element in assessing the City’s Regional Housing Needs Allocation for the Cycle 6 Housing Element. Therefore, the proposed unit number and density aligns with the recently adopted Housing Element.

The project is subject to the Comprehensive Plan to the extent that those policies are objective. A detailed review of the project’s consistency with objective policies in the Comprehensive Plan is provided in Attachment B.

State Density Bonus Law Compliance

The project is a qualifying project for state density bonus in accordance with California Government Code §65915(b)(1)(A) which includes projects that sell at least 10% of the base

¹ The Palo Alto Comprehensive Plan is available online:
<http://www.cityofpaloalto.org/gov/topics/projects/landuse/compplan.asp>

number of dwelling units of a housing development to persons and families of lower income, as defined in Section 50079 of the Health and Safety Code.

In accordance with AB 2345, which modified state density bonus law (California Government Code §65915), and the City's density bonus ordinance (PAMC Section 18.15.030), an applicant providing 24% of the base units at low-income is eligible for a 50% density bonus. The applicant is providing 25% (a total of 2) of the base (8) units at below market rate to low income (50-80% of AMI). Therefore, the project is eligible for a 50% density bonus (allowing the development of up to 12 units on the site where 8 would otherwise be allowed). Per §65915(d)(2)(C) and PAMC §18.15.050(c)(iii), the project is also eligible for three concessions or incentives. In general, the City must provide an unlimited number of waivers from development standards that would physically preclude the project from being built at the allowed density. The requested waivers and concession are provided in the project description.

Under state density bonus law, the City may request reasonable documentation that establishes eligibility for concessions and waivers; however, the City cannot require the preparation of a study or report and the burden is on the City to identify a basis to deny a requested concession or waiver. For concessions, the City may request documentation supporting the cost reduction achieved through the concession. For waivers, the City may request documentation that explains why the development standard would physically preclude the project from being constructed at the proposed density. Attachment F provides the applicant's documentation for the requested waivers and concession.

For purposes of the Housing Accountability Act, the use of concessions and waivers under density bonus law is not a basis for finding the project inconsistent with the City's objective standards. In other words, the City cannot deny a project for being inconsistent with a development standard if the applicant has requested a waiver or concession from that standard.

Senate Bill 330 Compliance and Other Renter Protection Compliance

Senate Bill (SB) 330, (Government Code Section 65943), created a preliminary application process 'freezing' local standards at the time a compliant pre-application is submitted and limiting the number of public hearings to five hearings in total. The applicant initially submitted a compliant pre-application (21PLN-00280) October 5, 2021 in accordance with Senate Bill 330 as a qualifying Housing Development Project and therefore was initially being processed in accordance with the streamlining provisions under Senate Bill 330. However, SB 330 requires that a formal submittal be provided within 180 days of filing the pre-application. The applicant did not file a formal application within the allotted timeframe.

The applicant filed a second compliant SB 330 pre-application (22PLN-00151) on May 5, 2022. They submitted the current subject application within the allotted 180 days on June 16, 2022. However, SB 330 requires that, following the receipt of comments, resubmittals be provided within 90 days. Although the City provided comments on the formal application on July 15, 2022, revised plans were not resubmitted until April 4, 2023.

Therefore, the project is not subject to streamlining in accordance with SB 330 and is subject to the current code requirements, including the objective design standards set forth in PAMC Section 18.24. However, the applicant is also eligible to utilize the process set forth in the code for housing development projects under the Streamlined Housing Development Review.

Renter Protections Under SB 330 and Palo Alto Municipal Code

SB 330 also set forth renter protection requirements that would apply to all housing development projects, to the extent the requirements are applicable, regardless of whether an SB 330 pre-application is filed. The renter protection requirements in SB 330 are specific to “protected” rental units. Protected is further defined as:

- Any units that had a low-income deed-restriction for any of the previous five years
- Any units that were subject to local rent control for any of the previous five years
- Any units that were rented by a tenant who was low income for any of the previous five years.
- Any units that were removed from the market per the Ellis Act (Section 7060) in the previous ten years

None of units at the project site meet the definition of being a protected unit under SB 330; therefore, the additional requirements set forth pursuant to this state law do not apply. However, the City also has renter protections set forth in PAMC Section 9.68. Specifically, for no-fault evictions (which includes remodel or redevelopment) for existing rental developments of less than 10 units, notice is required to terminate the tenancy and the property owner must provide the amount of one month’s rent in relocation assistance within 15 days of providing the notice or shall waive the rent due for the final month of the tenancy. Although this requirement is set forth in the code, it would also be reinforced as a condition of approval of the project.

Zoning Code Consistency²

A table summarizing the proposed project’s consistency with applicable RM-20 zoning standards is included in Attachment D. The proposed project complies with all applicable codes or is seeking, through the state density bonus provisions, permission to deviate from certain code standards in a manner that is consistent with the Zoning Ordinance and state density bonus law.

Objective Design Standards

The project is subject to the Objective Design Standards set forth in PAMC Section 18.24. A summary of each standard and how the project complies with that standard is provided in Attachment E. As noted above, the applicant has requested a waiver in accordance with state density bonus law from the following standards set forth in 18.24 of the code:

- Minimum finished floor height (.5 feet where 1.5 feet is required)

² The Palo Alto Zoning Code is available online: bit.ly/PAZoningCode

- Upper floor stepback on south side (setback of 8.5 feet for 25% of the building at 27 feet in height where 6 ft setback for 70% of the building at 33 feet is required when adjacent to single-story)
- Façade break (1'x4' break with minimum 8.9 sf area where 2'x4' break with 32 sf area is required)
- Individual residential entry width (4.5 ft for Building 2 entry stoops where 5 feet is required)
- Private open space dimensions (5.5 ft clear where 6 ft clear is required)
- No privacy screening along the southern property line (between 723-737 Sutter and the proposed project) due to its conflict with the private street

Rooftop Open Space

The project is also subject to the rooftop garden open space requirements for the rooftop areas on Building 1. The project requests two waivers from standards related to rooftop open space on this building, including:

- Allowances for fixtures (guardrail and stairs) to exceed the 45-degree angle from the edge of the building starting at the rooftop garden surface sloping upward and inward toward the center of the property.
- 0 percent landscaping with raised beds for gardening on the rooftop deck where at least 15 percent but no more than 25 percent of the rooftop shall be landscaped with raised beds for gardening or other landscaping.

The project does provide an area for landscaping, but the actual planting area with a permanent water source is not provided.

Citywide Affordable Housing Requirements Consistency

The project complies with the Citywide affordable housing requirement by providing 25% of the base units as below market rate. Per the City's standard conditions, a regulatory agreement must be recorded for the below market rate units to ensure compliance with the City's citywide affordable housing requirements (PAMC 16.65) and the project description. This agreement must be executed and recorded prior to final map approval or building permit issuance, whichever occurs first.

The applicant has proposed two of the units in Building 2 as the two below market rate units. Because the units on Building 1 have a larger square footage, more amenity space, and standard parking versus tandem, one unit from each building should be dedicated as below market rate in order to provide an equal mix of the BMR units and market rate units (PAMC Section 16.65.075).

Multi-Modal Access

The existing development at 739 Sutter Avenue shares ingress/egress with the adjacent property at 723-737 Sutter Avenue. However, there are no records documenting a shared

ingress/egress easement between the two properties. The proposed development assumes a shared access, consistent with the existing conditions, widening the access to 24 feet. With the new development, the City would require that the applicant record a private, shared ingress/egress between the two property owners, with the City as a third party, to ensure this required access is maintained in perpetuity.

Further, in accordance with PAMC Section 21.04.030(30),³ because the applicant is proposing that this vehicular access easement provide access to two or more lots (including lots for condominium purposes) that do not have frontage on a public street, the proposed access meets the definition of a private street and is therefore subject to the width requirements for private streets. In accordance with PAMC Section 21.40.040, access to the property must be provided via a private, 32-foot-wide street because the access is serving more than four lots. The applicant requests a waiver from this requirement as detailed in Attachment E.

At the time of the preliminary application, staff noted that a minimum 26-foot clearance is required for fire access. However, after formal review of the current application with the Fire Department, it was noted that the 26-foot clearance requirement would not apply because the existing overhead lines already restrict the fire apparatus from utilizing aerial ladders and accessing the property. The proposed project complies with fire safety requirements instead by providing ground ladder access points at both ends of each building. Firefighters would utilize hose from the apparatus parked on Sutter Avenue and ground ladder access to fight a fire in the case of an emergency. Increased, commercial grade, sprinkler requirements would also apply for the proposed development in order to satisfy fire code requirements. The plans have been revised since the preliminary review phase to comply with the fire code, including modifications to accommodate the ground ladder access requirements for both buildings. The plans have been reviewed and approved by the City's Fire Department. Additionally, there driveway aprons on each side of the 20-foot-wide street such that adequate back-up space (24 feet) is provided for vehicles exiting garages. Therefore, the current waiver requests, particularly related to the width of private street, would not affect safety.

There are no existing or proposed bike lanes along Sutter Avenue that would be affected by the proposed project. The project provides a 5-foot sidewalk width and adjacent landscaped area, maintaining existing conditions. Three existing trees along the frontage would be replaced with five new street trees.

723-737 Sutter

³ "Private street" means any right-of-way, including vehicular access easements, not dedicated as a public street which is used for vehicular traffic to or from two or more lots which do not have frontage on a public street, or to or from one parcel which does not have frontage on a public street if the right-of-way or easement used for ingress or egress is more than two hundred feet in length. For the purpose of this section, "parcel" includes fee ownership, condominium, townhome or other ownership configurations. Private streets shall be excluded for the purpose of determining Floor Area Ratio (FAR). Minimum width of "private streets" shall be as defined

Because the driveway access meets the definition of a private street, the area of the street is deducted from the lot area for the purposes of calculating floor area in accordance with PAMC Section 21.04.030(30). This affects not only the net site area and required floor area for the proposed development, but also affects the same for the neighboring development.

The adjacent property owner has provided their written agreement in Attachment G indicating their willingness to accept this impact to their real property and the change would not cause the property to exceed the floor area allowance for their property. The property owner would be required to be a signatory on the Tentative Map application and on the Final Map itself, which would record the private street. They would also be required to be a signatory on the private ingress/egress easement documentation. These requirements are reinforced in the draft conditions of approval of the project.

Multi-Modal Parking

Each unit includes two vehicular parking spaces and one long-term bicycle parking space. Two short-term bicycle parking spaces are also provided. The project meets or otherwise exceeds code requirements as detailed in Attachment D.

Consistency with Application Findings

Overall staff finds the project to be consistent with the findings for approval of a streamlined housing development, as set forth in PAMC Section 18.77 and, with approval of the requested concession and waivers in accordance with state density bonus allowances and PAMC 18.15, consistent with the zoning code. The requested concession and waivers would not have an adverse impact upon public health and safety. If minor changes to the design are proposed and accepted by the applicant to improve consistency with the objective standards, these should be incorporated into the final plan set prior to issuance of a decision.

STAKEHOLDER ENGAGEMENT

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 Daily Post on October 20, which is 12 days in advance of the meeting. Postcard mailing occurred on October 18, which is 14 days in advance of the meeting.

Public Comments

Attachment H includes all written comments on the proposed project both from the preliminary review application and on the current formal application.

Public Engagement at Preliminary Review Phase

At the preliminary architectural review phase, several residents provided comments on the proposed project. While these comments were provided to the applicant, due to staffing changes these were inadvertently not included in the preliminary report that went to the ARB. Additionally, the preliminary review hearing was not noticed to residents within 600 feet.

Although this is not a code requirement, the City does typically provide this noticing in order to solicit early comments from the public.

In response to this oversight, the City held a community meeting on February 22, 2022 in order to provide another opportunity for members of the public to comment on the preliminary review application and provide early feedback to the applicant. Key comments from members of the public at this community meeting focused on the following:

- The height of the building adjacent the single-family residences abutting the rear of the lot (too tall) and the new building's impact on future solar access
- Privacy impacts to single-family residences from Building 2
- Concerns about the setback between Building 2 and the property line and residents/visitors walking too close to single-family backyards
- Requests for the daylight plan requirements be met
- Concerns about the project's impacts to public parking on Sutter Ave.
- Statements that multi-story multi-family residential is not consistent with neighborhood character.

As summarized above in the background section; modifications were made to the design to incorporate the feedback from the public as well as the ARB especially as they related to height, setbacks, daylight plane, and privacy impacts.

Public Engagement on Formal Application

In addition to the written comments received (Attachment H), staff met with a group of concerned residents and their attorney on September 12, 2023. Comments expressed in that meeting were consistent with those provided in the letter from Silicon Valley Law Group on behalf of the San Carlos Court Neighborhood Association to the city dated August 30, 2023.

Residents, during the in-person meeting as well as in written comments, generally expressed similar concerns to those provided at the preliminary Architectural Review stage, including concerns about massing and privacy impacts adjacent the single-family residences on San Carlos Court. Residents noted that the landscaping provided would not provide screening for several years and should not be relied upon for privacy purposes. The residents also requested that the applicant provide a shade/shadow study to show how the proposed development would affect their solar access.

At the residents' request, staff asked the applicant if they would be willing to provide this information. The applicant declined to prepare this study. This study is not a requirement per the city's checklist and therefore it is not a requirement for the applicant to provide. The City also does not have a code standard or CEQA threshold with respect to shading; therefore, it's unclear how this study would be used to modify the project. Staff notes that the project complies with both the setback and daylight plane requirements at the rear of the site, although the maximum height is exceeded by approximately 2 feet.

Staff notes that further design changes to address these comments have not been made since the September 12, 2023 meeting with residents. However, several design changes were made to address these concerns between the preliminary review stage and the formal plans as discussed earlier in the report.

A summary response regarding specific comments made on the CEQA analysis are included below under the environmental review section 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 exempt from the provisions of the California Environmental Quality Act in accordance with CEQA Guidelines Section 15332 (infill development). The documentation to support this exemption is included in Attachment I.

The letter from Silicon Valley Law Group to the City dated August 30, 2023 expressed specific concerns related to the applicability of the Class 32 exemption. The City disagrees with the assertions in this letter as they relate to the applicability of the Class 32 exemption. The documentation provided includes substantial evidence to support the conclusion that a Class 32 exemption applies to the proposed project and is the appropriate level of environmental analysis for this project. Specifically, it provides documentation to support the conclusion that there would be less than significant impacts related to air quality, traffic, water quality and noise. The CEQA documentation also includes a cultural resources analysis, which concludes that the project is not eligible for any register (National, State, or local).

As noted above, many of the letter's objections – with respect to comprehensive plan consistency, noise, drainage, air quality, traffic, and historic resources – are addressed in Attachment I. The letter's objections relating to privacy and the number of waivers requested raise policy questions but have no bearing on CEQA compliance. Neither the state CEQA guidelines nor the City have identified privacy as a relevant environmental impact.

ATTACHMENTS

Attachment A: Location Map

Attachment B: Streamlined Housing Development Findings for Approval

Attachment C: Draft Conditions of Approval

Attachment D: Zoning Consistency Analysis

Attachment E: Consistency with Objective Design Standards

Attachment F: Requested Waivers and Concessions

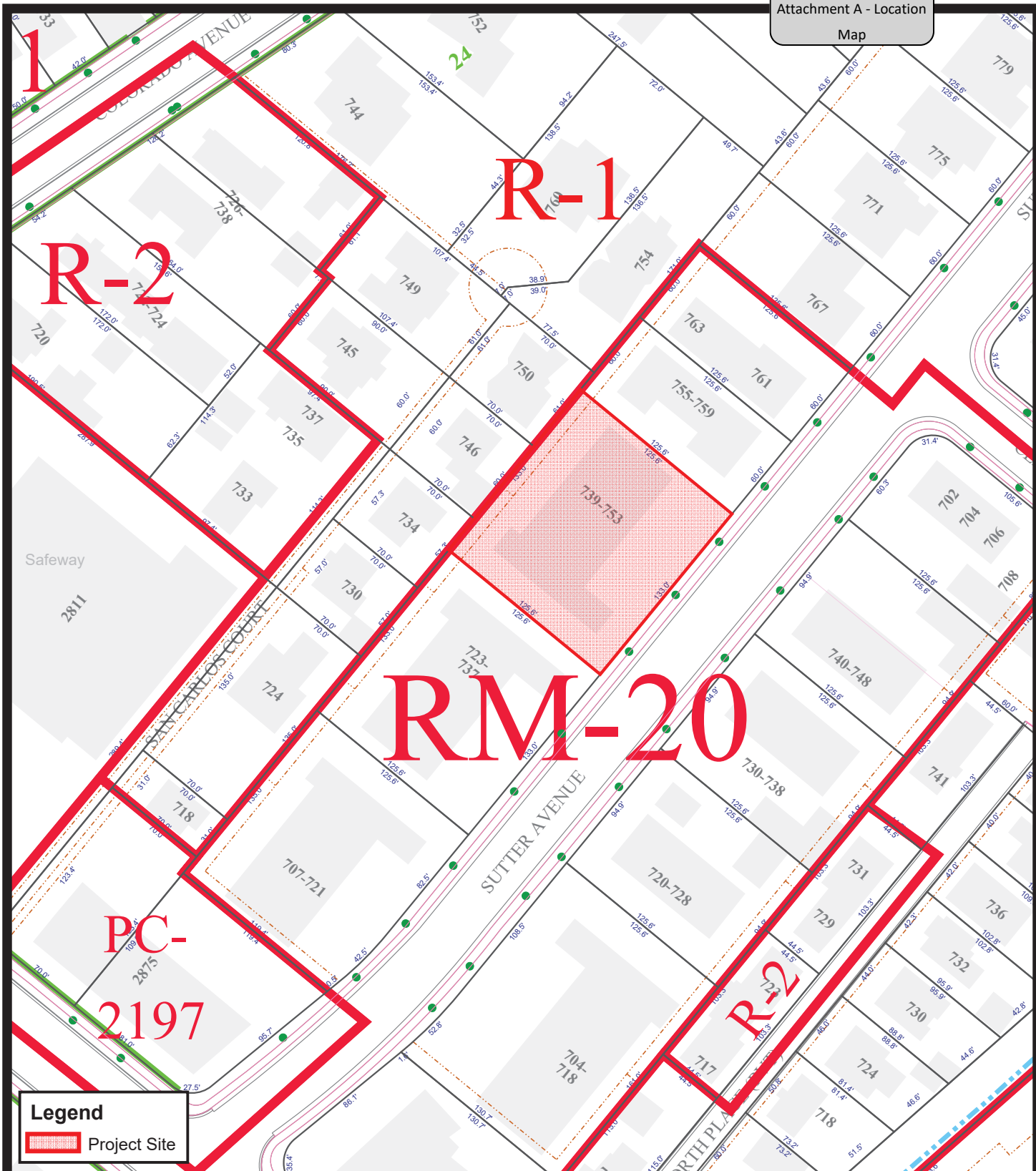
Attachment G: Letter from Adjacent Property Owner

Attachment H: Written Public Comment

Attachment I: Project Plans and Environmental Analysis

AUTHOR/TITLE:

Claire Raybould, AICP, Senior Planner



Legend

 Project Site



The City of
Palo Alto



Attachment A:
Location Map
739 sutter

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



Packet Pg. 27

ATTACHMENT B

ARB FINDINGS FOR APPROVAL

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

Finding #1: *The application complies with all applicable and objective standards in the Comprehensive Plan, the Palo Alto Municipal Code, and other City plans or policies.*

The proposed project complies with all applicable and objective standards in the Comprehensive Plan and the Palo Alto Municipal Code as detailed in the staff report and in Attachments D, Zoning Consistency, and E, Objective Standards Consistency, except where waivers or concessions are requested pursuant to state density bonus law. In accordance with The Housing Accountability Act as set forth in California Government Code 65589.5(j)(3), the receipt of a density bonus, incentive, concession, waiver, or reduction of development standards pursuant to Section 65915 shall not constitute a valid basis on which to find a proposed housing development project is inconsistent, not in compliance, or not in conformity, with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision. Therefore, for the project is compliant with the objective standards.

A summary of the project's consistency with the Comprehensive Plan is provided in this table. The project is required to comply with the Comprehensive Plan to the extent that the requirements are objective.

<i>Comp Plan Goals and Policies</i>	<i>How project adheres or does not adhere to Comp Plan</i>
The Comprehensive Plan land use designation for the site is Multi-family Residential which allows for densities ranging from 8 to 40 units per acre	The project adheres to the Comprehensive Plan by providing multi-family housing on a multi-family use site. The proposed density is 31 units per acre which is consistent with this land use designation
<i>Housing Element</i>	
Policy 4.3 Implement development standards, objective design standards, and architectural and green building standards that encourage new high-quality rental and ownership housing.	The project complies with the implemented standards except where requests for waivers or concessions in accordance with state density bonus law is provided.
<i>Land Use and Community Design Element</i>	
Policy L-2.8: When considering infill development, work to minimize the displacement of existing residents	The project is an infill project. While existing rental tenants would be required to either purchase or relocate, the project replaces

	more units than it removes. The applicant will comply with relocation assistance requirements for project of less than 10 units as set forth in PAMC Section 9.68 for no-fault just-cause eviction.
Policy L-9.2 Encourage development that creatively integrates parking into the project, including by locating it behind buildings or underground wherever possible, or by providing for shared use of parking areas. Encourage other alternatives to surface parking lots that minimize the amount of land devoted to parking while still maintaining safe streets, street trees, a vibrant local economy and sufficient parking to meet demand.	The project incorporates the parking into each unit and does not include a surface parking lot.
Policy L-9.4 Treat residential streets as both public ways and neighborhood amenities. Provide and maintain continuous sidewalks, healthy street trees, benches and other amenities that promote walking and “active” transportation.	The project maintains sidewalks and improves the streetscape with landscape planting along the project frontage.
Transportation Element	
Policy T-3.7 Encourage pedestrian-friendly design features such as sidewalks, street trees, on-street parking, gathering spaces, gardens, outdoor furniture, art and interesting architectural details.	The project includes direct connections to the sidewalk that help to activate the frontage along Acacia in addition to new street trees and plantings.
Policy T-3.9 Support citywide sustainability efforts by preserving and enhancing the tree canopy where feasible within the public right-of-way, consistent with the Urban Forest Management Plan, as amended.	The project meets the tree canopy replacement requirements through on and off-site planting as well as in-lieu fees and improves the public ROW plantings with 7 new street trees where only one exists currently.

Finding #2: Approving the application will not result in a specific, adverse, impact upon the public health or safety, which cannot feasibly be mitigated or avoided in a satisfactory manner. As used in this Section, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

The proposed project would not result in a specific, adverse, impact upon public health or safety. The project complies with all applicable safety requirements with respect to fire safety

for the building itself (e.g. ladder access, sprinklers) as well as emergency vehicle access to the site. The traffic report concluded that the project would not create any conflicts with respect to traffic safety. The project also does not introduce any new changes to streets (e.g. new curves in a roadway) or impacts to line-of-sight that would create a safety hazard as detailed in the transportation analysis.

Draft Conditions of Approval
739 Sutter Avenue: 22PLN-00201

PLANNING DIVISION

1. CONFORMANCE WITH PLANS. Construction and development shall conform to the approved plans entitled, "739 Sutter Avenue by Ge Sun Palo Alto, California Streamlined Housing Development Review Set" stamped as received by the City on October 25, 2023 on file with the Planning Department, 250 Hamilton Avenue, Palo Alto, California except as modified by these conditions of approval.
2. BUILDING PERMIT. Apply for a building permit and meet any and all conditions of the Planning, Fire, Public Works, and Building Departments.
3. BUILDING PERMIT PLAN SET. A copy of this cover letter and conditions of approval shall be printed on the second page of the plans submitted for building permit.
4. PROJECT MODIFICATIONS. All modifications to the approved project shall be submitted for review and approval prior to construction. If during the Building Permit review and construction phase, the project is modified by the applicant, it is the responsibility of the applicant to contact the Planning Division/project planner directly to obtain approval of the project modification. It is the applicant's responsibility to highlight any proposed changes to the project and to bring it to the project planner's attention.
5. LANDSCAPE PLAN. Plantings shall be installed in accordance with the approved plan set and shall be permanently maintained and replaced as necessary.
6. NOISE THRESHOLDS ON RESIDENTIAL PROPERTY. In accordance with PAMC Section 9.10.030, No person shall produce, suffer or allow to be produced by any machine, animal or device, or any combination of same, on residential property, a noise level more than six dB above the local ambient at any point outside of the property plane.
7. OPEN AIR LOUDSPEAKERS (AMPLIFIED MUSIC). In accordance with PAMC Section 9.12, no amplified music shall be used for producing sound in or upon any open area, to which the public has access, between the hours of 11:00pm and one hour after sunrise.
8. NOISE REPORT AT BUILDING STAGE. At the time of building permit issuance for new construction or for installation of any such interior or exterior mechanical equipment, the applicant shall submit an acoustical analysis by an acoustical engineer demonstrating projected compliance with the Noise Ordinance. The analysis shall be based on acoustical readings, equipment specifications and any proposed sound reduction measures, such as equipment enclosures or insulation, which demonstrate a sufficient degree of sound attenuation to assure that the prescribed noise levels will not be exceeded.
9. NOISE REPORT PRIOR TO INSPECTION. Where the acoustical analysis projected noise levels at or within 5 dB less than the Noise Ordinance limits, the applicant shall demonstrate the installed equipment complies with the anticipated noise levels and the Noise Ordinance prior to final Planning inspection approval.

10. SIGN APPROVAL NEEDED. No signs are approved at this time. All signs shall conform to the requirements of Title 16.20 of the Palo Alto Municipal Code (Sign Code) and shall be subject to approval by the Director of Planning.
11. STANDARD REQUIREMENTS FOR UNANTICIPATED DISCOVERY OF BURIED ARCHEOLOGICAL RESOURCES. No known archeological resources are present on or within the immediate vicinity of the site. However, as noted in the project description and per the City's standard conditions, in the unlikely event that an archeological resource is unearthed during ground disturbing activities, work in the immediate area should be halted and an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archeology (National Park Service 1983) shall be contacted immediately to evaluate the find. If the find is Native American in origin, then a Native American representative should also be contacted to participate in the evaluation of the find. The qualified archaeologist, and, if applicable, the Native American representative, shall examine the find and make recommendations regarding additional work necessary to evaluate the significance of the find and the appropriate treatment of the resource. Recommendations could include, but are not limited to, invasive or non-invasive testing, sampling, laboratory analysis, preservation in place, or data recovery. A report of findings documenting any data recovered during monitoring shall be prepared by a qualified archaeologist and submitted to the Director of Planning.
12. STANDARD REQUIREMENTS FOR THE PROTECTION OF NESTING BIRDS. As detailed in the project description and per the City's standard conditions, vegetation or tree removal shall be prohibited during the general avian nesting season (February 1 – August 31), if feasible. If nesting season avoidance is not feasible, the applicant shall retain a qualified biologist, as approved by the City of Palo Alto, to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and activity status of any active nests on or adjacent to the project site no more than 14 days prior to scheduled vegetation clearance and/or demolition activities. If nesting birds are found to be present, a suitable buffer (typically a minimum buffer of 50 feet for passerines and a minimum buffer of 250 feet for raptors) as determined appropriate by the biologist, shall be established around such active nests and no construction shall be allowed within the buffer areas until a qualified biologist has determined that the nest is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest).
13. REFUSE. All trash areas shall be covered and maintained in an orderly state to prevent water from entering into the garbage container. No outdoor storage is allowed/permitted unless designated on the approved plan set. Trash areas shall be maintained in a manner to discourage illegal dumping. Trash enclosure can only be used to store refuse (garbage, recycling, and compost) and not for other storage.
14. BELOW MARKET RATE (BMR) HOUSING. This project is proposed as a state density bonus project and is also subject to the affordable housing requirements set forth in Section 16.65.030 of the Palo Alto Municipal Code. In accordance with the City's requirements and the proposed project in accordance with state density bonus law, the project is required to contain no less than two (2) below market rate units dedicated as low income. A Regulatory Agreement in a form acceptable to the City Attorney for the two (2) BMR units shall be executed and recorded prior to final map approval or building permit issuance, whichever occurs first. All BMR units constructed under this condition shall be in conformance with the City's BMR Program rules and regulations. Failure to comply with the timing of this condition and any adopted BMR Program rules and regulations shall not waive its later enforcement.
15. RENTER PROTECTIONS. The project is subject to the renter protection requirements set forth in PAMC

Section 9.68.050 for no fault evictions for rental properties with less than 10 units. This includes either rental fee waiver for the last month or relocation assistance as detailed in the municipal code. Notification requirements in accordance with the code is required. Documentation showing compliance with these code requirements must be provided to the project planner prior to issuance of a demolition/deconstruction permit.

16. ESTIMATED IMPACT FEE. Development Impact Fees, currently estimated in the amount of \$279,177.12 plus the applicable public art fee, per PAMC 16.61.040, shall be paid prior to the issuance of the related building permit(s).
17. IMPACT FEE 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, 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. 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. 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.
18. ENTITLEMENT EXPIRATION. The project approval shall be valid for a period of two years from the date of issuance of the entitlement. If within such two-year period, the proposed use of the site or the construction of buildings has not commenced, the Planning entitlement shall expire. Application for a one-year extension of this entitlement may be made prior to expiration.
19. FINAL INSPECTION. A Planning Division Final inspection will be required to determine substantial compliance with the approved plans prior to the scheduling of a Building Division final. Any revisions during the building process must be approved by Planning, including but not limited to; materials, landscaping and hard surface locations. Contact your Project Planner, Claire Raybould at Claire.Raybould@cityofpaloalto.org to schedule this inspection.
20. 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.

PUBLIC WORKS ENGINEERING

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

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

22. OVERVIEW AND GUIDELINES FOR THE REVIEW OF SUBDIVISION PROJECTS: Developer shall familiarize themselves with the guidelines described in the November 2007 revision of the document titled “Overview and Guidelines for the Review of Subdivision Projects”. Particularly Section II (items 5 through 12) and Section V (items A through C). <https://www.cityofpaloalto.org/files/assets/public/planning-amp-development-services/file-migration/current-planning/forms-and-guidelines/overview-and-guidelines-for-the-review-of-subdivision-projects.pdf>
23. MAP THIRD-PARTY REVIEW: The City contracts with a third-party surveyor that will review and provide approval of the map’s technical correctness as the City Surveyor, as permitted by the Subdivision Map Act. The Public Works Department will forward a Scope & Fee Letter from the third-party surveyor and the applicant will be responsible for payment of the fee’s indicated therein, which is based on the complexity of the map.
24. STREETWORK PERMIT: The applicant shall obtain a Streetwork Permit from the Department of Public Works for all public improvements.
25. GRADING AND EXCAVATION PERMIT: A Grading Permit is required per PAMC Chapter 16.28. The permit application and all applicable documents (see Section H of application) shall be submitted to Public Works Engineering. Add the following note: “THIS GRADING PERMIT WILL ONLY AUTHORIZE GENERAL GRADING AND INSTALLATION OF THE STORM DRAIN SYSTEM. OTHER BUILDING AND UTILITY IMPROVEMENTS ARE SHOWN FOR REFERENCE INFORMATION ONLY AND ARE SUBJECT TO SEPARATE BUILDING PERMIT APPROVAL.”
26. GEOTECHNICAL ENGINEER STATEMENT: The grading plans shall include the following statement signed and sealed by the Geotechnical Engineer of Record: “THIS PLAN HAS BEEN REVIEWED AND FOUND TO BE IN GENERAL CONFORMANCE WITH THE INTENT AND PURPOSE OF THE GEOTECHNICAL REPORT”.
27. LOGISTICS PLAN: A construction logistics plan shall be provided addressing all impacts to the public including, at a minimum: work hours, noticing of affected businesses, bus stop relocations, construction signage, dust control, noise control, storm water pollution prevention, job trailer, contractors’ parking, truck routes, staging, concrete pours, crane lifts, scaffolding, materials storage, pedestrian safety, and traffic control. All truck routes shall conform to the City of Palo Alto’s Trucks and Truck Route Ordinance, Chapter 10.48, and the route map. NOTE: Some items/tasks on the logistics plan may require an encroachment permit.
28. ENCROACHMENT PERMIT: Prior to any work in the public right-of-way, the applicant shall obtain an encroachment permit from the Public Works Department for any work that encroaches onto the City right-of-way.
29. STORMWATER POLLUTION PREVENTION: All improvement plan sets shall include the “Pollution Prevention – It’s Part of the Plan” sheet.

30. C.3 THIRD-PARTY CERTIFICATION: Applicant shall provide certification from a qualified third-party reviewer that the proposed permanent storm water pollution prevention measures comply with the requirements of Provision C.3 and Palo Alto Municipal Code Chapter 16.11.
31. Submit the following as part of the building permit application:
 - a. Stamped and signed C.3 data form (April 2023 version) from SCVURPPP.
https://scvurppp.org/wp-content/uploads/2023/04/SCVURPPP-C.3-Data-Form- -updated_4-12-2023_clean_fillable.pdf
 - b. Final stamped and signed letter confirming which documents were reviewed and that the project complies with Provision C.3 and PAMC 16.11.
32. C.3 STORMWATER AGREEMENT: The applicant shall enter into a Stormwater Maintenance Agreement with the City to guarantee the ongoing maintenance of the permanent storm water pollution prevention measures. The City will inspect the treatment measures yearly and charge an inspection fee. The agreement shall be executed by the applicant team prior to building permit final.
33. C.3 FINAL THIRD PARTY CERTIFICATION PRIOR TO OCCUPANCY: Within 45 days of the installation of the required storm water treatment measures and prior to the issuance of an occupancy permit for the building, the third-party reviewer shall submit to the City a certification verifying that all the permanent storm water pollution prevention measures were installed in accordance with the approved plans.
34. PAVEMENT RESTORATION: The applicant shall restore the pavement along the entire project frontage, curb-to-curb, by performing a 3.5" grind and overlay. The exact restoration limits will be determined once the resulting road condition is known following completion of heavy construction activities and utility lateral installations, at minimum the extent will be the project frontage.

TRANSPORTATION

35. SHORT-TERM BICYCLE PARKING ACCESS. Provide at least a six-foot-long, 5 foot wide paved area for the short-term bicycle parking area bicycle parking.
36. Due to the width of Sutter Avenue, on-street parking may need to be restricted to one side of the street for all or a portion of the roadway segment along the project frontage during trash pickup hours. Applicant shall install required parking restriction signs for trash pick-up hours as part of the project. The parking restriction signage plan shall be reviewed by the Office of Transportation as part of the building permit application.

WASTE-GAS-WATER UTILITIES

37. UTILITY DISCONNECT. Prior to issuance of a demolition permit the applicant shall submit a request to disconnect utility services and remove meters. The utilities demo is to be processed within 10 working days after receipt of the request. The demolition permit will be issued by the building inspection division after all utility services and/or meters have been disconnected and removed.
38. SERVICE CONNECTION APPLICATION. At the time of building permit application the applicant shall submit a completed water-gas-wastewater service connection application - load sheet for the City of Palo Alto Utilities. The applicant must provide all the information requested for utility service demands (water in fixture units/g.p.m., fire in g.p.m., and sewer in fixture units/g.p.d.). The applicant shall provide the new loads and

the combined/total loads. Show on the plans by adding a text note: THIS IS AN "ALL-ELECTRIC" BUILDING PROJECT NO NEW GAS SERVICE OR GAS HOOKUPS WILL BE INSTALLED.

39. **UTILITY IMPROVEMENT PLANS.** At the time of building permit application the applicant shall also submit improvement plans for utility construction. The plans must show the size and location of all underground utilities within the development and the public right of way including meters, backflow preventers, fire service requirements, sewer mains, sewer cleanouts, sewer lift stations, and any other required utilities. Plans for new wastewater laterals and mains need to include new wastewater pipe profiles showing existing potentially conflicting utilities, especially storm drain pipes, and electric and communication duct banks. Existing duct banks need to be daylighted by potholing to the bottom of the 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.
40. **AUXILIARY WATER SUPPLY.** On the building permit and relevant utility applications, the applicant must show on the site plan the existence of any auxiliary water supply, (i.e. water well, gray water, recycled water, rain catchment, water storage tank, etc.).
41. **UTILITY LATERALS AND MAINS.** The applicant shall be responsible for installing and upgrading the existing utility mains and/or services, laterals as necessary to handle anticipated peak loads. This responsibility includes all costs associated with the design and construction for the installation/upgrade of the utility mains and/or services/laterals.
42. **RPPA.** An approved reduced pressure principle assembly (RPPA backflow preventer device) is required for all existing and new water connections from Palo Alto Utilities to comply with requirements of California administrative code, title 17, sections 7583 through 7605 inclusive. The RPPA shall be installed on the owner's property and directly behind the water meter within 5 feet of the property line. RPPA's for domestic service shall be lead free. Show the location of the RPPA on the plans.
43. **RPDA.** An approved reduced pressure detector assembly (RPDA backflow preventer device, STD. WD-12A or STD. WD-12B) is required for all existing and new fire water connections from Palo Alto Utilities to comply with requirements of California administrative code, title 17, sections 7583 through 7605 inclusive. The RPDA shall be installed on the owner's property and directly behind the City's fire service, within 5' (feet) of the property line or City Right of Way.
44. **BACKFLOW PREVENTER.** All backflow preventer devices shall be approved by the WGW engineering division. Inspection by the city inspector is required for the supply pipe between the meter and the assembly.
45. **CAPACITY FEES.** Prior to building permit issuance, the applicant shall pay the capacity fees and connection fees associated with new utility service/s or added demand on existing services. The approved relocation of services, meters, hydrants, or other facilities will be performed at the cost of the person/entity requesting the relocation.
46. **FIRE WATER LATERAL.** A new water service line installation for fire system usage is required. Show the location of the new water service on the building permit plans. The applicant shall provide the engineering department with a copy of the plans for the fire system including all fire department's requirements.

47. METERS. Each unit or building shall have its own water meter shown on the plans. Each parcel shall have its own water service and sewer lateral connection shown on the plans.
48. SEWER LATERAL. A new sewer lateral is required, and a profile of the sewer lateral is required showing any possible conflicts with electric/communications duct banks or other utilities.
49. WATER LATERAL. All existing water and wastewater services/laterals that will not be reused shall be abandoned at the main per the latest WGW utilities standards.
50. SEPARATION. Utility vaults, transformers, utility cabinets, concrete bases, or other structures cannot be placed over existing water, gas, or wastewater mains/services. Maintain 1' horizontal clear separation from the vault/cabinet/concrete base to existing utilities as found in the field. If there is a conflict with existing utilities, Cabinets/vaults/bases shall be relocated from the plan location as needed to meet field conditions. Trees may not be planted within 10 feet of existing water, gas, and wastewater mains/laterals/water services/or meters. New water or wastewater services/laterals/meters may not be installed within 10' of existing trees. Maintain 10' between new trees and new water and wastewater services/laterals/meters except as otherwise approve in conjunction with utilities and urban forestry, including as shown on the approved plans.
51. COPY OF PLANS. The applicant shall provide to the WGW Utility Engineering department a copy of the plans for the fire system including all fire department's requirements prior to the actual service installation.
52. UTILITY INSTALLATIONS. All utility installations shall be in accordance with the City of Palo Alto utility standards for water, gas, & wastewater

PUBLIC WORKS ELECTRIC UTILITIES

53. UTILITY EASEMENT REQUIRED. Prior to energization, a public utility easement is required to provide access to the proposed transformer. This can either be provided through separate instrument and documented on the tentative and final map or dedicated through the tentative and final map process.
54. UTILITIES APPLICATION. Changes to existing electric utilities equipment on site, such as the transformer, will require a utilities application. Submit a utilities application and obtain City of Palo Alto Utilities Electrical Engineering approval for the modifications to the electrical system.
55. UTILITY DISCONNECT. The applicant shall submit a request to disconnect all existing utility services proposed for removal, 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, as applicable, removed.
56. UTILITIES SHOWN ON LANDSCAPE PLANS. 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.

57. PERMIT. 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.
58. UNDERGROUND SERVICES ALERT. 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.
59. CITY STANDARDS. All new underground conduits and substructures shall be installed per City standards and shall be inspected by the Electrical Underground Inspector before backfilling.

PUBLIC WORKS ZERO WASTE

60. REQUIRED DECONSTRUCTION. In conformance with PAMC 5.24, deconstruction and source separation are required for all residential and commercial projects where structures (other than a garage or ADU) are being completely removed, demolition is no longer allowed. Deconstruction takes longer than traditional demolition, it is important to plan ahead. For more information, visit www.cityofpaloalto.org/deconstruction.
61. SALVAGE SURVEY FOR REUSE. A Salvage Survey is required for deconstruction permit applications. The survey shall be conducted by a City approved reuse vendor. The survey submittal shall include an itemized list of materials that are salvageable for reuse from the project. The applicant shall source separate and deliver materials for reuse. Certification is required indicating that all materials identified in the survey are properly salvaged. Contact The ReUse People to schedule this FREE survey by phone (888) 588-9490 or e-mail info@thereusepeople.org. More information can be found at www.TheReusePeople.org. Please upload a completed copy to the deconstruction permit.
62. SOURCE SEPARATION FOR RECYCLING. The applicant shall source separate deconstruction materials into specific categories for recycling. Additional staging areas for source separated materials will need to be considered. All materials shall be delivered to one of the City approved materials recovery facilities listed in Green Halo, all records shall be uploaded to www.greenhalosystems.com. For more information, refer to www.cityofpaloalto.org/deconstruction.

PUBLIC WORKS WATER QUALITY

63. Stormwater Best Management Practices (BMPs) associated with refuse management (including actions related to refuse pick-up and the enclosure itself) shall be followed to ensure pollution prevention and preventing potential discharges to the City's storm drain system. Stormwater BMPs include, but are not limited to, power washing the pavement on both the private property and in the right-of-way and sidewalk a minimum of once per year before the wet season begins on October 1st; utilizing a power washing contractor that is a Recognized Surface Cleaner by the Bay Area Stormwater Management Agencies Association (BASMAA); disposing of wash water according to the Recognized Surface Cleaner certification requirements; and removing any potential trash build-up on a regular basis.

PUBLIC WORKS URBAN FORESTRY

64. PLAN SET REQUIREMENTS. The final Plans submitted for building permit shall include

- a. SHEET T-1, BUILDING PERMIT. The building permit plan set will include the City's full-sized, Sheet T-1 ([Tree Protection-it's Part of the Plan!](http://www.cityofpaloalto.org/civicax/filebank/documents/31783)), available on the Development Center website at <http://www.cityofpaloalto.org/civicax/filebank/documents/31783>. The Applicant shall **complete and sign the Tree Disclosure Statement** and recognize the Project Arborist Tree Activity Inspection Schedule.
 - b. The Tree Preservation Report (TPR). All sheets of the Applicant's TPR approved by the City for full implementation by Contractor shall be printed on numbered Sheet T-1 (T-2, T-3, etc) and included in the sheet index for the plans submitted for building permit.
65. PLANS--SHOW PROTECTIVE TREE FENCING. The Plan Set (esp. site, demolition, grading & drainage, foundation, irrigation, tree disposition, utility sheets, etc.) must delineate/show Type I or Type II fencing around each Regulated Trees, using a bold dashed line enclosing the Tree Protection Zone as shown on Standard Dwg. #605, Sheet T-1, and the City Tree Technical Manual, Section 6.35-Site Plans; **or using the Project Arborist's unique diagram for each Tree Protection Zone enclosure.**
66. SITE PLAN REQUIREMENTS. The following notes shall be included on the site plan for the plans submitted for building or grading permits:
- 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 650-654-3351 "*;
 - 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."*
 - e. Note #5. *"Pruning Restrictions. No pruning or clearance cutting of branches is permitted on City trees. Contractor shall obtain a Public Tree Permit from Urban Forestry (650-496-5953) for any work on Public Trees"*
62. TREE PROTECTION VERIFICATION. Prior to demolition, grading or building permit issuance, a written verification from the contractor that the required protective fencing is in place shall be submitted to the Building Inspections Division. The fencing shall contain required warning sign and remain in place until final inspection of the project.

DURING CONSTRUCTION

63. 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.
64. PLAN CHANGES. Revisions and/or **changes to plans before or during construction** shall be reviewed and responded to by the (a) project site arborist, 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.
65. TREE PROTECTION COMPLIANCE. The owner and contractor shall implement all protection and inspection schedule measures, design recommendations and construction scheduling as stated in the TPR & Sheet T-1, and is subject to code compliance action pursuant to PAMC 8.10.080. The required protective fencing shall remain in place until final landscaping and inspection of the project. Project arborist approval must be obtained and documented in the monthly activity report sent to the City. The mandatory Contractor and Arborist Monthly Tree Activity Report shall be sent monthly to the City (pwps@cityofpaloalto.org) beginning with the initial verification approval, using the template in the Tree Technical Manual, Addendum 11.
66. 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.
67. GENERAL. The following general tree preservation measures apply to all trees to be retained: No storage of material, topsoil, vehicles or equipment shall be permitted within the tree enclosure area. The ground under and around the tree canopy area shall not be altered. Trees to be retained shall be irrigated, aerated and maintained as necessary to ensure survival.

POST CONSTRUCTION

68. 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.

ATTACHMENT D
ZONING CONSISTENCY ANALYSIS
739 Sutter Avenue, 22PLN-00201

Table 1: COMPARISON WITH CHAPTER 18.13 (RM-20 DISTRICT)

Regulation	Required	Proposed
Minimum/Maximum Site Area, Width and Depth	8,500 sf area, 70-foot width, 100 foot depth	No Change 133 feet by 126 feet, 16,707 sf (0.38 acre) 13, 093 sf net lot area (deducting private street width)
Minimum Front Yard	20 feet	5 feet to porch; 10 feet to building
Rear Yard	10 feet	12 feet
Street Side Yard	16 feet	Not Applicable
Interior Side Yard (for lots greater than 70 feet in width)	10 feet	4 ft, 6 inches (north side at Building 2 upper levels) 14 ft, six inches (south side)
Max. Building Height	30 feet	Building 1 (front building): 36.5 inches (three story development) Building 2 (rear building): 32 feet
Side Yard Daylight Plane	10 feet at interior side lot line then 45 degree angle	10 feet at interior side lot line then 82 degree angle
Rear Yard Daylight Plane	10 feet at rear setback line then 45-degree angle	Complies
Max. Site Coverage	35% (plus an additional 5% for covered patios or overhangs) (8,294 sf)	50% (8,294 sf)
Max. Total Floor Area Ratio	1.25:1 (16,366 sf)	~1.39:1 (18,239 sf);
Residential Density	11 to 20 units per acre (2 to 8 units)	12 DU on 0.38 acre = 31 units per acre
Minimum landscape/ Site Open Space	35% (5,847 sf)	36% (6,074 sf)
Minimum Usable Open Space	150 sf per unit	316 sf per unit
Minimum Common Open Space	75 sf per unit	1,528 sf (127 sf per unit)
Minimum Private Open Space	50 sf per unit	2,268 sf total (units ranging from 182 sf per unit to 682 sf per unit)

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

Type	Required	Proposed
Vehicle Parking	1 per studio unit 1.2 per 1-bedroom unit 2 per 2-bedroom or larger unit at least one of which must be covered Tandem parking is permitted for multiple-family and two-family uses at a maximum of 25% of the units ⁽¹⁾	12 – 3-bedroom units; 24 spaces 58% tandem (7 Units tandem) ⁽¹⁾
Loading Area	None required	None Proposed
Bicycle Parking	One (1) Long-term bicycle parking space per unit=12 spaces One (1) short-term bicycle parking space per 10% of units=1.2 spaces	12 LT spaces; two (2) ST spaces

(1) In accordance with state density bonus law, only 1.5 parking spaces is required, and all units may have tandem parking. Therefore, although this requirement does not meet the city's local code requirements, this allowance is provided per state law without the need for an additional waiver/concession.

Objective Design Standards Checklist

The Objective Design Standards Checklist is a tool to evaluate a project's compliance with the Zoning Ordinance (Chapter 18.24). The Checklist is not the Zoning Ordinance. Applicants shall be responsible for meeting the standards in the Zoning Ordinance. To simplify evaluation of the Zoning Ordinance, language in the Checklist may vary from the Zoning Ordinance.

If a standard is not applicable to applicant's project, please write N/A in Applicant's Justification column.

18.24.020 Public Realm/Sidewalk Character

Check	Standard	Sheet #	Applicant's Justification
(b)(1)(A) Public Sidewalks - Sidewalk Design			
<input type="checkbox"/>	1. In the following districts/locations, sidewalk width (curb to back of walk) is at least: <ul style="list-style-type: none"> Commercial Mixed-Use District: CN, CS, CC, CC(2), CD-C, CD-S, CD-N, PTOD: 10 ft. El Camino Real: 12 ft. San Antonio Road, from Middlefield Road to East Charleston Road: 12 ft And consists of:		Not Applicable (RM-20 zone district)
	a. Pedestrian clear path length (8 feet minimum): _____ feet		Not Applicable
	b. Landscape or furniture area length (2 feet minimum): _____ feet		Not Applicable
<input type="checkbox"/>	2. If the existing public sidewalk does not meet the minimum standard, a publicly accessible extension of the sidewalk, with corresponding public access easement, shall be provided.		Not Applicable
(b)(1)(B) & (C) Pathways			
<input type="checkbox"/>	1. Publicly accessible sidewalks or walkways connecting through a development parcel (e.g., on a through lot) are at least 6 feet wide.		Not Applicable (no publicly accessible sidewalks are proposed on the parcel)
<input type="checkbox"/>	2. Walkways designed to provide bicycle access are at least 8 feet wide, consisting of:		Not Applicable (no shared bicycle/pedestrian paths proposed)
	a. Pedestrian clear path width (8 feet min.): ____ ft.		

City of Palo Alto Objective Design Standards: Checklist

		b. Clear space/buffer (2 feet min. on each side of path): ____ ft. & ____ ft.		
Check	Standard		Sheet #	Applicant's Justification
(B)(2) Street Trees				
<input type="checkbox"/>	1. One street tree provided for every 30 linear feet of sidewalk length and located within 6 feet of the sidewalk.		A0.4	Project provides 4 new street trees along the 115 foot sidewalk frontage therefore complies with this requirement.
		a. Sidewalk frontage length: 115 linear feet		
		b. Street Trees required: 4 tree(s)		
		c. Street Trees provided: 4 tree(s)	A0.4	
(B)(3) Accent Paving				
<input type="checkbox"/>	1. Parcels abutting University Avenue between Alma Street and Webster include accent paving along the project frontages, as indicated below:			Not Applicable, not located within this area.
		a. Brick paving at corners		
		b. Brick trim mid-block		
<input type="checkbox"/>	2. Parcel abutting California Avenue between El Camino Real and Park Blvd include decorative glass accent paving along project frontages			Not Applicable, not abutting California Avenue.
(B)(4) Mobility Infrastructure				
Pick One	<input checked="" type="checkbox"/>	1. On-site micromobility infrastructure is located within 30 feet of the primary building entry or within a path leading to the primary building entry; <u>OR</u>	A0.4	The project provides bike parking within 30 feet of a primary building entry and within 30 feet of the path that leads to all other building entries. Therefore, the project complies.
	<input type="checkbox"/>	2. Existing micromobility infrastructure is already located within 50 feet of project site, and located in a public right-of-way.		
(B)(4) Seating				

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Pick One	<input checked="" type="checkbox"/>	1. Primary building entries shall provide at least one seating area or bench within 30 feet of building entry and/or path leading to building entry; OR	A0.4	The project provides benches adjacent trees along the rear of the property within 30 feet of primary building entries as well as the path leading to multiple building entries. Benches are also provided within each stoop on Building 1. Therefore, the project complies.
	<input type="checkbox"/>	2. Existing seating areas or benches are already located in the public right-of-way within 50 feet of the building entry.		Not Applicable; none existing

18.24.030 Site Access

Check	Standard	Sheet #	Applicant's Justification
(B)(1) Through Lots			
<input checked="" type="checkbox"/>	1. Through lots located more than 300 feet from an intersecting street or pedestrian walkway include a publicly accessible sidewalk or pedestrian walkway connecting the two streets.		Not Applicable; not a through lot
(B)(2) Building Entries			
<input checked="" type="checkbox"/>	1. Entries to Primary Building Entries are located from a public right-of-way	A0.4	Entries are proposed facing the public right-of-way (Building 1) or from a pedestrian walkway leading from the public right-of-way (Building 2).
(B)(3) Vehicle Access			
<input checked="" type="checkbox"/>	1. Vehicle access is located on alleys or side streets where available.	A0.4	Vehicular access is provided from the only abutting street, Sutter Avenue—Private streets are proposed consistent with

City of Palo Alto Objective Design Standards: Checklist

			Title 21 of the code, which considers vehicular access serving 4 or more units (inclusive of condominium parcels) to be private streets.
<input checked="" type="checkbox"/>	2. No off-street parking, off-street vehicle loading, or vehicular circulation areas are located between the building and primary building frontage.	A0.4	Parking and vehicle circulated is provided from public right of way and leading to private garages. Parking/circulation is not provided between the buildings and the primary building frontage.
(B)(4) Loading Docks			
<input checked="" type="checkbox"/>	1. Loading docks and service areas are located on/facing the following areas: Alley, Parking Area, Rear or Side Building Facades		Not Applicable
<input checked="" type="checkbox"/>	2. Loading docks and service areas located within setback areas shall be screened by a solid fence, or wall, or dense landscaping and separated from pedestrian access to the primary building entry to avoid impeding ped movement/safety.		Not Applicable

18.24.040 Building Orientation and Setbacks

Check	Standard		Sheet #	Applicant's Justification
(b)(1) Treatment of Corner Buildings (less than 40 feet in height)				
Corner buildings less than 40 feet in height and end units of townhouses or other attached housing products that face the street shall include all of the following features on their secondary building frontage:				
Check All	<input type="checkbox"/>	1. A height to width ratio greater than 1.2:1.		The building is less than 40 feet in height but it is not a corner building and does not have an end unit of a townhome that faces the street.
		a. Secondary building frontage height: _____ feet		

City of Palo Alto Objective Design Standards: Checklist

		b. Secondary building frontage length: _____ feet			
		c. Secondary building frontage height to width ratio: ____			
	<input type="checkbox"/>	2. A minimum of 15 percent fenestration area.			
			a. Total secondary building frontage façade area: ____ sq. ft.		
			b. Secondary building frontage façade fenestration area: ____ sq. ft.		
			c. Percent of fenestration area _____ %		
<input type="checkbox"/>	3. At least one facade modulation with a minimum depth of 18 inches and a minimum width of two feet.				

(b)(2)(A) & (B) Treatment of Buildings Corners on Corner Lots (40+ feet in height)

Corner Buildings 40 feet or taller in height shall include at least one of the following special features:

Check One or More within A or B	A. Street wall is located at the minimum front yard setback or build-to line for a minimum aggregated length of 40 feet in length on both facades meeting at the corner and includes <u>one or more</u> of the following building features:			This standard does not apply because it is specific to corner buildings that are 40 feet or taller. The subject parcel is not a corner lot and the building is less than 40 feet in height.
	<input type="checkbox"/>	a. An entry to ground floor retail or primary building entrance located within 25 feet of the corner of the building.		
	<input type="checkbox"/>	b. A different material application and/or fenestration pattern from the rest of the façade.		
	<input type="checkbox"/>	c. A change in height of at least 4 feet greater or less than the height of the abutting primary façade.		
Check One or More within A or B	B. An open space with a minimum dimension of 20 feet and minimum area of 450 square feet. The open space shall be <u>at least one</u> of the following			This standard does not apply because it is specific to corner buildings that are 40 feet or taller. The subject parcel is not a corner lot and the building is less than 40 feet in height.
	<input type="checkbox"/>	a. A publicly accessible open space/plaza.		
	<input type="checkbox"/>	b. A space used for outdoor seating for public dining.		

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	<input type="checkbox"/>	c. A residential Common Open Space adjacent to a common interior space and less than two feet above adjacent sidewalk grade. Fences and railing shall be a minimum 50% transparent.		
(b)(3) Primary Building Entry				
The primary building entry meets <u>at least one</u> of the following standards:				
Check One or More	<input checked="" type="checkbox"/>	1. Faces a public right-of-way.	A0.4	The proposed units either face Sutter (Building 1) or face a pedestrian walkway that leads out to the public ROW (Building 2)
	<input checked="" type="checkbox"/>	2. Faces a publicly accessible pedestrian walkway.	A0.4	
	<input type="checkbox"/>	3. Is visible from a public right-of-way through a forecourt or front porch that meets the following standards:		Not applicable (meets the above requirements)
	<input type="checkbox"/>	a. For residential buildings with <u>fewer than seven units</u> , building entry forecourts or front porch minimum dimensions of (min. 36 sq. ft. and min. dimension of 6 feet required): ____ sq. ft. and ____ ft. min. dimension		
	<input type="checkbox"/>	b. For commercial buildings or residential buildings with <u>seven or more units</u> , building entry forecourts or front porch minimum dimensions of (min. 100 sq. ft. and a min. width of 8 feet required): ____ sq. ft. and ____ ft. min. width		
(b)(4) Ground Floor Residential Units				
A. Ground Floor Finished Floor Height				
<input checked="" type="checkbox"/>	The finished floor of ground floor residential units, when adjacent to a public right-of-way, are within the minimum and maximum heights according to setback distance from back of walk identified in Figure 2a of the Zoning Ordinance. Calculate minimum ground floor finished floor height:			
Check All that Apply	<input type="checkbox"/>	a. Setback adjacent to public right of way: <u>14</u> feet		
	<input type="checkbox"/>	b. Minimum ground floor finished floor height: <u>.7</u> feet $y = \left(-\frac{4}{15}\right)(x) + \frac{16}{3}$ where x = setback length from back of walk, in feet and y = ground floor finished floor height, in feet	A2.3	Requests waiver to provide 0.5' where 1.5' is required.

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	<input type="checkbox"/>	c. Sites with slopes greater than 2% along building façade – Average height of finished floor: _____ feet		Not applicable (less than 2% grade)
	<input type="checkbox"/>	d. Sites located in flood zones - Minimum ground floor finished floor height, less flood zone elevation: _____ feet		Not applicable, not in a flood zone
B. Street Trees				
	<input type="checkbox"/>	Ground floor units with a setback greater than 15 feet have at minimum an average of one tree per 40 linear feet of facade length, within the setback area.		Not applicable (setback is less than 15 feet)
		a. Setback length: _____ feet		
		b. Amount of Linear frontage: _____ feet		
		c. Street Trees required: _____ tree(s)		
		d. Street Trees provided: _____ tree(s)		
C and D. Front Setback				
Pick One	<input checked="" type="checkbox"/>	1. Ground floor residential entries are setback a minimum of 10 feet from the back of sidewalk; OR		Unit entries are set back 14 feet from the back of sidewalk
	<input type="checkbox"/>	2. Where no minimum building setback is required, all residential units are set back a minimum 5 feet from back of walk.		Not applicable, complies with #1.
Check	Standard		Sheet #	Applicant's Justification
4. Unit Entry				
<input checked="" type="checkbox"/>	1. A minimum 80% of ground floor residential units that face a public right-of-way or publicly accessible path, or open space shall have a unit entry with direct access to the sidewalk, path, or open space for minimum.		A0.4	All units that face the public ROW on Sutter have a unit entry with direct access to the sidewalk. All other units face pedestrian paths that directly connect to the public ROW.
		a. Total number of ground floor residential units facing a public right-of-way, publicly accessible path, or open space: <u> 5 </u> units		
		b. 80% of total units in (a): <u> 10 </u> units		
		c. Subset of number of units in (a) that have a unit entry with direct access to the sidewalk, path, or open space: <u> 100% </u> entries		

City of Palo Alto Objective Design Standards: Checklist

(b)(5) Front Yard Setback Character				
1. Required setbacks provide a hardscape and/or landscaped area to create a transition between public and private space, and meet the following:				
Check All that Apply	<input type="checkbox"/>	a. Ground-floor retail or retail like uses have a minimum of 10% of the required setback as landscape or planters.		Not Applicable, exclusively residential use
		i.	Minimum setback area (setback x frontage x 10%): ____ sq. ft.	
		ii.	Landscape or planter area in required setback: ____ sq. ft.	
	<input checked="" type="checkbox"/>	b. Ground-floor residential uses have a minimum of 60% landscaped area in the required setback area.		
		i.	Minimum setback area (setback x frontage x 60%): __1,330__ sq. ft.	L-3.0 70% is provided as landscaped area (setback is 10 feet and length of frontage is 133 ft)
		ii.	Landscape area in required setback: __930__ sq. ft.	

18.24.050 Building Massing

Check	Standard			Sheet #	Applicant's Justification
(b)(1) Upper Floor Step Backs and Daylight Plane					
Pick One	<input type="checkbox"/>	1A When the height of the subject building is more than 20 feet above the average height an adjacent building, an upper floor step back shall start within 2 vertical feet of the height of the adjacent building. The step back shall be a minimum depth of 6 feet along the primary building frontage, and the step shall occur for a minimum of 70% of the façade length.			Does not apply to north or east side; requirements under 1B apply to south side (facing private street) and west side (facing R-1).
			i.	Proposed building height Building 1: __36'__ feet Proposed Building Height Building 2: __31.5__ feet	
			ii.	Average building height of the adjacent building(s): North Along Sutter: __20__ feet South Along Sutter: Does not apply, see below for requirement adjacent single story	

City of Palo Alto Objective Design Standards: Checklist

		West (facing R-1): Does not apply, see below for requirement adjacent single story		
		iii. Building height where upper floor step back begins: ____ feet		
	<input checked="" type="checkbox"/>	1B Except, when adjacent to a single-story building, the upper floor step back shall occur between 33 and 37 feet in height.	A2.6	<p>On the south side, the step back occurs at 27 feet and is stepped back approximately 8 feet, but the step occurs for 25% ft of the façade where 70% is required. Waiver requested.</p> <p>Along the west side (facing R-1), the stepback occurs at ~19.5 ft and steps back for approximately 9 feet on third level. Copmplies</p>
	<input checked="" type="checkbox"/>	<p>1C If a project meets the following criteria, a daylight plane with an initial height of 25 feet above grade at the property line and a 45-degree angle shall be required. No setback is required unless otherwise required by the zoning district. This daylight plane is required if all of these criteria are met:</p> <p>(i) The project is not subject to a daylight plane requirement, pursuant to district regulations in Title 18; and</p> <p>(ii) The project proposes a building which is more than 20 feet above the average height (i.e., average of low and high roof elevations) of an adjacent building; and</p> <p>(iii) The project abuts residential units in the side or rear yard.</p>		<p>Project is subject to a 10 ft, 45 degree angle plane on side and rear lot lines which is more restrictive. Project complies with the more restrictive daylight plane where abutting R-1. A waiver is requested for the side daylight plane to provide 10 ft, 82 degree angle where 10 ft, 45 degree angle is required.</p>
(b)(2) (A)(B)(C) (D) & (E) Transition to Lower Density Building Types				
When a Building abuts a residential use on a side and rear property line, the building breaks down the abutting façade by meeting <u>all</u> of the following:				
Check All	<input checked="" type="checkbox"/>	a. A landscape screen that includes a row of trees with a minimum 1 tree per 25 linear feet and continuous shrubbery planting. This screening plant material shall	A.0.4 and L-3.0	The project provides one 24-inch box tree every 25 feet (5 in total) along the rear property

City of Palo Alto Objective Design Standards: Checklist

		be a minimum 72 inches (6 feet) in height when planted. Required trees shall be minimum 24" box size.		line and along the northern property line (6 in total). No screening is provided on the south side due to conflict with a private street. Waiver requested.
	☒	b. A minimum façade break of 4 feet in width, 2 feet in depth, and 32 square feet of area for every 36 to 40 feet of façade length	<i>A0.7 (see also waiver requests)</i>	Waiver to allow façade break of 4' in width, 1 ft in depth, and 9 sf of area for every 36 to 40 feet of façade length where minimum façade break of four feet in width, two feet in depth and 32 sf of area for every 36 to 40 feet of façade length is required.
	☒	c. Within 40 feet of an abutting structure, no more than 15% of the confronting façade area shall be windows or other glazing. Additional windows are allowed in order to maintain light, if fixed and fully obscured	<i>A2.3 (right elevation) and Building 2 front and left elevations)</i>	Complies. Applies to north and west side. Where windows are added to maintain light abutting the west side (R-1) the windows are fixed and fully obscured (2 nd floor windows [grey indicated glazing]).
		d. Within 30 feet of facing residential windows (except garage or common space windows) or private open space on an adjacent residential building, facing windows on the subject site shall meet the following: (i) Window sills at and above the 2nd floor shall be at least five feet above finished floor; or (ii) Windows shall have opaque or translucent glazing at or below five feet above finished floor; or (iii) Windows shall be angled up to 30 degrees (parallel to window) to face away from the adjacent privacy impacts; and (iv) Landscape screening shall be 24-inch box size or larger and eight+ feet height at planting; 50% evergreens; and located to align with proposed second floor windows at maturity.	<i>A2.3 (right elevation) and Building 2 front and left elevations)</i>	Complies with (ii) and (iv)

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		<p>e. Balconies: Within 30 feet of residential windows (except garage or common space windows) or private open space on an adjacent residential building, balconies and decks on the subject site shall be designed to prevent views:</p> <ul style="list-style-type: none"> (i) No sight lines to the adjacent property window or open space are permitted within five feet above the balcony or deck flooring and a 45-degree angle downward from balcony railing. (ii) Submit section view of proposed balcony/deck and abutting residential windows and/or private open space. (iii) Provide balcony/deck design measure which may include: <ul style="list-style-type: none"> a. Minimum 85% solid railing b. Obscure glass railing c. Barrier with min. 18" horizontal depth from railing (e.g., landscape planter) 		Provides solid railing and complies with view site line
(b)(3)(A) & (B) Façade Length				
Pick One Category (i.e 1, 2 or 3)	1. Buildings 70 feet in length or greater			
	<input checked="" type="checkbox"/>	<p>1. Building is greater than 25 feet in height and 70 feet in length, and faces a public street, right-of-way, or publicly accessible path shall not have a continuous façade plane greater than 70% of the façade length without an upper floor modulation, of at least 2 feet in depth</p>		Complies, porches and balconies are proposed to project from the building façade providing a break such that there is no more than 11% of the façade length without a modulation of more than 2' in depth.
		a. Façade length featuring continuous plane: <u> 12'6" </u> feet	A2.1	
		b. Total Façade length: <u> 113 </u> feet		
		c. Percent of façade length without upper floor modulation (a/b) (maximum 70%): <u> 11 </u> %		
	2. Buildings 250 feet in length or greater			
	<input type="checkbox"/>	<p>1. Buildings 250 feet in length or greater, which face a public street, right-of-way, or publicly accessible path, shall have <u>at least one vertical façade break</u> with a minimum area greater than 400 square feet and a width greater than or equal to <u>two times</u> the depth</p>		Not applicable (all buildings less than 250 feet in length)

City of Palo Alto Objective Design Standards: Checklist

		a. Total Building length: _____ feet		
		b. Number of vertical façade breaks: ____ breaks		
	3. Buildings between 150 feet and 250 feet in length			
	<input type="checkbox"/>	1. Buildings 150 to 250 feet in length, which face a public street, right-of-way, or publicly accessible path, shall have <u>at least one vertical façade break</u> with a minimum area greater than 64 square feet and a minimum width of 8 feet and minimum depth of 4 feet.		Not applicable (all buildings less than 150 feet in length)
		a. Total Building length: _____ feet		
		b. Number of vertical façade breaks: ____ breaks		
Check	Standard		Sheet #	Applicant's Justification
(b)(4) Special Conditions: Railroad Frontages				
All parcels with lot lines abutting railroad rights-of-way shall meet the following standards on the railroad-abutting façade:				Not Applicable (doesn't front railroad)
Check All	<input checked="" type="checkbox"/>	1. A minimum facade break of at least 10 feet in width and six feet in depth for every 60 feet of façade length.		
	<input type="checkbox"/>	2. Portions of a building 20 feet or greater in height shall not have a continuous façade length that exceeds 60 feet.		
(b)(5) Diversity of Housing Types				
A diversity of housing types (1.g. detached units, attached rowhouses, condominiums or apartments, mixed use) are required for projects on large lots:				
<ul style="list-style-type: none"> • Less than one acre lots: Minimum 1 housing types • 1 to 2-acre lots: minimum 2 housing types; or • More than 2-acre lots: minimum 3 housing types 				Complies, less than one acre and provides one housing type.

18.24.060 Façade Design

Check Two or More	Standard	Sheet #	Applicant's Justification
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City of Palo Alto Objective Design Standards: Checklist

(c)(1) Base-Middle-Top				
<input type="checkbox"/>	Buildings three stories or taller and on lots wider than 50 feet shall be designed to differentiate a defined base or ground floor, a middle or body, and a top, cornice, or parapet cap. Each of these elements shall be distinguished from one another for a minimum of 80% of the façade length through use of three or more of the following four techniques:			
<input checked="" type="checkbox"/>	1. Variation in Building Modulation: Building modulation shall extend for a minimum 80% of the façade length feet, and shall include one or more of the following building features.			
Check one or more if selected	<input type="checkbox"/>	a. Horizontal shifts. Changes in floor plates that protrude and/or recess with a minimum dimension of 2 feet from the primary facade.		
	<input checked="" type="checkbox"/>	b. Upper floor step backs. A horizontal step back of upper-floor façades with a minimum 5 foot step back from the primary façade for a minimum of 80% of the length of the façade	A0.7	Complies on building 2
	<input type="checkbox"/>	c. Ground floor step back. A horizontal shift of the ground floor facade with a minimum depth of 2 feet for a minimum 80% of the length of the façade. Ground floor step backs shall not exceed the maximum setback requirements, where stated		
<input type="checkbox"/>	2. Variation in Façade Articulation: Façade articulation modulation shall include one or more of the following building features.			
Check one or more if selected	<input checked="" type="checkbox"/>	a. Horizontal and/or Vertical Recesses or Projections. Recesses or projections such as a pattern of recessed grouping of windows, recessed panels, bay windows or similar strategies. The recess or projection shall be a minimum 4 inches in depth.	A0.7	Complies, variations in recesses proposed for both buildings.
	<input type="checkbox"/>	b. Horizontal and/or Vertical Projections. Projections such as shading, weather protection devices, decorative architectural details, or similar strategies.		
	<input type="checkbox"/>	c. Datum Lines. Datum lines that continue the length of the building, such as parapets or cornices, with a minimum 4 inches in height or a minimum 2 inches in depth and include a change in material		
<input checked="" type="checkbox"/>	3. Variation in two of the following:			
Check two if selected	<input checked="" type="checkbox"/>	a. Fenestration Size	A3.2	Complies, variation in window grouping patterns and fenestration size for both buildings

City of Palo Alto Objective Design Standards: Checklist

	<input type="checkbox"/>	b. Fenestration Proportion		
	<input checked="" type="checkbox"/>	c. Fenestration Pattern		Complies, variation in window grouping patterns and fenestration size for both buildings
	<input type="checkbox"/>	d. Fenestration Depth <u>or</u> Projection		
<input checked="" type="checkbox"/>	4. Variation in two of the following:			
Check two if selected	<input checked="" type="checkbox"/>	a. Façade Material	A3.2, A3.3	Complies
	<input type="checkbox"/>	b. Facade Material Size		
	<input checked="" type="checkbox"/>	c. Façade Texture and Pattern		
	<input checked="" type="checkbox"/>	d. Façade Color	A3.2, A3.3	complies
(C)(2) Façade Composition				
Building facades shall use a variety of strategies including building modulation, fenestration, and façade articulation to create visual interest and express a variety of scales through a variety of strategies. All facades shall include <u>a minimum of three</u> of the following façade articulation strategies to create visual interest:				
Check Three or More	<input checked="" type="checkbox"/>	A. Vertical and horizontal recesses such as a pattern of recessed grouping of windows or recessed panels. The recess shall be a minimum 4 inches in depth.	A3.2, A3.3, A0.7	Complies on both buildings
	<input checked="" type="checkbox"/>	B. Vertical and horizontal projections such as shading and weather protection devices or decorative architectural details. Projections shall be a minimum 4 inches in depth.	A3.2, A3.3, A0.7	Complies on both buildings
	<input type="checkbox"/>	C. Datum lines that continue the length of the building, such as cornices, with a minimum 4 inches in depth, or a minimum 2 inches in depth and include a change in material.		
	<input checked="" type="checkbox"/>	D. Balconies, habitable projections, or Juliet balconies (every 20 to 40 feet) with a minimum 4 inches in depth.	A3.2, A3.3	Complies on both buildings
	<input type="checkbox"/>	E. Screening devices such as lattices, louvers, shading devices, or perforated metal screens.		

City of Palo Alto Objective Design Standards: Checklist

	<input type="checkbox"/>	F. Use of fine-grained building materials, such as brick or wood shingles, not to exceed 8 inches in either height or width.		
	<input checked="" type="checkbox"/>	G. Incorporate a minimum of three colors, materials, and/or textures across the whole building.	A3.2, A3.3	Complies on both buildings
(c)(3) Compatible Rhythm and Pattern				
1. Buildings less than 100 feet in length				
	<input checked="" type="checkbox"/>	1. Buildings with continuous facades less than 100 feet in length, the façade shall have vertically oriented patterns of vertical recesses or projections, façade articulation, and/or fenestration		Does not apply, facades are greater than 100 ft in length
2. Buildings 100+ feet in length				
Check One	<input checked="" type="checkbox"/>	1. A vertical recess or change in façade plane with a minimum 2 feet deep vertical shift modulation for a minimum 4 feet in width to establish a vertical rhythm or a unit between 20 to 50 feet in width; OR		Vertical shifts proposed in both buildings using porches or balconies
	<input type="checkbox"/>	2. A vertical recess or projection with a minimum depth of 2 feet that establishes the vertical rhythm housing units or individual rooms between 10 to 16 feet in width		
3. Residential mixed-use buildings				
Check One or More	<input type="checkbox"/>	1. Facades use vertical patterns of building modulation, façade articulation, and fenestration		Not applicable, exclusively residential proposed
	<input type="checkbox"/>	2. Facades use horizontal articulation and fenestration patterns shall use a vertical massing strategy with a minimum 4 feet wide and 2 feet deep vertical shift in modulation at least once every 50 feet of façade length		
4. Storefronts				
	<input type="checkbox"/>	1. Storefront uses express a vertical rhythm between 30 and 50 feet in width.		Not Applicable
(c)(4) Emphasize Building Elements & Massing				
		1. Primary building entries shall be scaled proportionally to the number of people served (amount of floor-area or number of units accessed). Building entries shall meet the following minimum dimensions:		
Check All	<input checked="" type="checkbox"/>	a. Individual residential entries: 5 feet in width	A0.7 (see also	Waiver requested for building 2 where stoops will be 4.5 feet wide.

City of Palo Alto Objective Design Standards: Checklist

			<i>waiver requests)</i>	
	<input type="checkbox"/>	b. Shared residential entry, such as mixed-use buildings: 8 feet in width		Not applicable
	<input type="checkbox"/>	c. Commercial building entry: 20 feet in width		Not applicable
	<input type="checkbox"/>	d. Storefront entry: 6 feet in width		Not applicable
2. Primary building entries (not inclusive of individual residential entries) shall include a façade modulation that includes <u>at least one</u> of the following:				Not applicable; Only individual residential entries apply
Check One or More	<input type="checkbox"/>	a. Recess or projection from the primary façade plane (minimum 2 feet).		
	<input type="checkbox"/>	b. Weather protection, awning, or similar strategy that is a minimum 4 feet wide and 4 feet deep by recessing the entry.		
(c)(5) Storefront/Retail Ground Floors				
<input type="checkbox"/>	A. Ground floor height shall be a minimum 14 feet floor-to-floor OR shall maintain a 2 nd floor datum line of an abutting building.			Section Not Applicable; project is exclusively residential
		a. Ground floor height (minimum 14 feet): _____ feet; OR		
		b. Height of 2 nd floor datum line of abutting building: _____ feet		
<input type="checkbox"/>	B. Transparency shall include a minimum 60 percent transparent glazing between 2 and 10 feet in height from sidewalk, providing unobstructed views into the commercial space.			
		a. Façade area between 2 feet and 10 feet: _____ square feet		
		b. Transparent glazing area: _____ square feet		
		c. Percentage of transparent glazing (minimum 60%): _____ %		
<input type="checkbox"/>	C. If provided, bulkheads and solid base walls measure between 12 and 30 inches from finished grade			
<input type="checkbox"/>	D. Primary entries shall include weather protection by recessing the entry, providing an awning or using a combination of these methods.			
		a. Weather protection width (minimum 6 feet): _____ feet		
		b. Weather protection depth (minimum 4 feet): _____ feet		
<input type="checkbox"/>	E. If provided, when transom windows are above display windows, awnings, canopies and similar, weather protection elements shall be installed between transom and display windows.			

City of Palo Alto Objective Design Standards: Checklist

(c)(6) Other Non-Residential Ground Floors				
<input type="checkbox"/>		1. Ground floor height is a minimum 14 feet floor-to-floor OR maintains a 2 nd floor datum line of an abutting building		Section does not apply; project is exclusively residential
Pick One	<input type="checkbox"/>	a. Ground floor height (minimum 14 feet): _____ feet; OR		
	<input type="checkbox"/>	b. Height of 2 nd floor datum line of abutting building: _____ feet		
<input type="checkbox"/>		2. Minimum of 50% transparent glazing between 4 and 10 feet in height from sidewalk, providing unobstructed views into the commercial space		
		a. Façade area between 4 feet and 10 feet: _____ square feet		
		b. Transparent glazing area: _____ square feet		
		c. Percentage of transparent glazing (minimum 50%): _____ %		
<input type="checkbox"/>		3. Primary entries include weather protection that is a minimum 6 feet wide and 4 feet deep by recessing the entry, providing an awning or using a combination of these methods.		
		a. Weather protection width (minimum 6 feet): _____ feet		
		b. Weather protection depth (minimum 4 feet): _____ feet		
(c)(7) Parking/Loading/Utilities				
1. Entry Size				
<input checked="" type="checkbox"/>		1. Portion of the site frontage facing a street devoted to garage openings, carports, surface parking, loading entries, or utilities access is a maximum of 25% (or on sites with less than 100 feet of frontage, no more than 25 feet)		
		a. Site frontage: __278__ feet		
		b. Frontage devoted to garage openings, carports, surface parking, loading entries, or utilities access: __0__ feet		
		c. Percent of frontage devoted to garage openings, carports, surface parking, loading entries, or utilities access __0__ %		
2. Above Ground Structured Parking				
<input type="checkbox"/>		1. Above grade structured parking levels facing a public right-of-way or publicly accessible open space/path, with the exception of vehicular alleys, are lined with commercial or habitable uses with a minimum depth of 20 feet		Not applicable
3. Partially Sub-Grade Structured Parking				

City of Palo Alto Objective Design Standards: Checklist

<input type="checkbox"/>	1. Partially sub-grade parking does not have an exposed façade that exceeds 5 feet in height above abutting grade at back of sidewalk.		Not applicable
<input type="checkbox"/>	2. Partially sub-grade parking is screened with continuous landscaping and shrubbery with minimum height of 3 feet and located within 10 feet of the sub-grade parking.		

18.24.070 Residential Entries

Pick One or More (A – E)	Standard	Sheet #	Applicant's Justification
(b)(1) Ground Floor Unit Entries			
Where ground floor residential unit entries are required, <u>one or more</u> of the following entry types shall be provided:			
<input type="checkbox"/>	A. Stoop		
Check All if Selected	<input type="checkbox"/> 1. Stoops provide entry access for a maximum of two ground floor units.		Complies, stoops provide access to either one or two units
	<input type="checkbox"/> 2. Stoop heights are within 1 step of finished floor height of adjacent unit.		complies
	<input type="checkbox"/> 3. Stoop entry landings are a minimum 5 feet in depth		Complies
	<input type="checkbox"/> 4. The maximum stoop height from the back of sidewalk grade is 5 feet.		Complies
<input type="checkbox"/>	B. Porch		
Check All if Selected	<input type="checkbox"/> 1. Porches provide entry access for a maximum of one ground floor unit.		Not applicable-stoops selected
	<input type="checkbox"/> 2. Porch heights are within 1 step of finished floor height of adjacent unit.		
	<input type="checkbox"/> 3. Porches are large enough so a 6-foot by 6-foot square can fit inside		
	<input type="checkbox"/> 4. The maximum porch height from the back of sidewalk grade is 5 feet.		
<input checked="" type="checkbox"/>	C. Patio Entry		
Check All if Selected	<input checked="" type="checkbox"/> 1. Patio entries provide access for a maximum of two ground floor units.		Not applicable-stoops selected
	<input checked="" type="checkbox"/> 2. Patio entries are large enough so a 5-foot by 5-foot square can fit inside		
	<input checked="" type="checkbox"/> 3. The patio shall include at least one of the following features to define the transition between public and private space:		

City of Palo Alto Objective Design Standards: Checklist

	Pick One or More	<input checked="" type="checkbox"/>	a. Row of shrubs: not exceeding 42 inches in height located between the sidewalk and the patio		
		<input type="checkbox"/>	b. Fence: not to exceed 36 inches in height located between the sidewalk and the patio		
		<input type="checkbox"/>	c.i. Metal, Wood, or Stone Wall: not to exceed 36 inches in height located between the sidewalk and the patio, AND c.ii. A minimum 18-inch landscape strip is located between the wall and the abutting pedestrian way and entirely landscaped		
<input type="checkbox"/>	D. Terrace				
Check All if Selected	<input type="checkbox"/>	1. Terraces provide entry access for multiple ground floor units.			Not applicable-stoops selected
	<input type="checkbox"/>	2. Terraces are a maximum height of 30 inches above the grade of the back of the adjacent sidewalk or accessway.			
	<input type="checkbox"/>	3. Walls, fences and hedges on Terraces are a maximum of 42 inches tall and have a minimum transparency of 40 percent.			
<input type="checkbox"/>	E. Frontage Court				
Check All if Selected	<input type="checkbox"/>	1. Frontage courts provide entry access for multiple ground floor units.			Not applicable-stoops selected
	<input type="checkbox"/>	2. The minimum frontage court width along a primary frontage is 25 feet.			
	<input type="checkbox"/>	3. The maximum frontage court width along a primary frontage is 50 percent of the facade length or 80 feet, whichever is less.			
	<input type="checkbox"/>	4. The minimum Frontage Court depth is 25 feet.			
	<input type="checkbox"/>	5. The maximum Frontage Court depth is 50 feet or a ratio not to exceed 2:1 depth to width.			

18.24.080 Open Space

Check	Standard	Sheet #	Applicant's Justification
(B)(1) Private Open Space			
<input checked="" type="checkbox"/>	1. Floor area includes clear space with a minimum dimension of a circle with a six-foot diameter.	A0.7 (see also waiver request)	Waiver requested for the rear balconies at third floor to have 5.5 feet where 6 feet minimum clear is required

City of Palo Alto Objective Design Standards: Checklist

<input checked="" type="checkbox"/>	2. Minimum clear height dimension of 8'-6" feet.		Complies
<input checked="" type="checkbox"/>	3. Directly accessible from a residential unit.		Complies
<input checked="" type="checkbox"/>	4. Balconies are not located within the daylight plane.		complies
(B)(1) Ground Floor Patios			
<input type="checkbox"/>	1. RM-20 and RM-30 districts: Minimum 100 square feet of area, the least dimension of which is 8 feet for at least 75% of the area.		Not applicable. Ground floor patios not provided as open space
<input type="checkbox"/>	2. RM-40 districts: Minimum 80 square feet of area, the least dimension of which is 6 feet for at least 75% of the area		
<input type="checkbox"/>	3. Street facing private open space on the ground floor shall meet the finished floor height for ground floor residential standards in section 18.24.040(b)(4)		
(B)(2) Common Open Space			
<input checked="" type="checkbox"/>	1. Common open space is a minimum 200 square feet of area. Area shall include a space with a minimum dimension of a circle with a 10-foot diameter.	<i>A0.4</i>	Complies
<input checked="" type="checkbox"/>	2. A minimum of 60% of the area shall be open to the sky and free of permanent weather protection or encroachments.	<i>Landscape setback compliance diagram</i>	complies
<input type="checkbox"/>	3. Notwithstanding subsection (1), courtyards enclosed on four sides shall have a minimum dimension of 40 feet and have a minimum courtyard width to building height ratio of 1:1.25		Not applicable
<input checked="" type="checkbox"/>	4. Common open space provides seating.	<i>A0.4</i>	complies
<input checked="" type="checkbox"/>	5. Common open space has a minimum 20% of landscaping.	<i>Compliance diagram</i>	complies
<input type="checkbox"/>	6. Planting in above grade courtyards has minimum soil depth of 12 inches for ground cover, 20 inches for shrubs, and 36 inches for trees.		Not applicable

18.24.090 Materials

Primary, secondary, and accent materials are allowed or prohibited as in the Residential and Residential Mixed-use Material List, which may be updated from time to time by the Director of Planning with a recommendation by the ARB.

City of Palo Alto Objective Design Standards: Checklist

Item 2

Attachment E - Objective Standards

Consistency Analysis

The project complies with the materials list

18.24.100 Sustainability and Green Building Code

See Chapter 16.14: California Green Building Standards additional requirements for green building and sustainable design.

Project complies with the green building standards

739 Sutter Ave, Palo Alto, CA

Project Description:

The proposed project would demolish the existing 8-unit apartment building located at 739 Sutter Avenue and construct 12 new townhome units on the project site. The proposed units are 3-stories in height and range from +/- 1,119 SF to 1,537 SF of living space per unit. Each unit includes a 2-car garage and a deck to provide private open space. The proposed project envisions a contemporary architectural style.

The project will not utilize a vibratory rollers or pile drivers for construction. Best management practices for the protection of archeological resources, if uncovered, including evaluation and proper treatment of a resource, if uncovered. Best management practices for the protection of nesting birds, including a pre-construction survey for nesting birds prior to demolition activities/tree removal.

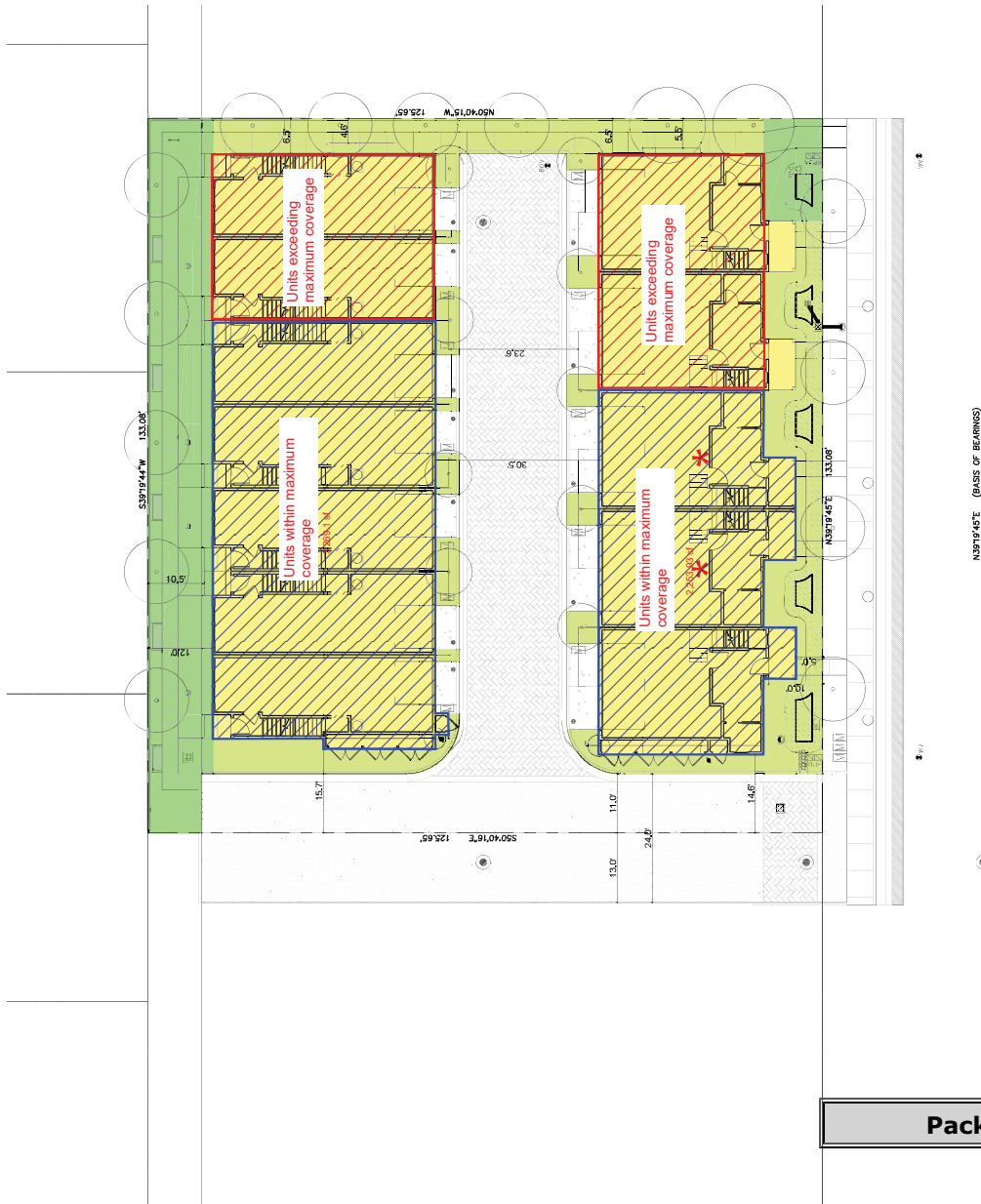
Several design features have been added to the project to enhance the privacy of rear neighbors. The third floor at the rear building is stepped back to prevent the decks from looking directly into the neighbors' yards. The parapet walls at the decks were also revised from metal railing to solid half wall railings. Trees have been planted strategically at the rear fence to obscure sight lines. The fence at the rear was also raised to be a total of 8' in height, a 7' tall fence with a 1' trellis to help maintain privacy. Finally, the lower half of the glazing at the second-floor windows have also been revised from transparent to obscure glass.

The project is proposed under the Density Bonus Law. The applicant also requests that this Project be reviewed under the City of Palo Alto's streamlined process, comparing it against the Objective Design Standards that the city adopted in July 2022.

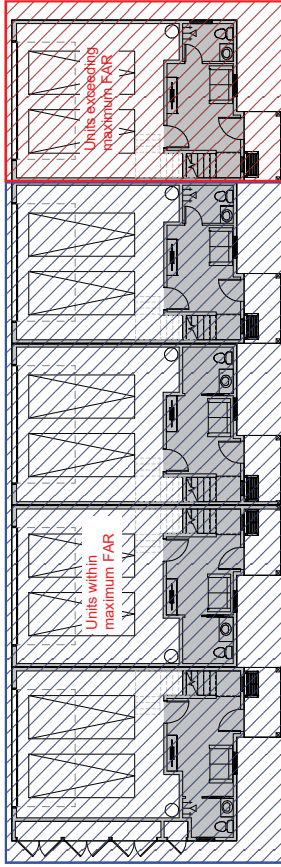
The Applicant is requesting for the following waivers listed below from both the Development Standards and the Objective Design Standards, as well as one concession/incentive for building. A detailed exhibit and waiver/concession justification letter is attached.

Waiver	Development Standards	Code-Compliant Project	Density Bonus Project	No. of Average Units Lost w/o Waiver	Floor Area Lost w/o Waiver	Code Section	Plan Sheet No.
1	MAXIMUM SITE COVERAGE	35%	50%	3.5	5,275	18.13.040(a)	A0.4
2	MAXIMUM FLOOR AREA RATIO	1.25	1.4	1.2	1,873	18.13.45	A0.7
3	MINIMUM SETBACKS, FRONT YARD	20'	10'	2.2	3360	18.13.040(a)	A0.4
4	MINIMUM SETBACKS, INTERIOR SIDE YARD	10'	4.6'	0.5	767	18.13.040(a)	A0.4
5	DAYLIGHT PLANES, SIDE LOT LINE	10' + 45 degrees	10' + 82 degrees	1.0	1537	18.13.040(a)	A2.3, A2.6, A0.4
6	MINIMUM FINISHED FLOOR HEIGHT	1.6' min	.5' min	2	3014	18.24.040(b)(4)	C2.0
7	WIDTH, PRIVATE STREET	32' min	20' min	4	6028	21.20.240(b)(4)	C2.0
8	UPPER FLOOR STEPBACK	6'	0'	0.1	170	18.24.050(b)(1)(B)	A0.7
9	FACADE BREAK	2' x 4' break w/ min 32 sf area	1' x 4' break w/ min 8.9 sf area	0.1	89	18.24.050(b)(2)(B)	A0.7
10	INDIVIDUAL RESIDENTIAL ENTRY WIDTH	5' min	4.5'	1	1507	18.24.060(c)(4)(A)(i)(a)	A0.7
11	PRIVATE OPEN SPACE DIMENSIONS	6' clear	5' clear	0.1	205	18.24.080(b)(1)(a)	A1.1-A1.5
12	ROOFTOP GARDEN HEIGHT LIMIT EXCEPTION	45 degree stepback (3.5')	No stepback (0')	0.2	376 of roof deck area	18.40.230(a)(iii)	A2.2, A2.3
13	LANDSCAPE SCREENING	Trees @ West & East interior sides	No Trees @ interior side	0.9	1377	18.24.050(b)(2)(A)	A0.4
14	ROOFTOP GARDEN LANDSCAPING	15% landscaping w/ automatic irrigation systems min	No landscaping w/ automatic irrigation systems	0.2	244 of roof deck area	18.40.230(f)	A2.2, A2.3

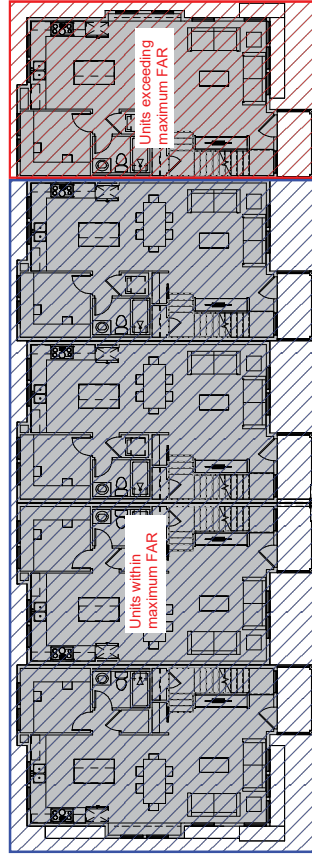
Concession	Development Standard	Code-Compliant Project	Density Bonus Project	No. of Average Units Lost w/o Waiver	Floor Area Lost w/o Waiver	Code Section	Plan Sheet No.
1	BUILDING HEIGHT	30' max	36'-6"	5.1	7687	18.13.040(a)	A2.3, A2.6, A0.4



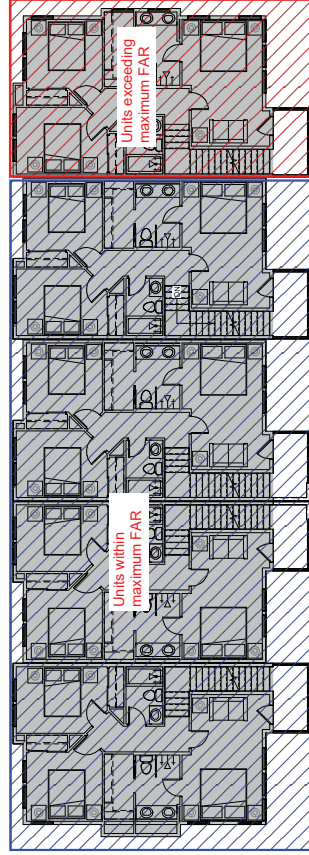
BUILDING 1
FIRST FLOOR
 BUILDING 1 @ 5 UNITS
 GROSS FLOOR AREA = 6,661 SF
 HYPOTHETICAL FAR CODE COMPLIANT PROJECT:
 BUILDING 1 @ 4 UNITS = 6,928 SF
 BUILDING 1 @ 5 UNITS = 6,928 SF
 GROSS FLOOR AREA @ 11 UNITS = 16,355 SF



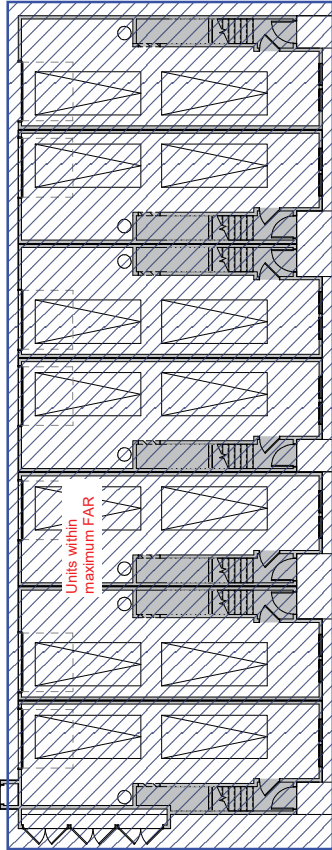
SECOND FLOOR



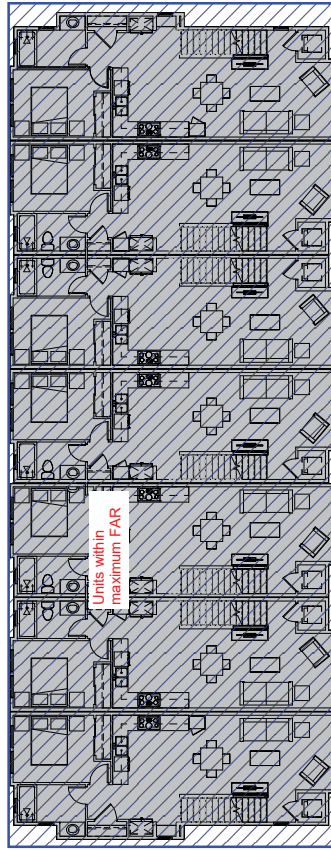
THIRD FLOOR



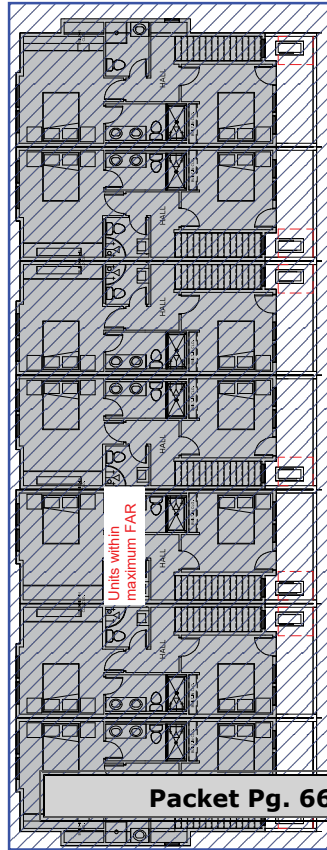
BUILDING 2
FIRST FLOOR
 BUILDING 2 @ 7 UNITS
 GROSS FLOOR AREA = 9,427 SF
 HYPOTHETICAL FAR CODE COMPLIANT PROJECT:
 BUILDING 2 @ 7 UNITS = 9,427 SF
 BUILDING 2 @ 8 UNITS = 9,427 SF
 GROSS FLOOR AREA @ 11 UNITS = 16,355 SF



SECOND FLOOR



THIRD FLOOR



FLOOR AREA (GROSS SF)	
Building 1 - Subtotal	2,661
First Floor	2,661
Second Floor	2,661
Third Floor	2,661
Building 2 - Subtotal	9,427
First Floor	684
Second Floor	4,866
Third Floor	3,877
Project total	18,088

Item 2
 Attachment F - Waiver
 Request and Supporting
 Documentation

SCALE 1" = 140'

ANYI
 LANDSCAPE STUDIO

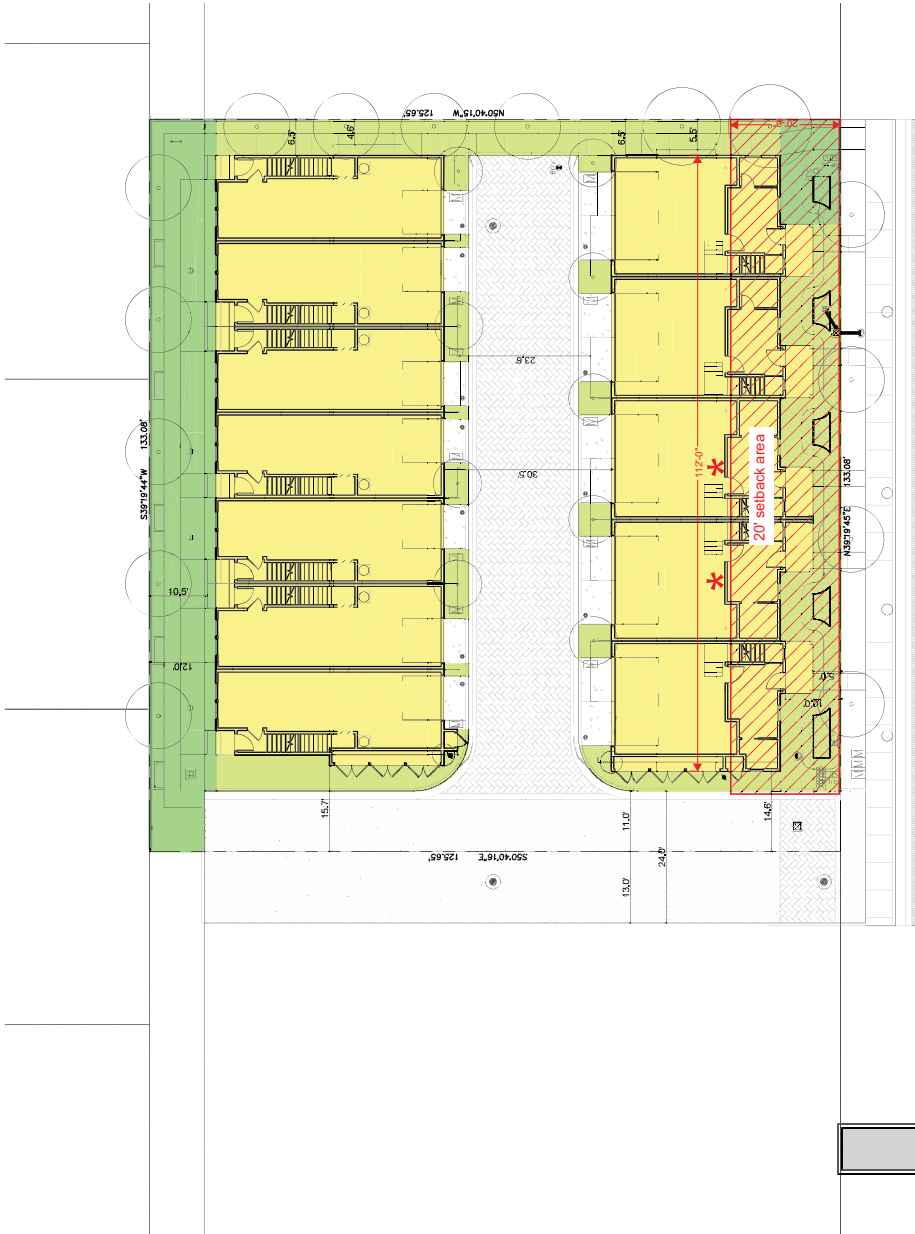
BKF

DAHLIN

JOB NO. 144
 DATE 03-01-20
 5865 Owens Drive
 Pleasanton, CA 94588
 925-251-7200

AREA DIAGRAMS WAIVER DIAGRAM 2 - MAXIMUM FLOOR AREA RATIO - PAMC Sec. 18.13.45(a)(ii)

Now for 1.4 FAR where 1.25 maximum is permitted. Private street area is excluded from site area for purposes of FAR calculation (as required by the density bonus project proposes 8 base units and 4 bonus units, all with an average Floor Area of 1,507 square feet per unit (18,088 SF / 12 units = 1,507 SF per unit). Reducing FAR to 1.25 (16,366 square feet) is equivalent to eliminating 1.1 of the density bonus project's proposed units.



SITE PLAN WAIVER DIAGRAM 3 - MINIMUM SETBACKS, FRONT YARD - PAMC Sec. 18.13.040(a)
 Waiver for 10' front setback where 20' minimum is required. The density bonus project proposes 12 base units, all with an average Floor Area of 1,507 square feet per unit (18,088 SF / 12 units = 1,507 SF per unit). Increasing the front setback from 10' to 20' would reduce the depth of the building envelope by up to 10'. Based on the typical proposed 112' building width, the increased setback would result in a reduction of approximately 3,360 square feet of building area. This reduction in building area is the equivalent of eliminating 2.2 of the density bonus project's proposed units.

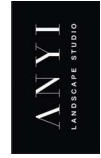


JOB NO. 144
 DATE 03-01-20
 5865 Owens Drive
 Pleasanton, CA 94588
 925-251-7200

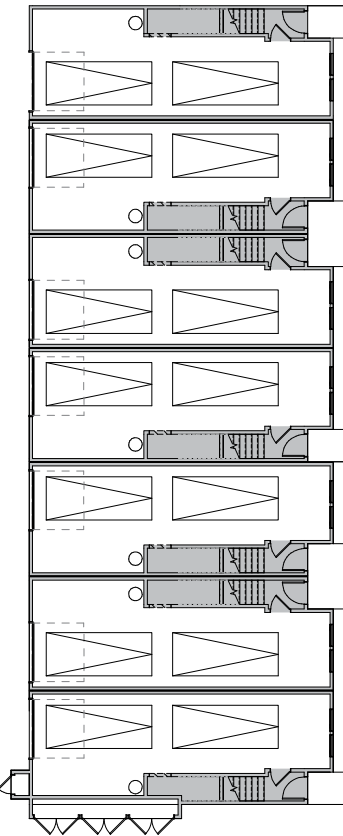


AN WAIVER DIAGRAM 4 - MINIMUM SETBACKS, INTERIOR SIDE YARD - PAMC Sec. 18.13.040(a)
 Now for 4' side setback where 10' minimum is required. Increasing the side setback from 4.6' to 10' would reduce the width of the building envelope by 10.4' (10.4' x 12 units = 124.8 SF). The density bonus project proposes 12 base units, all with an average Floor Area of 1,507 square feet per unit (18,088 SF / 12 units = 1,507 SF per unit). Based on proposed building depths of each level the increased setback would result in a reduction of approximately 767 square feet of building area. This reduction in building area is the equivalent of eliminating .5 of the density bonus project's proposed units. The reduction in width would also conflict with minimum garage clearances and stair access for each unit which would preclude 2 of the density bonus project's proposed units.

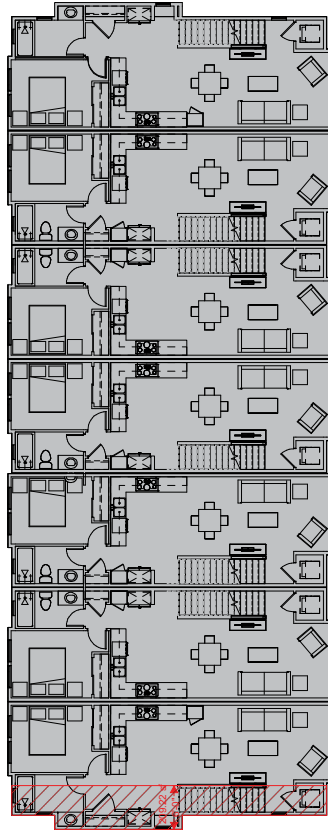
JOB NO. 144
 DATE 03-01-20
 5865 Owens Drive
 Pleasanton, CA 94588
 925-251-7200



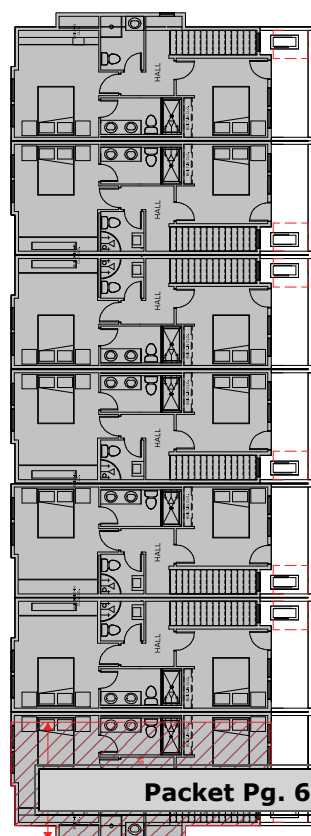
BUILDING 2
FIRST FLOOR



SECOND FLOOR

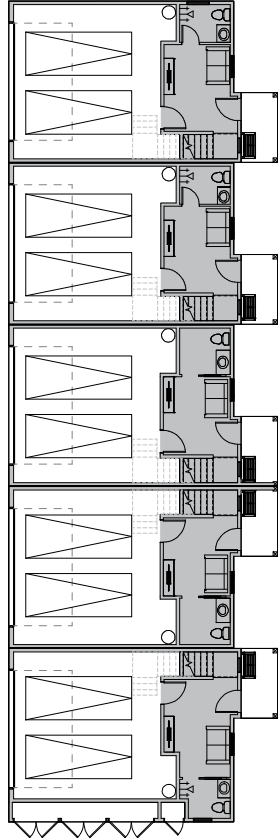


THIRD FLOOR

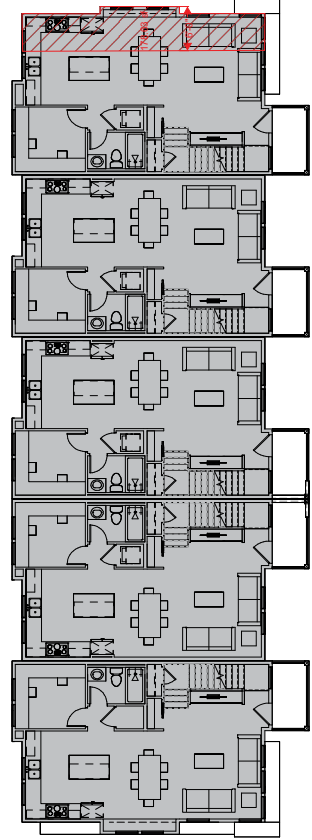


Packet Pg. 69

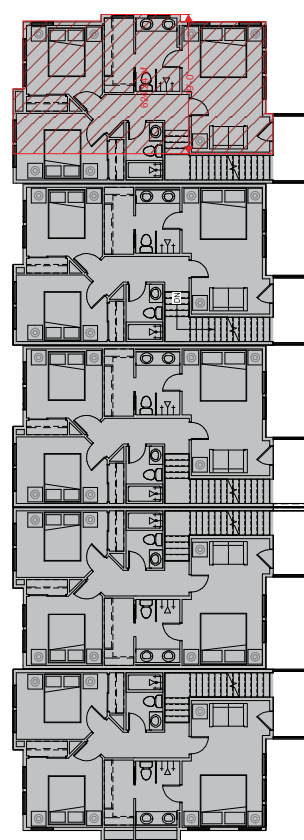
BUILDING 1
FIRST FLOOR



SECOND FLOOR



THIRD FLOOR



FLOOR AREA (GROSS SF)	
Building 1 - Subtotal	8,661
First Floor	2,041
Second Floor	3,810
Third Floor	2,810
Building 2 - Subtotal	9,427
First Floor	684
Second Floor	4,866
Third Floor	3,877
Project total	18,088

NOTES
1

Item 2
Attachment F - Waiver
Request and Supporting
Documentation

SCALE 1" = 140'

JOB NO. 144
DATE 03-01-20
5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

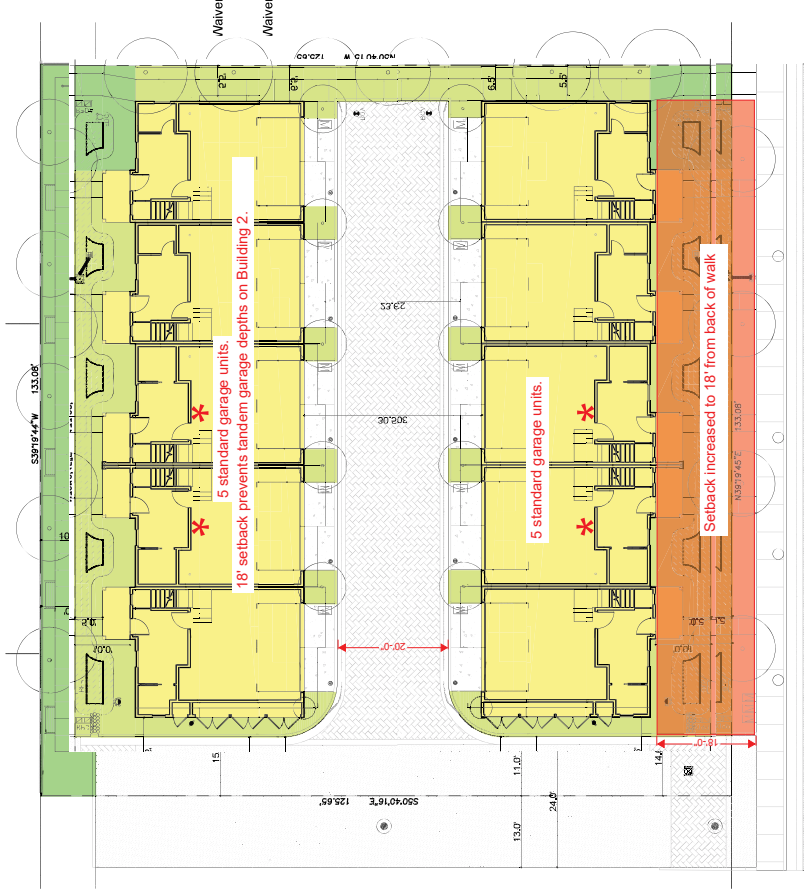


AREA DIAGRAMS WAIVER DIAGRAM 5- DAYLIGHT PLANES, SIDE LOT LINE - PAMC Sec. 18.13.040(a) show a daylight plane with an initial height of 10' and an angle of up to 82 degrees, where a daylight plane with an initial height of 10' and an angle of 45 degrees is permitted. Decreasing the daylight plane angle to 45 degrees would conflict with levels 2 and 3 in both buildings and would result in a reduction of approximately 1,537 square feet of building area. This reduction in building area is the equivalent of eliminating 1 of the density bonus project's proposed units. See waiver diagrams 5a and 5c for daylight plane alignments.

**PROPOSED PLAN
12 UNITS w/ 14' SETBACK.**



**HYPOTHETICAL CODE COMPLIANT PLAN
10 UNITS w/ 18' SETBACK.**



Now the finished floor heights of ground floor residential units, when adjacent to a public right-of-way, to be .5' minimum above sidewalk whereas proposed 14' setback distance from back of walk, minimum finished floor of 1.6' to 5' maximum is permitted. Applies to building 1. (y = (-4/15) x (14) + (16/3), y = 1.6' min). The density bonus project proposes a 14' setback from sidewalk to entry. Increasing the proposed setback distance from 14' to 18' would allow a finished floor height of 6" minimum above sidewalk. Literal application of this standard would require increasing the proposed front setback by 4', and would conflict with minimum tandem garage depths. Converting tandem garages to standard garages would eliminate 2 of the density bonus project's proposed units. Increasing finished floor heights within Building 1 would require 3 stairs within the garage, which would conflict with minimum parking dimensions.

Site plan showing two buildings with yellow parking spaces. Building 1 (left) has 7 tandem units and a 24' drive aisle. Building 2 (right) has 5 standard units and a 20' drive aisle. Dimensions and labels are provided for both buildings.

Building 1 (Left):

- 24' drive aisle width enables garage width on both buildings.
- 7 tandem garage units.
- Dimensions: 15.7', 12.0', 10.5', 13.5'.

Building 2 (Right):

- 20' drive aisle width enables tandem garage depths on Building 2.
- 5 standard garage units.
- Dimensions: 11.0', 14.6', 10.0', 13.5'.

32' private street width allows only for 4 unit buildings on each side, for a total of 8 units.

32' private street width precludes tandem garage depths on Building 2.

4 standard garage units.

N39°19'45"E (BASIS OF BEARINGS)

SITE

AN WAIVER DIAGRAM 7 - WIDTH, PRIVATE STREET - PAMC Sec. 21.20.240(b)(4)

Waiver project proposes a drive aisle width of 24' and a minimum drive aisle width where a 32' wide private street is required. The Density Bonus project proposes a drive aisle width of 24' to Sutter Avenue, and a drive aisle width of 20' between buildings 1 and 2. Literal application of this standard would require increasing drive aisle widths by 6' and 12' respectively, and would conflict with minimum tandem garage depths. Converting tandem garages to standard garages would result in a reduction of 2 units. Proposed building widths would also conflict with 32' wide private streets, resulting in a reduction of 1 unit in each building. Literal application of this standard would eliminate 4 of the density bonus project's proposed units..

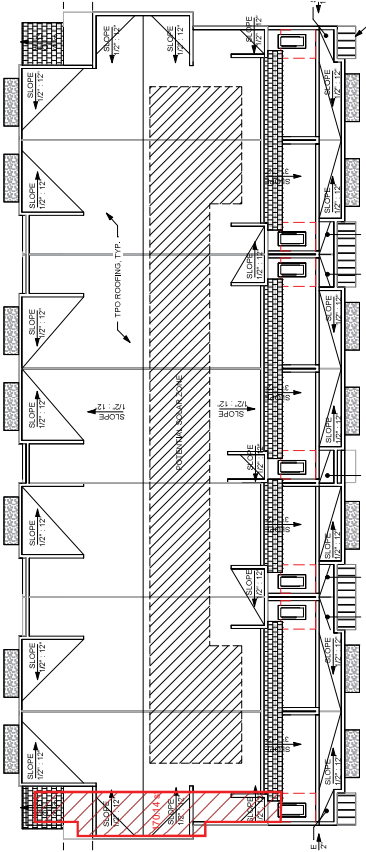
AN WAIVER DIAGRAM 7 - WIDTH, PRIVATE STREET - PAMC Sec. 21.20.240(b)(4)

Now 20' minimum drive aisle width where a 32' wide private street is required. The Density Bonus project proposes a drive aisle width of 24' per unit. The project would also require a 20' wide private street to Sutter Avenue, and a drive aisle width of 20' between buildings 1 and 2. Literal application of this standard would require increasing drive aisle widths by 6' and 12' respectively, and would conflict with minimum tandem garage depths. Converting tandem garages to standard garages would result in a reduction of 2 units. Proposed building widths would also conflict with 32' wide private streets, resulting in a reduction of 1 unit in each building. Literal application of this standard would eliminate 4 of the density bonus project's proposed units..

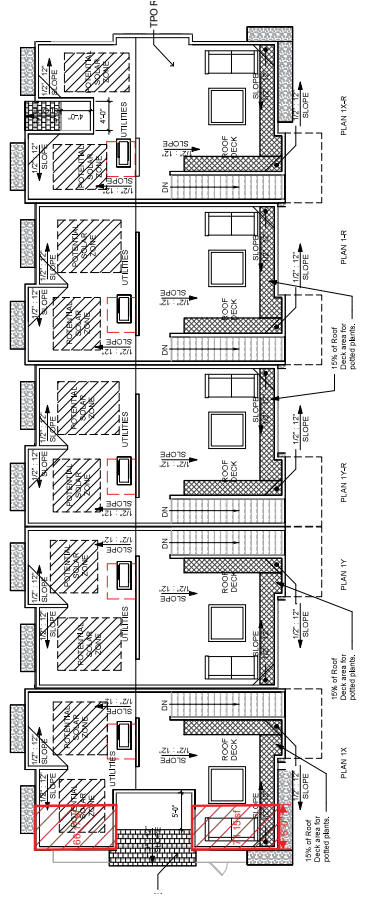
ANYI
LANDSCAPE STUDIO

JOB NO. 1447
DATE 03-01-2000
5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

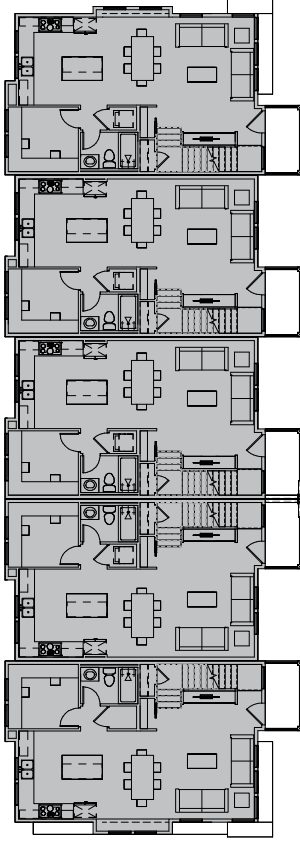
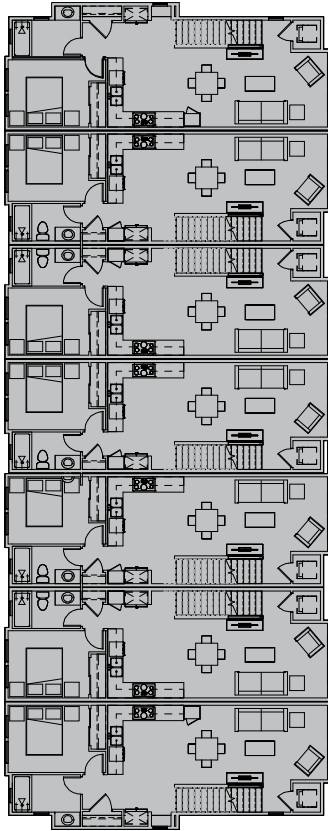
BUILDING 2
GROSS FLOOR AREA REDUCTION = 170 SF



BUILDING 1
GROSS FLOOR AREA REDUCTION = 206 SF

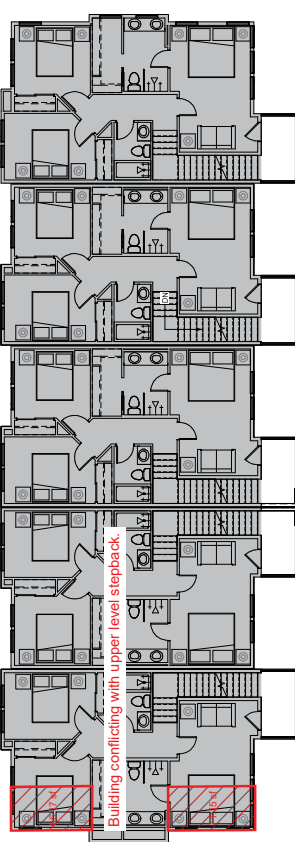
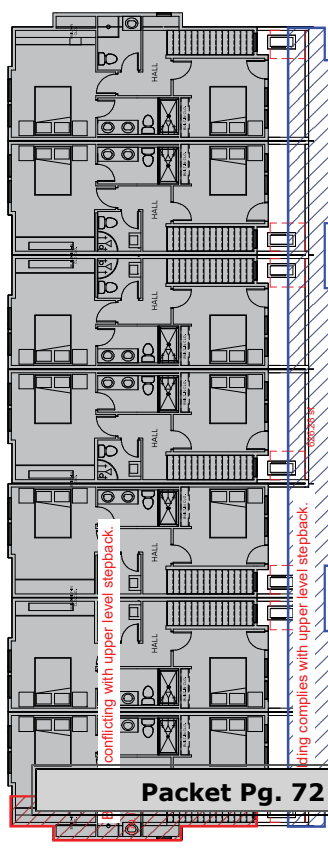


2 BUILDING 1 ROOF PLAN, ELEVATION A
1/8" = 1'-0"



THIRD FLOOR

THIRD FLOOR



Packet Pg. 72

FLOOR AREA (GROSS SF)	
Building 1 - Subtotal	2,661
First Floor	1,041
Second Floor	3,810
Third Floor	3,810
Building 2 - Subtotal	9,427
First Floor	654
Second Floor	4,866
Third Floor	3,877
Project total	18,088

Item 2
Attachment F - Waiver
Request and Supporting
Documentation

AREA DIAGRAMS WAIVER DIAGRAM 8 - UPPER FLOOR STEPBACK - PAMC Sec. 18.24.050(b)(1)(B)

Waiver Diagram 8 shows a 6' upper floor step back, where 6' upper floor step back adjacent to single story buildings is required. Building 1 would conflict with minimum room sizes, rooftop equipment, and would result in a reduction of 206 SF of proposed building area. Building 2 would conflict with minimum room sizes, rooftop equipment, and would result in a reduction of 170 SF of proposed building area. This reduction in building area is the equivalent of eliminating .2 of the density bonus project's proposed units.

ANYI
LANDSCAPE STUDIO

BKF

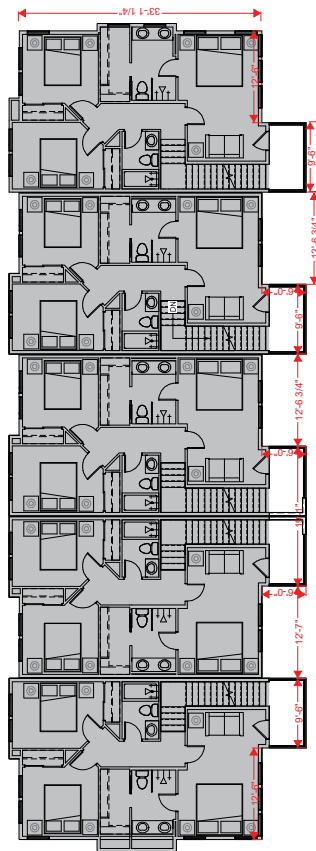
DAHLIN

JOB NO. 1442
DATE 03-01-2020
5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

Building complies with facade break at east side.
Building does not comply with facade break at north side.



Building complies with facade break at east side.
Building width is less than 40'.



FLOOR AREA (GROSS SF)	
Building 1 subtotal	8,661
First Floor	1,041
Second Floor	3,810
Third Floor	3,810
Building 2 subtotal	9,427
First Floor	684
Second Floor	4,866
Third Floor	3,877
exact total	18,088

NOTES

Item 2
Attachment F - Waiver
Request and Supporting
Documentation

Waiver. The proposed building would require a minimum facade break of 4' in width, 1' in depth, and 9 square feet of area for every 36 to 40 feet of facade length, where minimum facade break of four feet in width, 1' in depth, and 9 square feet of area for every 36 to 40 feet of facade length is required. Would apply to south and east sides of building.

1. Buildings 1 complies. Would apply to north and east sides Building 2. Building 2 complies on east side. Literal application of this standard would require a facade break of 89 SF of proposed building area. This reduction in building area is the equivalent of eliminating 1 of the density bonus project's proposed units. Literal application of this standard on the north side of the project would preclude 4 units by conflicting with laundry rooms and 3rd level stairs.

BKF

ANYI
LANDSCAPE STUDIO

DAHLIN

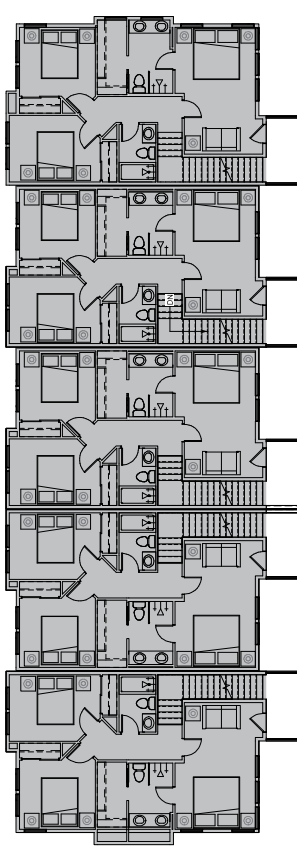
JOB NO. 1447
DATE 03-01-2000
5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

১১

Building 2 does not comply with minimum porch width.



Building complies with minimum porch width.

NOTES

10



ANYI
LANDSCAPE STUDIO



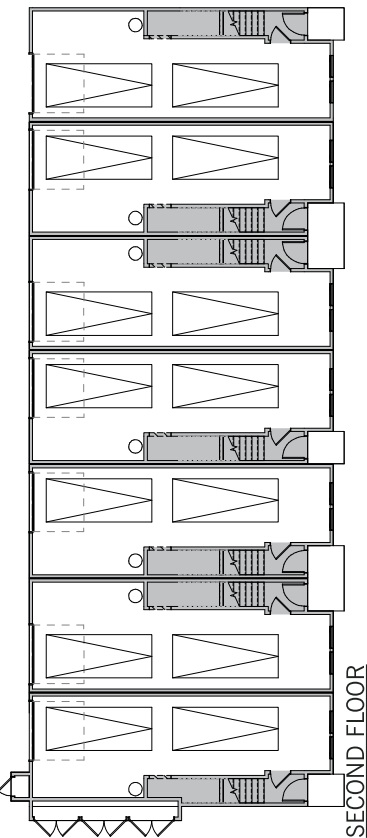
AREA DIAGRAMS WAIVER DIAGRAM 10 - INDIVIDUAL RESIDENTIAL ENTRY WIDTH - PAMC Sec. 18.24.060(c)(4)(A)(i)(a)

Waiver. A minimum entry width of 4'-0" is required. Building 1 complies. Literal application of this standard on Building 1 would preclude all proposed tandem units by conflicting with minimum garage dimensions and would result in a reduction of 14 SF of proposed building area. This reduction in building area is the equivalent of eliminating .1 of the density bonus project's proposed units.

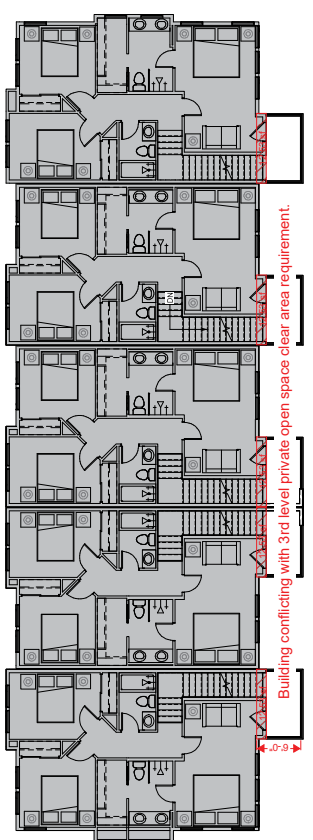
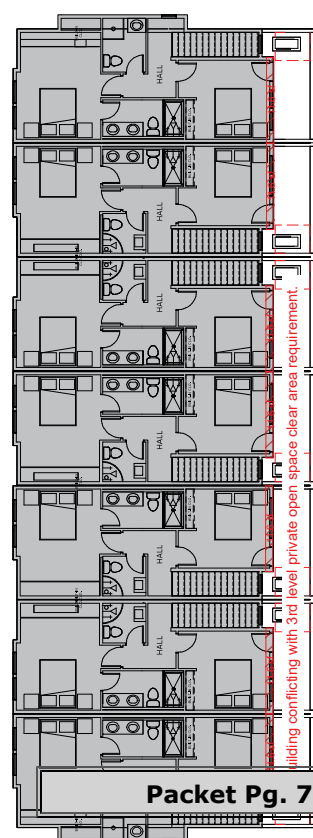
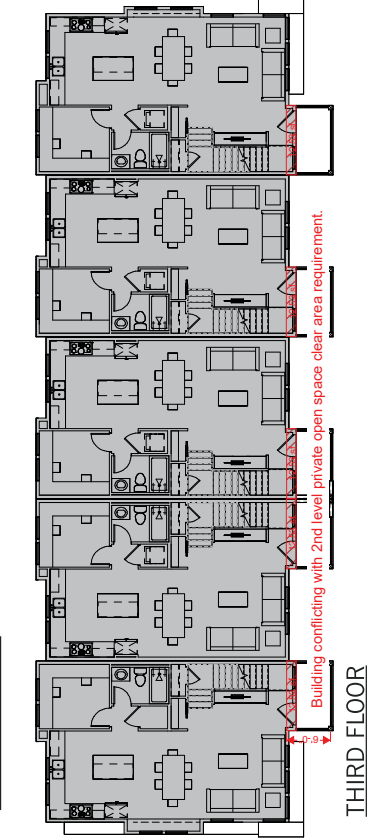
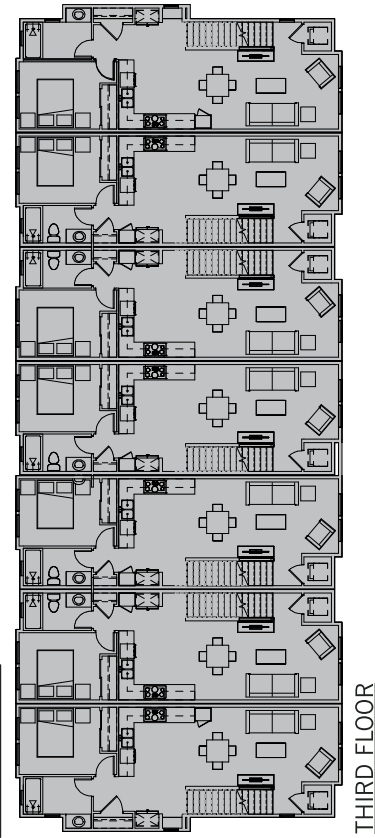
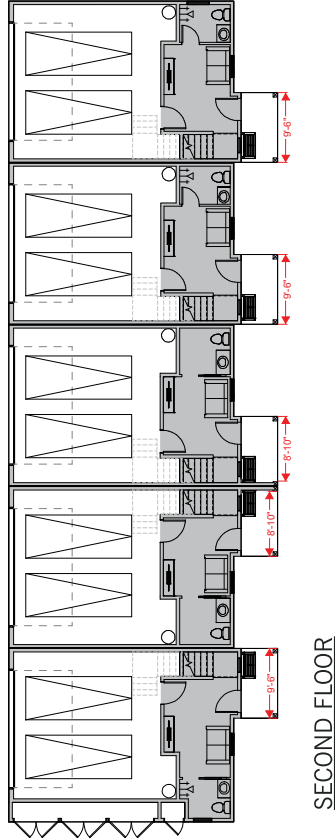
739 SUTTER AVENUE MAJOR ARCHITECTURAL REVIEW SET - RESUBMITTAL 1

GESUN

BUILDING 2 Proposed porches and decks do not meet required dimensions. Would reduce building 2 area by +/- 78 SF, or would conflict with sight line requirements.



BUILDING 1 Proposed porches and decks do not meet required dimensions. Would reduce building 1 area by +/- 125 SF, or would conflict with setback requirements.



FLOOR AREA (GROSS SF)	
Building 1 - Subtotal	8,661
First Floor	2,041
Second Floor	3,810
Third Floor	2,810
Building 2 - Subtotal	9,427
First Floor	684
Second Floor	4,866
Third Floor	3,877
Project total	18,088

NOTES
1

Item 2
Attachment F - Waiver
Request and Supporting
Documentation

AREA DIAGRAMS WAIVER DIAGRAM 11 - PRIVATE OPEN SPACE DIMENSIONS - PAMC Sec. 18.24.080(b)(1)(a)

Waiver to allow a clear space with a minimum dimension of a circle with a five foot diameter, where a clear space with a minimum dimension of a circle with a six-foot diameter within private open space is required. Would apply to both buildings. Literal application of this standard on Building 1 would conflict with level 2 stairs (or bath if stair is shifted) and level 3 bedrooms, and would result in a reduction of 125 SF of proposed building area. Literal application of this standard on Building 2 would conflict with level 3 bedrooms, and would result in a reduction of 80 SF of proposed building area. This reduction in building area is the equivalent of eliminating .1 of the density bonus project's proposed units.

FLOOR

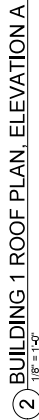
Packet Pg. 75

SCALE 1" = 16'



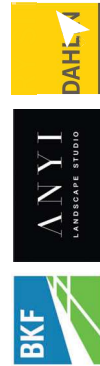
JOB NO. 144
DATE 03-01-20
5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

11

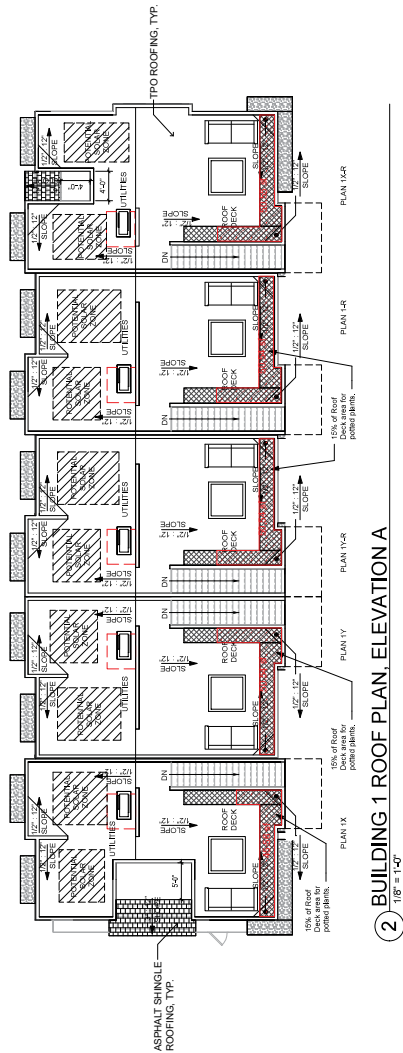
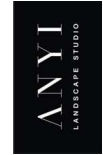


WAIVER DIAGRAM 12 - ROOFTOP GARDEN HEIGHT LIMIT EXCEPTION - PAMC Sec. 18.40.230(a)(iii)

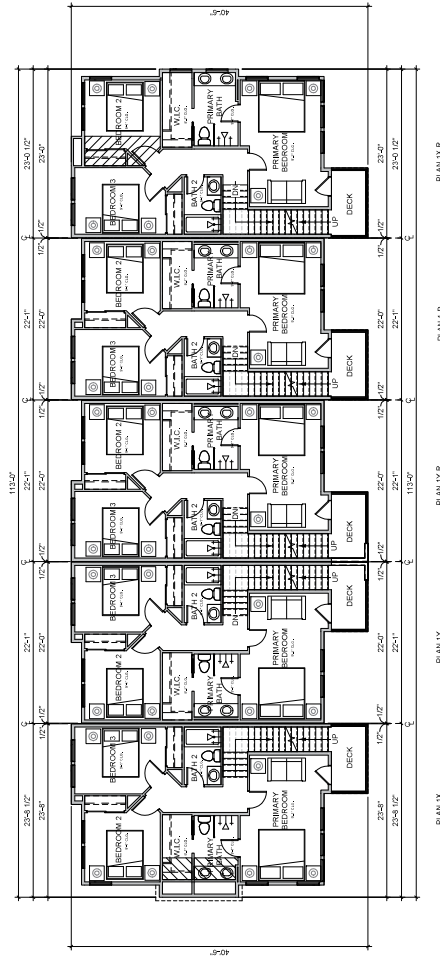
Waiver. The applicant requests a waiver from the requirement that there be no stepback from edge of building to roof parapet, where a 45 degree stepback minimum is required. Would apply to Building 1. Literal application of this standard on Building 1 would conflict with parapet, roof deck planting areas, and roof deck private open space areas, and would result in a reduction of 376 SF of proposed roof deck area. This reduction in building area is the equivalent of eliminating .2 of the density bonus project's proposed units.

**Packet Pg. 77**

JOB NO. 144
DATE 10-02-20
5865 Owens Drive
Pleasanton, CA 94588
925-251-7200



2 BUILDING 1 ROOF PLAN, ELEVATION A
1/8" = 1'-0"



1 BUILDING 1 THIRD FLOOR PLAN, ELEVATION A
1/8" = 1'-0"

NOTE: STANDARD MID UNIT. PLAN 1Y IS THE ADAPTABLE MID UNIT.

WAIVER DIAGRAM 14 - ROOFTOP GARDEN LANDSCAPING - PAMC Sec. 18.40.230(f)
Waiver: No rooftop landscaping with automatic irrigation systems, where 15% rooftop landscaping with automatic irrigation systems minimum is required to apply to Building 1. Lateral application of this standard on Building 1 would conflict roof deck private open space areas, and would result in a reduction of 244 SF of proposed roof deck area. This reduction in building area is the equivalent of eliminating .2 of the density bonus project's proposed units.



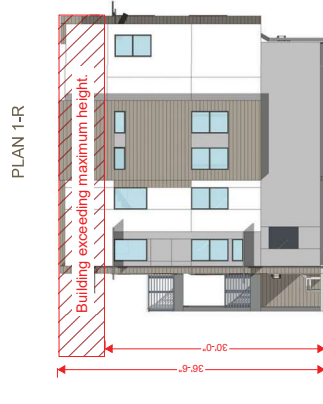
BUILDING 1 - 5 PLEX - LEFT ELEVATION
SCALE: 1/8"=1'



BUILDING 1 - 5 PLEX - FRONT ELEVATION
SCALE: 1/8"=1'



BUILDING 1 - 5 PLEX - REAR ELEVATION
SCALE: 1/8"=1'



BUILDING 1 - 5 PLEX - RIGHT ELEVATION
SCALE: 1/8"=1'

NOTE: SEE S.A.3.1 FOR MORE INFORMATION ON COLORS AND MATERIALS.

BUILDING 1 ELEVATIONS CONCESSION DIAGRAM 1a - BUILDING HEIGHT - PAMC Sec. 18.13.040(a)

Concession 1a to allow for 36'-6" maximum building height where 30' maximum is permitted. Three story building height is necessary to achieve the density bonus projects proposed unit count (12 units), and residential area (18,088 SF). Garage area requires the majority of one floor (level 1), living area and dining area requires another floor level (level 2), bedrooms require a third floor level (level 3). Installation of underground pits and parking lifts was explored to comply with building height. Complying with the 30' height limit is estimated to increase the cost of construction by \$1,500,000 and would reduce residential area by 2,400 SF (200 SF per unit). Therefore, a concession from this requirement is merited. The property also qualifies for a height waiver to account for the concession. Literal enforcement of the height limit (without the concession) would conflict with the 3rd floor reduce the size of the project by 7,687 square feet, equal to 5 units.



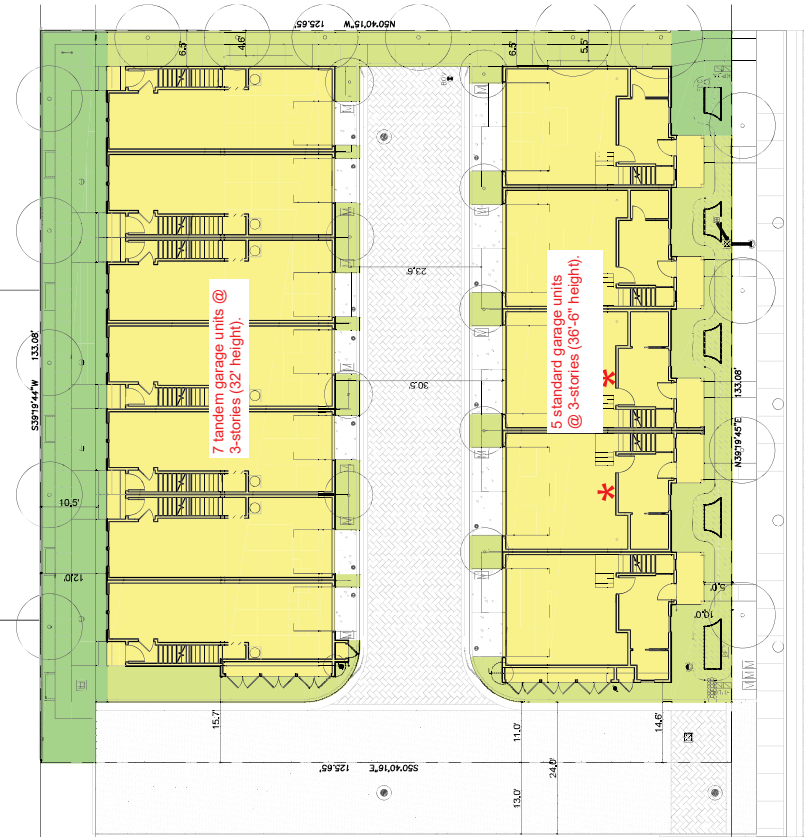
ING 2 ELEVATIONS

to allow for 36'-6" maximum building height where 30' maximum is permitted. Three story building height is necessary to achieve the density bonus projects proposed unit count (12 units), and residential area (18,088 SF). Garage area requires the majority of one floor (level 1), living area and dining area requires another floor level (level 2), bedrooms require a third floor level (level 3). Installation of underground pits and parking lifts was explored to comply with building height. Complying with the 30' height limit is estimated to increase the cost of construction by \$1,500,000 and would reduce residential area by 2,400 SF (200 SF per unit). Therefore, a concession from this requirement is merited.

The property also qualifies for a height waiver to account for the concession. Literal enforcement of the height limit (without the concession) would conflict with the 3rd floor reduce the size of the project by 7,687 square feet, equal to 5 units.

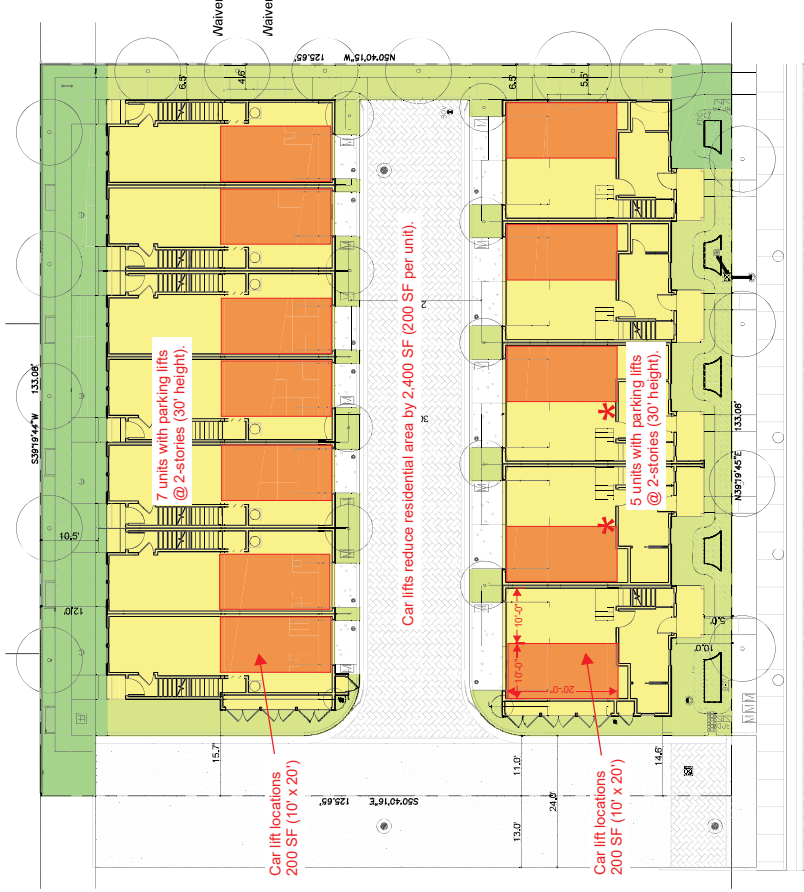
PROPOSED PLAN

12 UNITS w/ 36'-6" BUILDING HEIGHT.



HYPOTHETICAL CODE COMPLIANT PLAN

12 UNITS w/ 30' BUILDING HEIGHT.



Concessions allow for 36'-6" maximum building height where 30' maximum is permitted. Three story building height is necessary to achieve the density bonus projects proposed unit count (12 units), and residential area (18,088 SF). Garage area requires the majority of one floor (level 1), living area and dining area requires another floor level (level 2), bedrooms require a third floor level (level 3). Installation of underground pits and parking lifts was explored to comply with building height. Complying with the 30' height limit is estimated to increase the cost of construction by \$1,500,000 and would reduce residential area by 2,400 SF (200 SF per unit). Therefore, a concession from this requirement is merited. The property also qualifies for a height waiver to account for the concession. Literal enforcement of the height limit (without the concession) would conflict with the 3rd floor reduce the size of the project by 7,687 square feet, equal to 5 units.

Department of Planning and Development Services

250 Hamilton Ave.

Palo Alto, CA 94301

Re.: Planned Redevelopment at 739 Sutter Ave., Palo Alto

To Whom It May Concern,

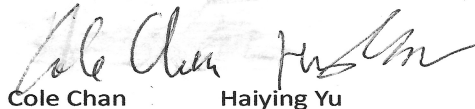
We are the two sole members of Realtrak LLC. Realtrak LLC owns the real estate property located at 729 Sutter Ave., Palo Alto.

We were informed that:

1. Our neighboring property at 739 Sutter Ave., Palo Alto, is planning for a re-development.
2. This re-development requires dedication of the access between the two properties (729 Sutter Ave., and 739 Sutter Ave) as a private street, which reduces the total lot area of our property.
3. A private easement between the two properties is also required.

Our position is to support the re-development, and therefore will conform to the requirements listed on items 2 and 3 above if the re-development is entitled. In the case that the re-development is not entitled, we will not conform to the requirements and want no changes to our property.

Thank you.



Cole Chan

Haiying Yu

Members, Realtrak LLC

From: Raybould, Claire
To: Alexander Taratorin
Subject: RE: 739 Sutter Av project 22PLN-00201
Date: Thursday, June 30, 2022 8:28:00 AM
Attachments: [image005.png](#)
[image006.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.jpg](#)
[image012.png](#)
[image013.png](#)

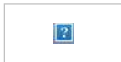
Good morning Alexander,

I'm writing to confirm receipt of these comments. I appreciate your comments on the project. To clarify, the notice that was provided is a notice indicating that an application has been submitted for a project and inviting public comments on the project. The project has not been approved. The initial plan set is under review so no comments have yet been provided to the applicant. The City has a 30 day period to respond to the initial submittal, so we will respond by July 16, 2022 with our initial comments on the project. The project will require public hearing(s) in front of the Architectural Review Board prior to decision. Notifications will be mailed prior to any hearings and at the time a decision is issued per our standard practices. I'm happy to also keep you informed via e-mail.

Regards,
Claire



Claire Raybould, AICP
Senior Planner
Planning and Development Services Department
(650) 329-2116 | Claire.Raybould@cityofpaloalto.org
www.cityofpaloalto.org



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The City of Palo Alto is doing its part to reduce the spread of COVID-19. We have successfully transitioned most of our employees to a remote work environment. We remain available to you via email, phone, and virtual meetings during our normal business hours.

From: Alexander Taratorin <taratorin@gmail.com>
Sent: Wednesday, June 29, 2022 9:29 PM
To: Raybould, Claire <Claire.Raybould@CityofPaloAlto.org>
Subject: 739 Sutter Av project 22PLN-00201

You don't often get email from taratorin@gmail.com. [Learn why this is important](#)

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

Hi, Claire

This is Alexander Taratorin/Natalia Kroupnova, at 754 San Carlos Court, Palo Alto, CA 94306

We just got a postcard from the planning division regarding a construction project at 739 Sutter avenue. This is the first time we are able to comment on this project.

We are strongly and ultimately opposed to the proposed development. We lived at this property for over 12 years and we moved to Palo Alto hoping that the environment will stay comfortable, safe and quiet.

The project will mean at least year-long noise and mess next to our residence. It will change the local comfortable landscape - currently all buildings are one or two stories. It will block view from our bedroom. It will increase population density, local traffic, not to mention proposed 25% low income units. We had an experience living next to the apartment complex in Sunnyvale, when low income units were made available. A couple of month later we had to sell our property and leave. I've seen enough drug addicts and people urinating on the streets in front of our kids.

Looks like it is time to reconsider the last resort of normal residential life in the Bay Area and probably leave California. This is outrageous. You ruin life of our community

To summarize- we strongly oppose. This is a direct way to destroy the Palo Alto environment. With all city taxes we pay for our property we expected better planning and decisions.

Alexander Taratorin
Natalia Kroupnova
754 San Carlos Court
Palo Alto CA 94306

To

Dated: July 11, 2022

Palo Alto City Planning & Development Services

Subject: Proposed development on 739 Sutter Ave

Dear City Planner:

In reference to the notice issued by your office regarding the proposed new development on 739 Sutter Ave, we the undersigned residents of Sutter Ave, hereby object to the proposed development.

Among our many objections are concerns of increasing the density of housing on the street as well as the addition of low income housing.

We have made a significant investment in our houses in Palo Alto and would not like to see a development which has the potential not only to erode the value of our properties, but also bring the safety and privacy concerns to the neighbourhood. We already have so many apartment complexes and rental properties in our block with tenants moving in and out. The 3-story rooftop open space overlooking our properties is also definitely not welcomed for our privacy and security.

Sincerely,

Owner Name	Residing At	Signature
Milan Saini	775 Sutter Ave	DocuSigned by: <i>Milan Saini</i> 7443460B5E8043D...
David Wang	779 Sutter Ave	DocuSigned by: <i>David Wang</i> 8F583D0429CB4B7...
Moshe Frozenfar	767 Sutter Ave	DocuSigned by: <i>Moshe Frozenfar</i> 0507658589EF4B4...
May Mak	772 Sutter Ave	DocuSigned by: <i>May Mak</i> 85569F653263443...

From: [jue cheng](#)
To: [Raybould, Claire](#)
Cc: [R.W. Gerhardt, Jodie; Yogabear23; Mj Wolf; llyzhao68@gmail.com; ni2qun2@gmail.com; karenhlaw@gmail.com; jeff_conrad@msn.com](#)
Subject: Re: 739 Sutter Ave project
Date: Friday, July 8, 2022 9:19:06 PM
Attachments: [image009.png](#)
[image012.png](#)
[image001.png](#)
[image003.png](#)
[image005.jpg](#)
[image007.png](#)
[image013.png](#)

Hi Claire,
Just a kind follow up on the current status of 739 Sutter Ave project. Please kindly let us know if there are any updates on the city's response to the formal application.

As one of the neighbors who live right next to the site, the deepest concern is the privacy issue. You may have noticed that houses along San Carlos Ct, and next to the west side of the site, are set on rather small lots, less than 5,000 sqft for each. We are all single story bungalows and the backyards are rather tiny as well. Across the fence, it is the 739 Sutter Ave project site.

Looking at the current plan, we feel a huge threat to privacy. It looks like the rear 7 units are all 3-story high, and it is only 11 feet between the fence and the 3-story 7 units. Standing in our living room, looking at the backyard, we feel these units would look like just right above the fence.

Other than the privacy issue, we are also concerned whether it's safe that all the entrances to the rear 7 units are along the 11-foot easement which is right across the fence of the San Carlos Ct neighbors. Currently we have 4 one-story one-bed-room units there. The traffic and noise are already significant. We don't know how many more traffics it will bring if 7 units.

We look forward to hearing more responses from the city.

Btw, I haven't received the notice yet and I believe my house should be within the 600 foot radius scope. Please kindly keep me in the loop when sending further updates.

Thank you, and hope you have a great weekend.

Jue

Jue Cheng (746 San Carlos Ct)
312.493.7162
peanutsjue@gmail.com

On Tue, Jun 28, 2022 at 7:56 PM jue cheng <peanutsjue@gmail.com> wrote:

Claire, thanks for the detailed information. We really appreciate your further updates once the city starts the review. As neighbors who live close to the site, we are deeply concerned about the waivers and concessions this project asks for at the moment. We hope we could get our voice heard as well before the project moves further. Thank you for your understanding.

I have copied a few neighbors who have been following this project for a while. Any updates, please kindly let us know.

Best regards,
Jue (San Carlos Ct)

On Tue, Jun 28, 2022 at 4:37 PM Raybould, Claire <Claire.Raybould@cityofpaloalto.org> wrote:

Richard,

An application was filed on 6/16. The project is currently under review and the City has 30 days to provide comments on the project.

There is no requirement to file within 180 days of the preliminary Architectural review, this is a voluntary review process that is completely separate from the Senate Bill 330 pre-application requirements for streamlining of a housing project. The 180 day time period for the original Senate Bill 330 pre-application they submitted lapsed. They filed a new compliant pre-application. I've attached the City's response to that pre-application. The items for review on the pre-application are limited to select objective requirements as outlined in state code (i.e. if they submit the information, the application is deemed to comply).

Following that pre-application, they submitted a formal application for Architectural review on 6/16. The information was made available on our pending [project webpage](#) and notices were mailed to all residents within a 600 foot radius of the site last week.

I am happy to keep you informed on the project via e-mail as we move forward with the review. We also send notices to a 600 foot radius of the site prior to any future hearing and when a tentative decision is issued. I can ensure that notification goes to any interested parties via e-mail if you would like. I have not yet reviewed the application but will review and respond to the application within 30 days of the submittal.

Regards,

Claire

Claire Raybould, AICP

Senior Planner



Planning and Development Services Department
(650) 329-2116 | Claire.Raybould@cityofpaloalto.org
www.cityofpaloalto.org



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From: R W <flyingrichard@yahoo.com>
Sent: Tuesday, June 28, 2022 4:20 PM
To: Raybould, Claire <Claire.Raybould@CityofPaloAlto.org>; Gerhardt, Jodie <Jodie.Gerhardt@CityofPaloAlto.org>; Ketchum, Stanley <Stanley.Ketchum@CityofPaloAlto.org>
Cc: Jue Cheng <peanutsjue@gmail.com>; Yogabear23 <yogabear23@aol.com>; Mj Wolf <mimi.wolf@gmail.com>
Subject: Fw: 739 Sutter Ave project

Hi, Claire/Jodie,

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Also, will the city planning send any update to the neighbors and community about this project?

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To: Jodie Gerhardt <jodie.gerhardt@cityofpaloalto.org>; Ketchum, Stanley <stanley.ketchum@cityofpaloalto.org>
Cc: Jue Cheng <peanutsjue@gmail.com>; Yogabear23 <yogabear23@aol.com>; Mj Wolf <mimi.wolf@gmail.com>
Sent: Wednesday, June 1, 2022, 10:41:48 AM PDT
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Attached are the Agenda and the Zoom meeting link for the meeting to discuss the proposed housing project at 739 Sutter Ave.

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Thank you.

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Subject: Re: 739 Sutter Ave project
Date: Friday, July 15, 2022 2:17:43 PM
Attachments: image009.png
image012.png
image001.png
image003.png
image005.jpg
image007.png
image013.png
Bldg2Elevations - concerns fm San Carlos Ct.pdf

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We have been reading the plan and drawings for a while. I am not an architect, just trying to understand what is proposed in the plan and what would greatly impact the neighbors. One of our neighbors spent a lot of time and shared with us the thoughts based on the application. I would like to share a part of the discussions and the drawings here for your reference. The main concern / discussion here is about how a line of trees can better protect the existing neighbors' privacy along the San Carlos Ct.

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As one of the neighbors who live right next to the site, the deepest concern is the privacy issue. You may have noticed that houses along San Carlos Ct, and next to the west side of the site, are set on rather small lots, less than 5,000 sqft for each. We are all single story bungalows and the backyards are rather tiny as well. Across the fence, it is the 739 Sutter Ave project site.

Looking at the current plan, we feel a huge threat to privacy. It looks like the rear 7 units are all 3-story high, and it is only 11 feet between the fence and the 3-story 7 units. Standing in our living room, looking at the backyard, we feel these units would look like just right above the fence.

Other than the privacy issue, we are also concerned whether it's safe that all the entrances to the rear 7 units are along the 11-foot easement which is right across the fence of the San Carlos Ct neighbors. Currently we have 4 one-story one-bed-room units there. The traffic and noise are already significant. We don't know how many more traffics it will bring if 7 units.

We look forward to hearing more responses from the city.

Btw, I haven't received the notice yet and I believe my house should be within the 600 foot radius scope. Please kindly keep me in the loop when sending further updates.

Thank you, and hope you have a great weekend.

Jue

Jue Cheng (746 San Carlos Ct)
312.493.7162
peanutsjue@gmail.com

On Tue, Jun 28, 2022 at 7:56 PM jue cheng <peanutsjue@gmail.com> wrote:

Claire, thanks for the detailed information. We really appreciate your further updates once the city starts the review. As neighbors who live close to the site, we are deeply concerned about the waivers and concessions this project asks for at the moment. We hope we could get our voice heard as well before the project moves further. Thank you for your understanding.

I have copied a few neighbors who have been following this project for a while. Any updates, please kindly let us know.

Best regards,
Jue (San Carlos Ct)

On Tue, Jun 28, 2022 at 4:37 PM Raybould, Claire <Claire.Raybould@cityofpaloalto.org> wrote:

Richard,

An application was filed on 6/16. The project is currently under review and the City has 30 days to provide comments on the project.

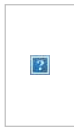
There is no requirement to file within 180 days of the preliminary Architectural review, this is a voluntary review process that is completely separate from the Senate Bill 330 pre-application requirements for streamlining of a housing project. The 180 day time period for the original Senate Bill 330 pre-application they submitted lapsed. They filed a new compliant pre-application. I've attached the City's response to that pre-application. The items for review on the pre-application are limited to select objective requirements as outlined in state code (i.e. if they submit the information, the application is deemed to comply).

Following that pre-application, they submitted a formal application for Architectural review on 6/16. The information was made available on our pending [project webpage](#) and notices were mailed to all residents within a 600 foot radius of the site last week.

I am happy to keep you informed on the project via e-mail as we move forward with the review. We also send notices to a 600 foot radius of the site prior to any future hearing and when a tentative decision is issued. I can ensure that notification goes to any interested parties via e-mail if you would like. I have not yet reviewed the application but will review and respond to the application within 30 days of the submittal.

Regards,

Claire



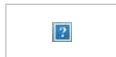
Claire Raybould, AICP

Senior Planner

Planning and Development Services Department

(650) 329-2116 | Claire.Raybould@cityofpaloalto.org

www.cityofpaloalto.org



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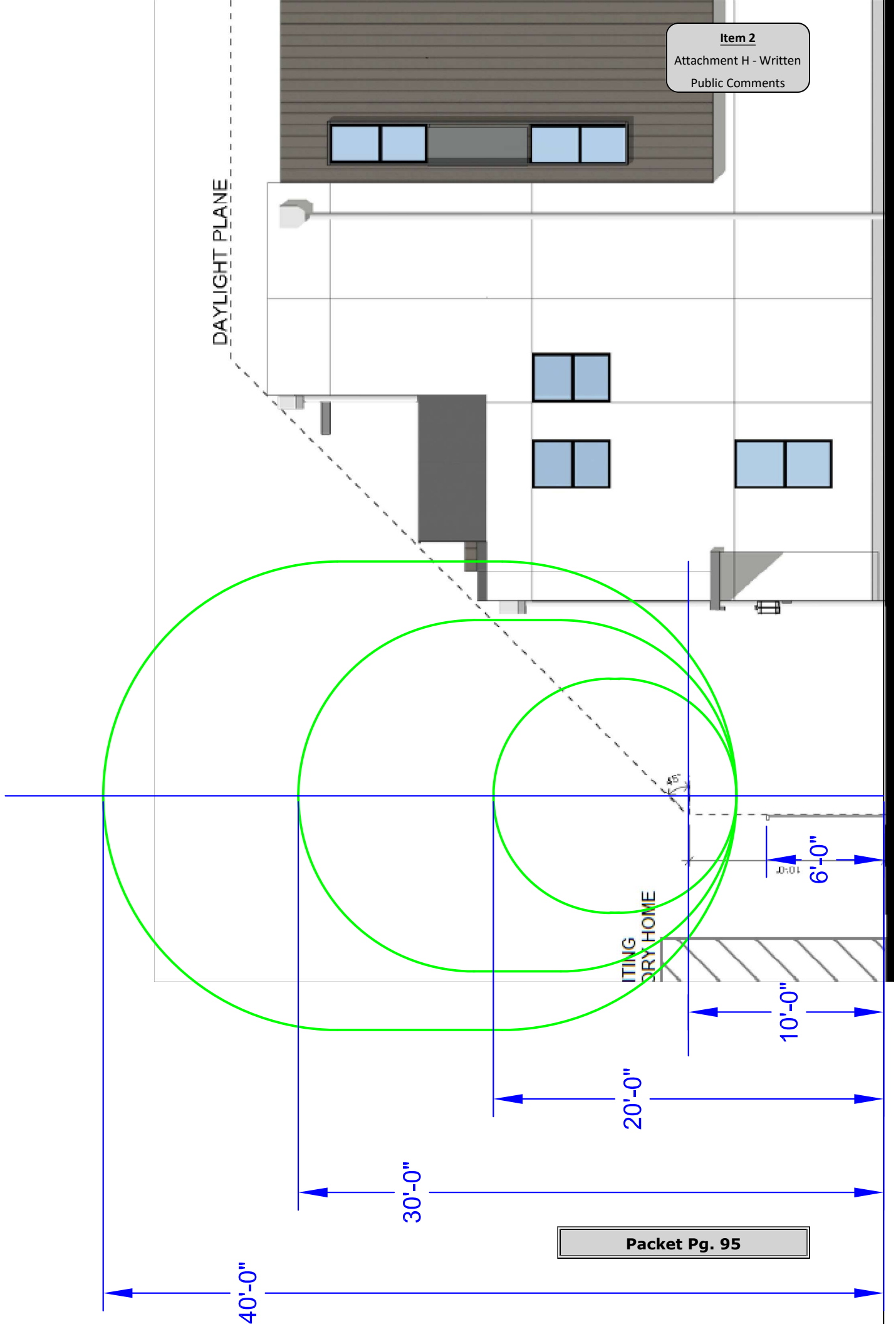
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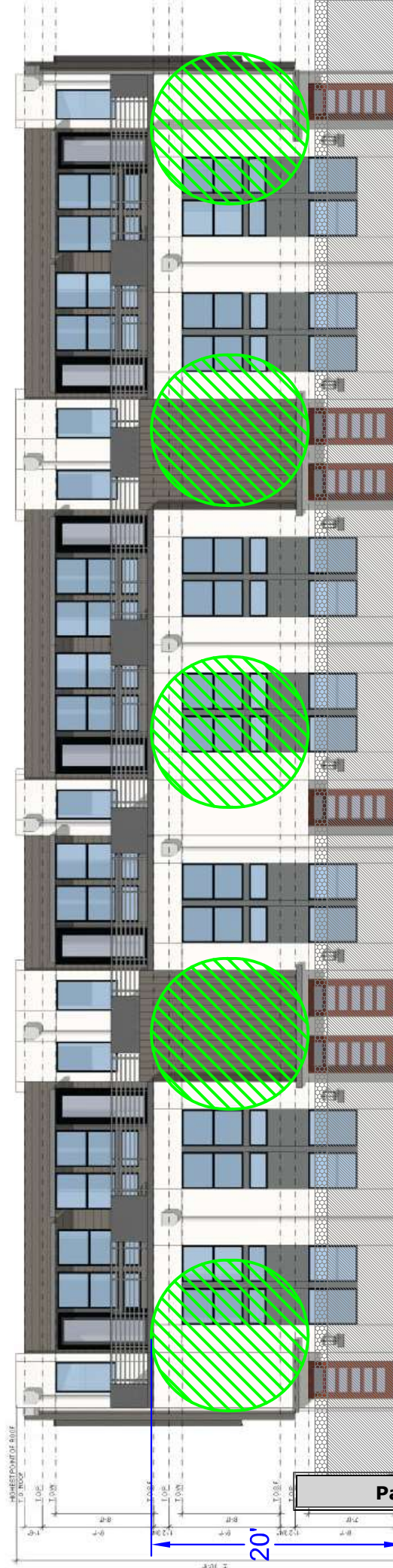
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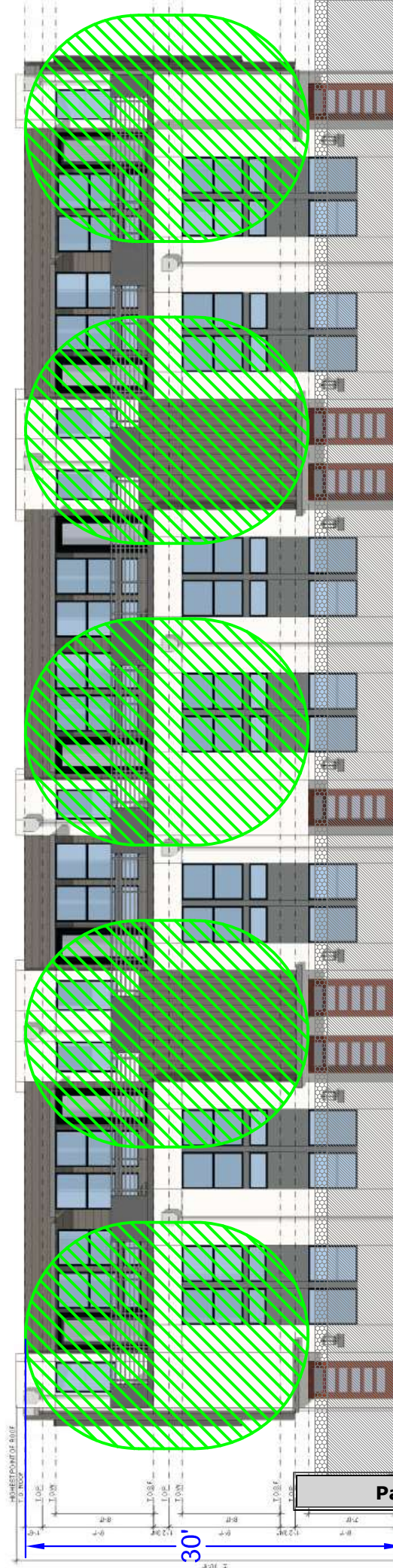
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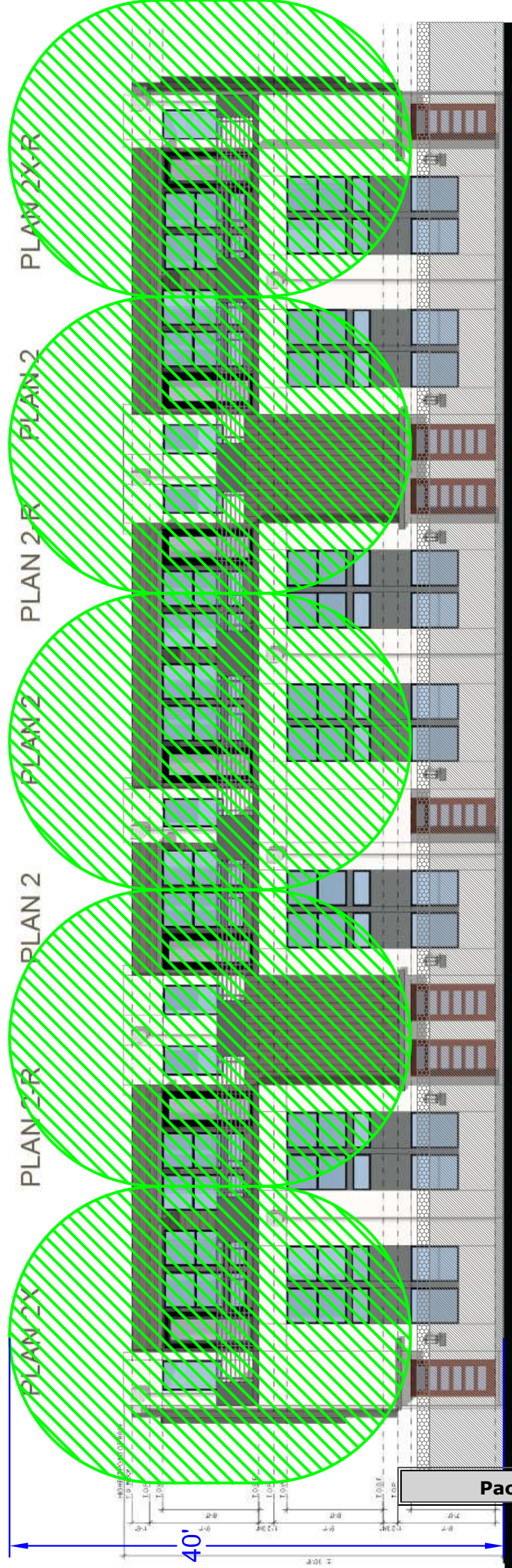
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PLAN 2X PLAN 2-R PLAN 2 PLAN 2-R PLAN 2 PLAN 2-R PLAN 2X-R







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Subject: RE: 739 Sutter Ave project
Date: Monday, July 18, 2022 9:12:30 AM
Attachments: image001.png
image002.png
image003.jpg
image004.png
image005.png
image006.png
image007.png
image012.png
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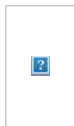
I've provided comments to the applicant late Friday. Sorry I haven't had a chance to get the letter out to all of you. I plan to send an e-mail today to all those who have expressed and interest but I've been doing inspections this morning and have a few meetings before noon.

A few thoughts on your e-mail:

1. The developer is proposing to remove the public utility easement along the rear of the property, which would allow for better privacy screening planting along that rear (some trees shown in their plan). Our utilities engineering and waste-gas-water division have confirmed that there are no active utilities in that easement anymore, so removal would be allowed
2. I think the plantings do warrant discussion, they are required to have privacy screening planting along that rear property line and I had commented on this in my comments as well. As proposed, I think that the trees could provide long-term screening, but agree that in the short-term the proposed plantings provide large gaps. That said, I don't think the solution is just putting a bunch of additional trees in-between. If you put too many large trees too close together, they are not going to grow properly to serve their intended purpose. So I do think discussion is warranted to discuss the best solution and to understand what the neighbors' preference would be.

I will follow up later today with more details on the status of the project and notice of incompleteness letter that was sent Friday.

Regards,
Claire



Claire Raybould, AICP
Senior Planner
Planning and Development Services Department
(650) 329-2116 | Claire.Raybould@cityofpaloalto.org
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Looking at the current plan, we feel a huge threat to privacy. It looks like the rear 7 units are all 3-story high, and it is only 11 feet between the fence and the 3-story 7 units. Standing in our living room, looking at the backyard, we feel these units would look like just right above the fence.

Other than the privacy issue, we are also concerned whether it's safe that all the entrances to the rear 7 units are along the 11-foot easement which is right across the fence of the San Carlos Ct neighbors. Currently we have 4 one-story one-bed-room units there. The traffic and noise are already significant. We don't know how many more traffics it will bring if 7 units.

We look forward to hearing more responses from the city.

Btw, I haven't received the notice yet and I believe my house should be within the 600 foot radius scope. Please kindly keep me in the loop when sending further updates.

Thank you, and hope you have a great weekend.

Jue

Jue Cheng (746 San Carlos Ct)
312.493.7162
peanutsjue@gmail.com

On Tue, Jun 28, 2022 at 7:56 PM jue cheng <peanutsjue@gmail.com> wrote:

Claire, thanks for the detailed information. We really appreciate your further updates once the city starts the review. As neighbors who live close to the site, we are deeply concerned about the waivers and concessions this project asks for at the moment. We hope we could get our voice heard as well before the project moves further. Thank you for your understanding.

I have copied a few neighbors who have been following this project for a while. Any updates, please kindly let us know.

Best regards,
Jue (San Carlos Ct)

On Tue, Jun 28, 2022 at 4:37 PM Raybould, Claire <Claire.Raybould@cityofpaloalto.org> wrote:

Richard,

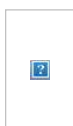
An application was filed on 6/16. The project is currently under review and the City has 30 days to provide comments on the project.

There is no requirement to file within 180 days of the preliminary Architectural review, this is a voluntary review process that is completely separate from the Senate Bill 330 pre-application requirements for streamlining of a housing project. The 180 day time period for the original Senate Bill 330 pre-application they submitted lapsed. They filed a new compliant pre-application. I've attached the City's response to that pre-application. The items for review on the pre-application are limited to select objective requirements as outlined in state code (i.e. if they submit the information, the application is deemed to comply).

Following that pre-application, they submitted a formal application for Architectural review on 6/16. The information was made available on our pending [project webpage](#) and notices were mailed to all residents within a 600 foot radius of the site last week.

I am happy to keep you informed on the project via e-mail as we move forward with the review. We also send notices to a 600 foot radius of the site prior to any future hearing and when a tentative decision is issued. I can ensure that notification goes to any interested parties via e-mail if you would like. I have not yet reviewed the application but will review and respond to the application within 30 days of the submittal.

Regards,
Claire



Claire Raybould, AICP
Senior Planner
Planning and Development Services Department
(650) 329-2116 | Claire.Raybould@cityofpaloalto.org
www.cityofpaloalto.org



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The City of Palo Alto is doing its part to reduce the spread of COVID-19. We have successfully transitioned most of our employees to a remote work environment. We remain available to you via email, phone, and virtual meetings during our normal business hours.

From: R W <flyinrichard@yahoo.com>
Sent: Tuesday, June 28, 2022 4:20 PM
To: Raybould, Claire <Claire.Raybould@CityofPaloAlto.org>; Gerhardt, Jodie <Jodie.Gerhardt@CityofPaloAlto.org>; Ketchum, Stanley <Stanley.Ketchum@CityofPaloAlto.org>
Cc: Jue Cheng <peanutsjue@gmail.com>; Yogabear23 <yogabear23@aol.com>; Mj Wolf <mimi.wolf@gmail.com>
Subject: Fw: 739 Sutter Ave project

Hi, Claire/Jodie,

I'd like to inquire about the status of 739 Sutter Ave(22PLN-00201) again, since it has been a while after the zoom meeting and the preliminary architecture review in last November. As to my understanding, application should be submitted within 180 days after the ARB public hearing in Nov 18, 2021, is this still an active or valid case?

Also, will the city planning send any update to the neighbors and community about this project?

thanks
Richard

----- Forwarded Message -----

From: R W <flyinrichard@yahoo.com>
To: Jodie Gerhardt <jodie.gerhardt@cityofpaloalto.org>; Ketchum, Stanley <stanley.ketchum@cityofpaloalto.org>
Cc: Jue Cheng <peanutsjue@gmail.com>; Yogabear23 <yogabear23@aol.com>; Mj Wolf <mimi.wolf@gmail.com>
Sent: Wednesday, June 1, 2022, 10:41:48 AM PDT
Subject: Re: 739 Sutter Ave project

Hi, Jodie, Stan,

Hope you are having a great weekend.
Did the city receive any updated application on this project?
I did not find any on the buildingeye website.

thanks
Richard

On Friday, January 28, 2022, 09:01:43 AM PST, Ketchum, Stanley <stanley.ketchum@cityofpaloalto.org> wrote:

Attached are the Agenda and the Zoom meeting link for the meeting to discuss the proposed housing project at 739 Sutter Ave.

Meeting: Tuesday, February 1, 1:00 pm

Zoom meeting link:

<https://cityofpaloalto.zoom.us/j/83303512275>

From: R W <flyinrichard@yahoo.com>
Sent: Thursday, January 27, 2022 9:08 PM
To: Ketchum, Stanley <Stanley.Ketchum@CityofPaloAlto.org>
Cc: Gerhardt, Jodie <Jodie.Gerhardt@CityofPaloAlto.org>; Eric Muzzy <eric.muzzy@dahlingroup.com>; Grace Li <graceli_1999@yahoo.com>; mimi.wolf@gmail.com: yogabear23@aol.com; Padru Kang <padru.kang@dahlingroup.com>; Darian Rauschendorfer <darian.rauschendorfer@dahlingroup.com>; Kriselle Rodrigues <kriselle.rodrigues@dahlingroup.com>; Karen Law <karenhlaw@gmail.com>; Jue Cheng <peanutsjue@gmail.com>; Lily Zhao <lilyzhao68@gmail.com>; wangf22@hotmail.com; Lait, Jonathan <Jonathan.Lait@CityofPaloAlto.org>; French, Amy <Amy.French@CityofPaloAlto.org>
Subject: Re: Zoom meeting to discuss proposed project at 739 Sutter Ave.

Hi, Stan,

Can you share the zoom link for this meeting as soon as possible?

Also, can city publish such meeting notice anywhere appropriate?

Neighborhood are anxiously asking about this meeting, and it's just 2 business days ahead.

Your speedy process is highly appreciated!

On Saturday, January 22, 2022, 03:50:30 PM PST, R W <flyngrichard@yahoo.com> wrote:

Hi, Stan, thanks for the notice. Can you share the zoom link as soon as possible?

I have heard several friends are concerned with the traffic/security and privacy to the neighborhood.

They would like to be informed and join the meeting too.

It will be great to post the meeting notice publicly on newspaper/website, too.

On Friday, January 21, 2022, 08:23:23 AM PST, Ketchum, Stanley <stanley.ketchum@cityofpaloalto.org> wrote:

We will schedule the meeting for Tuesday, February 1 at 1:00 pm. A Zoom meeting invite will be sent in advance. Thanks, Stan

From: Eric Muzzy <eric.muzzy@dahlingroup.com>
Sent: Wednesday, January 19, 2022 12:32 PM
To: Ketchum, Stanley <Stanley.Ketchum@CityofPaloAlto.org>
Cc: Gerhardt, Jodie <Jodie.Gerhardt@cityofpaloalto.org>; Grace Li <graceli_1999@yahoo.com>; mimi.wolf@gmail.com; yogabear23@aol.com; R W <flyngrichard@yahoo.com>; Padru Kang <padru.kang@dahlingroup.com>; Darian Rauschendorfer <Darian.Rauschendorfer@dahlingroup.com>; Kriselle Rodrigues <Kriselle.Rodrigues@dahlingroup.com>
Subject: RE: Zoom meeting to discuss proposed project at 739 Sutter Ave.

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Hi Stan,

Jack is not available to attend on Wednesday. Hopefully Monday 1/31: 1-2:30 pm, or Tuesday 2/1: 1-3 pm will work for the rest of the group.

Thank you,

ERIC MUZZY

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Subject: RE: Zoom meeting to discuss proposed project at 739 Sutter Ave.

Good afternoon Stan,

Could you please share a meeting agenda and list of attendees?

The following meeting times work for DAHLIN:

Monday 1/31: 1-2:30 pm

Tuesday 2/1: 1-3 pm

Wednesday 2/2: 10am-noon, 1:30 – 2:30 pm

We are hoping that this meeting will include representatives from Fire and Public Works in addition to Planning, so that the project team has an opportunity to review preapplication comments and potential responses together.

Thank you,

ERIC MUZZY

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PASSION FOR PLACE ®

From: Grace Li <graceli_1999@yahoo.com>
Sent: Wednesday, January 19, 2022 11:45 AM
To: R W <flyingrichard@yahoo.com>; yogabear23@aol.com; mimi.wolf@gmail.com; Eric Muzzy <eric.muzzy@dahlingroup.com>; Ketchum, Stanley <Stanley.Ketchum@CityofPaloAlto.org>
Cc: Gerhardt, Jodie <jodie.gerhardt@cityofpaloalto.org>
Subject: Re: Zoom meeting to discuss proposed project at 739 Sutter Ave.

Alert: External Email

Hi Stan,

I am available at any time on those dates.

Thank you.

Grace

On Wednesday, January 19, 2022, 09:44:49 AM PST, Ketchum, Stanley <stanley.ketchum@cityofpaloalto.org> wrote:

Planning Staff is going to schedule a Zoom meeting to discuss the proposed residential project located at 739 Sutter Ave. The possible dates are Monday 1/31, Tuesday 2/1, or Wednesday 2/2 between 10:00 am and 3:00 pm. Please respond with two or three timeframes that you are available so we can pick a time that works for the most participants. Other individuals are welcome to participate. Thanks, Stan

From: [Sam Gersten](#)
To: [Raybould, Claire](#)
Subject: Re: 739 Sutter Avenue
Date: Wednesday, July 20, 2022 6:03:51 PM
Attachments: [image009.png](#)
[image012.png](#)
[image002.png](#)
[image004.png](#)
[image006.jpg](#)
[image008.png](#)
[image011.png](#)

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

Thanks for forwarding - hoping this project can be quickly approved after these comments are addressed!

On Mon, Jul 18, 2022 at 4:18 PM Raybould, Claire <Claire.Raybould@cityofpaloalto.org> wrote:

Good afternoon all,

I'm sending this e-mail because you have expressed an interest in the proposed project at 739 Sutter Avenue. Attached are the City's comments sent to the applicant (attaching e-mail and in the e-mail are planning and other department comments). Please let me know if you have questions.

Regards,

Claire



Claire Raybould, AICP

Senior Planner

Planning and Development Services Department

(650) 329-2116 | Claire.Raybould@cityofpaloalto.org

www.cityofpaloalto.org



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--
Sam Gersten
sam.gersten@gmail.com | 718-570-7661

From: [Yogabear23](#)
To: [jue cheng](#); [Raybould, Claire](#); [Dave Samuels](#); [Laurie Berger](#); [R. W.](#); [Lily Zhao](#); [Mi Wolf](#); [Wang Feng](#)
Subject: Re: 739 Sutter Ave project
Date: Saturday, July 9, 2022 10:39:15 AM
Attachments: [image009.png](#)
[image012.png](#)
[image001.png](#)
[image003.png](#)
[image005.jpg](#)
[image007.png](#)
[image013.png](#)

I am committed to utilizing solar panels and want full access to available sunlight , unobstructed by oversized neighborhood development. We all have a duty to fight climate change for ourselves and our children. Respectfully Carolyn Garbarino

[Sent from the all new AOL app for iOS](#)

On Friday, July 8, 2022, 9:19 PM, jue cheng <peanutsjue@gmail.com> wrote:

Hi Claire,
Just a kind follow up on the current status of 739 Sutter Ave project. Please kindly let us know if there are any updates on the city's response to the formal application.

As one of the neighbors who live right next to the site, the deepest concern is the privacy issue. You may have noticed that houses along San Carlos Ct, and next to the west side of the site, are set on rather small lots, less than 5,000 sqft for each. We are all single story bungalows and the backyards are rather tiny as well. Across the fence, it is the 739 Sutter Ave project site.

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We look forward to hearing more responses from the city.

Btw, I haven't received the notice yet and I believe my house should be within the 600 foot radius scope. Please kindly keep me in the loop when sending further updates.

Thank you, and hope you have a great weekend.

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312.493.7162
peanutsjue@gmail.com

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Richard,

An application was filed on 6/16. The project is currently under review and the City has 30 days to provide comments on the project.

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Claire



Claire Raybould, AICP

Senior Planner

Planning and Development Services Department

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To: Raybould, Claire <Claire.Raybould@CityofPaloAlto.org>; Gerhardt, Jodie <Jodie.Gerhardt@CityofPaloAlto.org>; Ketchum, Stanley <Stanley.Ketchum@CityofPaloAlto.org>

Cc: Jue Cheng <peanutsjue@gmail.com>; Yogabear23 <yogabear23@aol.com>; Mj Wolf <mimi.wolf@gmail.com>

Subject: Fw: 739 Sutter Ave project

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To: Jodie Gerhardt <jodie.gerhardt@cityofpaloalto.org>; Ketchum, Stanley <stanley.ketchum@cityofpaloalto.org>

Cc: Jue Cheng <peanutsjue@gmail.com>; Yogabear23 <yogabear23@aol.com>; Mj Wolf <mimi.wolf@gmail.com>

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Attached are the Agenda and the Zoom meeting link for the meeting to discuss the proposed housing project at 739 Sutter Ave.

Meeting: Tuesday, February 1, 1:00 pm

Zoom meeting link:

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Subject: Re: Zoom meeting to discuss proposed project at 739 Sutter Ave.

Hi, Stan,

Can you share the zoom link for this meeting as soon as possible?

Also, can city publish such meeting notice anywhere appropriate?

Neighborhood are anxiously asking about this meeting, and it's just 2 business days ahead.

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Sent: Wednesday, January 19, 2022 12:32 PM
To: Ketchum, Stanley <Stanley.Ketchum@CityofPaloAlto.org>
Cc: Gerhardt, Jodie <Jodie.Gerhardt@CityofPaloAlto.org>; Grace Li <graceli_1999@yahoo.com>; mimi.wolf@gmail.com; yogabear23@aol.com; R W <flyingrichard@yahoo.com>; Padru Kang <padru.kang@dahlingroup.com>; Darian Rauschendorfer <Darian.Rauschendorfer@dahlingroup.com>; Kriselle Rodrigues

<Kriselle.Rodriguez@dahlingroup.com>

Subject: RE: Zoom meeting to discuss proposed project at 739 Sutter Ave.

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Hi Stan,

Jack is not available to attend on Wednesday. Hopefully Monday 1/31: 1-2:30 pm, or Tuesday 2/1: 1-3 pm will work for the rest of the group.

Thank you,

ERIC MUZZY

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To: Ketchum, Stanley <Stanley.Ketchum@CityofPaloAlto.org>

Cc: Gerhardt, Jodie <jodie.gerhardt@cityofpaloalto.org>; Grace Li <graceli_1999@yahoo.com>; mimi.wolf@gmail.com; yogabear23@aol.com; R W <flyingrichard@yahoo.com>; Padru Kang <padru.kang@dahlingroup.com>; Darian Rauschendorfer <Darian.Rauschendorfer@dahlingroup.com>; Kriselle Rodriguez <Kriselle.Rodriguez@dahlingroup.com>

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Could you please share a meeting agenda and list of attendees?

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We are hoping that this meeting will include representatives from Fire and Public Works in addition to Planning, so that the project team has an opportunity to review preapplication comments and potential responses together.

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Cc: Gerhardt, Jodie <jodie.gerhardt@cityofpaloalto.org>

Subject: Re: Zoom meeting to discuss proposed project at 739 Sutter Ave.

Alert: External Email

Hi Stan,

I am available at any time on those dates.

Thank you.

From: Jeff Conrad
To: Raybould, Claire
Subject: RE: 739 Sutter Avenue
Date: Monday, July 18, 2022 5:43:37 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.jpg](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)

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

Claire,

Thanks so much for sending this. You folks seem to have done a pretty thorough job and have caught most of the major issues that the San Carlos Ct. residents and I have raised.

For what it may be worth: I have a newer and cleaner version of the illustrations that Jue Cheng sent you on July 15; I'd be happy to send it to you if you wish. Although I think the reviewers are aware of the privacy issue, a picture is sometimes worth a thousand words.

Jeff Conrad

From: Raybould, Claire <Claire.Raybould@CityofPaloAlto.org>
Sent: Monday, July 18, 2022 4:17 PM
To: Raybould, Claire <Claire.Raybould@CityofPaloAlto.org>
Subject: 739 Sutter Avenue

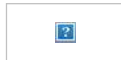
Good afternoon all,

I'm sending this e-mail because you have expressed an interest in the proposed project at 739 Sutter Avenue. Attached are the City's comments sent to the applicant (attaching e-mail and in the e-mail are planning and other department comments). Please let me know if you have questions.

Regards,
Claire



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From: Raybould, Claire
To: Laurie Berger
Cc: Edward Kraus
Subject: RE: Palo Alto Project 21PLN-00222- 739 Sutter
Date: Friday, June 24, 2022 8:16:18 AM
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)
[image004.jpg](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image010.png](#)
[image008.png](#)
[image011.png](#)
[image019.jpg](#)
[image020.png](#)
[image021.png](#)
[image022.png](#)
[image023.png](#)

Hello Laurie, it looks like the project came in on 6/16 and was routed out for departments to review. I have not yet reviewed the application; we have a 30 day window to review and provide comments. Application # is 22PLN-00201. [Here](#) is a link to the project webpage.

Regards,
Claire



Claire Raybould, AICP
Senior Planner
Planning and Development Services Department
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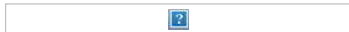
From: Laurie Berger <lb@svlg.com>
Sent: Monday, June 20, 2022 11:20 AM
To: Raybould, Claire <Claire.Raybould@CityofPaloAlto.org>
Cc: Edward Kraus <eak@svlg.com>
Subject: RE: Palo Alto Project 21PLN-00222- 739 Sutter

Hi Claire,

I am following up to see if the formal application is on file. Please let me know the status.

Thank you.

Laurie

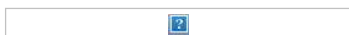


Laurie Berger
Silicon Valley Law Group
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From: Laurie Berger
Sent: Tuesday, June 7, 2022 11:35 AM
To: Raybould, Claire <Claire.Raybould@CityofPaloAlto.org>
Subject: RE: Palo Alto Project 21PLN-00222- 739 Sutter

Great – thank you for letting me know.



Laurie Berger

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From: Raybould, Claire <Claire.Raybould@CityofPaloAlto.org>
Sent: Tuesday, June 7, 2022 11:27 AM
To: Laurie Berger <lb@svlg.com>
Subject: RE: Palo Alto Project 21PLN-00222- 739 Sutter

This was the website for the application they filed for a preliminary review in front of the ARB. Again, no formal application has been filed yet. Once the project is formally filed (scheduled to occur on 6/16) we will put a new webpage up within a couple of days of the filing that provides a summary of the project and links to the initial plans they submit. The plans and other information on the application will also be available immediately through building eye once the application is formally filed.

Claire

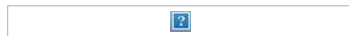
From: Laurie Berger <lb@svlg.com>
Sent: Tuesday, June 7, 2022 10:49 AM
To: Raybould, Claire <Claire.Raybould@CityofPaloAlto.org>
Subject: RE: Palo Alto Project 21PLN-00222- 739 Sutter

Claire,

Is this link <https://www.cityofpaloalto.org/News-Articles/Planning-and-Development-Services/739-Sutter-Avenue> the correct link for information about the project? If there is another place with information, please let me know.

Thank you.

Laurie



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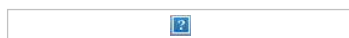
From: Laurie Berger
Sent: Tuesday, June 7, 2022 10:20 AM
To: Raybould, Claire <Claire.Raybould@CityofPaloAlto.org>
Cc: Edward Kraus <ek@svlg.com>
Subject: RE: Palo Alto Project 21PLN-00222- 739 Sutter

Hi Claire,

Thank you for the update.

Best regards,

Laurie



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From: Raybould, Claire <Claire.Raybould@CityofPaloAlto.org>
Sent: Monday, June 6, 2022 12:31 PM
To: Laurie Berger <lb@svlg.com>
Cc: Edward Kraus <ek@svlg.com>
Subject: RE: Palo Alto Project 21PLN-00222- 739 Sutter

Hi Laurie,

FYI I asked our admin and it sounds like 739 Sutter is currently scheduled for intake on 6/16. We will assess fees on that date; the day they pay the fees is the date we consider the project to be formally on file and route it for review. Once the formal application is on file we would send out a notice to a 600 ft radius to let them know it has been filed and to provide a contact for sending comments. The City provides a Notice of Incompletion or a Request for Supplemental Information within 30 days of filing.

Notice of incompletion=there are items not provided that are required per the submittal checklist in order to evaluate the project's compliance with the code
Request for supplemental information=they provided all of the items to be deemed complete but revisions are needed for consistency with our code or other information is needed to evaluate consistency with other regulations (e.g. SB 330 requirements or CEQA requirements).

Regards,
Claire



Claire Raybould, AICP
Senior Planner
Planning and Development Services Department
(650) 329-2116 | Claire.Raybould@cityofpaloalto.org
www.cityofpaloalto.org



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From: Laurie Berger <lb@svlg.com>
Sent: Tuesday, May 24, 2022 3:26 PM
To: Raybould, Claire <Claire.Raybould@CityofPaloAlto.org>
Cc: Edward Kraus <ek@svlg.com>
Subject: RE: Palo Alto Project 21PLN-00222- 739 Sutter

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Hi Claire,

Thank you very much for the quick response and for the summary. It would be great if you could let me know when the appointment is scheduled as we want to track the status.

I think you have answered all of my questions, but I will be in touch if we have anything further.

Best regards,

Laurie



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From: Raybould, Claire <Claire.Raybould@CityofPaloAlto.org>
Sent: Tuesday, May 24, 2022 2:54 PM
To: Laurie Berger <lb@svlg.com>
Cc: Edward Kraus <ek@svlg.com>
Subject: RE: Palo Alto Project 21PLN-00222- 739 Sutter

Good afternoon Laurie,

Here's a quick summary on the status of the project:

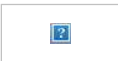
1. Applicant applied for preliminary architectural review 8/5/21. This is not a formal application and no decision is issued in accordance with these types of applications. It's an application to allow for a study session in front of the ARB in order to obtain architectural related feedback on the project. This is what the study session on 11/18 was.
2. Applicant filed an SB 330 pre-application on 10/5/21. We responded within 30 days (10/29) and indicated the application was not compliant with the requirements set forth in SB 330 (see attached). They provided additional information on 11/4/21 via e-mail and the application was deemed compliant as of that date. HOWEVER, the applicant did not then file a formal application within 180 days. Therefore the City required that the applicant file an SB 330 pre-application again if they wanted the City to process the project in accordance with SB 330.
3. Applicant refiled their SB 330 pre-application 5/12 (they submitted on 5/5 but didn't pay the fees until 5/12) and City deemed that compliant on 5/13 (letter attached). 180 day period begins starting from the date the compliant pre-app is submitted, so they have 180 days to submit.
4. I just went into the system after you sent this to see if they have filed yet and it looks like they uploaded plans to our system this afternoon. Due to the volume of planning applications we receive, we require that applicants put their plans into the system and then schedule an intake appointment where we assess the fees; only once fees are paid do we consider plans to be formally submitted. The applicant has not scheduled their intake appointment yet and our appointments are usually a few weeks out, so the plans will not be considered formally submitted, and therefore would not be reviewed, until that appointment occurs. Once the appointment is set I'm happy to let you know.

I'm not aware of anything that went to Council on January 3rd related to this project, so I assume that any discussion that occurred related to this project at Council was public comment from neighbors. At this time, because there is no application on file I'm not sure there is anything further for us to discuss. But I'm happy to answer any questions you have or discuss further with you once there is an application on file.

Regards,
Claire



Claire Raybould, AICP
Senior Planner
Planning and Development Services Department
(650) 329-2116 | Claire.Raybould@cityofpaloalto.org
www.cityofpaloalto.org



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From: Stan Ketchum <sketchum@m-group.us>
Sent: Tuesday, May 24, 2022 2:22 PM
To: Laurie Berger <lb@svlg.com>
Cc: Edward Kraus <ek@svlg.com>; Raybould, Claire <Claire.Raybould@CityofPaloAlto.org>
Subject: RE: Palo Alto Project 21PLN-00222- 739 Sutter

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Hi, Laurie. I no longer work for Palo Alto. I am copying Claire Raybould who is the Project Manager for the project in the Palo Alto Planning Division. Stan

From: Laurie Berger <lb@svlg.com>
Sent: Tuesday, May 24, 2022 1:58 PM
To: Stan Ketchum <sketchum@m-group.us>
Cc: Edward Kraus <ek@svlg.com>
Subject: Palo Alto Project 21PLN-00222- 739 Sutter

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you know the content is safe. Be aware that the sending address can be faked or manipulated.

Dear Mr. Ketchum,

Our firm represents several homeowners who live near the proposed 739 Sutter 12-unit residential development. I would like to get an update on the status of this project. From the website, I see the project plans and a public hearing date from November 18, 2021, and it is my understanding the project was discussed at the City Council meeting on January 3, 2022.

Please provide me with an update at your earliest convenience. It would be helpful if we could set up a time to discuss. I can be reached at (408) 573-5700.

From: Jeff Conrad
To: Raybould, Claire
Subject: RE: 739 Sutter Project
Date: Thursday, July 7, 2022 5:26:10 PM
Attachments: [image001.png](#)
[image002.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)

Claire,

Was anyone able to confirm my issue with the landscape drawings (pp. 30–33 of the file)? I sent messages to Dahlin and ANYI (the landscape architect) but haven't heard back; suffice it to say that I am unimpressed by their sense of professionalism. As I understand it, Dahlin are a highly regarded firm, and submitting stuff like this makes them look bad. I think there's a good chance the problem lies with the PDF-generating code of the project-management software; if that's indeed the case, these folks should pass that along to the software supplier.

Though I think full caps are stupid for almost anything because they're hard to read—witness the original stay-home order from the county health officer in March 2020—that wasn't the basis for my complaint. I learned drafting using a drawing board, and full caps were just the way it was done. I haven't done it that way for decades because I want my notes to be read and understood. The issue is that the notes don't display, period.

The landscape plans for this project—especially the trees proposed for the front of Building 2—are essential to address privacy concerns, so it's important to have easily readable drawings. Although the drawings can be read with a web browser, only a masochist would choose a browser over Acrobat.

I realize that these are only preliminary plans, but they provide the only basis for public comment.

Jeff Conrad
723 Sutter

From: Raybould, Claire <Claire.Raybould@CityofPaloAlto.org>
Sent: Tuesday, June 28, 2022 9:51 PM
To: jeff_conrad@msn.com
Subject: RE: 739 Sutter Project

Jeff,

We do not review and provide comments on a plan set prior to submittal. We can't review until plans are submitted and the fees are paid. These were the initial submittal plan sets. The City reviews and provides comments on the plans within the 30 day review period. Certainly if the information in the plans is illegible it would need to be fixed prior to moving forward to a hearing. The full caps for general notes on a plan set is fairly standard.

As I'm reviewing the plans that we posted though I'm not seeing the issue you note. Are you using google chrome? Our Palo Alto website does not mesh well with other browser options and sometimes causes weird glitches like this so it's possible that that's the issue.

Regards,

Claire



Claire Raybould, AICP
Senior Planner
Planning and Development Services Department
(650) 329-2116 | Claire.Raybould@cityofpaloalto.org
www.cityofpaloalto.org



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From: Jeff Conrad <jeff_conrad@msn.com>
Sent: Tuesday, June 28, 2022 6:42 PM
To: Raybould, Claire <Claire.Raybould@CityofPaloAlto.org>
Subject: RE: 739 Sutter Project

You don't often get email from jeff_conrad@msn.com. [Learn why this is important](#)

Claire,

It now looks like the cause of the problem may be in the PDF generation. I am able to copy and paste the text from the landscape drawings and have it look OK. For example, the General Notes at the top of page 30 give

GENERAL NOTES:

1. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO FIELD VERIFY EXISTING
CONDITIONS, THE LOCATION OF ALL TREES WITHIN THE LIMIT OF WORK, UTILITIES, AND

- ALL SITE ELEMENTS PRIOR TO BEGINNING THE WORK.
2. PERFORM ALL WORK IN CONFORMANCE WITH REQUIREMENTS AND OTHER APPLICABLE CODES, ORDINANCES AND REGULATIONS. OBSERVE ALL SETBACKS SHOWN ON THE PLANS AND AS OTHERWISE MAY BE REQUIRED.
3. THE LANDSCAPE ARCHITECT AND THE OWNER SHALL BE ADVISED 48 HOURS IN ADVANCE FOR PERFORMANCE OF SITE OBSERVATIONS.

Aside from full caps being generally unreadable, it's fine. So it should be possible for the submitter to fix the problem. Having no experience with the generating software, I cannot offer any suggestions on how to do this.

Again, it's inexcusable that something like this was submitted, and disappointing that it wasn't caught. Perhaps no one reads these things.

Jeff

From: Raybould, Claire <Claire.Raybould@CityofPaloAlto.org>
Sent: Tuesday, June 28, 2022 8:02 AM
To: jeff_conrad@msn.com
Subject: RE: 739 Sutter Project

Jeff, I confirmed with my admin a couple of days ago that notices have been mailed to a 600 ft radius of the project site following the project submittal to let adjacent residents/property owners know about the proposed development. This would have included 723 Sutter. I will ask her again and confirm what date those went out.

I'm happy to keep you apprised of the project and any related hearings. Right now the project is under review by various city departments. The City has 30 days from 6/16 to provide comments on the initial plan sets that they submitted.

Regards,
Claire



Claire Raybould, AICP
Senior Planner
Planning and Development Services Department
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From: Jeff Conrad <jeff_conrad@msn.com>
Sent: Monday, June 27, 2022 10:49 PM
To: Raybould, Claire <Claire.Raybould@CityofPaloAlto.org>
Subject: 739 Sutter Project

You don't often get email from jeff_conrad@msn.com. [Learn why this is important](#)

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Claire,

After the February 1, 2022 (or thereabouts) Zoom meeting on the 739 Sutter Project, I requested to be notified of future developments—but I have received nothing in the mail or via email. I have heard similar comments from others involved in that meeting.

I hereby request to be apprised of any future developments or meetings pertaining to this project.

Jeff Conrad
723 Sutter Ave.

From: [Laurie Berger](#)
To: [Raybould, Claire](#)
Subject: RE: 739 Sutter Avenue
Date: Thursday, March 2, 2023 10:46:29 AM
Attachments: [image002.png](#)
[image003.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)

Hi Claire,

I have been checking the website regularly and it does not look like anything has happened on this project since July 2022. Have you heard anything?

Thank you.

Laurie



Laurie Berger
Silicon Valley Law Group
1 North Market St., Suite 200
San Jose, CA 95113
(408) 573-5700
Fax: (408) 573-5701
lb@svlg.com
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From: Laurie Berger
Sent: Tuesday, November 1, 2022 2:34 PM
To: Raybould, Claire <Claire.Raybould@CityofPaloAlto.org>
Subject: RE: 739 Sutter Avenue

Hi Claire,

I am checking in to see if there is any news on this project. Please let me know the status.

Thank you.

Laurie



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From: Laurie Berger
Sent: Thursday, September 15, 2022 2:44 PM
To: Raybould, Claire <Claire.Raybould@CityofPaloAlto.org>
Subject: RE: 739 Sutter Avenue

Hi Claire,

Thank you for the update.

Best regards,

Laurie



Laurie Berger

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From: Raybould, Claire <Claire.Raybould@CityofPaloAlto.org>
Sent: Thursday, September 15, 2022 1:15 PM
To: Laurie Berger <lb@svlg.com>
Subject: RE: 739 Sutter Avenue

Hi Laurie,

I have not received plans back since the first round of review. We've had some back and forth since the initial comments went out because it was unclear in the plans that they were trying to subdivide the lot for individual parcels (fee simple townhomes) versus a condominium subdivision. They are hoping to do fee simple it seems but their entire plan set was designed assuming a one lot condominium subdivision. So if they want to do a fee simple then they need to modify every single one of their waiver requests and indicate all the setbacks, FAR, etc. for each lot instead of designing assuming one existing parcel. The City has indicated to the applicant that if they pursue this option we do not agree that they can utilize a waiver to create substandard lots because clearly the waiver is not necessary to construct at the proposed density pursuant to the state density bonus law (since a condominium subdivision is clearly possible and would not require creating substandard lots). So they could go through a map exceptions process, which would go to our planning commission or council, or they can modify their request accordingly.

I have not received a response from them on their proposed next steps since conveying this information a few weeks ago.

Regards,
Claire



Claire Raybould, AICP
Senior Planner
Planning and Development Services Department
(650) 329-2116 | Claire.Raybould@cityofpaloalto.org
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From: Laurie Berger <lb@svlg.com>
Sent: Thursday, September 15, 2022 10:25 AM
To: Raybould, Claire <Claire.Raybould@CityofPaloAlto.org>
Subject: RE: 739 Sutter Avenue

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

Hi Claire,

I am following up – please let me know the status.

Thank you.

Laurie



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From: Laurie Berger
Sent: Thursday, September 8, 2022 11:24 AM
To: 'Raybould, Claire' <Claire.Raybould@CityofPaloAlto.org>
Subject: RE: 739 Sutter Avenue

Hi Claire,

Is there any news on this project? Please let me know the status.

Thank you.

Laurie



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From: Raybould, Claire <Claire.Raybould@CityofPaloAlto.org>
Sent: Monday, July 18, 2022 4:17 PM
To: Raybould, Claire <Claire.Raybould@CityofPaloAlto.org>
Subject: 739 Sutter Avenue

Good afternoon all,

I'm sending this e-mail because you have expressed an interest in the proposed project at 739 Sutter Avenue. Attached are the City's comments sent to the applicant (attaching e-mail and in the e-mail are planning and other department comments). Please let me know if you have questions.

Regards,
Claire



Claire Raybould, AICP
Senior Planner
Planning and Development Services Department
(650) 329-2116 | Claire.Raybould@cityofpaloalto.org
www.cityofpaloalto.org



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From: Jeff Conrad
To: Raybould, Claire
Subject: RE: 739 Sutter Ave
Date: Thursday, April 13, 2023 4:47:40 PM
Attachments: image001.png
image002.png
image004.png
image005.png
image006.png
image007.png
image008.png

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Claire,

Thanks for the update.

One initial question, though. The cover letter for the most recent submittal

[https://aca-prod.accela.com/paloalto/Cap/CapDetail.aspx?](https://aca-prod.accela.com/paloalto/Cap/CapDetail.aspx?Module=Planning&TabName=Planning&capID1=22PLN&capID2=00000&capID3=00201&agencyCode=PALOALTO&IsToShowInspection=no)

[Module=Planning&TabName=Planning&capID1=22PLN&capID2=00000&capID3=00201&agencyCode=PALOALTO&IsToShowInspection=no](https://aca-prod.accela.com/paloalto/Cap/CapDetail.aspx?Module=Planning&TabName=Planning&capID1=22PLN&capID2=00000&capID3=00201&agencyCode=PALOALTO&IsToShowInspection=no)

refers to Exhibit C, an email from the Neighbor in support of this project and consenting to an easement. I cannot find this document; was it submitted separately?

Jeff Conrad

From: Raybould, Claire <Claire.Raybould@CityofPaloAlto.org>
Sent: Thursday, April 13, 2023 9:01 AM
To: Raybould, Claire <Claire.Raybould@CityofPaloAlto.org>
Subject: 739 Sutter Ave

Good afternoon,

This e-mail is to inform you that plans for a proposed development at 739 Sutter Avenue have been resubmitted to the City and are available on the project webpage at:

<https://www.cityofpaloalto.org/News-Articles/Planning-and-Development-Services/739-Sutter-Avenue-22PLN-00201>

These plans are still under review by staff and no formal hearing date has been set at this time. If you have any comments on the revised design please feel free to contact me to provide any comments or if you have any questions.

I do want to note that due to the delay in resubmitting plans (beyond the required 90-days set forth under state law), the SB 330 pre-application, which locks in development standards based on the date that a compliant Senate Bill 330 pre-application is filed, no longer applies to this project. The project is subject to the current objective requirements set forth in the Palo Alto Municipal Code. The applicant has expressed their intent to comply with the current process and requirements set forth in the zoning code with respect to ministerial review for housing projects that comply with the objective standards. This process still requires a single hearing in front of the Architectural Review Board. As part of its review, the City will be evaluating the project's eligibility for this process and compliance with applicable objective standards set forth in the municipal code.

Regards,
Claire



Claire Raybould, AICP
Senior Planner
Planning and Development Services Department
(650) 329-2116 | Claire.Raybould@cityofpaloalto.org
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From: [jue cheng](#)
To: [Raybould, Claire](#)
Subject: Re: 739 Sutter Ave
Date: Thursday, April 13, 2023 10:57:41 PM
Attachments: [image009.png](#)
[image012.png](#)
[image002.png](#)
[image004.png](#)
[image008.png](#)
[image011.png](#)

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Hi Claire, thanks for keeping us updated on the project status.

I am one of the owners of San Carlos Ct which is next to the rear Building 2. The developer is asking for waivers of the building height and step backs on the upper floors. All these raise huge privacy concerns and safety concerns to us who are very next to the project. The houses along San Carlos Ct are quite similar to each other - single floor, with a rather small backyard that is facing the project. The proposal mentioned 5 replacement trees along the fence and the mature size. I am more concerned about the initial size for now.

Another question is about the procedures going forward. If the applicant only needs to have a single hearing in front of the ARB, would ARB have a public hearing from the neighbors? What does the timeline look like?

Thank you,
Jue

Jue Cheng
746 San Carlos Ct, Palo Alto
312.493.7162

On Thu, Apr 13, 2023 at 9:00 AM Raybould, Claire <Claire.Raybould@cityofpaloalto.org> wrote:

Good afternoon,

This e-mail is to inform you that plans for a proposed development at 739 Sutter Avenue have been resubmitted to the City and are available on the project webpage at:

<https://www.cityofpaloalto.org/News-Articles/Planning-and-Development-Services/739-Sutter-Avenue-22PLN-00201>

These plans are still under review by staff and no formal hearing date has been set at this time. If you have any comments on the revised design please feel free to contact me to provide any comments or if you have any questions.

I do want to note that due to the delay in resubmitting plans (beyond the required 90-days set forth under state law), the SB 330 pre-application, which locks in development standards based on the date that a compliant Senate Bill 330 pre-application is filed, no longer applies to this project. The project is subject to the current objective requirements set forth in the Palo Alto Municipal Code. The applicant has expressed their intent to comply with the current process and requirements set forth in the zoning code with respect to ministerial review for housing projects that comply with the objective standards. This process still requires a single hearing in front of the Architectural Review Board. As part of its review, the City will be evaluating the project's eligibility for this process and compliance with applicable objective standards set forth in the municipal code.

Regards,
Claire



Claire Raybould, AICP

Senior Planner

Planning and Development Services Department

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From: [Laurie Berger](#)
To: [Raybould, Claire](#)
Subject: RE: 739 Sutter Ave
Date: Friday, April 14, 2023 2:13:27 PM
Attachments: [image002.png](#)
[image003.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image010.png](#)
[image011.png](#)

Thanks for getting back to me. I am free Wednesday. How about 11 a.m.?



Laurie Berger
Silicon Valley Law Group
1 North Market St., Suite 200
San Jose, CA 95113
(408) 573-5700
Fax: (408) 573-5701
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From: Raybould, Claire <Claire.Raybould@CityofPaloAlto.org>
Sent: Friday, April 14, 2023 2:05 PM
To: Laurie Berger <lb@svlg.com>
Subject: RE: 739 Sutter Ave

Hi Laurie,

I'm booked solid through Tuesday but flexible next Wednesday. Is there a time next Wednesday that would work for you?

Regards,
Claire

From: Laurie Berger <lb@svlg.com>
Sent: Friday, April 14, 2023 1:43 PM
To: Raybould, Claire <Claire.Raybould@CityofPaloAlto.org>
Subject: RE: 739 Sutter Ave

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Hi Claire,

Thank you for the update. I do have some questions. Are you available Monday or Tuesday for a short call?

Best regards,

Laurie



Laurie Berger
Silicon Valley Law Group
1 North Market St., Suite 200
San Jose, CA 95113
(408) 573-5700
Fax: (408) 573-5701
lb@svlg.com
www.svlg.com

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From: Raybould, Claire <Claire.Raybould@CityofPaloAlto.org>
Sent: Friday, April 14, 2023 9:05 AM
To: Laurie Berger <lb@svlg.com>
Subject: FW: 739 Sutter Ave

I'm sorry Laurie, I think I typed your email out wrong and just got an automated response back. Please see below for the email I sent out to all those who have expressed interest in the 739 Sutter project.

Regards,
Claire



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Senior Planner
Planning and Development Services Department
(650) 329-2116 | Claire.Raybould@cityofpaloalto.org
www.cityofpaloalto.org



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From: Raybould, Claire
Sent: Thursday, April 13, 2023 9:01 AM
To: Raybould, Claire <Claire.Raybould@CityofPaloAlto.org>
Subject: 739 Sutter Ave

Good afternoon,

This e-mail is to inform you that plans for a proposed development at 739 Sutter Avenue have been resubmitted to the City and are available on the project webpage at:

<https://www.cityofpaloalto.org/News-Articles/Planning-and-Development-Services/739-Sutter-Avenue-22PLN-00201>

These plans are still under review by staff and no formal hearing date has been set at this time. If you have any comments on the revised design please feel free to contact me to provide any comments or if you have any questions.

I do want to note that due to the delay in resubmitting plans (beyond the required 90-days set forth under state law), the SB 330 pre-application, which locks in development standards based on the date that a compliant Senate Bill 330 pre-application is filed, no longer applies to this project. The project is subject to the current objective requirements set forth in the Palo Alto Municipal Code. The applicant has expressed their intent to comply with the current process and requirements set forth in the zoning code with respect to ministerial review for housing projects that comply with the objective standards. This process still requires a single hearing in front of the Architectural Review Board. As part of its review, the City will be evaluating the project's eligibility for this process and compliance with applicable objective standards set forth in the municipal code.

Regards,
Claire



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From: [Laurie Berger](#)
To: [Raybould, Claire](#)
Cc: [Edward Kraus](#)
Subject: RE: 739 Sutter Ave
Date: Friday, May 26, 2023 12:10:59 PM

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Hi Claire,

I am following up on this project. I just left you a voicemail.

I saw a few minutes ago that a Notice of Incomplete was sent today and on May 4, but now I don't see those.

Please let me know the status.

Thank you.

Laurie



Laurie Berger

Silicon Valley Law Group
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From: Raybould, Claire <Claire.Raybould@CityofPaloAlto.org>
Sent: Monday, April 24, 2023 3:11 PM
To: Laurie Berger <lb@svlg.com>
Subject: Automatic reply: 739 Sutter Ave

Thank you for your e-mail. I am out of the office with sick children and hopt to return 4/25.

Warm regards,
Claire

From: Raybould, Claire
To: Yogabear23; Richard Jue Wang; Lily Zhao
Subject: RE: 739 Sutter Project
Date: Wednesday, July 12, 2023 10:46:00 AM
Attachments: 739 Sutter Avenue project status update.msg
image009.png
image010.png
image012.png
image001.png
image002.png
image004.png
image005.png

Good morning Carolyn,

Please see again my email update from June 30th. There have been no updates since I sent that. I am still waiting on revised plans and, as previously noted, we will not be taking this forward to a hearing until the CEQA is complete so it's probably going to be a few months before we schedule anything. We are utilizing a class 32 exemption under CEQA, but that exemption still requires a limited analysis focusing on traffic, noise, air quality, and water quality. In order to use the exemption the existing site needs to be evaluated to confirm it is not historic as well. So part of the scope for the city's consultant also includes that evaluation.

The project is eligible for streamlining as a housing project such that only one ARB hearing will be allowed. So that hearing won't be scheduled until the project is close to being ready for a decision on the ARB. We are also limited by the number of hearings (which also includes neighborhood meetings) we are allowed to have between both the ARB application and the vesting tentative map application (which goes to PTC and council). So we are not scheduling any additional meetings/hearings on this project beyond the required.

That said, sit down meetings just in my office to discuss are not limited by state code. So if you want to talk about the current design of the project and any comments/questions you have related to that we can schedule a meeting in my office discuss with you or you and a few neighbors.

Regards,
Claire



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From: Yogabear23 <yogabear23@aol.com>
Sent: Wednesday, July 12, 2023 10:18 AM
To: Raybould, Claire <Claire.Raybould@CityofPaloAlto.org>; yogabear23 <yogabear23@aol.com>; Richard Jue Wang <flyingrichard@yahoo.com>; Lily Zhao <lilyzhao68@gmail.com>
Subject: 739 Sutter Project

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Good morning Claire.

Please let me know when the next review of the 739 Sutter project with the Architectural Review Board is scheduled. It is not posted on the city website. Thank you.
Carolyn Garbarino 6502831915.

[Sent from the all new AOL app for iOS](#)

From: Laurie Berger
To: Raybould, Claire
Cc: Edward Kraus
Subject: RE: 739 Sutter Avenue
Date: Thursday, August 3, 2023 3:13:09 PM
Attachments: [image002.png](#)
[image003.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)

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Hi Claire,

I am checking in to see if there have been any recent developments on this project. I see that an updated set of plans was submitted on 7/21/2023 and that responses to comments have been submitted. Also, I see that that it was marked as routed on 7/26/2023.

Please give me an update regarding the status of the CEQA evaluation.

Thank you.

Laurie



Laurie Berger
Silicon Valley Law Group
1 North Market St., Suite 200
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(408) 573-5700
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From: Raybould, Claire <Claire.Raybould@CityofPaloAlto.org>
Sent: Monday, July 18, 2022 4:17 PM
To: Raybould, Claire <Claire.Raybould@CityofPaloAlto.org>
Subject: 739 Sutter Avenue

Good afternoon all,

I'm sending this e-mail because you have expressed an interest in the proposed project at 739 Sutter Avenue. Attached are the City's comments sent to the applicant (attaching e-mail and in the e-mail are planning and other department comments). Please let me know if you have questions.

Regards,
Claire



Claire Raybould, AICP
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(650) 329-2116 | Claire.Raybould@cityofpaloalto.org
www.cityofpaloalto.org



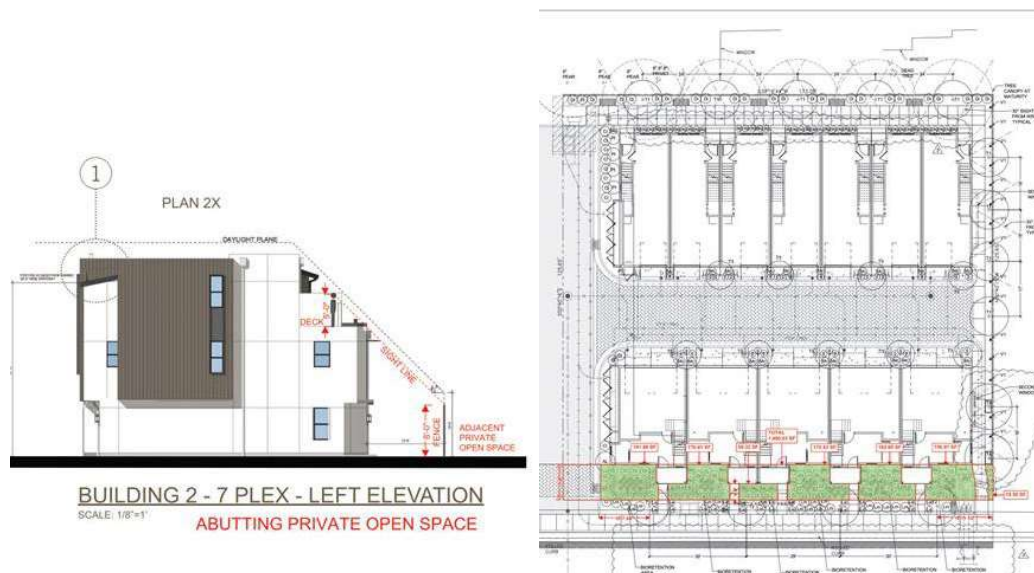
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From: Raybould, Claire
To: Karen Law
Subject: RE: 739 Sutter-Status Update/neighbor outreach
Date: Thursday, August 24, 2023 12:36:00 PM
Attachments: image018.png
image019.png
image021.png
image022.png
image023.png
image025.png
image026.png
image027.png
image028.png
image029.png
image003.png

Hi Karen,

Just wanted to follow up because I realized after finalizing my review of the plans that the visual they were showing was views up toward the AC. They separately provided a diagram for views from the deck down (clip below). Let me know if this answers your question or not. Here is a diagram too showing where trees would be planted and relationship with windows on neighboring properties. We had asked for this to be added in the last round.



Regards,
Claire

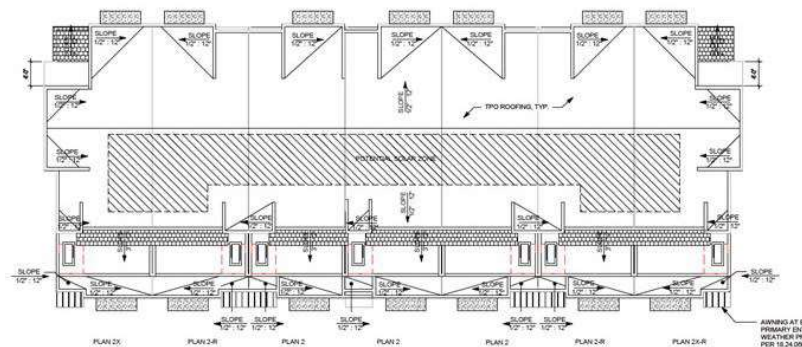
From: Raybould, Claire
Sent: Tuesday, August 22, 2023 9:41 AM
To: Karen Law <karenhlaw@gmail.com>
Subject: RE: 739 Sutter-Status Update/neighbor outreach

Hi Karen,

Thanks for your email. I'm not sure I'm 100% clear on your comment about distance but In looking at the plans I see that the line-of-sight is drawn oddly/incorrectly. It should start at 5 feet up from edge of balcony and then be a 45 degree angle down from there to show code compliance. They are also required to have an obscure railing if within 30 feet of a neighboring residential building with windows (which they comply with). No measurement is provided for the deck (I can ask them to add that) but I measure it at about 15.5 feet from the property line (set back from the lower floors [which are 12 feet back] for line-of-sight and daylight plane compliance purposes). This visual perhaps shows the rear façade a bit better including the windows that would be obscured per our code requirements (in grey).



No rooftop open space is planned on the rear building abutting the San Carlos ct properties. This shows the roof plan for that building.



Please feel free to contact me if you'd like to discuss further or have any comments you would like to convey to me.

Regards,
Claire



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(650) 329-2116 | Claire.Raybould@cityofpaloalto.org
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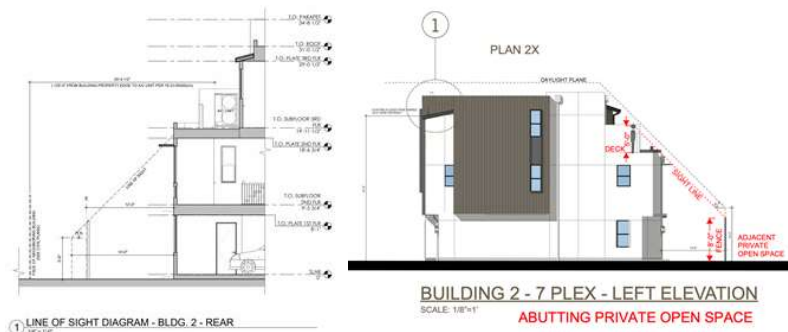
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From: Karen Law <karenhlaw@gmail.com>
Sent: Sunday, August 20, 2023 8:21 PM
To: Raybould, Claire <Claire.Raybould@CityofPaloAlto.org>
Subject: Re: 739 Sutter-Status Update/neighbor outreach

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Hi Claire,
Appreciate your outreach. A question/comment:

In the Cycle 3 plans, pages 33 and 52 suggest recessing of the 3rd floor decks to maintain the 45 degree line of sight. However, the plans don't seem to specify a distance, which would be needed to calculate line of sight. Page 33 does indicate a distance from the property edge to the A/C unit, but not to the deck railing. How far back is the developer committed to recessing the deck? Relatedly, can the developer confirm that the rear building (which abuts San Carlos Court properties and is already 6 feet over the maximum allowed height) will not have rooftop open space?



Thanks,
Karen

On Thu, Aug 17, 2023 at 3:10 PM Raybould, Claire <Claire.Raybould@cityofpaloalto.org> wrote:

All,

You are receiving this e-mail because you have expressed an interest in the 739 Sutter project either during the prescreening process or in response to the formal application. This e-mail is to inform you that a Cycle 3 (3rd round) set of the formal application is currently under review. I have not yet completed my review of this set, but hope to do so in the next week. I'm anticipating that this project is likely to move forward to the ARB for review sometime in October though the hearing date is not

formally set yet. The timing will depend on the completion of the additional analyses to confirm that the project is eligible for a Class 32 (infill) exemption in accordance with the California Environmental Quality Act. This project is eligible for streamlined review under our objective standards because it is consistent with the standards except where waivers or concessions are requested in accordance with State Density Bonus Law. This means the project will only have one hearing before the ARB. The vesting tentative map will separately be subject to the Planning and Transportation Commission and Council's review following the Architectural Review.

To that end, now is the opportunity to provide any comments you have on the most recent set of plans. The plans are available on the project webpage [here](#). Your feedback is helpful in informing the process and so that I can provide better context to the architectural review board members as part of my staff report on comments nearby residents have on the latest plans sets. Obviously if you don't respond I will still summarize comments received to date. I'm happy to meet in person or via a virtual meeting if any of you individually or a few of you collectively want to set up a time to talk with me. I can find time in the next couple of weeks if desired.

Regards,
Claire



Claire Raybould, AICP
Senior Planner
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(650) 329-2116 | Claire.Raybould@cityofpaloalto.org
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From: [Laurie Berger](#)
To: [Raybould, Claire](#)
Cc: [Edward Kraus](#); [Kou, Lydia](#); [Stone, Greer](#); [Burt, Patrick](#); [Lauing, Ed](#); [Lythcott-Haims, Julie](#); [Tanaka, Greg](#)
Subject: 739 Sutter Avenue Residential Project, 21PLN-00222
Date: Wednesday, August 30, 2023 11:28:41 AM
Attachments: [Letter to City of Palo Alto August 30, 2023 \(10637886xA1026\).pdf](#)

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

Dear Claire,

As we have discussed, this firm represents the San Carlos Court Neighborhood Association. Attached please find a letter setting forth our comments on the proposed 739 Sutter Avenue Residential Project, 21PLN-00222.

My clients would like to schedule an in-person meeting with you to discuss the project. Please let me know when you are available. We appreciate your responsiveness to our questions over the past months and appreciate the opportunity meet with you.

Please call me any questions.

Best regards,

Laurie



Laurie Berger

Silicon Valley Law Group
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August 30, 2023

Via Federal Express & Electronic Mail: claire.raybould@cityofpaloalto.org

Claire Raybould
Senior Planner
City of Palo Alto
Planning and Development Services Department
250 Hamilton Ave, Palo Alto, CA 94301

RE: 739 Sutter Avenue Residential Project, 21PLN-00222

Dear Ms. Raybould:

Silicon Valley Law Group (SVLG) has been retained by the San Carlos Court Neighborhood Association (SCCNA) to prepare this letter pertaining to a proposal to develop a 12-unit, three-story, over 35-foot-tall, multi-family residential project at 739 Sutter Avenue in Palo Alto (21PLN-00222) (the "Project"). SCCNA opposes the development of high-density housing on said parcel (Assessor Parcel Number 125-35-200) and requests that the City deny the application.

SCCNA also requests that the Project be reviewed under the California Environmental Quality Act (CEQA) as a project with potentially significant environmental impacts. A Class 32 Categorical Exemption, as you currently propose in your communications to SVLG and SCCNA, is not the appropriate CEQA document for a project that would result in potentially significant traffic, air quality, noise, water quality, historic, safety, and aesthetic impacts to the adjacent single-family residential uses on San Carlos Court.

1. The Project is Inconsistent with the Palo Alto Zoning Ordinance, General and Comprehensive Plans, Housing Element and the Sustainability and Climate Action Plan.

We believe the design of the Project is inconsistent with the Palo Alto Zoning Ordinance, General and Comprehensive Plans, and 2023-2031 Housing Element, further disallowing the use of a Class 32 Categorical Exemption for the project. The Project includes inadequate driveway widths for adequate fire and emergency personnel access to the site, putting the project and all surrounding development in jeopardy should a fire occur. The lack of landscaping on the northwestern side of the project adjacent to the existing residential development on San Carlos Court is inconsistent with the Zoning Ordinance. The location of private open space areas on the top floors of the proposed structures appear very dangerous and unsafe, as well as intrusive to the

Letter to Claire Raybould
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Page 2

existing neighborhood. This Project creates significant privacy concerns given that the windows, sliding glass doors and decks of the Project face the San Carlos Court properties. In addition, the removal of existing trees creates privacy concerns. We would like additional information regarding the size of the new trees that will be planted.

Further, the plan set shows no meaningful elevations of the back of the project to show exactly how intrusive the proposed 35-foot, 4.5-inch-tall residential buildings will be to the existing one- and two-story residences on San Carlos Court. There is no “stepping back” of the structure to respect the existing single-family neighborhood and backyards. Private open space areas are not shown in sufficient detail to give the public and decision-makers any indication of the severity of the intrusion to the neighborhood. There is no shade and shadow, daylight plane, or lighting analyses included in the application as required by the Zoning Ordinance. The plans do not appear to specify a distance to confirm the line of sight. It is also unclear how far back the developer is committed to recessing the decks and whether the rear building will have rooftop open space.

We believe the health, safety, and welfare of the existing residents will be adversely affected by the Project as proposed. Therefore, an adequate evaluation of potentially significant impacts has not been completed – all of which constitute a violation of CEQA. We must also point out that developments of this density and height do not currently exist in this area of the City and the Project is out of character for the neighborhood.

2. The Project Requires a Full CEQA Evaluation and does not qualify for a Class 32 Categorical Exemption

There can be no question that an increase in multi-story high-density residential units on the Project site, all of which will be 3-bedroom, will result in additional traffic accessing the site and creating impacts on neighboring streets – especially since the project is not transit- oriented, that is, located in an area of readily available transit or a Caltrain Station. This is especially true if the Project includes an inadequate amount of parking. Further, the plans for the site appear to show potential conflicts between automobile, pedestrian, and bicycle travel pathways. Bicycle parking is not shown on the site plan. Therefore, the Project has the potential to result in significant traffic, access, and safety impacts and mitigation is not provided. This is a violation of CEQA.

Long-term noise impacts will be significant, especially with private open space areas and air conditioning/heating units ostensibly located on the back side of the northernmost building adjacent to existing single-family homes. Where and how will storm drainage and storage and waste collection facilities be located on such a densely developed site? Construction-related traffic, noise, and air quality impacts must also be evaluated in the CEQA document and feasible mitigation measures included in the project to protect the surrounding residents, especially children, from detrimental impacts. Toxic air contaminants and greenhouse gas emissions produced during construction could be significant and must be evaluated. The City has identified a need for a historic evaluation of the existing buildings on the project site

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because they were built over 45 years ago. No such evaluation has been completed and impacts and mitigation measures must be included in a CEQA document.

CEQA requires an analysis of the potential for the Project to cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding an environmental effect. This includes the Zoning Ordinance and General Plan, Comprehensive Plan, and Housing Element policies. As stated in the recently approved 2023-2031 Housing Element, “The single-family neighborhood site development regulations are intended to ensure that much of what Palo Alto cherishes in its residential areas, such as open space areas, attractive streetscapes with mature landscaping, and variety in architectural styles, are preserved and protected.” The Project is not consistent with any of the policies that promote the protection of existing single-family residential neighborhoods, thus is inconsistent with the CEQA Guidelines.

3. The Project includes too many variances, waivers, and concessions.

According to the most recent plans submitted by the applicant on July 21, 2023, the project requires no fewer than 14 waivers or concessions. This is excessive for a project that is proposed to be consistent with “Density Bonus Law.” We believe that the project is allowing more variances, waivers, and concessions than allowed by City Ordinance and State Law. The drawings in the revised plan set that demonstrate all the proposed waivers are disturbing. It appears that the City is brushing aside many of the significant issues, including driveway widths, inadequate landscaping and open space, significant reduction in setbacks, light intrusion, density, parking, and building heights.

For example, to reduce setbacks by more than half in the front and side yards makes the project not only significantly inconsistent with the existing neighborhood, but also creates a significant aesthetic impact to the existing single-family neighborhood. Coupled with the proposed increase in building heights, impacts to the surrounding neighborhood will be significant and property values of the homes on San Carlos Court will be detrimentally affected. Further, it does not make sense that constructing a shorter building will cost less than a taller structure, as stated in the revised plan set.

The revised plan set does not include adequate justification for the proposed waivers. We cannot find an Exhibit B in the plan set that is supposed to be a “waiver/concession justification letter.” The plan set sheets do not provide such justification. We would like to receive that document as well as the historical analysis prior to any approval actions for the project.

In conclusion, we caution the City against allowing so many waivers for a project that will significantly affect the existing single-family neighborhoods. This practice is ill-advised because it ignores the regulations of the Zoning Ordinance, as well as many of the virtues of living in Palo Alto.

We believe there is substantial evidence to show that the project is not consistent with a Class 32 Categorical Exemption as defined by Section 15332 of the CEQA Guidelines. For all

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Page 4

the above reasons, we request that the 739 Sutter Avenue project be placed on hold until an adequate CEQA document is prepared.

Respectfully Submitted,

SILICON VALLEY LAW GROUP



Laurie Berger

cc: San Carlos Court Neighborhood Association
Ed Kraus, Silicon Valley Law Group
Mayor Lydia Kou
Vice Mayor Greer Stone
Council Member Patrick Burt
Council Member Ed Lauing
Council Member Julie Lythcott-Haims
Council Member Greg Tanaka
Council Member Vicki Veenker

From: Raybould, Claire
To: Laurie Berger
Cc: City Mgr; Clerk, City
Bcc: Lait, Jonathan
Subject: RE: 739 Sutter Avenue Residential Project, 21PLN-00222
Date: Wednesday, August 30, 2023 3:49:00 PM
Attachments: image006.png
image007.png
image009.png
image001.png
image011.png
image013.png
image014.png

Good afternoon Laurie,

Just wanted to confirm receipt of your e-mail/letter. I'm happy to have a meeting with your clients. Let me find a few possible times that work and get back to you.

I do also want to note that the subject line of this email references the preliminary architectural review application, which was an application for a study session that is now complete. Following the study session, the applicant filed a formal application under 22PLN-00201.

Regards,
Claire



Claire Raybould, AICP
Senior Planner
Planning and Development Services Department
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www.cityofpaloalto.org



[NEW Parcel Report](#) | [Palo Alto Municipal Code](#) | [Online Permitting System](#) | [Planning Forms & Handouts](#) | [Planning Applications Mapped](#)

The City of Palo Alto is doing its part to reduce the spread of COVID-19. We have successfully transitioned most of our employees to a remote work environment. We remain available to you via email, phone, and virtual meetings during our normal business hours.

From: Laurie Berger <lb@svlg.com>
Sent: Wednesday, August 30, 2023 11:27 AM
To: Raybould, Claire <Claire.Raybould@CityofPaloAlto.org>
Cc: Edward Kraus <ek@svlg.com>; Kou, Lydia <Lydia.Kou@CityofPaloAlto.org>; Stone, Greer <Greer.Stone@CityofPaloAlto.org>; Burt, Patrick <Pat.Burt@CityofPaloAlto.org>; Lauing, Ed <Ed.Lauing@CityofPaloAlto.org>; Lythcott-Haims, Julie <Julie.LythcottHaims@CityofPaloAlto.org>; Tanaka, Greg <Greg.Tanaka@CityofPaloAlto.org>
Subject: 739 Sutter Avenue Residential Project, 21PLN-00222

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Dear Claire,

As we have discussed, this firm represents the San Carlos Court Neighborhood Association. Attached please find a letter setting forth our comments on the proposed 739 Sutter Avenue Residential Project, 21PLN-00222.

My clients would like to schedule an in-person meeting with you to discuss the project. Please let me know when you are available. We appreciate your responsiveness to our questions over the past months and appreciate the opportunity meet with you.

Please call me any questions.

Best regards,

Laurie



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From: [Jeff Conrad](#)
To: [Raybould, Claire](#)
Subject: 739 Sutter Project: Building 2 Trees
Date: Wednesday, September 13, 2023 4:45:26 PM
Attachments: [Bldg2ElevationsTrees+Hedge.pdf](#)

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Claire,

Here's the rendering of the proposed trees at the rear of the 739 Sutter project that I did last July; I think you were sent something similar last fall, but it may not have included all the drawings or the bookmarks. I haven't updated the side elevation of Building 2, but I'm not sure the changes are significant in this context.

The proposed *Podocarpus gracilior* can be grown either as trees (as shown in the plans) or as part of a hedge. Trees ultimately provide a canopy and more shade; a hedge provides more screening, especially at ground level, but requires more plantings.

I show several different scenarios, including

- The proposed 24" box trees at various stages of growth.
- An alternative 36" box as a hedge.

The bookmarks panel provides a key to each rendering.

I show both the proposed 12' setback and an alternative 16' setback. The former seems a questionable fit with the fence as well as the second story of Building 2. As was mentioned during the meeting (Mimi, I think), the trees would need continuing active pruning to prevent them from being in the face of anyone on the second story. This might also be true for preventing damage to the fence. A 16' setback seems a minimum for a reasonable fit for the trees at maturity; obviously, this would have a significant impact on the project.

If the plantings were done as a hedge, it seems they would need to be heavily pruned below the level of the top of the fence; I am no arborist, so I don't even know if this can be done. If done as a hedge without this pruning, the plantings would seem to need much greater setback from the fence, again leading to a greater setback of the building from the property.

I've made the renderings based on websites of nurseries that sell *Podocarpus gracilior* in 24" box and larger sizes. Suffice it to say that there is considerable variation in initial sizes and shapes and indicated growth rates, so the renderings are rough estimates at best. I base the mature sizes on what's shown in the landscape architect's drawings: 40' height and 25' canopy width.

My understanding is that your comments about problems when planting larger trees are well founded. Moreover, addressing any problems with trees that fail to take root could be difficult given the limited access afforded by the 12' setback. But I think it's worth asking what might happen with trees in 36" box size or larger; if they don't work, why do nurseries sell them?

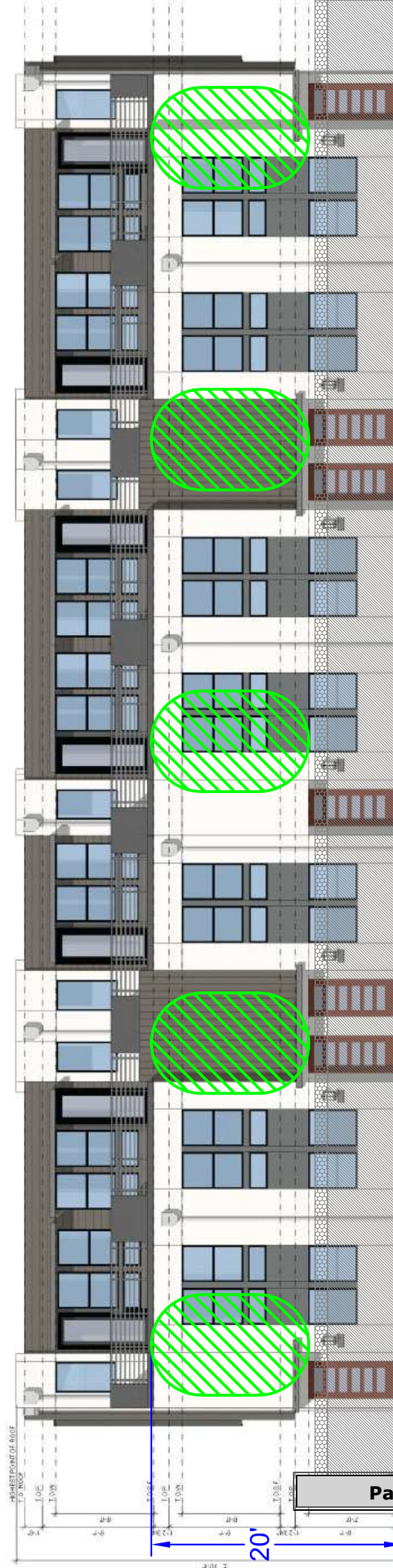
It may well be that privacy issues are largely irrelevant under the density bonus law. I offer these renderings simply to illustrate that that the proposed trees afford no reasonable measure of privacy any time soon. Were these renderings superimposed on the picture on page 4 of the PDF that Jue Cheng submitted today, they would show that the trees would have little effect on the view from 746 San Carlos Ct. for many years.

Jeff Conrad

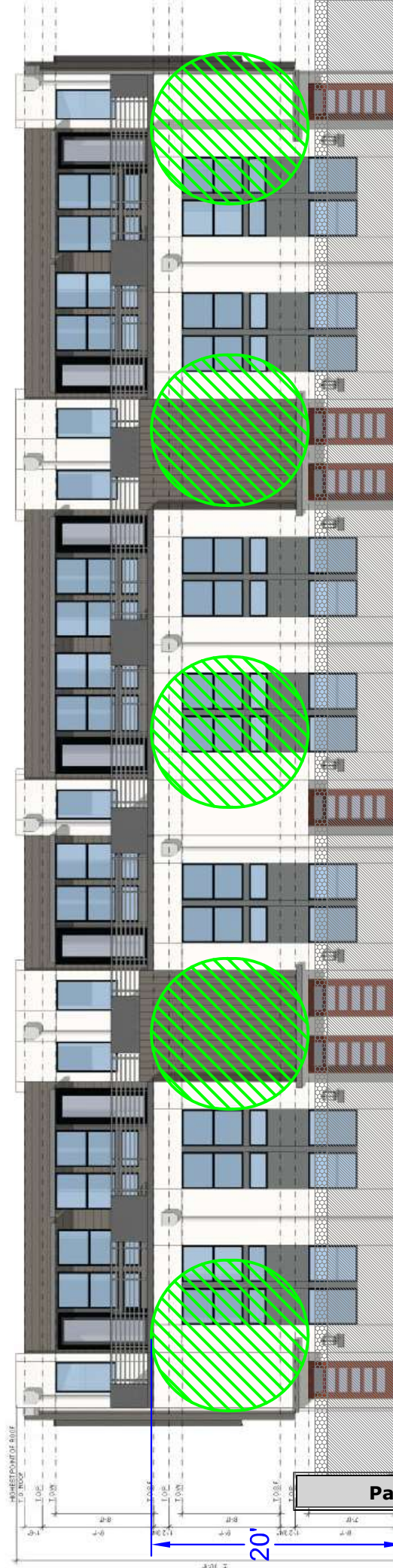


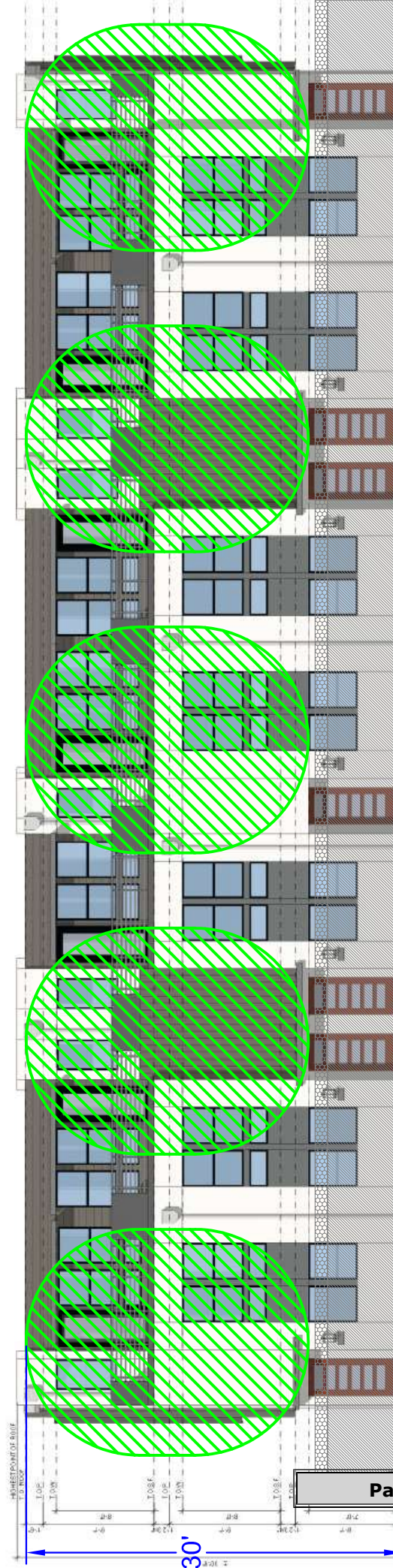


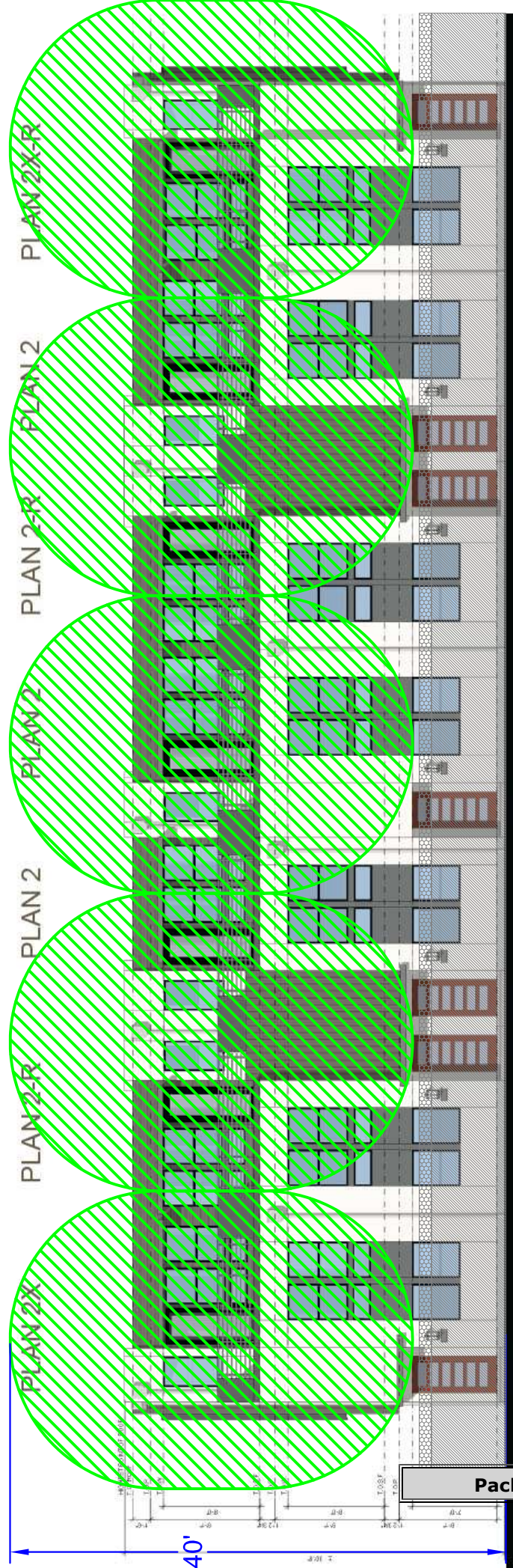
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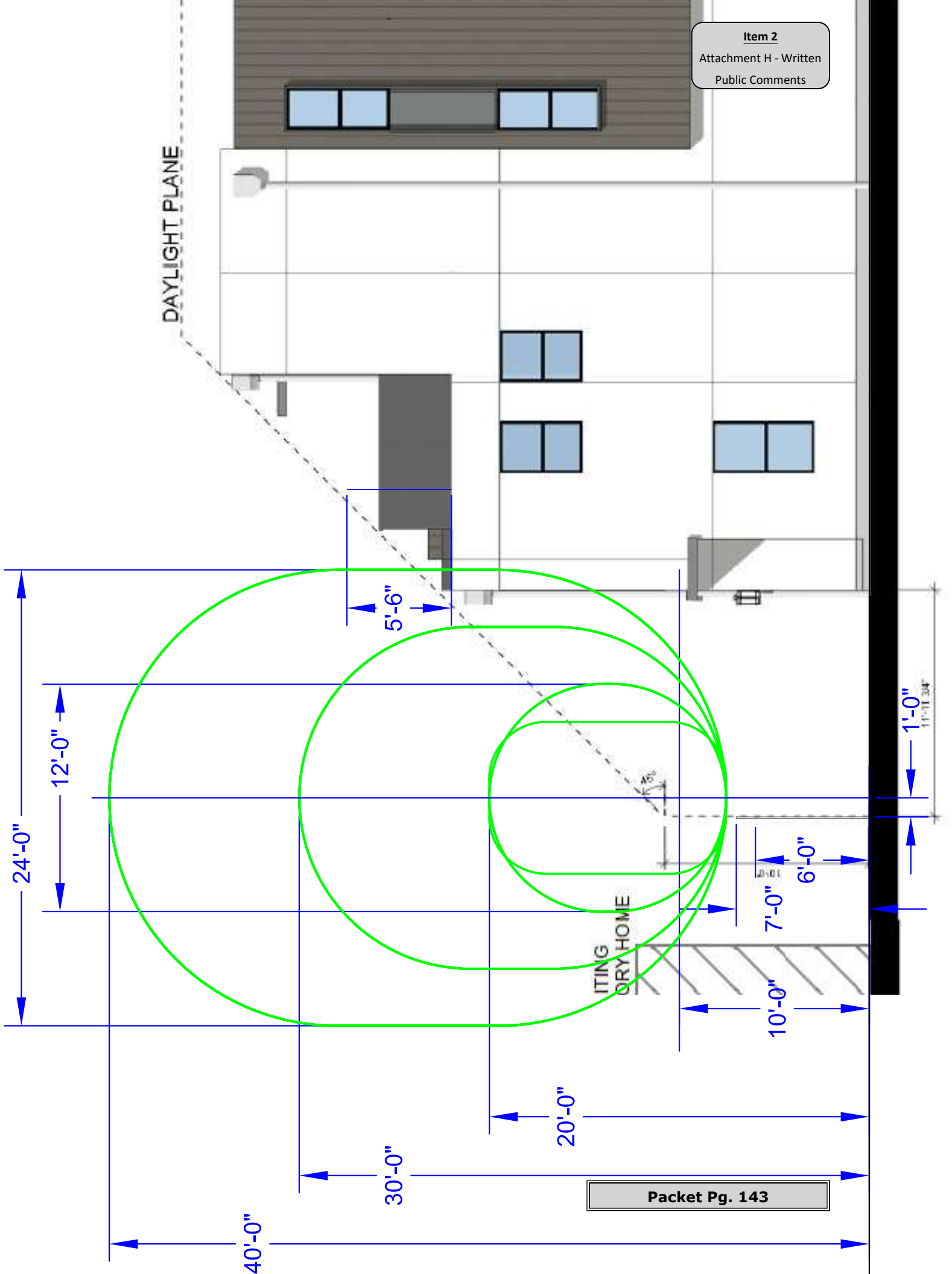


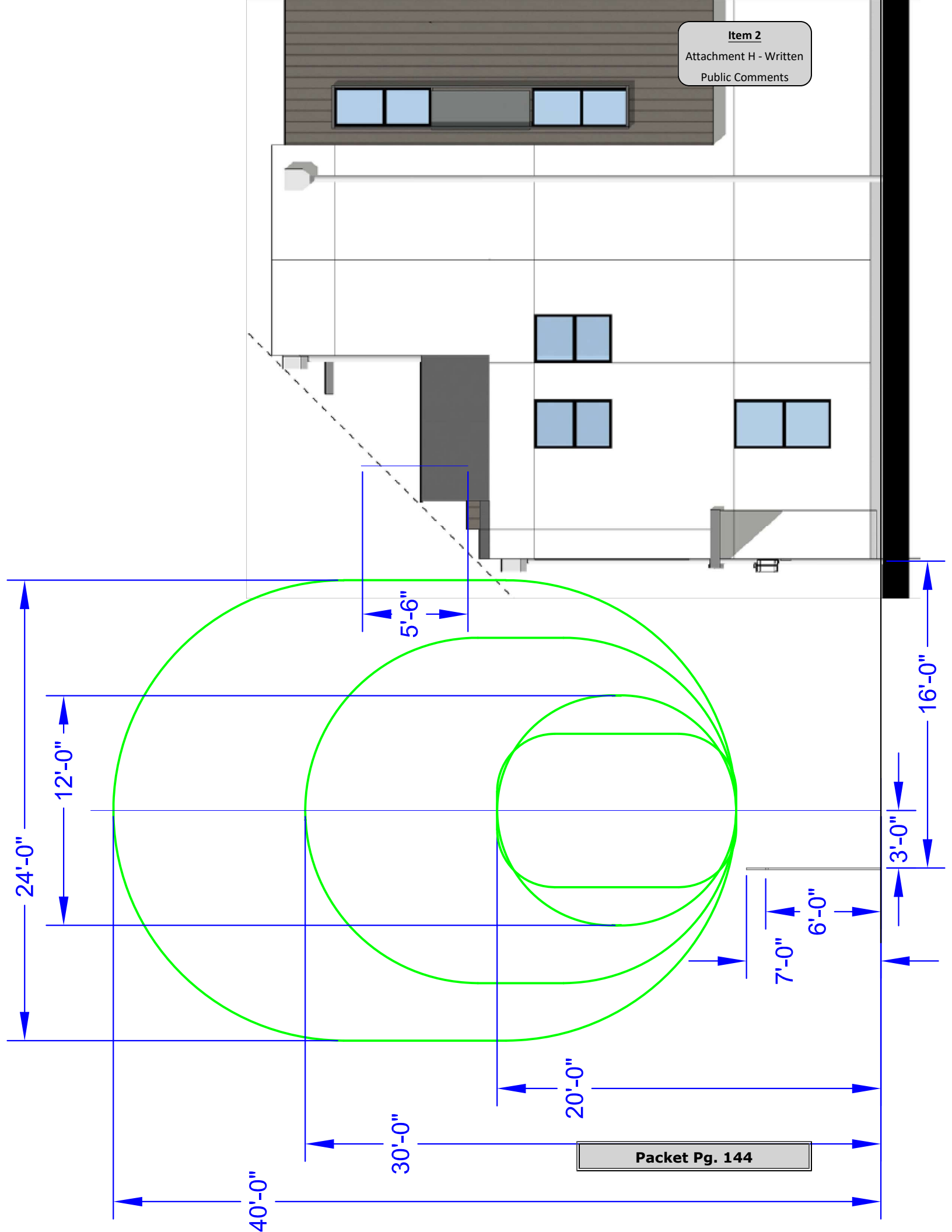
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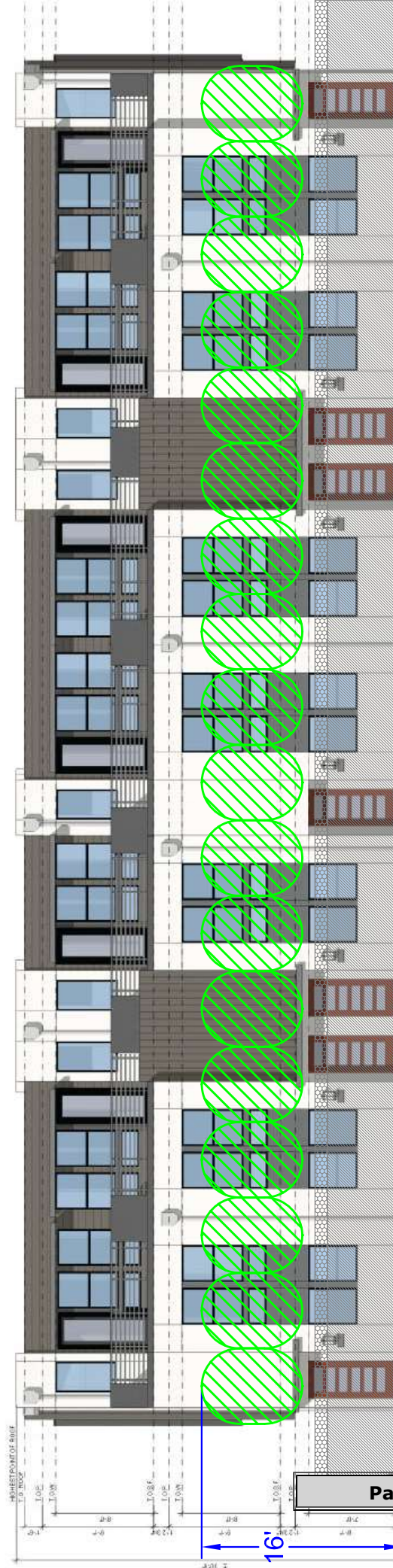


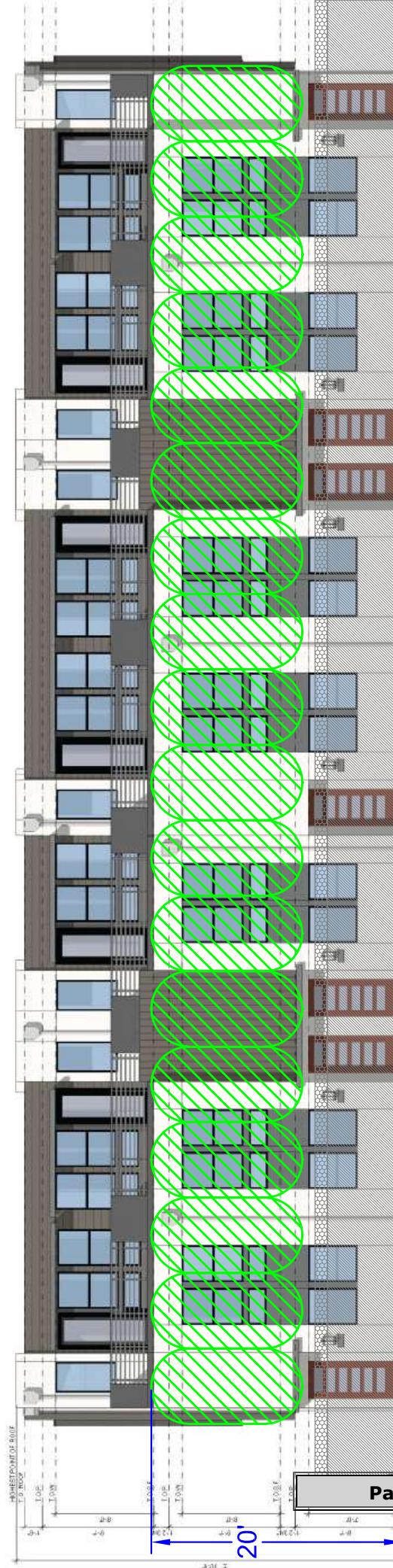


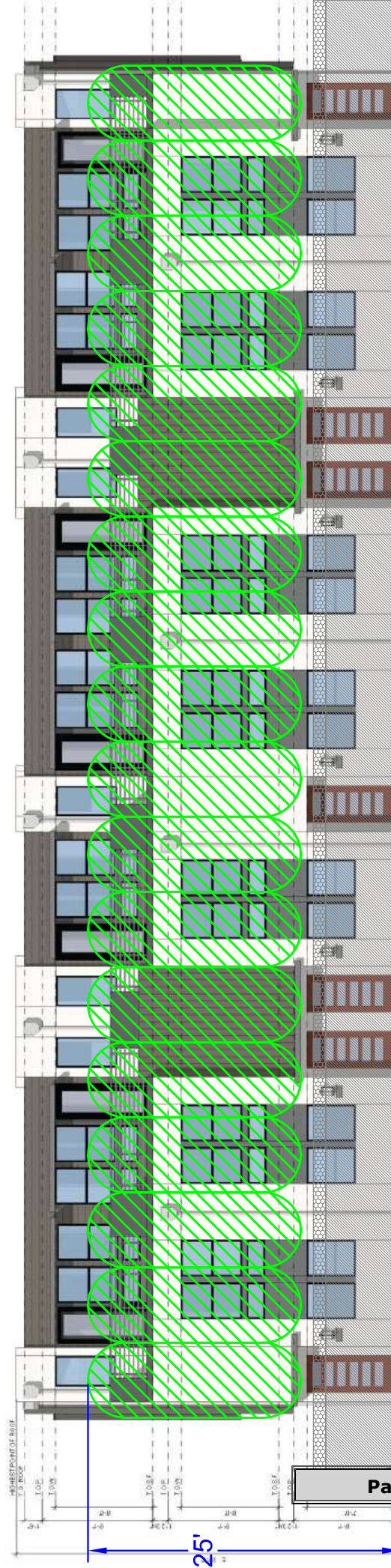


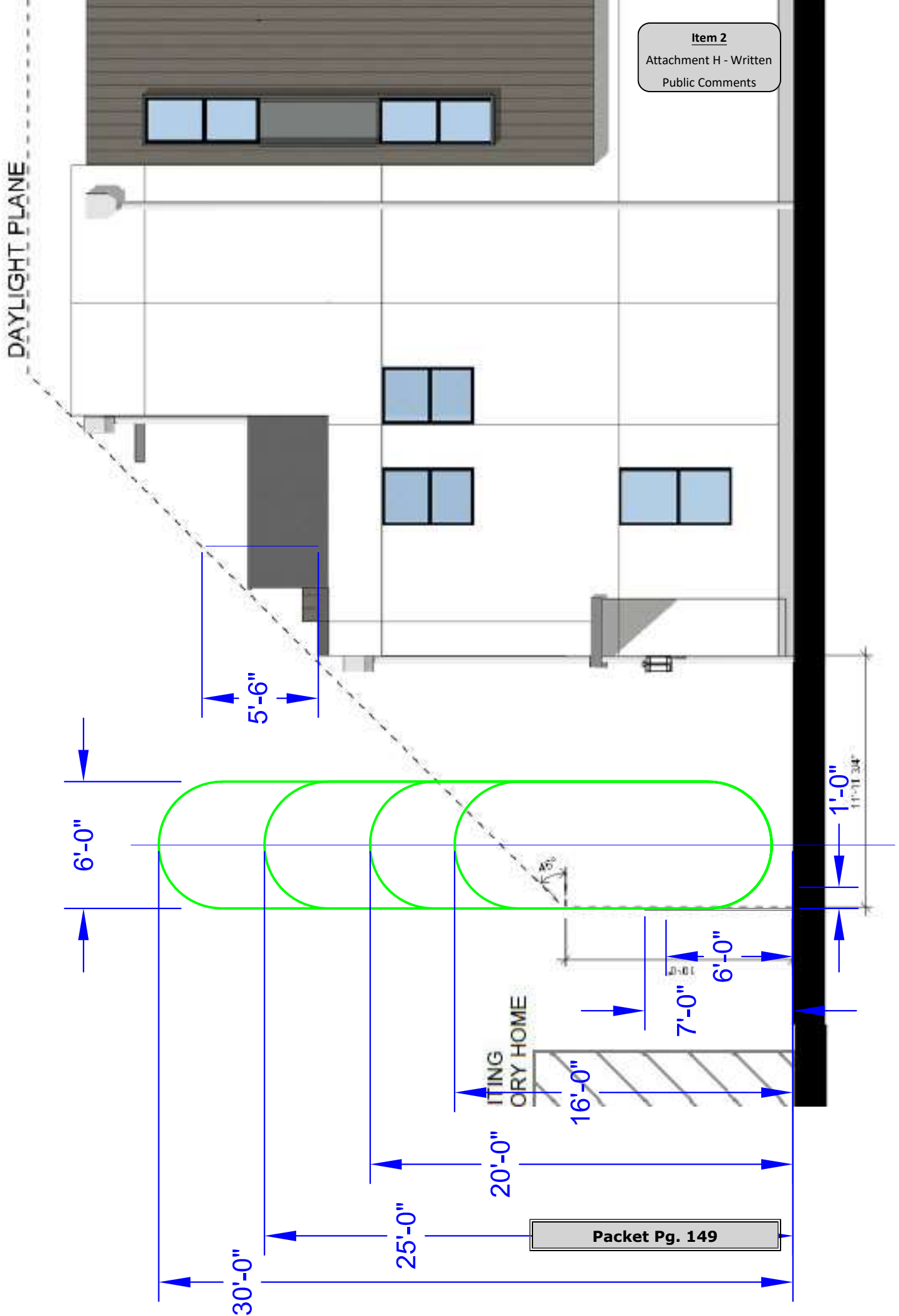
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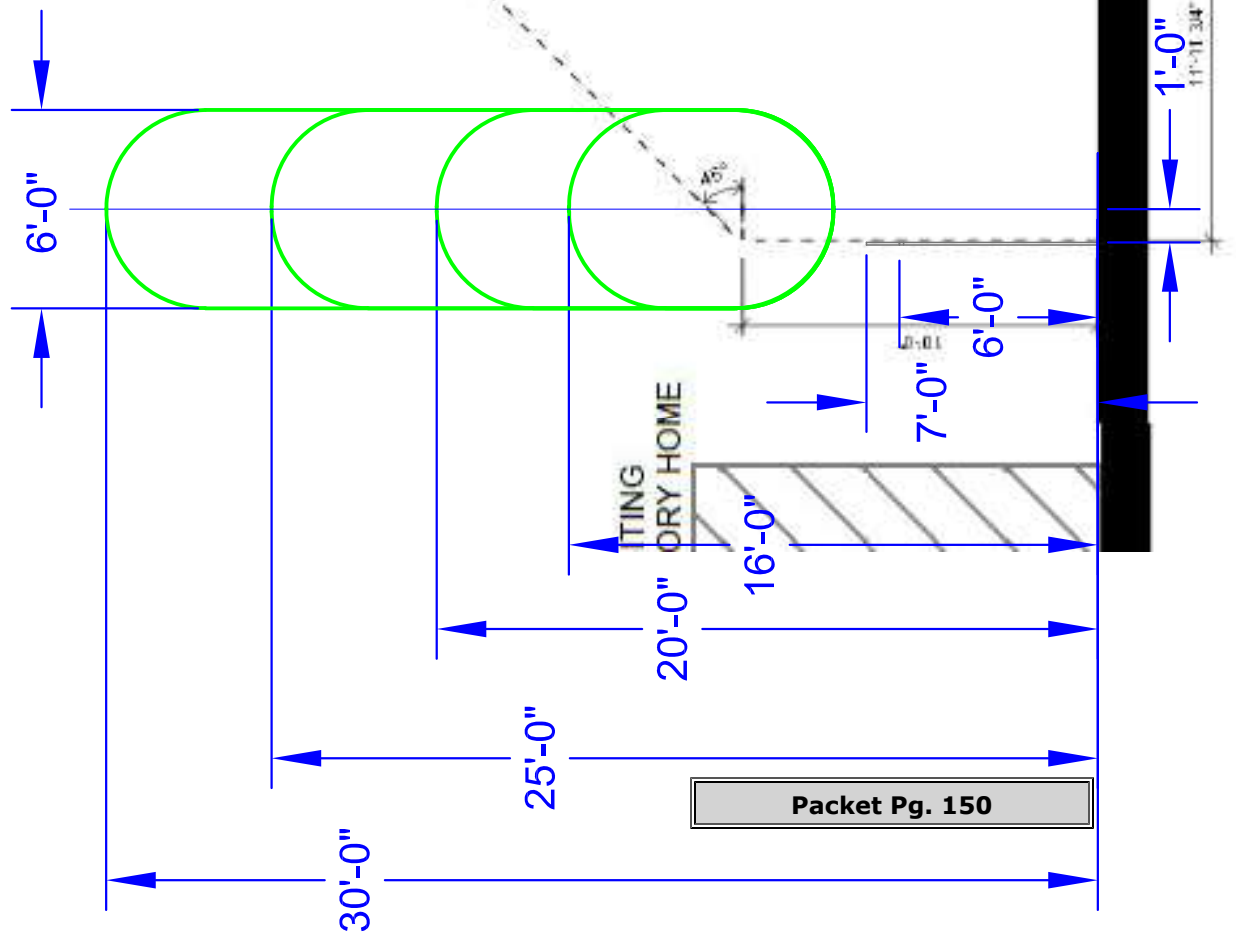


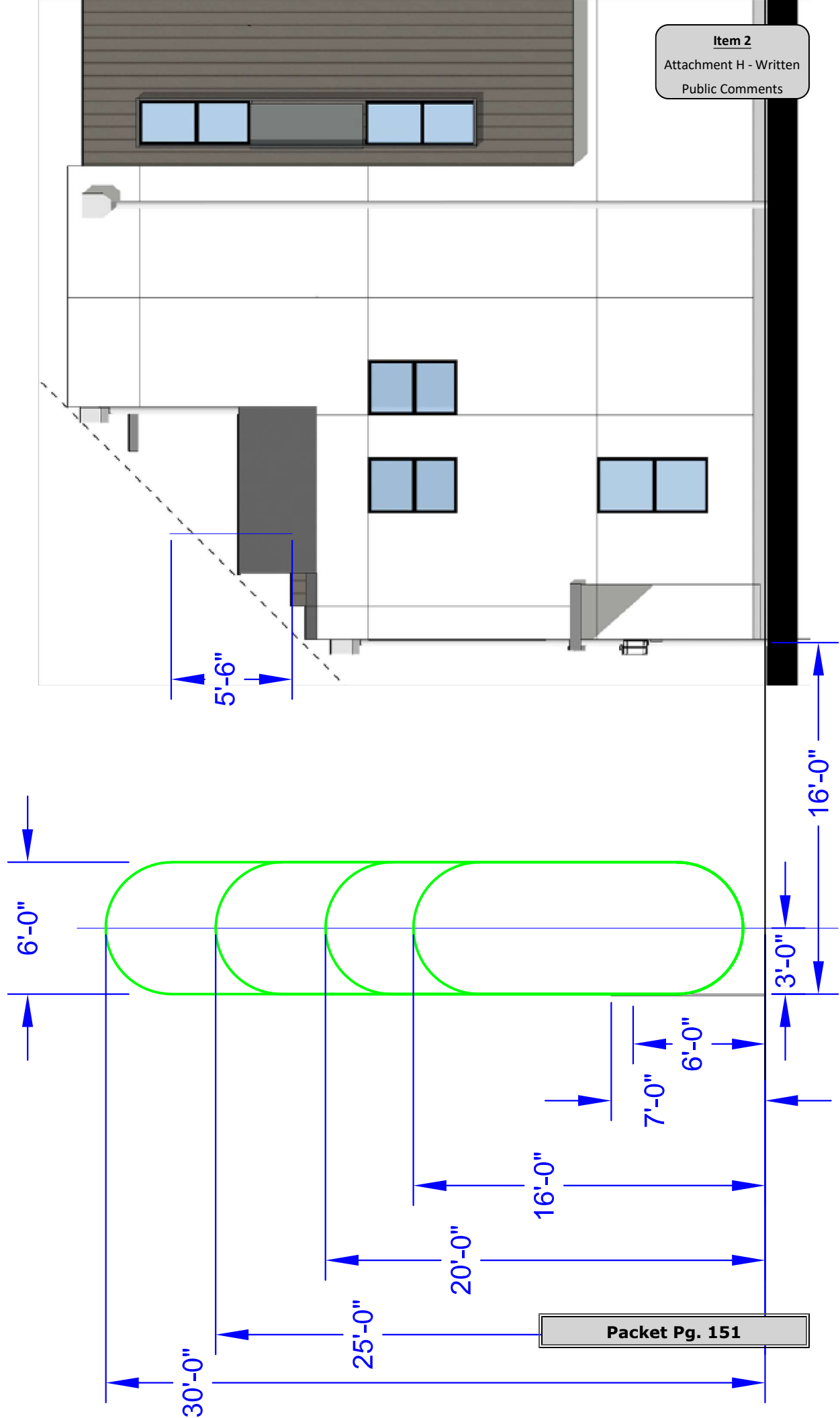






DAYLIGHT PLANE





From: [jue cheng](#)
To: [Raybould, Claire](#)
Cc: [Caroline Gabarino](#); [Richard Jue Wang](#); [Mj Wolf](#); [jeff_conrad@msn.com](#); [Laurie Berger](#); [Lily Zhao](#); [Karen Law](#)
Subject: 9.12 meeting re 739 Sutter Ave project
Date: Wednesday, September 13, 2023 10:35:25 AM
Attachments: [Sutter.docx \(1\).pdf](#)

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Hi Claire, thank you for the meeting yesterday.

I would like to share the pictures that I showed yesterday during the meeting. I hope that can help the decision makers understand how deeply we are concerned about the Sutter Ave project, especially to the Plan 2, 7units, that are right above the San Carlos neighbors.

Best,

Jue Cheng (746 San Carlos Ct)
312.493.7162
peanutsjue@gmail.com

9/12/2023 Meeting with Claire

- Fire concern : would the distance from Plan 2 to the San Carlos neighbors' house be safe if there is only 10' from 2nd floor to the neighbors facade? (see page 2)
Philz coffee and Bill's Cafe a few blocks away are still shut down due to a fire blaze next door.
<https://www.paloaltoonline.com/news/2023/02/02/three-alarm-fire-hits-4-businesses-in-palo-altos-midtown>
We hope the City can be more cautious when issuing permits to the high density projects.
- Privacy concern : Once the 3-story project is completed, the entire backyard of San Carlos neighbors would be exposed to the 7 units of Plan 2. (see page 3 and 4)
Would the City be more considerate to the existing residents?
- Security concern : given the building height is 36' which is 6x the height of the current fence between San Carlos Ct neighbors and the project, residents even living on the further side of the San Carlos Ct would be completely exposed to the project. A picture illustrates how a resident would view the project from the backyard once the 3 stories are completed. (see page 3 and 4)
- Impact to the adjacent lots and potential changes to the landscape of the Mid Town community.
- Privacy trees illustrated and proposed in the plan are not realistic. (see page 5)



- Existing properties' facade that looks onto the project
- - - Existing fence between San Carlos Ct and the one-story apartment
- Proposed setback line for the 3-story project
- ⇄ 12' on the 1st floor while 10' for the 2nd floor of the project



Existing apartment – view from the
backyard of the San Carlos Ct properties
Fence is 6'



Public Comments





The image shown in the plan pretended there are trees in the backyard of the San Carlos neighbors.

The proposed plant boxes are doubtful from the perspective of sustainability

Attachment I

Project Plans

Project plans are only available to the public online. Hardcopies of the plans have been provided to Board members.

Environmental Document

The City, acting as the lead agency, prepared documentation to support a Class 32 (infill development) categorical exemption for the proposed project. The documentation to support the exemption, including all associated technical analyses are included on the project website

Directions to review Project plans online:

1. Go to: bit.ly/PAwaitingprojects
2. Scroll down to find “739 Sutter Avenue” and click the address link
3. On this project specific webpage you will find a link to the project plans, the documented exemption and other important information

Direct Link to Project Webpage:

<https://www.cityofpaloalto.org/Departments/Planning-Development-Services/Current-Planning/Projects/739-Sutter-Ave>

Materials Boards:

Color and material boards will be available to view in chambers during the ARB hearing.