



Architectural Review Board

Staff Report

Agenda Date: November 7, 2013

To: Architectural Review Board

From: Elena Lee, Senior Planner **Department: Planning and Community Environment**

Subject: **301 High St. [13PLN-00219]:** Request by Hayes Group Architects, on behalf of California Skin Institute, for a Minor Architectural Review to allow exterior modifications and a 200 sq. ft. addition to an existing 6,255 sq. ft. commercial building and grandfathered facility. The request includes a Design Enhancement Exception to allow a 14-foot encroachment into the side yard daylight plane for a new roof top equipment enclosure. Zone District: Downtown Commercial Neighborhood and Pedestrian Combining District (CD-N)(P). Environmental Assessment: Exempt from the provisions of CEQA, 15303 (New Construction).

RECOMMENDATION

Staff recommends the Architectural Review Board (ARB) recommend approval of the proposed project based upon the findings contained in Attachment A, B and C and conditions of approval contained in Attachment D.

BACKGROUND

The 8,438 square feet (sq. ft.) site is located on the northeast corner of High Street and Everett Avenue. The site has a zoning designation of Downtown Commercial – Neighborhood and Pedestrian Combining District (CD-N)(P). The property is currently developed with a two-story, 6,255 sq. ft. commercial building and a parking lot with 14 spaces. The site is located on the edge of downtown Palo Alto, but outside of the University Avenue Parking Assessment District. Directly adjacent on the east and the north of the site are residential uses. The residential property directly to the east has been designated eligible for the National Registry of Historic Places in the City's 1998 survey, but has no formal designation. Across High Street to the south is Palo Alto Fire Station #1 and across Everett Avenue to the west is a one story commercial building. The building was originally constructed as a general commercial building with an office component. It was occupied by Stanford Electric from 1964 through 2012 with retail on the ground floor and supporting office and storage uses on the second floor.

DISCUSSION

Previous ARB Hearing

The project was initially reviewed as a formal application at the October 17, 2013 Architectural Review Board hearing. Two members of the public spoke on this project. One area resident representing a home owner's association expressed concerns about parking. A second resident who owns the adjacent home on High Street expressed concern about shade impacts. The ARB was generally supportive of the remodel, but had concerns about 1) the encroachment of the roof mounted equipment enclosure into the daylight plane and resulting shade impact and 2) location of the roof mounted equipment and noise impacts to the adjacent residence on High Street. The ARB voted to continue the project to November 7, 2013 (by a vote of 5-0-0) to allow the applicant to address a few issues and to revise the submittal package if deemed necessary. The following items summarize the comments requiring follow up expressed by the board members present at the hearing and the applicant's response:

1. *Study and confirm potential shade impact of new roof mounted equipment enclosure on adjacent residence on High Street:*

As discussed at the October 17th hearing, the applicant provided solar studies to both the City and the neighbor, showing the impact of the new equipment enclosure on the adjacent residence located at 317 High Street. The solar studies show the maximum shade impact with and without the roof addition at four time periods to show the range of the potential impact. The dates analyzed are March 21st at 5 pm, June 21st at 5 pm, September 21st at 5 pm and December 21st at 4 pm. The studies show that the addition of the roof enclosure would not change the site conditions in regards to shade impacts. The applicant has met with the neighbor and the neighbor has agreed that there would not be any additional impact due to the enclosure. The neighbor has confirmed with staff that she no longer objects to the enclosure.

2. *Confirm that the roof mounted equipment will comply with the noise ordinance and will not negatively impact the adjacent residence on High Street. If there is an issue, study alternative locations away from the residence:*

The applicant has provided an acoustical report to analyze potential noise impacts due to the new roof mounted equipment. The study concludes that the noise requirements will be met in accordance with the City of Palo Alto Noise Ordinance at all of the property lines. The maximum decibel that would be heard at the property lines by residents would be 46dBA, well below the typical ambient noise level. The applicant and noise consultant, Rosen Goldber Der & Lewitz, Inc., also spoke with the High Street neighbor via a conference call to discuss their noise concerns. The neighbor has confirmed that their concerns have been addressed. However, a condition of approval has been incorporated requiring a noise study to show that the installed equipment will continue to meet noise requirements prior to occupancy. Should concern be raised in the future regarding noise, the neighbor will be able to work with Code Enforcement staff and the property owner to address the concern.

Because the solar and noise studies addressed both of the concerns raised at the previous ARB hearing, the applicant is requesting approval of the project as originally proposed. The applicant has studied placing the roof mounted equipment in other locations and believes that the existing proposed location is the best location. Alternative locations would push the equipment up against the building face or in an area that would create further shade impacts on the neighboring properties. The applicant has also provided a letter (Attachment E), dated October 23, 2013 to respond to the ARB's requests and concerns. All of the Architectural Review Findings have been updated accordingly.

ENVIRONMENTAL REVIEW

The project would be an alteration to an existing facility and new construction not exceeding 10,000 square feet, qualifying for a Class 3 Categorical exemption per section 15303 of the California Environmental Quality Act.

ATTACHMENTS

- Attachment A: Draft ARB Findings
- Attachment B: Draft Context Based Design Findings
- Attachment C: Draft DEE Findings
- Attachment D: Draft Conditions of Approval
- Attachment E: Applicant's Response Letter
- Attachment F: Development Plans (Board Members Only)

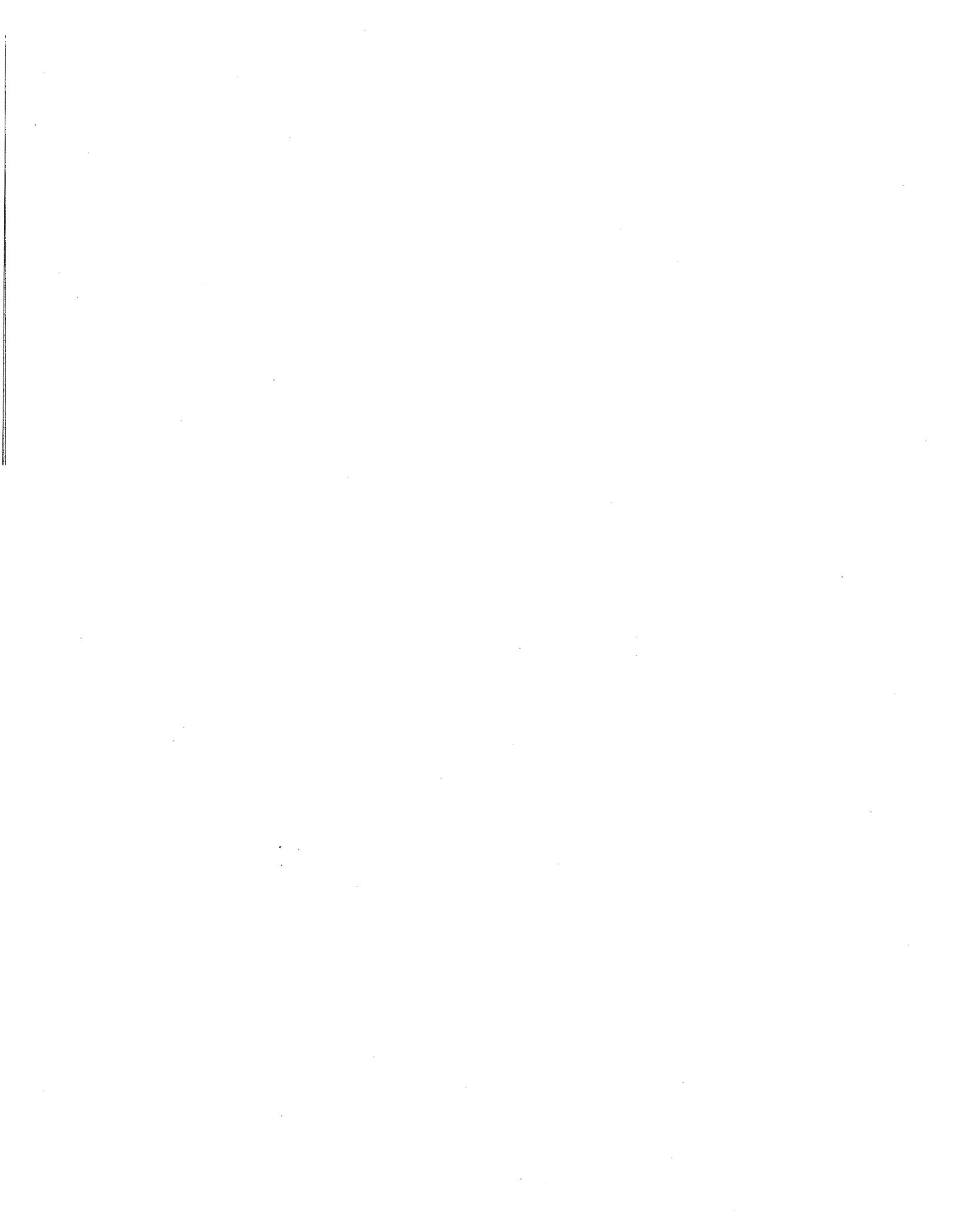
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Reviewed by: Amy French, Chief Planning Official 



ATTACHMENT A
FINDINGS FOR APPROVAL
ARCHITECTURAL REVIEW BOARD STANDARDS FOR REVIEW
301 High Street / File No. 13PLN-00219

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

- (1) *The design is consistent and compatible with applicable elements of the Palo Alto Comprehensive Plan.* This finding can be made in the affirmative in that the project, as conditioned, incorporates quality design that recognizes the regional importance of the area as described in the Comprehensive Plan and reinforces its pedestrian character. The site has a Comprehensive Plan Land Use Designation of Neighborhood Commercial and the use is consistent with the designation as a commercial building.
- (2) *The design is compatible with the immediate environment of the site.* The project, as conditioned, is designed to be compatible with the downtown area, address the corner, and to be compatible with the adjacent buildings. The proposal is consistent with the commercial zoning designation and will encourage pedestrian vitality. The additions are minor and would be placed at the rear of the building.
- (3) *The design is appropriate to the function of the project.* The design would accommodate the proposed commercial use. The proposed building would have ample storefront glass, signage, and a recessed entryway to create an inviting commercial and pedestrian environment.
- (4) *In areas considered by the board as having a unified design character or historical character, the design is compatible with such character.* This finding is not applicable to this project in that this area with mixed uses and does not have a unified design or historical character.
- (5) *The design promotes harmonious transitions in scale and character in areas between different designated land uses.* The project as designed promotes harmonious transitions in scale and character between the subject site and the adjacent residential uses. It is maintaining a commercial use and the existing footprint and is generally compliant with the zoning code requirements. It is not creating any new impacts on the adjacent uses.
- (6) *The design is compatible with approved improvements both on and off the site.* The building and its pedestrian orientation are compatible with the existing context of the mixed use environment.
- (7) *The planning and siting of the various functions and buildings on the site create an internal sense of order and provide a desirable environment for occupants, visitors and the general community.* There would be no change to the existing setbacks. The property has existing legal nonconforming setbacks along the south, east and west property lines. The recessed entryway and storefront glass would provide a desirable environment and allow for ample pedestrian circulation to the recessed entry. The existing driveway and parking lot are being maintained.

- (8) *The amount and arrangement of open space are appropriate to the design and the function of the structures.* This finding is not applicable to this project in that there would be no changes to the building footprint and there would not be any new open spaces. There would be no changes to the building that would require open space. The minor additions would comply with all setback requirements.
- (9) *Sufficient ancillary functions are provided to support the main functions of the project and the same are compatible with the project's design concept.* This finding is not applicable to this project in that no changes are expected to the existing ancillary functions of the building.
- (10) *Access to the property and circulation thereon are safe and convenient for pedestrians, cyclists and vehicles.* This finding can be made in the affirmative in that the project has been designed to encourage pedestrian activity and commercial vitality. The building would include a new recessed entryway for pedestrians. The site would maintain the existing driveway and parking lot.
- (11) *Natural features are appropriately preserved and integrated with the project.* The site is completely developed in an urbanized area of the City. However, the project proposes to increase the amount of landscaping on the site. Six new street trees would be planted to replace existing trees that are either in poor condition or are not appropriate for the site.
- (12) *The materials, textures, colors and details of construction and plant material are appropriate expression to the design and function.* The proposed colors and materials would add interest and are generally compatible with the commercial environment.
- (13) *The landscape design concept for the site, as shown by the relationship of plant masses, open space, scale, plant forms and foliage textures and colors create a desirable and functional environment.* There are planters proposed to create a more welcoming environment within the entry areas. Planters are also proposed between the building, sidewalk and parking lot to create a more desirable environment.
- (14) *Plant material is suitable and adaptable to the site, capable of being properly maintained on the site, and is of a variety which would tend to be drought-resistant to reduce consumption of water in its installation and maintenance.* Drought tolerant and lower water using plant materials are proposed. Trees that require higher maintenance are proposed to be replaced with more appropriate trees that would require less maintenance.
- (15) *The project exhibits green building and sustainable design that is energy efficient, water conserving, durable and nontoxic, with high-quality spaces and high recycled content materials. The following considerations should be included in site and building design:*
 - *Optimize building orientation for heat gain, shading, daylighting, and natural ventilation;*
 - *Design landscaping to create comfortable micro-climates and reduce heat island effects;*
 - *Design for easy pedestrian, bicycle and transit access;*
 - *Maximize on site stormwater management through landscaping and permeable paving;*

- *Use sustainable building materials;*
- *Design lighting, plumbing and equipment for efficient energy and water use;*
- *Create healthy indoor environments; and*
- *Use creativity and innovation to build more sustainable environments.*

The project would be required to comply with the City's Green Building ordinance.

- (16) *The design is consistent and compatible with the purpose of architectural review as set forth in subsection 18.76.020(a).* The project design, as conditioned, would promote an environment that is of high design quality and variety.

ATTACHMENT B
FINDINGS FOR APPROVAL
CONTEXT-BASED DESIGN CONSIDERATIONS AND FINDINGS
301 High Street / File # 13PLN-00219

Pursuant to PAMC 18.18.110(b), in addition to the findings for Architectural Review contained in PAMC 18.76.020(d), the following additional findings have been made in the affirmative:

- (1) **Pedestrian and Bicycle Environment.** *The design of new projects shall promote pedestrian walkability, a bicycle friendly environment, and connectivity through design elements.* The proposed building changes would increase the amount of storefront glass, maintain the existing setbacks, addition of bicycle racks, and create a recessed entry way, creating a more inviting pedestrian environment.
- (2) **Street Building Facades.** *Street facades shall be designed to provide a strong relationship with the sidewalk and the street(s), to create an environment that supports and encourages pedestrian activity through design elements.* The overall design intent is to update and modernize the building's exterior materials. The proposed project would upgrade and improve the building's appearance, accommodating a new business that would contribute to a pedestrian oriented area.
- (3) **Massing and Setbacks.** *Buildings shall be designed to minimize massing and conform to proper setbacks.* The building setbacks are not proposed to be changed. The building has legal nonconforming setbacks along High Street, Everett Avenue and the interior side yard. The general building massing is being maintained and all additions are proposed outside of the setbacks. The proposal would not alter the existing location or massing of the building as it appears from the street.
- (4) **Low-Density Residential Transitions.** *Where new projects are built abutting existing lower scale residential development, care shall be taken to respect the scale and privacy of neighboring properties.* The site is directly adjacent to residential development along the northern and eastern property boundaries. The building would maintain the required setback from the northern property boundary. A parking lot would still continue to separate the subject building from the residential use to the north, providing a buffer. The building is currently built on the property line to the east. However, all additions would be placed outside all setbacks. The new addition would not create additional impacts to the privacy or scale of residential properties.
- (5) **Project Open Space.** *Private and public open space shall be provided so that it is usable for residents, visitors, and/or employees of the site.* The project would not reduce pedestrian access to and from the site and would maintain the existing sidewalk width. A new recessed entry is proposed at the corner of High Street and Everett Avenue, providing open space that is accessible to residents, visitors and/or employees.

- (6) **Parking Design.** *Parking needs shall be accommodated but shall not be allowed to overwhelm the character of the project or detract from the pedestrian environment.*

The site is legal nonconforming in regards to parking. However, the project is not required to provide any additional parking as no new floor area would be added to the existing building. The parking is being retained behind the building and will not detract from the pedestrian environment along High Street.

ATTACHMENT C
DRAFT DESIGN ENHANCEMENT EXCEPTIONS FINDING
301 High Street/File No. 13PLN-00219

The requested Design Enhancement Exceptions (DEEs) are consistent with the findings as stated in Palo Alto Municipal Code (PAMC) Chapter 18.76.050 (c). The Design Enhancement Exception is being requested to allow four foot maximum encroachment into the side yard daylight plane.

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

The site is uniquely constrained in that it is a corner lot with residential uses directly adjacent to the north and the east and is an already developed site.

2. ***The granting of these Exceptions will enhance the appearance of the site or structure, or improve the neighborhood character of the project and preserve an existing or proposed architectural style in a manner which would not otherwise be accomplished through strict application of the minimum requirements of Title 18 and the standards for review set forth in this Chapter, in that:***

Granting the DEE to allow encroachment into the side yard daylight plane would allow the addition to be in placed above the existing building and allow installation of equipment necessary for the upgrade of the existing building. Placement of the structure on the roof would allow additional landscaping instead of additional equipment.

3. ***The Exception is related to a site improvement that will not be detrimental or injurious to property or improvement in the site vicinity, and will not be detrimental to the public health, safety, general welfare or convenience, in that:***

The requested DEEs will not be detrimental or injurious to property or improvement in the site vicinity as the exception is very minor in scope. The addition would be placed above the existing second floor and would be outside all required setbacks. The DEE would allow the existing building footprint to be maintained, while allowing an aging building to be updated and become more functional.

ATTACHMENT D
DRAFT CONDITIONS OF APPROVAL
301 High Street / File No. 13PLN-00219

DEPARTMENT OF PLANNING AND COMMUNITY ENVIRONMENT

Planning Division

1. The plans submitted to obtain all permits through the Building Inspection Division shall be in substantial conformance with the revised plans, project details and materials received on October 8, 2013, except as modified to incorporate these conditions of approval.
 2. All conditions of approval shall be printed on the cover sheet of the plan set submitted to obtain any permit through the Building Inspection Division.
 3. Prior to the issuance of a building permit, the applicant shall submit revised plans show to the satisfaction of the Planning Director the following:
 - 1) Revised site plan, elevations, floor plans, and other related sheets that reduce the building by nine square feet so that the project shall not increase the existing gross floor area.
 - 2) Revised landscaping, planting and irrigation plans that add one 36-inch box Maple tree, per the approval of the City's arborist, within the planting strip between the building and driveway.
 - 3) A note shall be added as item number 4 on sheet L1.2, the Tree Disposition Plan as follows: Public Tree Removal Permit required. Contact Dorothy.Dale@cityofpaloalto.org for permit to remove trees (#F-1 through F-6). A PDF of this sheet shall be provided to the City Arborist.
 - 4) Revised site plan and all related sheets shall be adjusted so that the curb around the landscape strips on both sides of the driveway on Everett Avenue are located within private property. Landscaping shall remain as proposed within the public right of way.
 4. All noise producing equipment and light fixtures shall comply with the Municipal Code.
 5. Prior to occupancy, the applicant shall provide a noise study to the satisfaction of the Planning Director demonstrating that the roof mounted equipment comply with the City's Noise Ordinance.
 6. Prior to the submittal of a building permit, the applicant shall provide revised site plan that shows that the project will comply with parking requirements with the addition of one space.
 7. Upon submittal of an application for a building permit, the project is required to comply with the City's Green Building Program (PAMC 16.14). The project is required to complete a green building application, and implement the programs requirements in building plans and throughout construction. More information and the application can be
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found at www.cityofpaloalto.org/depts/plan/sustainability_green_building/green_building/applications/default.asp and all questions concerning the City's Green Building Program should be directed to City staff at (650) 329-2189.

8. 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 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 Arborist

Aesthetic Tree Resources

9. Site Plan Requirements. (Reference: CPA Tree Technical Manual, Section 6.35).
Applicable to all projects. The site plans must include the minimum information required in the submittal checklist, tree disclosure statement (TDS) and the **City Tree Technical Manual (TTM)**, Section 6.30 and 6.35. One or more of the following elements is not provided for staff review. If the activity is within the dripline, then a tree protection report (TPR) is required for city review. The TPR will review potential impacts and recommend design changes and/or viable mitigation measures. To prepare the report, the architect or engineer shall provide the most recent plans to the project site arborist preparing the TPR and indicate the extent of grading, drainage excavation, below ground utility trenching, foundation and form work; identify the tree protection zone (TPZ) for each tree, restriction areas for access and/or travel over sensitive root areas, irrigation, trenching, landscaping and any other activity or improvements beneath the Regulated Trees. Correct the plan submittal to include:
 - Show all existing conditions of the site, curb cuts, utilities and trees.
 - Preliminary grading and drainage. Provide a plan that includes existing and proposed contours @ 2-foot intervals. Show any excavation proposed in the tree protection zone of regulated tree including neighboring trees overhanging the site. Drainage grading shall be directed away from any oak.
 - Show plan notes for any excavation or activity proposed in the TPZ any regulated tree. Indicate on plans the area and details for removal of existing concrete, grading, new lawn and irrigation system over tree roots with the dripline area, consistent with TTM, Sec.2.40.
 - Show the accurate TPZ fencing placement and specify Type I around the protected trees and Type II fencing around the public street trees, as noted in the tree survey or tree preservation report.
 - Show all existing and proposed utility, telecommunication, driveway construction, transformer and pad size, above and below ground locations within the dripline of any regulated tree. Avoid any reference to utilities within 10 feet of public trees on either side of the sidewalk.
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- Parking Area Shading. PAMC, chapter 18.40.130 (e) requires 50% surface parking shading. Provide a landscape shading plan using the city provided handout template or other qualified method (Handout: insert website)
10. Tree Protection Report (TPR) (Reference: CPA Tree Technical Manual, Section 6.30). **Prepare an updated TPR** for any construction activity in the dripline (10-times diameter of a trunk) of a regulated tree. The TPR shall specifically describe foreseeable impacts and recommend design adjustments or alternatives needed to reduce or eliminate impacts of retained trees. Applicant and arborist shall use the criteria set forth in the tree preservation ordinance, PAMC 8.10.030/080, and the CPA Tree Technical Manual, Section 3.00, 4.00 and 6.30, available at: (http://www.cityofpaloalto.org/environment/urban_canopy.asp). Unless otherwise approved by the Director on the basis of a final TPR, all development activity shall be located outside the dripline of a protected tree, including any grading, foundation, excavation, fill, etc. An approved TPR will provide information for the following critical areas:
- Tree Protection Zone (TPZ). List the precise recommended TPZ fencing placement for each tree, specify Type I around protected trees and Type II around street trees to be enclosed. Specify fence placement changes after demolition occurs.
 - Design review and changes. The TPR shall propose adequate soil area and conditions needed for optimum tree health and retention, and recommend mitigation measures or design changes for drainage, grading, underground trenching, foundations, cut, fill, compaction, exclusion area from irrigation, etc. Water drainage shall be directed away from oaks.
 - Inspections during construction. The TPR will outline a proposed site arborist inspection and reporting schedule to be followed. Site inspections shall be conditional to the implementation and success of the TPR. See Sheet T-1 Checklist.
 - To avoid improvements that may be detrimental to the regulated tree health, the TPR may need to review a basic landscape plan submitted by the applicant to ensure the new landscape is consistent with CPA Tree Technical Manual, Section 5.45 and Appendix L, Landscaping under Native Oaks.
11. Street Trees (Reference: PAMC 8.04.070): If a publicly owned tree is proposed to be removed, findings will be subject to Public Works depending upon the number and condition of existing street trees in the public right-of-way along the property frontage. The applicant may be required to replace existing and/or add new street trees per the direction of Public Works' arborist. Call Dorothy Dale at 650-496-5953 to arrange a site visit so staff can determine what street tree work, if any, will be required for this project.
12. Building Permit Review Submittals. Prior to submittal for staff review, the plans submitted for building permit shall be reviewed by the project site arborist to verify that all the arborist's recommendations have been incorporated into the final plan set. The submittal set
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shall be accompanied by the project site arborist's certification letter that the plans have incorporated the following information:

- Final Tree Protection Report (TPR) design changes and preservation measures.
- Palo Alto Tree Technical Manual Standards, Section 2.00 and PAMC 8.10.080.
- Outstanding items. Itemized list and which plan sheet the measures are to be located.
- Landscape and irrigation plans are consistent with CPA Tree Technical Manual, Section 5.45 and Appendix L, Landscaping under Native Oaks and PAMC 18.40.130.

13. Site Plan Requirements. The final Plans submitted for building permit shall include the following information and notes on the relevant plan sheets:

- Sheet T-1 Tree Protection-it's Part of the Plan (<http://www.cityofpaloalto.org/environment/urban canopy.asp>), Applicant shall complete the Tree Disclosure Statement. Inspections and monthly reporting by the project arborist are mandatory. (All projects: check #1; with tree preservation report: check #2-6; with landscape plan: check #7.)
- The Tree Preservation Report (TPR). All sheets of the TPR approved by the City, (prepared by Arbor Resources) shall be printed on numbered Sheet T-1 (T-2, T-3, etc) and added to the sheet index.
- Protective Tree Fencing Type. Delineate on grading plans, irrigation plans, site plans and utility plans, Type II fencing around Street Trees and Type I fencing around Protected/Designated trees as a bold dashed line enclosing the Tree Protection Zone (per the approved Tree Preservation Report) per instructions on Detail #605, Sheet T-1, and the City Tree Technical Manual, Section 6.35-Site Plans.
- Site Plan Notes. 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 in the Tree Protection Report on Sheet T-1 and the approved plans". Note #2. All civil plans, grading plans, irrigation plans, site plans and utility plans and relevant sheets shall include 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 (David Babby, 650 654-3351); Note #3. "Basement 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 City Arborist approval, please call (650) 329-2441." Note #4. Utility 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."

14. 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

15. Plan Changes. Revisions and/or changes to plans before or during construction shall be reviewed and responded to by the project site arborist, with written letter of acceptance before submitting the revision to the city for review.
16. Tree Preservation Compliance. The owner and contractor shall implement all protection and Contractor and Arborist Inspection Schedule measures, design recommendations and construction scheduling as stated in the TPR, 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. A mandatory Monthly Tree Activity Report shall be sent monthly to the City beginning with the initial verification approval, using the template in the Tree Technical Manual, Addendum 11.
17. 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.
18. General. The following general tree preservation measures apply to all trees to be retained: No storage of material, topsoil, vehicles or equipment shall be permitted within the tree enclosure area. The ground under and around the tree canopy area shall not be altered. Trees to be retained shall be irrigated, aerated and maintained as necessary to ensure survival.

PRIOR TO OCCUPANCY

19. Landscape Inspection. The Planning Department shall be in receipt of written verification that the Landscape Architect has inspected all trees, shrubs, planting and irrigation and that they are installed and functioning as specified in the approved plans.
 20. TREE INSPECTION. The contractor shall call for an inspection by the Project Arborist. A final inspection and report by the project arborist shall evaluate all trees to be retained and protected, as indicated in the approved plans, the activity, health, welfare, mitigation remedies for injury, if any, and for the long term care of the trees for the new owner. The report shall provide written verification to the Planning Department that all trees, shrubs, planting and irrigation are installed and functioning as specified in the approved plans. The final arborist report shall be provided to the Planning Department prior to written request for temporary or final occupancy. The final report may be used to navigate the security guarantee return process, when applicable.
 21. PLANNING INSPECTION. Prior to final sign off, contractor or owner shall contact the city planner (650-329-2441) to inspect and verify Special Conditions relating to the conditions for structures, fixtures, colors and site plan accessories.
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Post Construction

22. **Maintenance.** All landscape and trees shall be maintained, watered, fertilized, and pruned according to Best Management Practices-Pruning (ANSI A300-2001 or current version). Any vegetation that dies shall be replaced or failed automatic irrigation repaired by the current property owner within 30 days of discovery.

Public Works Engineering

23. The proposed curb at the back of sidewalk around the landscape strip on both sides of the driveway on Everett Avenue shall be adjusted so that it is located completely on private property. The proposed landscaping within the right of way is to be retained. However, the curb proposed around the landscape strip shall be placed within private property only.
24. The Water and Fire Service lines need to be designed such that they will provide 10' of clearance from any Street Tree (existing or proposed) including the street tree on the left side property line along Everett Avenue.
25. **SIDEWALK, CURB & GUTTER:** As part of this project, the applicant must replace those portions of the existing sidewalks, curbs, gutters or driveway approaches in the public right-of-way along the frontage(s) of the property that are broken, badly cracked, displaced, or non-standard, and must remove any unpermitted pavement in the planter strip. Contact Public Works' inspector at 650-496-6929 to arrange a site visit so the inspector can determine the extent of replacement work. The site plan submitted with the building permit plan set must show the extent of the replacement work or include a note that Public Works' inspector has determined no work is required. The plan must note that any work in the right-of-way must be done per Public Works' standards by a licensed contractor who must first obtain a *Street Work Permit* from Public Works at the Development Center.
26. **STREET TREES:** The applicant will need to replace the 2 existing trees along High Street with two new 24" box size Pyrus calleryana 'Holmford', New Bradford Pear trees and the four existing trees nearest the Everett and High intersection with new 24" box size Aesculus Carnea 'Briotii', Briotii Red Horse chestnut trees. The site plan submitted with the building permit plan set must show the street tree work that the arborist has determined, including the tree species, size, location, staking and irrigation requirements. The plan must note that in order to do street tree work, the applicant must first obtain a *Permit for Street Tree Work in the Public Right-of-Way* from Public Works' arborist (650-496-5953).

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

Include in plans submitted for a building permit:

27. STORM WATER POLLUTION PREVENTION: The City's full-sized *Pollution Prevention - It's Part of the Plan* sheet must be included in the plan set. Copies are available from Public Works at the Development Center or on our website:
<http://www.cityofpaloalto.org/civicax/filebank/documents/2732>
 28. STREET TREES: Show all existing street trees in the public right-of-way. Any removal, relocation or planting of street trees; or excavation, trenching or pavement within 10 feet of street trees must be approved by Public Works' arborist (phone: 650-496-5953). This approval shall appear on the plans. Show construction protection of the trees per City requirements.
 29. WORK IN THE RIGHT-OF-WAY: The plans must clearly indicate any work that is proposed in the public right-of-way, such as sidewalk replacement, driveway approach, or utility laterals. The plans must include notes that the work must be done per City standards and that the contractor performing this work must first obtain a *Street Work Permit* from Public Works at the Development Center. If a new driveway is in a different location than the existing driveway, then the sidewalk associated with the new driveway must be replaced with a thickened (6" thick instead of the standard 4" thick) section. Additionally, curb cuts and driveway approaches for abandoned driveways must be replaced with new curb, gutter and planter strip.
 30. IMPERVIOUS SURFACE AREA: The project will be creating or replacing 500 square feet or more of impervious surface. Accordingly, the applicant shall provide calculations of the existing and proposed impervious surface areas with the building permit application. The *Impervious Area Worksheet for Land Developments* form and instructions are available at the Development Center or on our website:
<http://www.cityofpaloalto.org/civicax/filebank/documents/2718>
 31. STORM WATER TREATMENT: This project may trigger the California Regional Water Quality Control Board's revised provision C.3 for storm water regulations (incorporated into the Palo Alto Municipal Code, Section 16.11) that apply to High Impact Projects that create or replace 5,000 square feet or more of impervious surface. The applicant shall provide a calculation of the amount of impervious surface area being created or replaced. If 5,000 sf of impervious surface area is created or replaced within the uncovered parking lot, then the City's regulations require that the project incorporate a set of permanent site design measures, source controls, and treatment controls that serve to protect storm water quality. The applicant will be required to identify, size, design and incorporate permanent storm water pollution prevention measures (such as bioswales, filter strips, and permeable pavers) to treat the runoff from a specified "water quality storm" prior to discharge to the municipal storm drain system. The applicant must designate a party to maintain the control measures for the life of the improvements and must enter into a maintenance agreement with the City. The City will inspect the treatment measures yearly and charge an inspection fee. There is
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currently an \$350 C.3 plan check fee that will be collected upon submittal for a grading or building permit.

32. **STORMWATER MAINTENANCE AGREEMENT:** If the project requires Storm Water Treatment as described in the PAMC, section 16.11, the applicant shall designate a party to maintain the control measures for the life of the improvements and must enter into a maintenance agreement with the City to guarantee the ongoing maintenance of the permanent C.3 storm water discharge compliance measures. The maintenance agreement shall be executed prior to the first building occupancy sign-off. The City will inspect the treatment measures yearly and charge an inspection fee. There is currently a \$350 C.3 plan check fee that will be collected upon submittal for a grading or building permit.
33. **LOGISTICS PLAN:** The contractor must submit a logistics plan to the Public Works Department prior to commencing work that addresses all impacts to the City's right-of-way, including, but not limited to: pedestrian control, traffic control, truck routes, material deliveries, contractor's parking, concrete pours, crane lifts, work hours, noise control, dust control, storm water pollution prevention, contractor's contact, noticing of affected businesses, and schedule of work. The plan will be attached to a street work permit.
34. **SIDEWALK ENCROACHMENT:** Add a note to the site plan that says, "The contractor using the city sidewalk to work on an adjacent private building must do so in a manner that is safe for pedestrians using the sidewalk. Pedestrian protection must be provided per the 2010 California Building Code Chapter 33 requirements. If the height of construction is 8 feet or less, the contractor must place construction railings sufficient to direct pedestrians around construction areas. If the height of construction is more than 8 feet, the contractor must obtain an encroachment permit from Public Works at the Development Center in order to provide a barrier and covered walkway or to close the sidewalk."

Fire Department

35. Separate permit submittals to Fire Prevention Bureau required for sprinklers, fire supply line, and fire alarm installations.

Utilities Department Electrical Engineering

General

36. The applicant shall comply with all the Electric Utility Engineering Department service requirements noted during plan review.
 37. The applicant shall be responsible for identification and location of all utilities, both public and private, within the work area. Prior to any excavation work at the site, the applicant shall contact Underground Service Alert (USA) at 1-800-227-2600, at least 48 hours prior to beginning work.
 38. The applicant shall submit a request to disconnect all existing utility services and/or meters including a signed affidavit of vacancy, on the form provided by the Building Inspection
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Division. Utilities will be disconnected or removed within 10 working days after receipt of request. The demolition permit will be issued after all utility services and/or meters have been disconnected and removed.

The Following Shall Be Incorporated In Submittals For Electric Service

39. A completed Electric Load Sheet and a full set of plans must be included with all applications involving electrical work. The load sheet must be included with the preliminary submittal.
 40. Industrial and large commercial customers must allow sufficient lead-time for Electric Utility Engineering and Operations (typically 8-12 weeks after advance engineering fees have been paid) to design and construct the electric service requested.
 41. Only one electric service lateral is permitted per parcel. Utilities Rule & Regulation #18.
 42. If this project requires padmount transformers, the location of the transformers shall be shown on the site plan and approved by the Utilities Department and the Architectural Review Board. Utilities Rule & Regulations #3 & #16 (see detail comments below).
 43. The developer/owner shall provide space for installing padmount equipment (i.e. transformers, switches, and interrupters) and associated substructure as required by the City.
 44. The customer shall install all electrical substructures (conduits, boxes and pads) required from the service point to the customer's switchgear. The design and installation shall be according to the City standards and shown on plans. Utilities Rule & Regulations #16 & #18.
 45. Location of the electric panel/switchboard shall be shown on the site plan and approved by the Architectural Review Board and Utilities Department.
 46. 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.
 47. For services larger than 1600 amps, the customer will be required to provide a transition cabinet as the interconnection point between the utility's padmount transformer and the customer's main switchgear. The cabinet design drawings must be submitted to the Electric Utility Engineering Department for review and approval.
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48. The customer is responsible for sizing the service conductors and other required equipment according to the National Electric Code requirements and the City standards. Utilities Rule & Regulation #18.
49. Any additional facilities and services requested by the Applicant that are beyond what the utility deems standard facilities will be subject to Special Facilities charges. The Special Facilities charges include the cost of installing the additional facilities as well as the cost of ownership. Utilities Rule & Regulation #20.
50. Projects that require the extension of high voltage primary distribution lines or reinforcement of offsite electric facilities will be at the customer's expense and must be coordinated with the electric Utility Department.

During Construction

51. 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.
 52. 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 check by USA shall be delineated with white paint. All USA markings shall be removed by the customer or contractor when construction is complete.
 53. The customer is responsible for installing all on-site substructures (conduits, boxes and pads) required for the electric service. No more than 270 degrees of bends are allowed in a secondary conduit run. All conduits must be sized according to National Electric Code requirements and no 1/2 – inch size conduits are permitted. All off-site substructure work will be constructed by the City at the customer's expense. Where mutually agreed upon by the City and the Applicant, all or part of the off-site substructure work may be constructed by the Applicant.
 54. All primary electric conduits shall be concrete encased with the top of the encasement at the depth of 30 inches. No more than 180 degrees of bends are allowed in a primary conduit run. Conduit runs over 500 feet in length require additional pull boxes.
 55. All new underground conduits and substructures shall be installed per City standards and shall be inspected by the Electrical Underground Inspector before backfilling.
 56. Meter and switchboard requirements shall be in accordance with Electric Utility Service
 57. Equipment Requirements Committee (EUSERC) drawings accepted by Utility and CPA standards for meter installations.
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58. Shop/factory drawings for switchboards (400A and greater) and associated hardware must be submitted for review and approval prior to installing the switchgear to:
Gopal Jagannath, P.E.
Supervising Electric Project Engineer
Utilities Engineering (Electrical)
1007 Elwell Court
Palo Alto, CA 94303
59. Catalog cut sheets may not be substituted for factory drawing submittal.
60. All new underground electric services shall be inspected and approved by both the Building Inspection Division and the Electrical Underground Inspector before energizing.

After Construction & Prior To Finalization

61. The customer shall provide as-built drawings showing the location of all switchboards, conduits (number and size), conductors (number and size), splice boxes, vaults and switch/transformer pads.

Prior To Issuance Of Building Occupancy Permit

62. The applicant shall secure a Public Utilities Easement for facilities installed on private property for City use.
63. All required inspections have been completed and approved by both the Building Inspection Division and the Electrical Underground Inspector.
64. All fees must be paid.
65. All Special Facilities contracts or other agreements need to be signed by the City and applicant.

Additional Comments

66. The padmount transformer shall have 3ft minimum clearance from non-operable sides and 8ft clearance in front of all equipment doors and 30ft minimum vertical clearance for 3 phase pad mount equipment. Please see standard DT-CL-U-1031 for more details.
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October 23, 2013

City of Palo Alto Planning Department
250 Hamilton Avenue, 5th floor
Palo Alto, CA 94301
Attn: Elena Lee

Subject: 301 High St, ARB comments

To Elena Lee,

Below please find summary of action taken regarding the shadow and noise concern brought up by the neighbor at 317-323 High Street and the follow up action requested by the ARB board during the hearing on Wednesday, October 17th, 2013.

Concern was brought up by the neighbor regarding shadow being cast onto the backyard garden area of the adjacent 317 High Street residential property. Landlord of stated property, Vicki Vaughn, who raised the original concern met with Hayes Group Architects at 4pm on Wednesday, October 17th, 2013, to review the computer generated shadow study. A copy of the study is attached. The basis of the study was conducted during the worst-case shadow scenario during each season, with winter solstice being one-hour early due to the lack of daylight. Mrs. Vaughn, was given the opportunity to select any time and day of the year for analysis. Per follow-up email sent by Mrs. Vaughn on Tuesday, October 22nd, 2013, she agreed there is no negative impact on the daylight plane by having the addition on the roof.

Subsequently, a conference call was conducted between Mrs. Vaughn, her husband, JV Vaughn, Hayes Group Architects, and RGDL Acoustical & Audiovisual on Monday, October 21st, 2013. RGDL provided the acoustic analysis of the roof-top mechanical units for the project. During the conference call, RGDL explained the noise level generated by the unit is within requirements of the Palo Alto Municipal Code. RGDL also discuss the predicted noise level calculated at various area of the adjacent 317 High Street property that is immediately adjacent to the project. Mrs. Vaughn and her husband were given full opportunity to ask any question they had regarding the unit, the predicted noise level, and verification of noise level after full build-out of the project. The email by Mrs. Vaughn on Tuesday, October 22nd, 2013 again stated that they find the sound level generated by the roof top mechanical units acceptable.

Regarding the location of the mechanical unit, there is an existing setback on High Street, Everett Avenue, and an interior side setback adjacent to 317 High. The building today is existing permitted non-conforming. We do not wish to locate the units in those setback areas on the roof. Hayes Group believes it is undesirable aesthetically to have units and roof screen located at these locations as it is up-against the building face. The only locations left on the roof are the area facing the parking lot and the area where the units are shown on the plan. Locating the units and associated roof screen toward the parking lot area will create additional shadow that further impacts the neighbor's backyard garden. Current configuration as shown will not add to the shadow line. Hayes Group believes the location indicated on the drawing is the most logical.

To conclude, Hayes Group Architects followed recommendation by the ARB board to review the above issues with the neighbor. To the best of our understanding, Mrs. Vaughn's and her husband's concerns have been satisfactorily addressed.

Please call if you have questions.

Thank you

Sincerely,

Jacob Kwan
Hayes Group Architects