



City of Palo Alto

City Council Staff Report

(ID # 6987)

Report Type: Consent Calendar

Meeting Date: 6/20/2016

Summary Title: Appeal of 411-437 Lytton Avenue Mixed Use Project

Title: 411-437 Lytton Avenue [14PLN-00489]: Appeal of the Planning and Community Environment Director's Architectural Review Approval for the Construction of a new Three Story Mixed-use, Office and Residential Building (two units) and a 1,417 SF Addition to an Existing Historic Category 2 Residence on two lots to be Merged. A two Level Underground Parking Garage is Proposed to be Constructed Under the new Mixed use Building Adjacent to the Existing Residential Building. Environmental Assessment: a Mitigated Negative Declaration has been prepared. Zoning District: Community Commercial Downtown District and Pedestrian Shopping Combining District CD-C(P)

From: City Manager

Lead Department: Planning and Community Environment

Recommendation

Staff recommends that the City Council uphold the Director's approval of a Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program, and Architectural Review application, thereby denying the appeal.

Executive Summary

The applicant proposes a new mixed use office and residential building and addition to an existing Category 2 historic building at 411 Lytton. The project complies with applicable codes and is subject to the Downtown Urban Design Guidelines (Attachment A Location Map). The project includes a lot merger, 13,522 square feet of office space (6,096 square feet net new) and two net new residential units (three total).

The project has been reviewed by the Historic Resources Board and the Architectural Review Board, the latter recommending project approval with conditions on March 17, 2016. The Director of Planning & Community Environment subsequently approved the project in a decision letter issued on April 28, 2016 (Attachment E).

The Director's decision was appealed by Vincent Leung (appellant), along with 14 co-signers in a letter dated May 12, 2016 (Attachment B)

The City Council may affirm the Director's approval (approving the project on consent calendar) or remove the item from the consent (requires three votes) and schedule the item for a public hearing.

Included with this report are all relevant records, including (draft) verbatim transcripts of the ARB meetings (Attachment C) and public comments (Attachment D). This material is provided to inform the Council's decision to consider the appeal or accept the Director's determination on consent. Please note that the project at 411-37 Lytton received approval under the interim annual limit ordinance as part of the FY2016 allocation of new office/R&D square footage and would result in 6,096 new gross square feet of office use. The administrative guidelines for the annual limit ordinance have been amended to clarify that the project's allocation will not be affected if the City Council agrees to consider the appeal after the close of the fiscal year. These guidelines are included as Attachment H.

Background

The subject project was submitted on December 9, 2014. The applicant's proposal includes 1) demolition of the existing two story office building, 2) construction of a 40-foot tall, three-story, mixed use building, 3) 1,417 sf addition to the historic residence, and 4) removal of the existing unpermitted carport. The proposal would also include combining the two existing lots into one 15,031 sf parcel.

411 Lytton

The project includes modifications to a one-story single-family house at 411 Lytton Avenue, which has been identified as a Category 2 property in the City of Palo Alto's History Inventory. This residence was constructed in 1901 and would be remodeled following the Secretary of the Interior's Standards for Rehabilitation. A basement storage area containing approximately 1,149 square feet and a 268 square foot addition to the rear of the residence would be constructed, for a total of 2,342 square feet of residential space at that address. The building would be left in place during construction using a shoring-in-place technique.

437 Lytton

For the 437 Lytton Avenue portion of the site, the project proposes to construct a 19,838 square foot mixed-use building (13,522 square feet of office uses and two residential units occupying 5,104 square feet on the upper floor). The building would be three stories in height (up to 40 feet of maximum height), with a two-level underground parking garage. The project would require excavation of the basement garage to an approximate depth of up to 27 feet below grade, with car stacker pits extending to approximately 34 feet below grade. The garage would be accessed solely from Kipling Street.

The project was approved on April 28, 2016, based on a recommendation from the ARB, as

reflected in the approval letter (Attachment E). The Director's approval included the Architectural Review approval and the adoption of the MND and Mitigation Monitoring Program (Attachment F).

HRB Review and Recommendation

The project was the subject of the Historic Resources Board (HRB) meeting of March 10, 2016.¹ The HRB found the project (improvements to the historic building) were consistent with the Secretary of Interior Standards and they also encouraged that the ARB consider a reduction in the new building's third floor massing. Subsequently, the applicant did reduce the third floor massing as reflected in the approved project plans.

ARB Review and Recommendation

The ARB reviewed the project plans, received written public comments and oral public testimony at two public hearing. The ARB had also conducted a Preliminary Review of the concept plans on June 19, 2014.²

The ARB conducted the first public hearing on February 18, 2016 and discussed the aesthetic quality of the project. The ARB requested that the applicant address accommodation of retail users on the first floor; include more detail along the Kipling Street elevation; address the issue with color on certain materials; and the transition to historic property and surrounding.

The applicant modified and presented the project plans at the March 17, 2016 ARB hearing. In response to the ARB comments:

- Landscape strips were added between the trees on Lytton and Kipling near the corner to give this area more of a residential feeling and a continuation of the neighborhood.
- Removable rectangular concrete-like planters were added on the first floor at the opening that faces Lytton and the opening on Kipling that is near the driveway. These planters could be easily removed and doors added that would allow a retailer to occupy the space and be better connected to the sidewalk.
- A wood slat bench with a supporting back was added to the top of the planter wall

¹ Historic Resources Board Meeting Minutes, March 10, 2016
<https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?BlobID=52329>

² ARB June 19, 2014 Preliminary Review Report:
<https://www.cityofpaloalto.org/civicax/filebank/documents/42694>

ARB February 18, 2016 Report:
<https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?BlobID=51100>

ARB March 17, 2016 Report:
<https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?BlobID=51513>

Project Plans recommended by the ARB and approved by the Director of Planning and Community Environment:
<http://www.cityofpaloalto.org/news/displaynews.asp?NewsID=2668&TargetID=319>

adjacent to the driveway and rear walkway.

- The trellis over the garage ramp was pulled back along with the fence so that it aligns better with the adjacent home and the new building.
- The color of the body of the building was changed so that it is more of a background color in a warm tone.

After considering the modifications, the ARB recommended approval with the following amendments: (1) the applicant break the horizontal band for the second story office portion; (2) the applicant consider a mix of trees and shrubs where abutting the adjacent Kipling residences; (3) staff consider including the outdoor terrace use in a conditional use permit; (4) staff add a condition of approval for automatic night shades for the second floor offices facing Kipling residences; and (5) staff request the transportation consultant to review again the study.

As incorporated into the project's conditions of approval, items 1, 2 and 4 would be subject to ARB Subcommittee review. Item 3 was addressed through the conditions of approval for the project as no conditional use permit was required for the use. The City's transportation staff reviewed the traffic memo prior to the ARB's recommendation and found the document to be consistent with the City's thresholds of significance. No further review has been conducted.

Discussion

The appeal (Attachment B) was filed in a timely manner, within 14 days following the Director's decision. The appellant is Vincent Leung, the property owner of 340 Kipling Street. The appeal includes 14 co-signers. Staff summarized the key appeal statements as follows:

1. Garage parking access will impact residential street traffic & safety;
2. Second floor terrace infringes on residential privacy;
3. Lack of compatibility with neighboring properties;
4. Failure to comply with the off-street loading space law and inappropriate use of public parking areas for loading zone.

The appellant presented orally at the March 17, 2016 ARB public hearing regarding items 1 and 2. One of the co-signers has had correspondence with staff regarding a transformer location that was resolved through the process, however, no other communication was registered regarding the other appellants and the issues raised in the appeal throughout the ARB process.

Below is more information about the issues raised in the appeal, followed by initial staff comments. If the project is scheduled for a public hearing, staff will provide more detailed response to these preliminary comments.

Garage parking access

Hexagon Transportation Consultants, Inc. provided a memorandum (March 12, 2015) (Attachment G) on the trip generation and on-site circulation/parking/site access based on their

review of the project. The purpose of the traffic study was to estimate the net new trips generated by the project, so that the City of Palo Alto could determine if a focused traffic study was needed. Hexagon also reviewed the project site plan to determine the overall adequacy of the site access and on-site circulation in accordance with generally accepted traffic engineering standards and to identify any access or circulation issues that should be improved. Parking was evaluated relative to parking requirements in the Palo Alto Municipal Code.

Hexagon used industry standard information (Institute of Transportation Engineers) to determine the trip generation. They estimated that the project would generate 75 net new daily vehicle trips, with 10 net new trips occurring during the AM peak hour and 10 net new trips during the PM peak hour. This number of new trips added by the proposed project is considered minimal and did not meet the minimum threshold to conduct a full traffic study. As a result, no intersection level analysis was conducted. The Kipling/Lytton intersection is unsignalized.

The current site configuration includes access from Lytton Avenue (20 space parking lot) and Kipling Street (four space parking lot). Lytton Avenue has established bicycle lanes. The proposed project includes access only from Kipling Street to an underground garage with 65 spaces. Based on the traffic memo, the driveway to the garage is estimated to serve 22 vehicles during the AM peak hour and 21 vehicles during the PM peak hour under project conditions. That is an average of about one car per three minutes.

The appeal has concerns about traffic backed up on Kipling trying to make turning movements onto Lytton Avenue. The appeal further states that “moving the garage entrance and exit to Lytton Ave. would mitigate the traffic and safety issues.”

Staff Response: While moving the garage access to Lytton could be considered an alternative, it would increase the potential for conflicts with bicyclists using the bicycle lanes. Also, since Lytton Avenue is the main corridor for which traffic for the site would enter the proposed garage (whether the entrance is on Kipling or Lytton) the waiting times at the Kipling/Lytton intersection are likely to be similar under either alternative. For these reasons, staff does not believe moving the garage entrance is warranted or desirable.

Second floor terrace and residential privacy concerns

The appellants object to the proposed terrace at the rear of the project. Also they state that the windows of the proposed offices would have a direct line of sight into the neighbors residence.

The proposed terrace is located within 10'-0" of the property located 385 Waverly and within 25'-0" of 340 Kipling. The terrace includes a 10'-0" landscape buffer on the deck. As incorporated into the conditions of approval, the hours of the office terrace shall be limited between 9:00am and 6:00pm on weekdays and occupancy on the weekends is prohibited. Amplified sound is prohibited on the terrace. An additional condition of approval requires

automatic shades to reduce nighttime lighting.

Staff Response: Staff has had discussions with the resident most potentially impacted by the terrace and several conditions were added to address those concerns. This neighbor is not among the list of appellants appealing the project. As with the existing office building there would be views to the windows of the new office building from the appellant's second floor. New landscaping is proposed at the ground level, however, at maturity the landscaping will not exceed 20 feet in height. The nighttime automatic shades would help reduce nighttime lighting as well as views from and into the office windows.

Compatibility with neighboring properties

The appellant expresses concern with the project's building size, style and massing, and suggests that it is out of context with the neighboring properties. The appeal also notes concerns about the project's potential impacts to the adjacent historic building (411 Lytton).

Staff Response: Where the Comprehensive Plan provides policy direction, the Zoning Ordinance provides specific quantitative limits to regulate the sizes of development, and the Context-based design criteria and the Downtown Urban Design Guide provide qualitative guidance to ensure the aesthetic quality of development respects the surrounding context. The project is a building that complies with the zoning regulations of the CD-C(P) district. The project meets the development standards relating to building setbacks, site coverage, height, daylight plane, and floor area ratio, and does not require approval of design enhancement exceptions or a variance.

The ARB and the Director found the project compatible with the surroundings and the attached approval letter details the project's conformance with specific findings, including context-based findings.

The project was the subject of the Historic Resources Board (HRB) meeting of March 10, 2016. The HRB found the project (improvements to the historic building) were consistent with the Secretary of Interior Standards and they also encouraged that the ARB consider a reduction in the new building's third floor massing. Subsequently, the applicant did reduce the third floor massing as reflected in the approved project plans.

The proposed building would be constructed with sloping roofs and setbacks on the third floor (residential level), and variations in color and exterior texture on the facades to provide visual interest.

Off-street Loading Requirements

The appeal states that the project does not comply with PAMC 18.52.040 regarding off-street loading space requirements.

Staff Response: The project is considered mixed-use because it includes multiple uses on the same property (multiple family, one detached unit and two upper story units, and office). No off-street loading parking is required for residential uses, however, general office space between 10,000 and 99,999 square feet requires one space. The project does not provide any off-street loading space. The loading space for the project is located along Lytton Avenue where the curb cut would be eliminated. Currently between the curb cut and the intersection of Kipling Road and Lytton Avenue there is no parking allowed and, therefore, there is no current public parking spaces available. With the current proposal, the loading space would be a time limited on-street parking available for loading and unloading for the public including the project.

Table 1 in PAMC 18.52.040 indicates how much off street loading is required. In the past, including more recently with the project located at 2515 El Camino Real, which was approved by the City Council on a 5-4 vote, the Director has classified mixed use projects as ‘Other Uses’ for purposes of loading zone determinations. These determinations have in the past been based on on- and off-site conditions, practicality of providing loading space on-site and likelihood of being used as designed, given that many delivery drivers sometimes forgo on-site loading for more convenient, and possibly illegal, temporary loading.

Staff’s approach to the loading zone requirement is similar to the approach taken on the 2515 El Camino Real project. Staff does not believe that allowing the off-street loading to occur on Lytton is sufficient grounds to uphold the appeal and request a redesign of the project.

Resource Impact

There are no significant fiscal or budget impacts associated with this recommendation.

Environmental Review

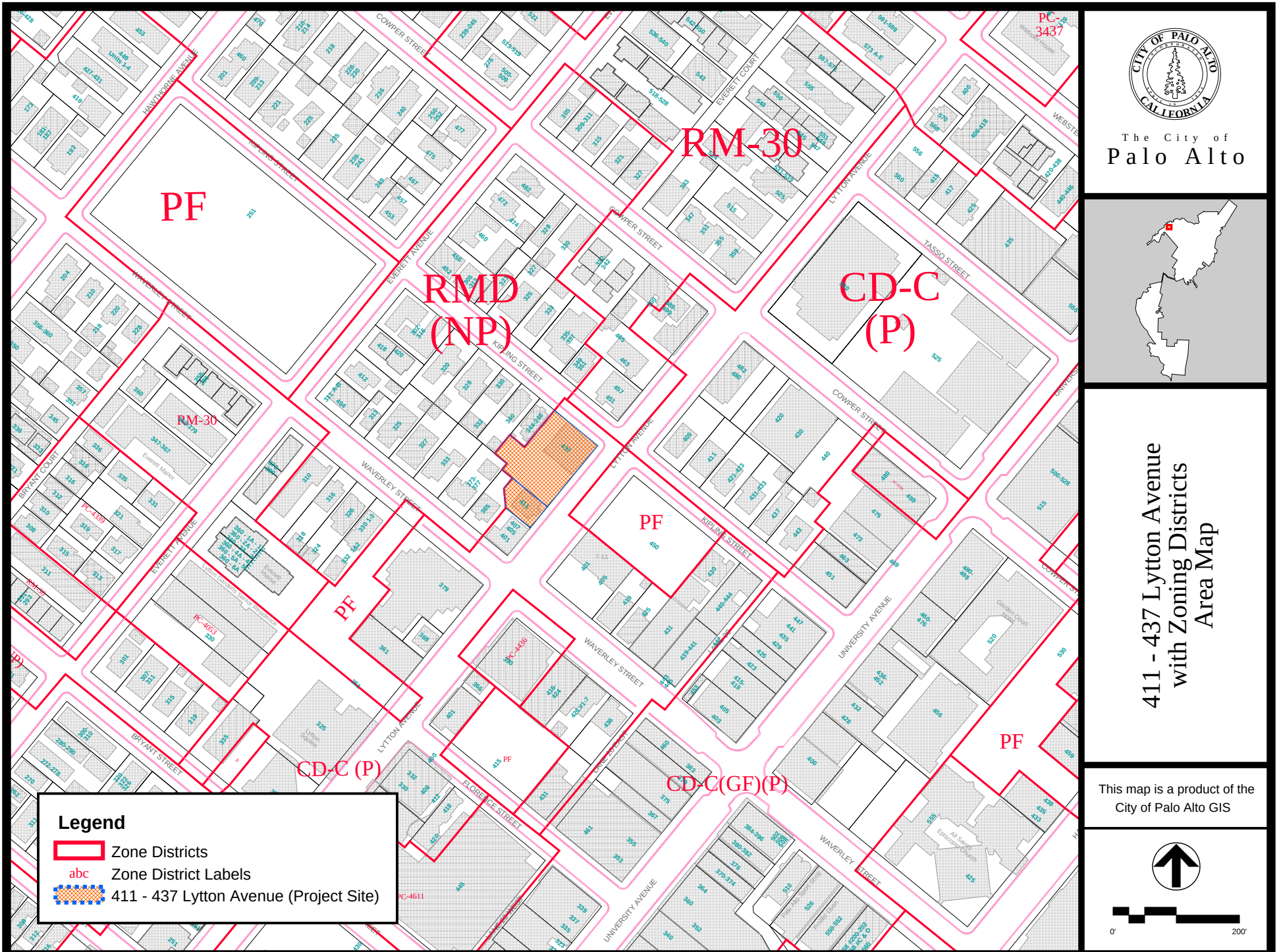
The proposed project is subject to environmental review under provisions of the California Environment Quality Act (CEQA). Pursuant to the requirements of the CEQA, a Draft Initial Study and Mitigated Negative Declaration was prepared and circulated. With a required 20-day public review, the comment period for this project began from February 24, 2016 to March 14, 2016. No comments were submitted. The Initial Study/Mitigated Negative Declaration was adopted by the Director along with a Mitigation Monitoring and Reporting Program. The later is included in the Directors approval letter, and the Initial Study/Mitigated Negative Declaration is included as Attachment F.

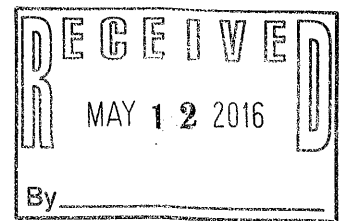
Attachments:

- Attachment A: Location Map (PDF)
- Attachment B: Appeal letter (PDF)
- Attachment C: ARB meeting minutes February 18, 2016 & March 17, 2016 (PDF)
- Attachment D: Public Correspondence (PDF)
- Attachment E: Director's Approval (PDF)
- Attachment F: Final Initial Study and Mitigated Negative Declaration (PDF)

- Attachment G: Project Traffic Memo (PDF)
- Attachment H: Interim Office-RD Annual Limit Administrative Regulations June 2_2016
Tracked (DOCX)

Attachment A





Introduction

We, the undersigned, believe the 411 – 437 Lytton Ave. project does not comply with a number of municipal code and Comprehensive Plan requirements as detailed herein.

Garage Parking Access Will Impact Residential Street Traffic & Safety

This project violates the following municipal codes:

§18.18.110(b)(1): new projects shall promote pedestrian walkability [and] a bicycle friendly environment ...

§18.23.080(c)(iv): vehicular access points should not conflict with pedestrian and bicycle walkways and facilities.

It also conflicts with the following program and policy from the Comprehensive Plan:

PROGRAM T-53: Discourage parking facilities that would intrude into adjacent residential neighborhoods

POLICY T-14: Improve pedestrian and bicycle access to and between local destinations, including public facilities, schools, parks, open space, employment districts, shopping centers, and multi-modal transit stations.

The project includes a two story underground parking structure with sixty-five parking spaces. The entrance and exit for the garage will be placed on Kipling St. which creates a problem for both traffic and public safety. Kipling St. is extremely narrow, only 29 feet wide. Given its downtown location cars are often parked on both sides restricting the width to that of a one-way street. Drivers often have to pull over to one side to allow cars to pass in the opposite direction. This narrow street does not have the capacity for the additional vehicles to be generated by a sixty-five car parking structure. In addition to the problem of Kipling St. being so narrow the proposed garage exit and entrance is next to the intersection of Kipling St. and Lytton Ave. Lytton is a very busy street, particularly during rush hour, with no signal lights or stop signs near the intersection. It is difficult for vehicles on Kipling St. to turn left or right onto Lytton Ave. Left turns are particularly difficult as drivers need to wait for vehicle clearance, in both directions, as well as pedestrians on the crosswalk. There are also cars parked on Lytton Ave., very close to the intersection, which decreases visibility and increases the risk of accidents. Unfortunately, a left turn from Kipling St. onto to Lytton Ave. will be the most common route as that is the direction for highway 101. One of the appellants, Vincent Leung, uses the Kipling St. / Lytton Ave. intersection each day to drive to

work and is intimately familiar with the traffic pattern. It often takes him close to one minute to make a left turn onto Lytton Ave. The delays in making turns from Kipling St. onto Lytton Ave. is a critical point which has been neglected by Hexagon Transportation Consultants, the firm hired for the traffic study, as well as staff. The delay will cause vehicles to queue on Kipling St. as they wait to turn on Lytton Ave. The proposed garage exit is placed so close to the intersection that there is only enough space for two cars between the exit and intersection. This could lead to two scenarios, both of which are bad for public safety. First, the cars exiting the garage may queue on the ramp and possibly block the sidewalk. Even without blockage the parking garage would likely result in greater than two cars per minute, during the morning and evening hours, cutting through the Kipling St. sidewalk used by many small children. The second and more likely scenario is that drivers will not want to wait in line at the blocked intersection. Instead, they will make a left turn on Kipling St. towards Everett Ave. The intersection of Everett Ave. and Kipling St. is at the corner of Johnson Park and constantly used by families. Appellant Leung has two young daughters whom he takes to the park several times a week so he is familiar with the number of families that walk in this area. Diverting traffic from a two story parking garage to small residential streets will increase the risk for pedestrians in the area. Even without this project there are already recent reports of accidents in this area.

Hexagon Transportation Consultants was hired to review the traffic impact of this project. Unfortunately, the report is flawed in multiple ways. Hexagon referenced the ITE *Trip Generation* manual to estimate trip generation rates for the project. Utilizing this estimate, they concluded that "new trips added by the proposed project are minimal. Therefore, it is probably not necessary to do any further focused traffic study." This conclusion ignored the fact that the existing building has two completely separate parking lots. There is currently a small four parking space lot with an entrance and exit on Kipling St. A separate and much larger parking lot accommodates twenty parking spaces. The entrance and exit to this larger lot is placed on Lytton Ave. The new project will have sixty-five cars entering and exiting solely on Kipling St. with the Lytton Ave access completely removed. Even with the assumption that the trip generation data is correct there will be a dramatic change in how parking is accessed. The Kipling St. entrance and exit will need to provide capacity for sixty-five cars, instead of the four cars, resulting in an **increase of over sixteen times the amount of traffic** on narrow Kipling St. Hexagon also ignores the fact that Kipling St. is only 29 feet wide, with cars often parked on both sides. The delay in making a turn from Kipling St. to Lytton Ave. was not addressed. There was no mention of the fact that only two cars can queue between the garage exit and Lytton Ave. They did not consider that drivers exiting the garage towards Everett Ave. would divert traffic towards a public park with small residential streets frequented by pedestrians. Even the trip generation rate itself is questionable. They estimate that only eighteen cars enter the garage during the morning peak hour resulting in a car every three minutes. With sixty parking spaces for employees that would result in employees arriving to work over a three-hour window. A common situation would have employees arriving in the morning over a two-hour window. With sixty parking spaces for the office there would be a vehicle cutting

across the Kipling St. sidewalk every two minutes. The number would likely be much higher if the office accommodates more than one employee per 250 sq. ft. since there would be more vehicles entering and exiting in search of parking. This traffic would be in addition to the existing cars that regularly use Kipling St. during rush hour. During the March 17 Architectural Review Board meeting member Alex Lew expressed his concerns with traffic on Kipling St. He had instructed staff to investigate the traffic in more detail but there did not seem to be any follow-up on this request.

Kipling St., between Everett Ave. and Lytton Ave., has considerable pedestrian traffic as families with young children walk between Johnson Park and downtown. It is also frequently used by the numerous residents who walk to downtown for work. However, Lytton Ave. has very light pedestrian traffic by the project site as there are only four small businesses on Lytton Ave., north of Kipling St. Lytton Ave. is the more appropriate street for garage access. Moving the garage entrance and exit to Lytton Ave. would mitigate the traffic and safety issues. The current twenty car parking lot already has its entrance and exit on Lytton Ave. with no reported issues.

Second Floor Terrace Infringes on Residential Privacy

The project violates the following municipal code:

§18.18.110(b)(4)(C): Respecting privacy of neighboring structures, with windows and upper floor balconies positioned so they minimize views into neighboring properties.

§18.18.110(b)(4)(C): Minimizing sight lines into and from neighboring properties

§18.18.110(b)(5)(G): Both private and common open space areas should be buffered from noise where feasible through landscaping and building placement

§18.23.050(B)(viii): For landscape buffers to provide a visual screen, trees and shrubs in the buffer area shall be installed in a manner that provides maximum visual separation of residential uses from the commercial or industrial use, taking into consideration topography and sight lines from residences.

§18.23.050(C)(iii): Windows, balconies or similar openings above the first story should be offset so as not to have a direct line-of-sight into the interior living areas of adjacent units within the project or into units on abutting residential property.

This project is located directly next to densely situated residential homes and requires careful attention to protect residential privacy. Unfortunately, this project intrudes on residential privacy

due to line of sight windows, a second floor terrace, and first floor garden. Both the unprecedented second floor terrace, as well as the ground floor garden, face a quiet residential neighborhood comprised of mostly single story homes. The second floor terrace is surrounded by residential homes on three sides in close proximity. To the left side of the terrace is approximately 13 feet away from the kitchen windows of the home on 377 Waverly St. and 50 feet from 385 Waverly St. The right side of the terrace is approximately 14 feet away from the kitchen and bedroom windows of 344 and 348 Kipling St. The front of the terrace is approximately 50 feet from appellant Leung's kitchen and bedroom windows. There are no high walls to block any outdoor noise created from company celebrations, people talking on cell phones, or just "hanging out." Appellant Leung has called the police on three separate occasions due to people socializing outside, at the current property, late at night. The project attempts to mitigate noise issues with a conditional use permit. At the March 17, 2016 ARB meeting board member Wynne Furth describes how she had personally found conditional use permits difficult to enforce and unfairly pushes the burden of enforcement to residents. She also describes the terrace as a "code violation waiting to happen." Office space tenants in Palo Alto are often tech startups comprised of younger employees. Many of these tenants offer free food and alcohol to encourage employees to work around the clock. The previous tenant of the existing building was Trip Advisor. Appellant Leung witnessed employees working at the office at 3am with all the lights on. A second floor terrace enables outdoor breaks and cell phone conversations late at night as enforcement would be difficult.

In addition to noise issues the project has numerous large second floor windows with direct line-of-sight into appellant Leung's second floor windows unmitigated by landscaping. The second story terrace allows views into appellant Leung's backyard as well as his second story windows.

Lack of Compatibility with Neighboring Properties

The proposed 40-foot 3-story building is out-of-scale with the neighboring modest one and two-story homes. There are in fact no buildings as large to be found for hundreds of feet in any direction.

The municipal code and comprehensive plan contain many provisions that disallow such out-of-scale buildings, including:

§18.18.110(a)(2)(A): Compatibility is achieved when the apparent scale and mass of new buildings is consistent with the pattern of achieving a pedestrian oriented design, and when new construction shares general characteristics and establishes design linkages with the overall pattern of buildings so that the visual unity of the street is maintained

The proposed project does not have share any linkage in general characteristics with its neighboring buildings, which include a historic house on Lytton and small residences on Kipling

§18.18.110(a)(2)(B): Compatibility goals may be accomplished through various means, including but not limited to:

- (i) the siting, scale, massing, and materials;
- (ii) the rhythmic pattern of the street established by the general width of the buildings and the spacing between them;
- (iii) the pattern of roof lines and projections;
- (iv) the sizes, proportions, and orientations of windows, bays and doorways;
- (v) the location and treatment of entryways;
- (vi) the shadow patterns from massing and decorative features;
- (vii) the siting and treatment of parking; and
- (viii) the treatment of landscaping.

The proposed project does not share scale or massing with the neighboring buildings and is in fact vastly different in scale and massing. The street pattern will be significantly changed by its large mass. Its roof line is unlike any other buildings nearby. Its windows, bays, doorways, and entryways are unlike those on nearby residences. Because its massing is very different, so will be its shadow patterns. The parking is not at all like that on other buildings, due to using a ramp and underground garage.

§18.18.110(b)(4): Where new projects are built abutting existing lower-scale residential development, care shall be taken to respect the scale and privacy of neighboring properties through:

A. Transitions of development intensity from higher density development building types to building types that are compatible with the lower intensity surrounding uses

The diagram in the municipal code shows a gradual rise from one story to four story structures, where three-story structures are not adjacent to one-story residences. The proposed project does not comply with that requirement and in fact puts a 40-foot structure adjacent to one-story homes.

B. Massing and orientation of buildings that respect and mirror the massing of neighboring structures by stepping back upper stories to transition to smaller scale buildings, including setbacks and daylight planes that match abutting R-1 and R-2 zone requirements

While there are no abutting R-1 and R-2 properties, the massing of neighborhood structures is not respected by the proposed project, as the Lytton Ave. and Kipling St. facade diagrams clearly demonstrates. The 40-foot-high structure is located to the south of adjacent

Kipling residences and will cause shadows.

Furthermore, effective transitions to adjacent uses and features are strongly reinforced by Comprehensive Plan policies, including:

Goal B-1: A Thriving Business Environment that is Compatible with Palo Alto's Residential Character and Natural Environment

The proposed project is not compatible with the adjacent homes, as demonstrated above.

POLICY L-4: Maintain Palo Alto's varied residential neighborhoods while sustaining the vitality of its commercial areas and public facilities. Use the Zoning Ordinance as a tool to enhance Palo Alto's desirable qualities.

As demonstrated above, the project would introduce a highly incompatible building into a residential neighborhood and is not compliant with the Zoning Ordinance. The project will not enhance but rather diminish considerably Palo Alto's desirable qualities,

POLICY L-5: Maintain the scale and character of the City. Avoid land uses that are overwhelming and unacceptable due to their size and scale.

The project inserts a massive commercial building into a modest residential neighborhood that includes historic properties.

POLICY L-6: Where possible, avoid abrupt changes in scale and density between residential and non-residential areas and between residential areas of different densities. To promote compatibility and gradual transitions between land uses, place zoning district boundaries at mid-block locations rather than along streets wherever possible.

The zoning ordinances do provide protection against the abrupt changes in scale between the residential and non-residential buildings even within the same zone via the above-quoted compatibility requirements. The proposed project however does not comply with those rules.

POLICY L-12: Preserve the character of residential neighborhoods by encouraging new or remodeled structures to be compatible with the neighborhood and adjacent structures

The proposed new structure does not preserve the character of the neighborhood on Kipling nor the historic home on Lytton as it is not compatible, as explained above.

Failure to Comply with the Off-Street Loading Space Law

The project is not in the Downtown Assessment District, and thus is subject to the regular off-street loading zone regulations. Per §18.52.040 (c) Table 3, buildings with 10,000 to 99,999 square feet of offices are required to have one off-street loading space. The plans show no such off-street loading space but rather an on-street loading space, which is clearly not what the law requires.

Please note that the Attachment E Zoning Comparison Table (on page 50 of the March 17, 2016 staff report for the ARB) mentions the loading space requirement but omits the words “off-street” that are in the municipal code. The table then says the “Project Conforms” to this requirement, when it obviously does not.

Page 6 of the March 12, 2016 Hexagon Transportation Consultants review also mentions the off-street loading zone requirement, but cites the wrong code section and says, “The project proposes one loading space on Lytton Avenue, meeting this requirement.” The transportation consultants apparently did not understand that “on Lytton Avenue” is not “off-street.”

The requirement for off-street loading is important to ensure that valuable on-street public parking spaces are not used for a private, and often infrequent, purpose. Off-street loading also helps prevent delivery trucks from blocking traffic at an entrance or double-parking.

The project should be required to comply with the city’s off-street loading space law.

Inappropriate Use of Public Parking Areas for Loading Zone

As mentioned above, the project seeks to use an area on Lytton Avenue as a loading zone. The plans show this as taking away approximately two public parking spaces. Although the applicant argues that the project is eliminating one extant driveway on Lytton, the notion that a building is entitled to convert an abandoned curb cut into a private use of a public street area is very troubling.

We can all agree that driveways are a necessity for a building with off-street parking. Indeed, the loss of street parking due to a curb cut is generally compensated for by the access it affords to off-street parking in a parking lot or garage. For that reason, it is good public policy to permit a reasonable number of curb cuts for private driveways.

However, an on-street private loading area does not offer the same public advantage. Rather, that area decreases the total amount of parking available, especially given that the code requires an off-street loading area in this case already. The city projects new parking spaces downtown each cost over \$60,000, not including the price of land, so the on-street loading zone sought by this project amounts to a giveaway of over \$120,000 of public resources to a private owner. This is bad practice and not supported by any council policy or requirement in the municipal code.

Furthermore, both our municipal code and comprehensive plan seek to make Downtown

more friendly to visiting shoppers and diners. Note that the project itself is in the pedestrian overlay district. Having customers be able to park on Lytton benefits nearby merchants. The privatization of what should be two public parking spaces on Lytton thus harms those merchants and their customers and conflicts with Council policy.

The Council has also sought to address the many problems residents near Downtown face from the incursion of cars parking onto what should be protected, neighborhood streets. Removing two parking spaces from the scarce Downtown supply will likely push more cars to park in those neighborhoods.

For all these reasons, the project should not be allowed to have the on-street loading area.

Respectfully,

Vincent Leung
340 Kipling St.

Co-signers

JC Andrade, Partner, Vino Locale, 431 Kipling St.

Neilson Buchanan, resident, 155 Bryant St.

Malcolm Roy Beasley, resident, 125 Bryant St.

Tricia Dolkas, resident, 412 Everett Ave.

Michael Griffin, resident, 344 Poe St.

Diane Hakansson, resident, 320 Kipling St.

Michael Hodos, resident, 944 Bryant St.

Yen Nguyen, resident, 332 Kipling St.

Marion Odell, resident, 482 Everett Ave.

Janice Sedriks, resident, 325 Waverley St.

Carolyn & Bob Taber, residents, 328 Kipling St.

Jessica Woodside & Natalie, residents, 348 Kipling St.



ARCHITECTURAL REVIEW BOARD MINUTES EXCERPT

**Thursday, February 18, 2016, Meeting
8:30 AM, Council Chambers**

Call to Order

Roll Call

Present: Chair Robert Gooyer; Vice Chair Alexander Lew, Board Members Kyu Kim, Wynne Furth, Peter Baltay

Absent:

Oral Communications

Agenda Changes, Additions and Deletions

Minutes Approval: February 4, 2016

STUDY SESSION

1. **411 - 437 Lytton Avenue [14PLN00-489]:** Request by Hayes Group Architects, Inc. On Behalf Of Ehikian & Company for Architectural Review to allow the demolition of an existing commercial building and the construction of a new three story mixed-use, office and residential building (two units) and a 1,417 sf Addition To An Existing Historic Category 2 residence on two lots to be merged. A two level underground parking garage is proposed to be constructed under the new mixed use building adjacent to the existing residential building. Environmental: An Initial Study and Mitigated Negative Declaration are being prepared. Zoning District: CD-C(P) Community Commercial Downtown District and Pedestrian Shopping Combining District. For more information, contact Project Planner Sheldon A. Sing at sheldon@mplanninggroup.com

Chair Gooyer: Why don't we start off with the first item which is a study session, 411 to 437 Lytton Avenue. Request by Hayes Group Architects on behalf of Ehikian and Company for architectural review to allow the demolition of an existing commercial building and the construction of a new three-story mixed-used, office and residential building, two units, and a 1,417-square-foot addition to an existing historic Category 2 residence on two lots to be merged. A two-level underground parking garage is proposed to be constructed under the new mixed-use building adjacent to the existing residential building. Environmental, an Initial Study and Mitigated Negative Declaration are being prepared. Zoning District CP-C(P), community commercial downtown district and pedestrian shopping combination district. We had sort of a gray area, so at this point why don't you ...

Board Member Baltay: I would like to recuse myself from this item. I'll step into the back room, I guess.

Chair Gooyer: Okay.

Board Member Baltay: Thank you.

Chair Gooyer: Why don't we start the staff report?

Sheldon Ah Sing: Thank you and good morning. I'm Sheldon Ah Sing, contract planner, project planner for this project. I prepared a brief presentation. The applicant is here as well. The project requires architectural review, and that's why it's before the Board. There are no other exceptions being requested. Other requests that would occur after the ARB would be the lot merger as well as a condominium map. The project's located at the corner of Lytton and Kipling in the downtown. The combined lots would be about 15,000 square feet. The project would be 40 feet tall which is under the height limit. The adjacent uses include single-family homes, commercial uses and a City parking lot. This is the site plan depicting the historic single-family home. It's mostly designed to be independent of the new structure. The basements underneath, they're not combined; they are separate. The covered parking for the single-family residences would be in the basement garage of the mixed-use building. Some of the key issues are the adjacency to the historic building as well as the architectural design and context. Those are described in the staff report and will be further described within the environmental document that will come before you as well. Some of the next steps would be to complete and circulate that environmental document. That's expected pretty soon. It's a 20-day circulation period for that and also to receive formal comment, recommendation from the ARB. With that, we recommend that the ARB conduct a public hearing and provide some feedback on the concepts. No formal action is necessary at this time. Thank you. That concludes my presentation. I'd be happy to answer any questions you have.

Chair Gooyer: Thank you. The applicant, you've got 10 minutes.

Ken Hayes: Looks like it's a little distorted. Good morning, members of the Board. Ken Hayes with Hayes Group Architects. I'll be presenting the project on behalf of my clients, Brad and Bradley Ehikian who are here in the audience. I'm also joined this morning with Shari Van Dorn of Van Dorn Abed Landscape Architects. I'd like to thank Mr. Sing for helping us bring this application to you. We were here in 2014 as well for a preliminary. 437 Lytton, as he just explained, is going to be the combination of two sites on the corner of Lytton and Kipling. The Category 2 historic building is here. We'll combine the sites for about a 15,000-square-foot site. As Mr. Sing explained, it's CD-C(P). We have RMD at the rear, so there's some screening issues that are important. A public parking facility across the street. This is a picture of the existing historic home. On the right-hand side, the Lytton Building parking lot. There's a two-story Chicago Title building there now. This is the back of the historic home. That's the Chicago Title building. The program, demolish the existing two-story office building, develop a new building with a 1:1 approximately FAR. We're not quite there for the commercial. We're not using any TDR. We're not using any bonus floor area. We're not asking for any exceptions to parking; we're fully parked in an underground garage. We're creating two rooftop condominiums. One's a one-bedroom unit. One's a two-bedroom unit. The historic home will also become a two-bedroom. It's a home now; it'll remain a home. We'll be restoring that. Our HRB hearing, I think, is on the 10th of March. This is the plan that you saw back in June 2014. Essentially our goals are about the same, kind of reinforce the corner with the building mass. Put all of the utilities towards the rear of the building with access off the side street. Create some kind of public space that buffers and creates an entry court that one can see the historic building and also the main entrance to the building. This kind of creates an activity zone there. Then create a buffer at the rear to set the building back from—there's a residence located right here. There's also a residence on this side. When we were here in June 2014, comments were to think about the pedestrian overlay on the two sidewalk frontages. Maybe create some recesses, some planning opportunities. At the garage ramp, is there a way to screen the garage ramp so it doesn't feel like a big hole? Then possibly address the height of the staircase adjacent to the historic building. We've looked at all those things today, and I think we have a successful solution. This is the new site plan today. You can see the corner here. We've created a new treatment for the building with recessed planters and articulation of both the first floor and the second floor. The building steps back and creates this plaza space where we'll have some public art which is a really cool piece that we're not allowed to show you yet apparently, called *the Nib*. We have the main entrance off of Lytton, and then a secondary entrance for kind of a private entrance of the residents that can come in here and go up this elevator off of Kipling, the residential street. We also have our main entrance to the parking structure located there. We spent a lot of time working with Githa [phonetic], I forget her last name, who lives here trying to

create ways to screen the building from them as well as the homes over in this area. We have extensive screening in-ground. This is all the in-ground planting. Screening on the roof terraces, and screening on the roofs, all landscape screening to help provide a nice transition. We also are concerned about the setback from the house that's directly behind us. We're 31 feet at the ground floor. We're 20 feet at the upper floor at the office level, and then it steps back from there. The existing building is 27 feet, and it's a two-story office building. There is no landscaping except a hedge that's about this tall. Much, much less of an impact, if any, than the existing. We're trying to reference local roof forms that we find in the neighborhood with the roof form that we have on the building. That's part of the transition. Ground floor plan, pretty much open with utilities located at the back. The addition for the residence is really a 238-square-foot addition at the rear, and then it's a basement. 1,400 square feet sounds like a large addition for a small house, but it's really below grade. This shows the second-floor office space, generally open plan again with a large terrace at the back that has landscape screening on both sides. This is RER here which is 25 feet deep. Two exit stairs. The way that we reduced the height of the one staircase is we basically eliminated it from extending to the third floor. This will become a single-exit floor for the two residences. The exit is on this side of the building, no longer over here on this side where it was getting tall. I think, Chair Gooyer, that was one of your main concerns a year and a half ago. Former section of the building, really to show you that we've pulled this back so we can get in-ground planting at the rear of the building, create great screening. This is the daylight plane at the terrace level. The screening on the terrace. These are the residential units above. Two levels of underground parking. The Lytton elevation, the stair core is here. You can see the height of that stair core. We basically not only reduced the stair core so it's the same height as the building to the left on the corner, 23 feet. It sort of frames the historic house there. It's also almost 30 feet back from the street. In reality, you can't really see it, but we have this step-up line here that comes across. It's a nice transition to the new building. We've articulated this façade in a different way. Brought the mass of the building to the ground. Created deep recesses. Landscape planters along there. The windows here sort of slope back to welcome you into the courtyard and begin to reveal the historic home as you enter from the east down Lytton. Former proposed shows, again, the landscape buffer here. There's a home over here. At the rear entry to the garage, we have a steel-frame trellis that's eight—you'll see it in the next picture. This is the former north elevation that faces the residence where we had not addressed the buffering yet. This is the proposed elevation. There's an 8-foot metal, woven wire trellis basically that extends over the top of the car ramp and creates a wonderful screen. It's on Detail 11A 8.1 that shows you how we're screening from the existing. This planting is all on our property. Let me go back. This is the sloping roof. It's a zinc-colored metal roof, and these are balconies for the residential units above. This is the historic home. This is the former west elevation, and then the proposed west elevation. We kept the main roof form. It shows the house here, but it shows how we've reduced this way down from where we were before with this element located there. We've stepped this down to about 11 feet where it was 15 feet, almost 16 feet, before. That's the buffer to the woman, Githa, who lives in the home adjacent. Former corner shot. Proposed, you can see the building coming down, all the planting opportunities here. The historic home would be located there. This is all rooftop terrace. This is sort of from the back, so that you get a real good sense of how we're creating that screening. We had that before. This is our home. This is the historic home with the addition. This is Githa's home. This is how it steps down. She's going to hopefully plant vines on the concrete wall here. This is our backyard with the new specimen tree and a lot of planting. Shari Van Dorn is here if you have questions on the landscaping. Former historic home located here. This is the main entrance to the building and the stair tower which is no longer a stair tower. We pulled it way down. I'm really happy for the way this steps. You can see it's also set quite a ways back from the street. What's going to be wonderful is when you're in that stair, this corner window here basically allows you to just see the plaza and the historic home in front. Former garage entrance. This gives you an idea of this steel trellis structure that comes and covers it all, and then the fence starts at 8 feet here and it extends all the way back—not the fence, but the trellis. There's also a fence, but in-between the two there's the planting. We have vines growing on the metal screen to provide screening not only from above but also from the neighbor next door. That's it. Thank you very much. Look forward to your comments.

Chair Gooyer: Thank you. I have no speaker slips, but is there anyone in the audience that would like to address the committee? Seeing none, I'll close the public portion and bring it back to the Board. Kyu, you want to start?

Board Member Kim: Yeah. Thank you, Mr. Hayes, for your presentation. I have a question maybe for staff to begin. I understand that there was a preliminary ARB hearing two years back, and then this hearing is not to make a decision. Was there a reason for that or what's the understanding?

Mr. Ah Sing: What's driving that is because there's the environmental document that needs to be circulated. This also provides an opportunity for the ARB to provide some comments. We do have some time to make those changes if necessary.

Jodie Gerhardt: This project is also part of the new annual office limit. We have a deadline of the end of March to make sure which projects are going to be potentially approvable at that point. Those projects would be able to be part of that office limit project.

Board Member Kim: Thank you. Maybe that's a good place to start for other comments. When I first look at the project and the program, I know it's probably beyond the reach of anything that we can do design-wise. I feel like it is a lost opportunity to create some kind of a retail space on the ground floor as opposed to keeping it office, especially with that courtyard that's been formed there. I see so many courtyards of office buildings around town that really aren't activated and they aren't used. It feels like it's such a nice volume that could be used if the programmatic element of the space were different. Thank you for showing the—yes?

Mr. Hayes: If you ask me a question, I'm happy to answer it about retail.

Chair Gooyer: Let him finish, and then you can answer some of them.

Board Member Kim: Thank you for showing the previous presentation slides. I always find that very helpful. I'm always curious to know kind of the design lineage of where this design has come from. Thank you for that. However, I think part of the previous design that I liked was the fact that there was a little bit more glazing and a little bit more glass. I think that made the building seem to float a little bit more. I think with this current design, it's become a little bit more grounded. It's not necessarily grounding of the building that I dislike, but it makes it appear a little bit more massive. Not from this view, but from the Kipling corner. I think overall from a pedestrian scale, especially at this corner as well, I just wonder if the building is doing enough to engage the pedestrians, if it's doing enough at that scale where a person is walking by, not just up and down Lytton but also for those people that live in residences down Kipling or further north of downtown. As they make their approach to the downtown area, what kind of engaging things does the building do to make sure that the pedestrian understands this building? From the plan perspective, I had a couple of questions. For the office uses, I know that they're somewhat separated by the lobby. You can answer this after. I was just curious if those two offices were going to be leased to separate office tenants or if there is going to be a single tenant. Also, the access for the residences up above, it seems like if the offices are closed, is the lobby closed? Does that mean that they only have access to downtown by going through that back corridor and then down Kipling or is the lobby accessible for the residences so that if they're having dinner somewhere downtown, they don't have to necessarily walk all the way around Kipling and they can enter from the Lytton side? I'm sorry. I do appreciate the organization and the thoughtfulness of the utility corridor and the services. I'm always very appreciative of underground parking. I'm glad the residences have been incorporated. I think that's really becoming a key factor, especially in our City where we just don't have enough places to live. I just want to say that it's great that there are residences. It's too bad that there couldn't be more. I think I'll leave my comments at that, and maybe you can answer just a couple of those questions that I had.

Mr. Hayes: I'd be happy to, Board Member Kim. What about retail? We are in the pedestrian overlay zone, so we're required to design the space so that retail could be a viable occupancy at some point on

the ground floor. That was one of the reasons that we essentially set the building in and went with a frameless glass system from this point to the corner, and then it returns. That could easily be changed if we wanted doors that would open onto the beginning of the plaza there. That option is available. I know we had a lot of glass before, but I felt the comments we received from some of you who were on the Board at that time were good comments. I do think that the response that we have here is very similar to the response that new commercial buildings on Lytton have had. Where there's a large window in a recess with planting opportunities below that to kind of provide some buffer, a place for somebody to sit. It would be seat wall height. We do see that this could be changed to retail. Instead of stringing it along, that whole ground floor, I think it would make more sense to create a synergy here. We'd still have the office entry, but you have the retail entry in the same general location. It all kind of feeds off of that plaza that we have on the ground floor. That's the short answer, I guess. In terms of multiple or single tenants, we like to design flexibility in. That space at the rear is intended to be some kind of assembly room, a kitchen, cafeteria—not cafeteria but a break area for the building, for the office occupancy. It could be a separate space that then the office would have access too. If we had the lobby open at all times for residents and office users, that's how it was conceived. However, if the residents don't want to go through the main lobby, they do have the option to come off of Kipling through a gate and down the back sidewalk into their own private entrance and elevator to take them up. I would hope that they would use the front, but you never know. The reality is they're going to park in the garage if they're coming back from somewhere, taking the elevator up, but coming out the front to engage with the downtown would make sense. We're not prohibiting that. It's really a function of who the tenants are, I think. I think that answers. Actually on, Board Member Kim, just one more slide. We spent a lot of time, I think, on the design of this and how do we transition from this residential community to the downtown. That's the challenge for this whole section of Lytton on this north side. By having primarily landscape features here and setting the stair back, I believe the stair is set back approximately in the same plane as the house that's next door. It provides a nice transition and creates an area for a planter here with a potential seat wall so you could wait for somebody who's coming from the residential area. I felt like that did a good job trying to engage. Right away, you've got these big windows that look into a potential retail space or, I think, the initial intent is that they'd look for an office tenant to be honest with you. It could transition over time, so it's flexible. Thank you.

Board Member Kim: Maybe in closing, I guess, to me it still seems that the building is almost turning its back onto Kipling especially with the possibility that the space could be converted to retail at some point. It seems that the entrance point to that retail or even currently with office space is really more towards the smaller, historic building as opposed to any kind of entry along the Kipling/Lytton corner. Lytton does extend quite a bit further down towards Middlefield with additional downtown-related activities. With any possible expansion of the downtown, I think, the building to me seems like it still doesn't open itself enough towards Middlefield side of town. As far as the scale of the pedestrian as you're walking down Kipling towards downtown, I think there are elements that break up the building enough, but I think my comment was more towards things that you can reach out and touch. I understand that there's a bench there, but I think once you start hitting what appears to be yellow in this perspective, once you start hitting those surfaces, I think it starts to feel a little bit stark. Maybe there could be a little bit more done to kind of break that up, but it's just a comment. Thank you for your explanations.

Chair Gooyer. Thank you. Alex.

Vice Chair Lew: I have a few questions. Ken, I was wondering if you could walk us through the materials board. I think the material I want to know most about is the Parklex, particularly like the gold color. If you could just walk us through the materials.

Mr. Hayes: Is that the only finish board that's here? The one that I brought.

Vice Chair Lew: Yes. There's something down there, but that might be another project.

Mr. Hayes: There's two Parklex colors. As you know, it's a rain screen product which is, I think, great for building performance. Is that—that's 3225. The lighter of the two colors is intended to be a panelized

look on the commercial part of the building. The reason for choosing a wood product instead of a cement product or a plaster product on—sorry—or a metal product was to relate more to a residential feel of the community. When we move to the residential units on the third floor, the idea is to take that same Parklex product in a different color and use it in more of a plank form, so that it begins to look like what you might see as a lap siding in a more modern way. We carry that all the way down to sort of the reference roof form, and then wrap the third floor with that. That was the thinking about the Parklex. The metal, the roof is a metal, zinc gray, standing seam roof. I don't know what M1 and M2 and all that is, but you can read the written description there. The stairwell that faces the residential area is a metal, but it's actually a shingled, sheet metal product, so it has a smaller scale. We played with lots of different options on that. We just kept coming back to something that had more texture once again, because we felt like it tied in better to the scale of going down Kipling. Whereas, when you go around to this side of the building, it's more of a detail metal panel, an aluminum composite metal, that outlines the building shape. Other materials, obviously clear glass. These are actually aluminum shade sun fins that wrap this corner here, and then they also recur back here at the commercial lobby behind the stair. The railing, I know it's something that Board Member Popp and some of you also used to be concerned about. Right now, we're not proposing any kind of film on the third floor glass rail. It's a glass rail with a stainless steel metal frame. I think the stainless steel is on there.

Vice Chair Lew: Thank you. I have a question for—is it Shari, the landscape ...

Mr. Hayes: Yeah.

Vice Chair Lew: I was wondering if you could explain—there's some things that I haven't seen before in designs. I think you've got sort of an unusual bench and then like a wavy planter wall. If you could comment on that. Also with regard to screening the neighbors, I did notice that most of the trees are being removed on the site. I know there are a couple being retained, but there are some in the back garden area. I did look at the tree protection plan, but I was wondering if all of the neighbors are in support of all of the tree removal. It's going to affect their privacy.

Shari Van Dorn: Right. Starting with the elements you first mentioned. In the plaza, we're trying to create a fun, engaging space, so we've got these wave planters that go up and down. They're just kind of fun and playful. Then we have these precast concrete benches which actually retain soil so that it creates a raised planter to give a little bit of privacy from Lytton to the plaza and kind of creates an engaging space. Those are the elements that you were mentioning. As far as screening, we've taken a lot of care to try to do our best to get some privacy for the neighbors like you mentioned. Most of the trees did have to get removed because of the building and the placement; however, we're putting an evergreen tree in the back that you can see there to help screen. We have some hedges along the back edge which are a combination of pittosporum and bamboo. They'll get to be anywhere between 10 to 20 feet tall, and they'll need to be maintained by the owner obviously to keep that height and keep them trimmed. I think they'll provide excellent screening. At the upper level roof deck, we also have additional hedges there that can get about 8 feet tall. If you're standing on that deck, your eye level will always be below the plant materials, and that's intentional so that off to the left you're not staring at those neighbors. Off to the right, you're not also. We're trying to get a lot of privacy there.

Vice Chair Lew: It seems to me that there may be a privacy issue between two of the different properties on Waverley. There's number ...

Mr. Hayes: On Waverley? Kipling?

Vice Chair Lew: I was actually thinking Waverley. I thought I wrote the numbers down somewhere. It seems like there are two houses right on Waverley. One is a duplex. I think I wrote the addresses down somewhere.

Mr. Hayes: Board Member Lew, I think it's the first house in on Waverley; that's the one, I believe, is owned by Githa. She is the owner that we worked with. I don't see the ...

Vice Chair Lew: She came to the previous hearing.

Mr. Hayes: Yes, she did. Yeah, that's right.

Vice Chair Lew: I do recall that.

Mr. Hayes: She wrote a letter too.

Vice Chair Lew: I was concerned about the second house in, which seems to be a duplex, where there's like a garage.

Mr. Hayes: Githa's home actually was the other home that was built just like this one originally. They're replicas of each other. She's added onto hers. I don't know about the house that's further north on Waverley. I don't recall being contacted by them.

Vice Chair Lew: I think it's 439 and 441. It seems like there's a house on the front and something in the back. When I was out on the site, it seemed like they had a deck that overlooks your backyard, and your (crosstalk).

Mr. Hayes: (crosstalk) our backyard. This is not our backyard; this is our terrace. Githa's here. She has a deck and a new addition back here. You're talking about the house that's then here, I guess. Right?

Vice Chair Lew: No, no. I was thinking just where you've got the proposed new tree. Maybe I'm wrong. I mean, I did go to the site yesterday, and I was looking at all of these things. I thought that there was an issue. I was thinking that there's a potential issue between that house, which I thought was ...

Mr. Hayes: This is Githa's home.

Vice Chair Lew: Right. I was thinking of the one—that one.

Mr. Hayes: We've not heard anything from this, and this is where we have this specimen evergreen tree that's been planted. They look into a backyard basically.

Vice Chair Lew: Yeah. There's an existing tree that's being removed, and it's pretty nice. I mean, it's nothing amazing. That was the one that I was mostly concerned about. It seems like you're excavating that area for maybe the plenums in the garage or something. It seems like you had a large area.

Mr. Hayes: The excavation, I believe, ends right at this planter here.

Vice Chair Lew: Right. The tree is right in that.

Mr. Hayes: The tree's right—the existing you're saying?

Vice Chair Lew: The existing tree. Right, the existing tree is closer. Anyway I think my question was, was there a way to save that tree. I think you're saying no.

Ms. Van Dorn: There probably isn't, but that tree is also rated as low by the arborist in terms of health, so it's not really rated high for saving just because of its current health.

Vice Chair Lew: Why don't I move on? We did get an email from Mr. Buchanan. He was asking why can't there be retail on the ground floor. I did want to say that in the downtown zone we do have the CD-C zoning with the P overlay, and then some areas have the GF overlay which that actually restricts things like office uses and like business services. It really does require—you can do some other uses, but you need a conditional use permit. Really that's the trigger for that. That is University Avenue and some

of the side streets, but it doesn't include Lytton. That's why Lytton has always been—it's been more of an office. There's a little bit of retail, but it's not required under our zoning. That's the distinction between Lytton and University.

Mr. Hayes: Because it's still in the P overlay district, it needs to be designed in a way that if a retailer was going to, it would be viable.

Vice Chair Lew: Yes. Anyway, that's the story on that. It's possible but it's not required by our zoning. I think he had several questions about the parking and the residential permit parking thing. I think that's not really our Board's purview so much, but it seems like you are providing more parking than is required. Since the RPP is so new, I don't really want to comment on that at this point. We've just started it, and it's still being modified. My take on it is to wait and see. His question was do you—seems like he wants to restrict any future tenant from ever parking in his neighborhood. We can't do that. Some places do that, like Stanford can do it because that's all their private property. They know who their employees are, and they—when you sign like an employee contract, like you have to give them your driver's license and your license plate, and they make sure that you never park on campus if you're not a full-time employee or whatever. They do stuff like that, but we can't do that. We live in a city.

Mr. Hayes: He wants retail, and he doesn't want anybody to park in this neighborhood. If it's office, you could certainly control that much better.

Vice Chair Lew: Office. I think they're getting at the full-time office employees. Anyway, that's where we are on that. On the building compatibility, I would just say like the amount of frontage that you have on Lytton is comparable to other new buildings on Lytton. I think you have sort of like a setback where you're planning the art and whatnot. That is similar to 379 Lytton which is just a block down, where they've sort of set the building back (crosstalk).

Mr. Hayes: Is that the one on the corner?

Vice Chair Lew: On the corner, to work with the little—there's like a little Mediterranean house that's a restaurant. They did step that back in respect to the smaller existing house. You're doing something similar, so I can support that. I also appreciate that you're really keeping the massing right at the sidewalk level down to like two stories, and then you're stepping it back. I think that that's appropriate for Lytton. We have some other buildings on Lytton that are three stories at the sidewalk level, and then fourth floor is set back. They feel a little big to me. I mean, I think that this is more compatible with the prevailing buildings on Lytton. I can support that. I'm having some issues with the gold Parklex. It seems a little out of character. It seems a little too contemporary for Lytton. I think the only other building that I recall where that has been used in Palo Alto is the Theranos in the courtyard. It's a little yellow. It's like a little bright to me.

Mr. Hayes: That's not Parklex though.

Vice Chair Lew: Is it not? I thought it was like ...

Mr. Hayes: We talked to them.

Vice Chair Lew: I know that we—I think they were proposing it, but I know that things changed in the ... Whatever it is, like that's like too bright. I've looked at Parklex on the computer monitor which is not necessarily so accurate, but it seems really yellow. This seems better. I would just say that the adjacent buildings on Lytton, say like 379 Lytton, that's like stone and wood siding. 390 Lytton is bronze metal and brick. Like it's a little darker and earthier colors. I generally like the warmer, like the reddish colors. I think the other concern I have—I'm not sure I'm opposed to it. All of the zinc standing seam, I think it's mostly my objection may be just the amount of it. I think my concern is that the surrounding zoning there and all those houses is RMD NP which is maintaining the visual character and historic character and retaining the single-family houses. These are all sort of the wood aesthetic. I do like the (crosstalk).

Mr. Hayes: (crosstalk) wood shingle?

Vice Chair Lew: Yeah. I like that the stain gives you texture and relief and shadow. I do like all of that. It's just, I think, the amount of the gray could make it seem incompatible.

Mr. Hayes: You're thinking dark. When we were here before, we had a darker color, and the comments were, I think, it's a little bit too dark. Like the form, this is a little bit too dark.

Vice Chair Lew: No, I think this is better, I think, than the dark taupe. I'm thinking out loud.

Mr. Hayes: Okay, I'm with you.

Vice Chair Lew: Mostly because we had lots of Kipling folks in protest of the 429 University project. After that we had some projects split this RMD NP zoning which I've never really encountered before in Palo Alto. It seems like that NP zoning is trying to say something fairly clear about maintaining the existing quality of the neighborhood. That's different than other (crosstalk).

Mr. Hayes: it's a higher density than the R-1 neighborhoods. The RMD is a higher density.

Vice Chair Lew: Yeah, I do understand that. That's where I am on the materials. If you can, I think just to go back to the second house in on Waverley, on your site plan try to include the deck in your documents. My hunch just going to the site is that it's closer—the deck makes that building closer than your drawings appear. I don't know what's inside that building, if it's just a garage with a recreation room or if that's actually the second unit. I think my other main comment was on your trellis over the garage ramp. I think you're putting it close to the street. I was wondering if it made any sense to have that at the building setback line for the adjacent house. Again, just thinking out loud.

Mr. Hayes: Let's see. Are we on the property line with that or are we ...

Vice Chair Lew: It doesn't seem like you're on the property line. It seems like you may be like 5 feet back.

Mr. Hayes: I mean, that could certainly push back. We still have screen between the driveway and the property line; our screening still comes through. If we cut that trellis member back, we probably pull the 8-foot woven wire, metal back with it. Maybe that pulls back to the face of the stairs. Is that what you said?

Vice Chair Lew: Yeah, that's what I'm thinking. I don't have a strong opinion about that. It was something that popped into my head this morning. Again, just trying to maintain the pattern of Kipling Street as long as possible, and then the Lytton building is its own thing. I think that's all of my comments for now.

Chair Gooyer: Wynne.

Board Member Furth: Thank you. I haven't seen this before. It's good to see it now. I spend a lot of time walking this neighborhood. I live in this neighborhood. It's probably the most eclectic in the City, certainly in terms of the vintage and varying heights of its buildings. I have some thoughts and some questions and some things I'd like to know more about when we see this again. I appreciate the attention to daylight planes, and I appreciate the thoughtfulness about putting landscaping in appropriate places. I'd like to know more about visual intrusion from the upper levels to the homes, buildings along Waverley and Kipling to the end of the block essentially. I mean, we have the classic wipe-out all neighborhood privacy with 101 Alma. Apparently it wasn't enough to keep a Council Member from moving in. On the other hand, he did join the Council perhaps because of concern about impacts. I'm still concerned about the impacts of this building in two ways. One is that walking down Lytton is a

highly varied experience. Some of it is pleasant; some of it is awful. Bank of America would probably be the nadir, wouldn't we guess?

Chair Gooyer: Yes.

Board Member Furth: That's the bottom; you don't want to be worse than them. It's an example of a failed plaza. It's got an open space; it just doesn't make it pleasant to be there.

Mr. Hayes: That's lesson number one, you don't elevate a plaza.

Board Member Furth: I'm sure there's some elevated plazas that could work, but that one doesn't in my experience. I'm also curious. The western wall of your staircase, what's it made of? Plan west.

Mr. Hayes: This is also the shingle, lapped metal. It matches the other stair.

Board Member Furth: One of the things that I'm curious about, and it concerns me, is that open stairwells are great for encouraging people to use stairs. I like it when they look out into the world, but there's one built further up on Everett by High Street on a building that has said it's for a skin care facility that really strikes me as an intrusion. It's like this lighthouse.

Mr. Hayes: That's our project.

Board Member Furth: I don't like it.

Mr. Hayes: Thank you.

Board Member Furth: I couldn't comment on it ...

Mr. Hayes: The ARB liked it.

Board Member Furth: ... at the time because it's near me. I live there; I don't. I'm glad to know that the side is not translucent, because I think there's a problem. If it provides soft, night street lighting as pedestrians walk by, that's great. If it provides excessive lighting, it's not.

Mr. Hayes: You're talking about the stair still or the rail?

Board Member Furth: Yeah.

Mr. Hayes: The stair.

Board Member Furth: It's nonresidential intrusion.

Mr. Hayes: The lighting would be very, very important (crosstalk).

Board Member Furth: I'm not sure what the best—I think that the big driveway down into the garage on Kipling is a problem. I think driveway entrances, subterranean garage entrances in residential neighborhoods are not pleasant for pedestrians. They send a really clear signal that this is not—you're not in this neighborhood anymore. I think it probably will be very helpful to observe the setbacks and they are built of the adjacent residential neighborhoods and try to pick them up and echo them and reinforce them. I'm concerned about the transition to the historical home next to your project. The fact that it belongs to the same property owner has its uses, but it doesn't lessen the fact that this seems to me to be a new building that's making that building look like it's not long for this world. It looks more like block busting than transition. On the other side, on the Kipling frontage, could you show us those roofs again that you were echoing?

Mr. Hayes: Yes. I'm just writing some notes.

Board Member Furth: We've probably got every conceivable roof form in the City somewhere in Downtown North.

Mr. Hayes: Yeah, (crosstalk) you do.

Board Member Furth: I think some of the most striking ones there, the Dutch gambrels are over in Professorville.

Mr. Hayes: Yeah, this is from that neighborhood.

Board Member Furth: We don't do that. Our distinctive feature, it seems to me our best modern building is probably the international style building, about six stories on Everett which looks so smashing with its lovely flat roof and clean lines and somehow it doesn't sag. The way that the building tilts and cantilevers out towards the residential neighborhood, at least in the drawings, seems to me to increase the sense of intrusion of a more—urban is the wrong word.

Mr. Hayes: We sense it more as though you have a big porch on those old homes and the roof would come out, and you have a recess.

Board Member Furth: I experience it as it falling over onto the little residential buildings. For me, it adds to the sense of instability. The entire neighborhood can feel that it's being slowly pushed into the creek. I think what causes that for me is the substitution of more hardscape for less hardscape. When you're walking by, you can tell, whether your eyes are open or closed, how much greenery there is as you walk down those streets. We are clearly much less green than south of Forest. This project seems to me as its shown here to be extending that hardscape, literally grittier feel. I would appreciate optimizing, maximizing the sense of plant material changing the air and the sound and the experience. This is also a neighborhood full of bootleg software factories and nominally residential neighborhoods. I don't know what we do about that, except be sure that residential is designed to be residential. I would like to see a more hospitable pedestrian experience walking down Lytton on that block. I understand there are trees there, and I know sometimes you show them and sometimes you don't so we can see the building. I don't see where I'm going to pause and talk to a friend. It's a noisy street, but it's not that noisy. I don't see where I'm going to sit. I'm always looking for benches with backs. This is an elderly neighborhood. We haven't all moved out to be replaced by the people who are coming. In fact, the current demographics sways old.

Mr. Hayes: I'm sorry. The what?

Board Member Furth: The current demographic of that census tract is both old and young. There's lots of kids. There's lot of older people. In other words, there's lots of people who don't make it all the way down the block without pausing to sit. I would be interested in seeing ways of making that more hospitable. Thank you.

Mr. Hayes: Thank you.

Chair Gooyer: Thank you. I think a lot of good comments have been mentioned. I think most of mine have been included. Just a couple of things which I guess is quite often the case. I think the nicest view of this building is the sort of bird's eye view which no one will ever see. Part of that is that we've been talking here as far as the perception when you're walking right next to the building. You've done a lot of reducing in scale and everything else. I appreciate that, but it still looks like a very massive, squared off, not really inviting, two-story building right at the street level. I think part of that is also some of the discussion we've had of possibly having a retail space in there which would make it a little bit more inviting than if it was an office space. That's not really a design issue per se. It just strikes me as that. I do agree also that if it wasn't for the fact that the same owner owns the small, little building next door,

I have a feeling that if this was from a separate owner, that person would be very upset at this point, to get something like this next door. I think we're looking at it that those two would never be separated, but there could theoretically be a situation where sometime in the future that house gets sold, and it's not associated with it. Then it comes out of the purview of the building on the corner. You've gone a long ways to tone it down on that side, but I don't know if it's there yet. I think that's probably—let me see. I think that's probably it. You've gotten some pretty good ideas. I don't want to throw too many of them in there. I think still in my case you've done a good job of toning it down somewhat, but I think it's still awfully massive for the area, where it's located. Any other comments from anyone?

Vice Chair Lew: It is under floor area.

Mr. Hayes: Yeah, we're way under.

Chair Gooyer: No, I understand that, but I mean ...

Vice Chair Lew: You're saying it looks massive.

Chair Gooyer: It looks massive. I mean, you and I both know you can make a building look a whole lot bigger than it actually is or look smaller than it actually is.

Mr. Hayes: Part of that, Chair Gooyer, is that we're trying to move away from the residential district behind. We're reinforcing the street edge, and we're two stories. It's a difficult site and ...

Chair Gooyer: Like I said, maybe it's just a matter of the ...

Mr. Hayes: The material?

Chair Gooyer: Like I said, my first comment about it was it looks a whole better from the bird's eye view, because then it's the most interesting. You've got the various shapes. If you're walking along the street and looking up, it's a pretty straightforward, squared off, two-story building. Maybe that needs some more recesses or something to make it a little bit more human scale. I don't expect you to put a huge, residential-looking building there. That's not the point. Something to tone it down a little bit. I do agree with Alex's comment. Some of those things, once you get a big scale, they begin to look awfully yellow, the gold color.

Mr. Hayes: On the panel.

Chair Gooyer: Anything else from anyone? I think that's it. You've probably got enough to go with.

Mr. Hayes: Thank you very much.

PUBLIC HEARINGS

2. **1700 Embarcadero Road [15PLN-00394]:** Request by Deeg Snyder, on behalf of Jones Palo Alto Real Property, LLC for a Architectural Review and Site and Design Review to demolish the existing approximately 18,000 square feet building and construct a new approximately 62,000 square feet building for an automobile dealership. The application includes Design Enhancement Exception requests to allow deviation from the 10 feet build-to-line from Embarcadero Road and Bayshore Road and deviation from the height limit requirement to accommodate elevators for rooftop access. A request to apply the Automobile Dealership (AD) zoning overlay is also being considered separately by the Planning and Transportation Commission. Environmental Assessment: An Initial Study and Mitigated Negative Declaration are being prepared. Zoning District: CS (D) Service Commercial and Site Design Review Combining District. For more information contact Project Planner Sheldon A. Sing at sheldon@mplanninggroup.com

3. **2501 Embarcadero Way [File 15-PLN-00371]**: Request by Public Works for Site and Design Review of a New Two-Story, 7,500 Square Foot, 50-Foot Tall Building Designed to Handle Sludge De-watering and Truck Load-outs, with Adjacent Stand-by Generator, Outdoor Equipment Area and Landscaping Improvements to be Centrally Located on the Regional Water Quality Control Plant Site. Environmental Assessment: A Draft Mitigated Negative Declaration Has Been Published and Circulated for a 30-day Public Review and Comment Period. For more information contact, Project Planner Amy French at amy.french@cityofpaloalto.org
4. **3225 El Camino Real [15PLN-00003]**: Request by Hayes Group Architects for Architectural Review of a new 29,249 sq. ft. mixed-use project, replacing the existing 7,000 sq. ft. retail building, that includes eight residential units and 11,984 sq. ft. of commercial space. The two-building project includes surface parking and one level of below-grade parking under the two and four story structures, providing a total of 74 parking spaces. Project includes a shared parking reduction request of 1% (1 space) and a Design Enhancement Exception request for a 3% reduction to the Build-To-Line requirement. Environmental Assessment: An Initial Study and Mitigated Negative Declaration have been prepared. Zoning District: CS Service Commercial. For more information contact, Project Planner Clare Campbell at clare.campbell@cityofpaloalto.org

Board/Staff Announcements, Updates, Reports, and Comments:

Adjournment

Subcommittee Members: Robert Gooyer and Peter Baltay

SUBCOMMITTEE ITEMS

None.

STAFF ARCHITECTURAL REVIEWS:

Project Description: Replacement outdoor seating and umbrellas at an existing coffee shop

Applicant: Alexis Ochoa

Address: 4001 Miranda Avenue [15PLN-00388]

Approval Date: 2/9/16

Request for hearing deadline: 2/23/16

Project Description: Amendment to an existing conditional use permit to allow reconfiguration of the site plan.

Applicant: Angelic Williams

Address: 701 E. Meadow [15PLN-00268]

Approval Date: 2/5/16

Request for hearing deadline: 2/18/16

Project Description: Façade modifications that include paint work, window replacement and new signage.

Applicant: Ayumi Sakata

Address: 403 University Avenue [15PLN-00409]

Approval Date: 2/4/16

Request for hearing deadline: 2/17/16



ARCHITECTURAL REVIEW BOARD MINUTES EXCERPT: March 17, 2016

City Hall/City Council Chambers
250 Hamilton Avenue

Call to Order

Roll Call

Present: Chair Robert Gooyer; Vice Chair Alexander Lew, Board Members Peter Baltay, Wynne Furth, Kyu Kim

Absent:

Oral Communications

None.

Agenda Changes, Additions and Deletions

None.

City Official Reports

1. **Future Tentative Agenda Schedule and Subcommittee Assignments**
2. **List of Staff Approved (Minor) Architectural Reviews**

Continued Business

3. **2515-2585 El Camino Real [15PLN-00170]**: Request by the Hayes Group Architects on Behalf of ECRPA, LLC for Site and Design Review to Allow a New 39,858 Square Foot, 3-Story Mixed Use Building Including Retail, Office, 13 Residential Condominium Units and One Level of Underground Parking on a 39,638 square foot Lot to Replace a 9,694 Square Foot Existing Restaurant (Olive Garden). The Project Includes a Request for a Conditional Use Permit (CUP) to Exceed the 5,000 Square Foot Office for the Site by Approximately 4,835 Square Feet. Environmental Assessment: An Initial Study was drafted and a Mitigated Negative Declaration was circulated on January 19, 2016. Zoning Districts: CC (2) and CN. For more information, contact Margaret Netto at margaret.netto@cityofpaloalto.org.

New Business

4. **2747 Park Boulevard [14PLN-00388]**: Request by DES Architects, on behalf of Jay Paul Company, for Architectural Review of a new three-story 33,323 sq. ft. research and development project, replacing the existing 4,800 sq. ft. commercial building. The project provides 133 parking spaces and includes landscape and pedestrian amenities. Environmental Assessment: An Initial Study and Mitigated Negative Declaration were circulated on January 29, 2016. Zoning District: General Manufacturing (GM). For more information, contact Clare Campbell at clare.campbell@cityofpaloalto.org.
5. **411-437 Lytton Avenue [14PLN00-489]**: Request by Hayes Group Architects, Inc. On Behalf Of Ehikian & Company for Architectural Review to allow the demolition of an existing

commercial building and the construction of a new three story mixed-use, office and residential building (two units) and a 1,417 sf Addition To An Existing Historic Category 2 residence on two lots to be merged. A two level underground parking garage is proposed to be constructed under the new mixed use building adjacent to the existing residential building. Environmental Assessment: A Mitigated Negative Declaration was circulated February 26, 2016 to March 17, 2016. Zoning District: CD-C(P) Community Commercial Downtown District and Pedestrian Shopping Combining District. For more information, contact Sheldon Ah Sing at sheldon@mplanninggroup.com.

Chair Gooyer: Peter, why don't you go ahead?

Board Member Baltay: I'd like to let Board Members know that I'm going to recuse myself from the next project and then the following one after that as well. Thank you.

Chair Gooyer: Thank you. This next project is 411-437 Lytton Avenue, request by Hayes Group Architects Incorporated on behalf of the Ehikian and Company for architectural review to allow the demolition of an existing commercial building and the construction of a new three-story, mixed-use office and residential building, two units, and a 1,417-square-foot addition to an existing historic Category 2 residence on two lots to be merged. A two-level underground parking garage is proposed to be constructed under the new mixed-use building adjacent to the existing residential building. Environmental assessment, a Mitigated Negative Declaration was circulated February 26th, 2016 to March 17th, 2016. Zoning district is CD-C(P), community commercial downtown district and pedestrian shopping combining district. Staff.

Sheldon Ah Sing: Thank you. I'm Sheldon Ah Sing, Contract Planner. I have a presentation for you. The applicant is also here to give a more thorough presentation. As mentioned, that is demolition of an existing two-story commercial. It's also proposing merger of the parcels that would include the single-story historic residence adjacent to the project, and the construction of a three-story, mixed-use building with two units on the top floor. The requests are for an architectural review. The key issues would be the adjacency to the historic structure as well as the architectural design and context. The Board previously reviewed this at their meeting in February. Some of the comments had to do with the accommodation of retail. The project is located within a pedestrian combining district that doesn't require retail, but does require that there is some design for that type of activity. The Kipling Street elevation lacking some detail. There was some issue with perhaps a color and certain materials that were used on the building in relation to the other structures in the area, as well as a transition to the historic property and the surrounding. The applicant did make some revisions in response to those. Just briefly here at the intersection, the tree wells were connected with a more elongated planter. At the sidewalk, there's some removable planters at the base of the building that would allow for some entries if a retail use was to be on the ground floor. That's along Lytton as well as Kipling. The trellis that is over the ramp was set back. There was also some mention of some lower lighting within the stairwell that's adjacent to the historic structure. Regarding the color and materials of the building, the top is the original proposed, and that included some wood siding with kind of a gold color. The vision at the bottom is now using a fiber siding, replacing the wood siding. The color is more of a gray, muted. That seems to relate better with the adjacent projects. There was a Historic Resources Board meeting last week, and they had some concerns about the mixed-use building, the setbacks. Although, it was explained that, regarding the daylight plane, that was applied, but there is no daylight plane within the same zoning district. They had some issues with the roof element and some of the mass of the building. They recommended that the project is consistent with the Secretary of Interior Standards with a modification to the third floor, the roof. That was a 4-2 vote. What the applicant did was made the top roof more shallow, I think, by a couple of feet. The applicant, in their presentation, shows that a little bit better than here. It does read that it is more shallow on that top floor. The overhangs are not as deep. Here you can see as well sort of the frontal view from Lytton of the modification. The top was a previous, and the lower is the proposed. This is in your plans, but this also shows the top is the Kipling Street elevation. The project there does apply the daylight plane, and that is consistent with the daylight plane analysis. You do see that there's a portion of the building that kind of juts out at the ground level.

That's because the property does have an irregular shape at the rear, but even that portion of the building is in scale with the adjacent residential buildings. At the lower, it's an image that is along Lytton. You can see the transition there. You have the stairwell, and that's at really the same height as the commercial building that's at Waverley, at the corner there. The dimension between that commercial building and the historic structure is roughly the same as it is between the historic building and the new mixed-use building. There's some symmetry there, and there's some planning that went into that design. The project is subject to CEQA, the California Environmental Quality Act. There was an Initial Study and Mitigated Neg Dec that was circulated as mentioned previously in the introduction. There were some impacts and mitigations that are proposed. Those impacts had to do with biological resources. There are some potential nesting birds onsite; some standard mitigation there that you see on many projects. The cultural resources, because the project does include a basement underneath the historic building; although, there is another basement with the mixed-use building. They are separated, but there are some concerns there; therefore, there are mitigation measures. Noise, having to do with vibration. The construction of the project may impact the historic structure, so that was included as an impact. There are mitigation measures to make sure that—these impacts are all to a degree of less than significant. With that, we would recommend that there be approval of the mixed-use project based upon the findings and subject to the conditions of approval. That concludes my presentation. Be happy to answer any questions. The applicant does have their presentation. Thank you.

Chair Gooyer: Thank you. Any questions for staff?

Board Member Kim: I have a quick question for staff. Am I understanding clearly that the reason for the lot merger is so that the existing single-family residence can be enlarged or is there—the question maybe should be what is the reason for the lot merger.

Mr. Ah Sing: I think perhaps that question is better for the applicant. Just by staff reviewing the project, by having a bigger lot you do have better opportunities to fit the development standards, and you have more floor area potentially. Those are some of the reasons that staff can see, but I think really the applicant can better answer that question.

Chair Gooyer: Ken, you can go ahead and ...

Board Member Kim: I'll go ahead and ask the applicant.

Ken Hayes, Hayes Group Architects: Ken Hayes with Hayes Group. The motivation to merging the lots was to create more flexibility in terms of site planning, not having to restrict ourselves by that physical property line. We can use an imaginary property line at this point between the buildings. It provides flexibility in terms of parking, and it also does allow a greater FAR because the site is bigger. However, we're under the FAR by quite a bit actually, allowable FAR. It's really flexibility and to think of the whole site as one. Thank you.

Board Member Kim: I was just generally curious. Thank you.

Chair Gooyer: Any other?

Vice Chair Lew: I have a comment for staff on the Zoning Ordinance. This is just an inconsistency that I found in here. In our performance standards for visual screening, it says a minimum 10-foot planting and screening strip shall be provided abutting low-density, residential districts, which is R-1, R-2, and RM-D. It's a 10-foot standard. But in our tables for the CD-C district, it says that for mixed-use buildings there's no interior side yard required. I know an interior side yard is a little different than landscape screening. I think the project is providing landscape screening. It's not necessarily 10 feet, and it's providing like vines and vertical elements. It seems to me it's just an inconsistency, because you could read it either way. I think some people could argue that if you have two conflicting standards, the stricter should govern, which would be 10 feet. I don't know. I know this has come up before, I think, on other projects. I think the staff has been applying it consistently, but it seems that, since we're doing

clean-ups in the Code, maybe this could be one of them that's clarified in the next round of corrections. That's all that I have for staff.

Chair Gooyer: Anyone else? Wynne? In that case, let me bring it to the public portion. I have two speaker slips. On the first one for Vincent Leong [phonetic], it says has a presentation to show. Can somebody tell me what the length of that is?

Vincent Leong: It's short. They're just basically ...

Vice Chair Lew: Can we do disclosures?

Chair Gooyer: Pardon me?

Vice Chair Lew: Can we do disclosures since we're waiting for a minute?

Chair Gooyer: Sure, go ahead.

Vice Chair Lew: I will disclose that I met with one of the neighboring property owners who's going to speak next, which is Mr. Leong.

Board Member Furth: Did you meet with the applicant?

Vice Chair Lew: I did not meet with the applicant.

Mr. Leong: Hi, I'm Vincent. I am living in 340 Kipling Street. My wife and I actually moved in less than a year ago, so we're coming a little late to this project. We've only recently learned about this. This is one of the renderings we found in the packet that we received. I know it's a little bit modified from this point. We're the house that's right next to the smaller one in the center. In this rendering, it looks pretty large, but I've taken some pictures to show what it really looks like. This is 437 Lytton, and my house is actually the one with the two dormers that directly faces the building that's proposed to be torn down. This is a view from my second-story window. That's what I'm looking at right now. The new construction is going to actually be all window or very large amount of window. That doesn't really have enough mitigating landscaping to ensure the privacy from my second-story windows. That is actually a view of my backyard; the structure is my garage. I would share a fence with part of this construction. This is a view of what I would see, and it would look into the second-story terrace of 437 Lytton. I know that that tree is supposed to be torn down with some landscaping put up. My concern is actually the privacy and the noise from my backyard. This is actually another view from my window. This is what I would look into from my second story, into that terrace on the second floor. The noise is an issue because, in Downtown North late at night, noise really carries. It's relatively quiet. The previous tenant here used to be Trip Advisor, and people worked 'til 2:00, 3:00 in the morning. I've had three noise complaints where I had to call the police three times, and one of the neighbors called the police, because people were talking in the parking lot, and noise carries throughout the entire neighborhood. On a second-story terrace, there'll be no walls to block the sound. It would carry throughout the neighborhood. I understand I can keep calling the police, but I think putting a terrace up there would basically be inviting trouble for all the residents that are basically closely packed to this second-floor terrace. There's already a garden underneath there. If it gets rented out to a tech startup, people are going to be working around the clock. They're going to provide free food; people are going to be eating dinner out there, talking on cell phones. It's just going to be a big noise problem close to these residential people living next to it. Another problem I have is basically the parking garage enters and exits into Kipling Street, which I exit onto Kipling every morning to go to work. That's actually a very busy intersection. When there's cars parked on both sides, it's actually pretty hard for cars to pass, and there's no signal light on that intersection. It's really hard to get out, so putting 60 cars in and out of that every day on rush hour is going to really jam up that intersection. I don't know if there's a possibility to put it on Lytton, but that's basically just something else I want to bring up. It's just the traffic concerns. That's all I have.

Chair Gooyer: Thank you. The next speaker I have is Doria Summa.

Doria Summa: Good evening, Chair and Board Members. I appreciate the concerns of the previous speaker, and I would echo those. My primary concern is the parcel merger. I don't really see how one can merge a historic property with a non-historic property without destroying the integrity of the historic property. I don't believe there's any precedent of this in Palo Alto, but maybe staff can clarify that, if you're interested in that. I'm worried about what's going to happen in the future if the parcels are merged with regards to the setting of the historic property. I also believe there is a true lack of consideration of consistency and transitions with adjacent properties, especially on the Kipling corner where it's going to be a new three-story building and the small one-story, single-family homes around it. I just don't believe the scale of this building is consistent, and that the transitions are appropriate. Thank you.

Chair Gooyer: Thank you. Is there anyone else in the audience who'd like to address the Board? Seeing none, I'll close the public portion. Do you have an answer for her question?

Mr. Ah Sing: I do wish the commenter was at the HRB meeting, because that was really the crux of their discussions. When you're merging the properties, the property does become a historic property; it's just that the new building isn't a historic building. The historic building still remains a historic building. It's still subject to all the requirements under the Secretary of Interior Standards. The additions and all of that was discussed with the Board and their recommendations. That was why they wanted to see a change to that top portion of the building.

Chair Gooyer: Thank you. I'll bring it back to the Board then. Wynne.

Board Member Furth: Thank you. I would actually think that one of the effects of merging those properties is that you'd be in a position to require better protection of the historic portion of the site than you might if there were separate owners. My problem is that I don't believe I can make the compatibility findings for this project in this neighborhood. I live in this neighborhood at the other end of it. I live in an area that was redeveloped, where the entire block was redeveloped. When they built a large—this is the 200 block of Lytton. When they built a large commercial building on a Lytton frontage, they built it with underground parking. They built it in a way that made things much better for the residential portions of the neighborhood. The building doesn't have terraces or windows that open towards the residential area; instead, it opens towards a garden at the back. Actually they don't open anyway. The socializing part of the building takes place on the ground-level garden. They also have a big social space which orients toward Lytton, and that means they don't create a noise problem. They make it much better; they attenuate the noise from Lytton. They also create white noise, because they have a fountain. There is the issue of a big underground parking garage that exits onto a side street, but I don't think that—what is it—Emerson is as narrow as Kipling seems to be. When you look at Kipling, it looks as though you'd have to remove some of the on-street parking between the driveway and Lytton to have that area really work well. I think the whole challenge of Lytton is figuring out how to build at a higher intensity and density without damaging the pattern of the neighborhood that moves on towards the creek. I don't think this building does it. I don't think it does it in terms of the way it works, and I don't think it does it in terms of the way it looks, which isn't to say I have any particular objection to the building as a detached entity somewhere else. I don't like it cantilevering over towards the residential buildings. I think it's too close. In particular, the design as it functions is not going to make for a happy neighborhood situation. This is a neighborhood that deals with a lot of bootleg software factories and startups. When they get really bad, they get booted. I worry that this building—I am concerned that this building is a compatibility problem, Code enforcement problem in the making, and Code enforcement isn't going to solve the problem. Only design will.

Chair Gooyer: Kyu.

Board Member Kim: Thank you to Mr. Hayes and also thank you, Mr. ...

Mr. Hayes: I didn't get my presentation.

Board Member Kim: That's right. Mr. Hayes hasn't given a presentation. This is time just for questions?

Board Member Furth: (inaudible)

Mr. Hayes: Now I know what to address.

Board Member Furth: (inaudible)

Board Member Kim: Do we want the applicant to make a presentation or are we just waiting for questions?

Chair Gooyer: I'm sorry. We did just get started, didn't we? If we're still on questions—I'm sorry. It's already a long day. Ken come on up. Sorry about that.

Mr. Hayes: Sorry to interrupt. Good morning, Chair Gooyer. It's almost afternoon. Members of the Board, Ken Hayes with Hayes Group Architects. We were here 2 weeks ago. I didn't hear that concern 2 weeks ago. I did hear some concerns about transition to the neighborhood, landscaping, color of the building. This is the site plan that you saw last time. Actually I am joined this morning by our landscape architect, Shari Van Dorn, with Van Dorn Abed Landscape Architects. She can describe the landscape buffer, which we have an extensive amount of landscape buffer and screening elements. We do have—these are challenging transition sites. I feel like we're doing a really great job in terms of making that transition. One comment was the garage entry. In trying to pull the—we have the trellis and screening that goes over the garage, which is kind of a continuation of the landscape buffer between the house and our driveway ramp, but you thought that perhaps pulling that back from the edge would be beneficial, so that it wasn't proud of the house next door. We've pulled that back. There was concern about this zone from a retail standpoint perhaps like the pedestrian, because we have a P overlay. Also, Board Member Furth talked about landscaping and possibly opportunities for a bench. We appreciated those comments and went back and responded to that. I think it has enhanced the building and the transition. We've pulled the trellis back about 15 feet from where it was before. The trellis is still there; the screening elements are still there. We've created on this—we had the planter before on this corner kind of like a place to stop and rest if you're in the neighborhood or if you're waiting for someone to come down from the residence. At this planter, we felt that was a good location to do an integral bench with a back. It's a wood-slat bench with back on top of the planter located there for someone to sit. Between the sidewalk and the street, we have integrated the tree wells basically with one continuous planter with drought-tolerant sedges, grasses and so on in that planter area. We created two opportunities—I think Board Member Kim talked about maybe a little more retail-friendly or to provide for retail opportunity in the future. Creating two locations, one on Kipling, where instead of having the continuous integral planter, we would have a removable planter so we could install doors at that location and then do a similar treatment at the corner on Lytton. The bus stop is sort of to the left, and there's a bench there along Lytton. We are anticipating that at the courtyard in front of the building, it would provide transition to the historic home, create an active area there where we'd have our public art. This is what I showed the HRB on Wednesday, a week ago Wednesday, a blow-up of how our approach to the historic house was. We've essentially aligned the stair. I think Board Member Gooyer at the preliminary hearing asked that we lower the massing of that. That stair was lowered when you saw it last time to the same height as the commercial building on the left. That's about 23 feet, not tall given two-story buildings. The corner of that stair is carved out with glass. Board Member Furth, you were talking about the lighting last time. We've made a point that we'll put low-level LED lighting in there at probably somewhere around 10-15 foot-candles as a maximum, so it becomes a low glow and not a fluorescent light that comes on and flickers and so on. Obviously very aware of that. The side of that stair, that you see there, is also clad in a metal shingle, lapped metal panel product, individual shingles that pick up on the shingle of the existing historic home. We're creating these subtle relationships, these massing relationships. The gap between the two is the same, so the historic home was sort of highlighted in the

center. I think it'll be beautiful. We'll have new landscaping. We're going to create that active courtyard with seating opportunities. Our public art, *The Nib*, by Belize [phonetic] Brothers is going to be located in that space. The HRB was just concerned about the third-floor roof, particularly the forward roof—I don't have my pointer. The piece that is to the left of the third-floor roof at the third floor, that is all back behind the back wall of the historic building. They were comfortable with that but concerned about the piece in front. What we've done is we've lowered that piece from where we had it. We've lowered it 2 1/2 feet and changed the slope of it, lowered the windows from 9 feet to 8 feet to help that transition to the historic building. Keep in mind the part of the building that is forward is still just two stories and 25 feet tall where the balcony is for the residential uses. I can just run you through the before and afterwards here and also the change in the color. You have the Equitone panel in front of you. This is just how the roof has gone down. The side view, actually the side view I want you to see is the side view—this is the rear. At the rear, we have probably a 16-20-foot tall hedge of bamboo in addition to our screen between this building's driveway and the residential property next door. The commercial windows are on the second floor, so they're just like the second-floor windows now in the building in terms of the height. What's at the top is residential. Not unlike his dormer windows, he overlooks the community. These are residential windows for a one-bedroom apartment on the third floor. This shows the reduction in height, the drawing on the bottom. This is the view I wanted you to see. You can tell that the piece of the third floor that is to the rear of the building is the taller piece, and it's sort of reminiscent of some of the gambrel roofs that I pointed out last time. I don't have that slide in here this time. That was a very deliberate way to relate to the homes, the historic homes, the homes in the neighborhood. You can see that the vertical wall of that, that is closest to Lytton, is actually in line with the rear wall of the existing historic home. It's kind of out of the equation. What you're going to see is what's happening in front. That's why the HRB thought it was important to lower the roof in front, so we lowered it 2 1/2 feet. They didn't prescribe how much. We felt that that provided a nice transition as well as the open space to the historic home. That shows the (inaudible). This was the prior, and this is the proposed with the reduction in height. This shows the landscaping. We've talked to Githa [phonetic]; she was here at the last meeting. She's been in support. She lives in the house on the lower right-hand part of this slide. We worked out the roof garden with her, the vegetated roof, the wall that could be landscaped. She was supportive of our solution on that. The rear garden was intended to be left as a garden. There is no rear setback for commercial properties. We have probably a 25 or 30-foot setback in this section that abuts Mr. Leong's property. We plan to heavily landscape that, and that will become an outdoor garden. This is the view before and after. Because of the time constraint, we didn't have time to redo the entire rendering. What's really important in the rendering is the change in the color. The reality is you have the physical sample on your color board there. This is from the side, shows how we pushed the trellis back. Now it's just landscaping, and the trellis starts about 15 feet further in. It's no longer proud of the house next door. That shows the actual color, and we did modify this rendering to show the trellis pushed in on the ground floor. I think that's my presentation. Thank you. I look forward to your support.

Chair Gooyer: Thank you. Now we'll bring it back to the Board. I tell you what. Alex, you want to go ahead and start?

Vice Chair Lew: Why don't we try to pick—maybe comment on the compatibility. I think the last time I had mentioned that I thought you had done several design moves to help make the new office building compatible with the existing house.

Mr. Hayes: Or neighborhood as well.

Vice Chair Lew: I was thinking of the house in particular, but there's the neighborhood as well. I would just say yesterday I went back and went down Lytton and looked at all the mixed-use buildings ...

Mr. Hayes: On Lytton?

Vice Chair Lew: ... on Lytton that have historic components to it or old houses as part of them. I guess I would say I think there are things that they've done that are more subtle moves to make them more—to

try to get the new buildings to be more compatible with the old buildings than your project. I still think that you've done some important things about stepping the building back towards the existing house on Lytton. I think I will just leave it at that. I would say that there is room—there would be ways to make it even more compatible. I think it's mostly down to—it's because of materials. With regard to the Kipling and Waverley neighbors, I have some thoughts that triggered in my mind after looking at some of the other mixed-use projects. We did do some other things that aren't in our conditions of approval today, that maybe could be added. On 265 Lytton, which is the mixed-use building where the Gatehouse and Spago's and Stars used to be located, I think there was a requirement for the offices to have automatic shades. At night, they go down automatically on a timer. That helps reduce the nighttime lighting. Nowadays with Title 24 energy things, that may not be quite so critical.

Mr. Hayes: Because of the lighting control system, yeah.

Vice Chair Lew: Yeah. If people are working ...

Mr. Hayes: But if the building was occupied, yes.

Vice Chair Lew: If people are working, then the lights are on. I think it would be better to have a requirement for automatic shades. Also on 265 Lytton, the landscape screening between the adjacent house and the mixed-use building is actually the same as what you're proposing. Ken, you had mentioned bamboo, and I know you do have some bamboo on the property. I think in that particular location next to the existing house, it's the pittosporum hedge. On the project on Lytton, they actually did a combination. There are several different varieties of pittosporum, but you can actually do a mixture of trees and shrubs together. You can do a couple different varieties. Our Code requires you to get the screening in 5 years which, I think, is hard especially if the drought continues. If you do a mixture of trees and shrubs, I think you'll get there sooner than if it's just a hedge alone, especially if it's like 5-gallon pittosporum shrubs. The second-floor terrace that looks out to the back garden, I was wondering if we nixed that or if there's a way for staff to include that in the conditional use permit. Is there a way to govern the noise through another ...

Mr. Hayes: We could restrict the hours of occupation, and then it's not a question.

Vice Chair Lew: It then puts it on the—this has come up before in other mixed-use buildings. The issue is that it puts the pressure on the neighboring property owners to complain, and then they may or may not get a response from the City. I think that would go a long way to help mitigate potential issues of noise and sight.

Mr. Hayes: My client is willing to restrict access to that.

Vice Chair Lew: I think the other thing that I—I just wanted to acknowledge the changes that you've made, I think, are all good. I think particularly I was worried—I didn't mention it at the last meeting, but I was a little worried about the third floor, the pitch of the roof. Bringing that down slightly, I did notice it. It seems significant.

Mr. Hayes: I think it's fine, and we'll still get a nice space inside.

Vice Chair Lew: There's one last thing, if I go just back to the screening between your project and the neighbors. Also on 265 Lytton, it has a third-floor residential.

Mr. Hayes: (inaudible) exterior circulation.

Vice Chair Lew: That walkway—yeah, it's an exterior hallway, and it's different than your project. It has pretty nice planting up there. It helps just provide more visual buffer between the neighbors and the proposed project. You just have smaller balconies; you don't have a continuous ...

Mr. Hayes: You're talking about right there?

Vice Chair Lew: Yeah, your two ...

Mr. Hayes: Yeah.

Vice Chair Lew: ... the two balconies. I would argue that you could put planters there. I think there's a maintenance—there are challenges in putting in rooftop planters. They take up a lot of water; it's hard to maintain them. I think that might go a ways to softening that side of the building.

Mr. Hayes: That is translucent glazing as well. When they're inside the unit, seated, they're not ...

Vice Chair Lew: Also on residential—it drives architects crazy, but normal people don't ever open the window shades. It drives architects crazy. To me, the main issue is more the second-floor office. I would just—I was inside Mr. Leong's house, and I did look directly out his windows. I did see that there's an issue of sight lines directly into the office. That's where I am. I think this is an approvable project with some additional small revisions and conditions of approval.

Chair Gooyer: Kyu.

Board Member Kim: Thank you for your presentation. I also wanted to thank the member of the public, Mr. Leong, for speaking. I think Board Member Lew has commented on the visual privacy issue that may still be at hand. As far as the noise, I would like to remind everybody that there are residential units in this building itself. I'm sure if there was noise from an office party or an office gathering outside, the residents that live at the building itself would also complain. Thank you for addressing some of my previous comments and adding those possible entryways if those spaces on the ground floor were to become retail. I think the other revisions that you've made as a response to the HRB comments have actually—although they're quite subtle in some ways, I think they actually make a very big difference in the way that I view the building. I'm appreciative of those changes. My question, I believe, regarding the lot merger was already addressed. One of the remaining concerns that I have is the long elevation along Lytton and then along Kipling. I think when we look at the elevations and the 3D perspectives, the building really reads as a whole, where we have these sloping roofs, but from a pedestrian perspective or even from across the street, what's really going to read the most is this two-story mass. That's the Equitone, is that correct?

Mr. Hayes: Correct.

Board Member Kim: I'm just wondering if there's a way to either introduce a little bit more variety in the Equitone or to provide some more articulation so that the Equitone isn't read as this huge band across that second floor. I think that comment is relatively minor, and maybe that could be something that comes back to subcommittee. Overall, I think the changes that you've made—did you want to ...

Mr. Hayes: I just wanted to point out—I know that you're aware of this. The idea of having the continuous band at this end and then sort of terminating that facade with just the three large windows was our way of helping to break up that facade. We felt it was important for it come to the ground at the corner to hold that corner. I do like the revised color a lot more.

Board Member Kim: I do as well.

Mr. Hayes: I appreciate that comment. I'm thinking that the shading fins that we have down in this area will have a lot of shadow interest and kind of rhythm interest to them, that will actually be quite pleasing to help break up that. Perhaps canopies could be something that could break up that line at the ground-floor level as a way of addressing the edge there, I guess, if that's what's concerning you.

Board Member Kim: Quickly, those street trees along Lytton, are those existing trees that are remaining or are they new trees? (inaudible) They're all new trees. I think the trees will have a huge part in breaking up that elevation. As far as maturity and the time that it's going to take for them to grow to approximate this perspective is different. Overall, I think it's different, but I think there are enough cases to make that it does make itself compatible with the neighborhood. I think the changes that you've made in this last revision help it to be a little bit more approvable. I think overall I would be willing to approve the project today. Thank you.

Mr. Hayes: Thank you.

Chair Gooyer: Thank you. I agree. There's always, again, an issue when you're sort of the first one in that area to come up with a building that big, when you've got single-story residential units next to you. I think all the improvements—the changes you've made, I think, are big improvements. As you said, just sloping the roof slightly does make a lot of difference. I agree that the color is much better. I do have to agree with my fellow Board Member here that I think probably the most interesting side is actually the back side as compared to the front side. I'm still not a big fan of, again, that second-story banding. I agree that maybe we bring that back to, as you said, the subcommittee. Make it a little bit more interesting or something there. Obviously with a lot of these things, we look at these in true elevation, and you don't see a lot of the upper story anyway. The building is pretty much going to be perceived as a two-story building when you're walking down the street—I understand that—which, though, makes it even more important that that second-story, the sort of office space, shows a little bit more—I don't want to say creativity, but just some more interest rather than just a continuous band. Again, I agree with most of my Board Members here that I think it is probably passable or approvable at this point with some minor modifications. I agree that, seeing as though there are residential units there and I would think if somebody has that unit directly above the second-story terrace, if that's going to be too much noise, they'll be the first person to complain rather than ... I do like the possibility of adding the idea of the auto shades and also the restriction of the hours. With that ...

Board Member Furth: Can I speak now that I'm better informed?

Chair Gooyer: Sure. No problem.

Board Member Furth: First, I have clearly established that 4 1/2 hours of sleep is not enough.

Chair Gooyer: Go ahead.

Board Member Furth: I was thinking earlier actually that it would be helpful for applicants if we sometimes alerted them as to what our concerns were, so they could address those in the limited time they have available. Thank you for the revisions to the project and for the clear explanation of the project's virtues and the thinking behind your design choices. Just to my fellow Commissioners, I have concerns when the rest of this block goes. There's no reason to believe that the building to the west of the historic structure is going to be long for this world. If this building comes down, is replaced with more intense development, that one is going to be too. I don't understand how we're going to have that block work with this sort of little remnant house in the middle. I don't know what your thinking on that is. On the issue of its compatibility with the neighborhood, I don't consider the opportunity to complain about new development and its use the same thing as designing compatible uses. I'm torn between two things. I want the people who are in that building to have access to that good outdoor space, because it is crazy in this climate not to have optimized access to outdoor space. By putting it back there, at least you eliminate the—there's not a whole lot of noise on Lytton, but there's some. You give them a more usable, attractive terrace, but it is not going to, in my opinion, be very attractive for the neighbors. My experience with conditional use permit conditions is that they're difficult to get enforced. I live next to a private—I don't mean to be obsessive about this, but I live next to a garden that's required to be open to the public 5 days a week between 8:00 and 5:00, and it isn't. You call City Hall and you call the owner. I do not believe Code enforcement is a substitute for optimizing design. I think the idea of automatic shades and the idea of a condition of approval that limits the use of the terrace is likely to make this

better. I understand that I'm a minority here; I will still be dissenting because I still don't find the development compatible with the small residential (inaudible) behind it. This is a very eclectic neighborhood; it's not that we expect everything to be the same. It's not that we don't know our backyard neighbors well, but I think this doesn't meet the compatibility standards. Thank you.

Chair Gooyer: It's the same sort of thing—we've had these discussions before. If the community really feels that way, then we need to change the zoning so you can't build something of this size. That's sort of almost the ...

Board Member Furth: I don't think you do. I think this is why we have compatibility standards.

Board Member Kim: I'd like to respond to Board Member Furth's comment. This is just thinking kind of aloud. With the site being a corner site on Lytton and Kipling, I think the building actually does try to transition into the residential zone. If we take a look at the Kipling Street streetscape on Drawing Number 2, on A0.2, even though that elevation reads as kind of that whole property-line-to-property-line development, I think it's really only a little bit more than half of that from Lytton that will read as a building. There should be kind of a void that is read as the building steps down where that parking entry is. To me, those were kind of the thoughts that I had, that I could see it being compatible with a more residential neighborhood.

Board Member Furth: I think you all—you all read plans very well, and I'm trusting that you will be right. I still have a problem with the terrace.

Chair Gooyer: With that, can I get a motion from someone?

Vice Chair Lew: Can I have one last comment?

Chair Gooyer: Okay.

Vice Chair Lew: Sorry, I forgot to—there was a concern about the driveway location, the garage location as well as traffic and queuing on Kipling. I just took a look at the initial environmental study. The study, which is page around 90, 91, does not say that there's an issue, or nothing to trigger a significant impact. I haven't read all the numbers. I just looked that up at the moment. I would say that we have had Kipling residents on the other block, between University and Lytton, complain about the same issues. We pushed back on the transportation study and asked them to re-review it. They did sort of agree that there are some issues with the narrowness of the street and cars being able to pass each other. I think we could push back on that and just ask for that to be re-reviewed, since we know that there was an issue on the other block. We're ready for a motion. Who's going to make that?

Chair Gooyer: Go ahead.

MOTION

Vice Chair Lew: I'm going to make a motion that we approve the project subject to the findings and conditions of approval with the following amendments: that you consider an additional design element along the Lytton facade; that you consider a mix of trees and shrubs where abutting the adjacent Kipling residences; and that the staff consider including the outdoor terrace use in the conditional use permit; that you add a condition of approval for automatic night shades for the second-floor offices that faces the Kipling residences. (inaudible) That would be in the conditional use permit. It seems like there isn't support for third-floor planters on the balconies, so I won't include that. Does anybody think that (inaudible) should re-review the traffic queuing on Kipling?

Chair Gooyer: You want to bring that back to subcommittee then?

Vice Chair Lew: We'll just ask staff to—yeah. If staff could double check with the transportation consultant.

Jodie Gerhardt: We certainly could consult transportation again, have them take a second look at it. My only concern is would there be any changes to the project related to that.

Vice Chair Lew: We've been through this on the 429 University project. I think at the time—I think staff was thinking that's not the ARB's purview if it's stuff like cars passing each other on a narrow street or whatnot. That's why I was just saying if the staff is checking with the transportation just to make sure that that is not an issue, I think we'll just leave it at that and not add any requirements by the Board. Did I miss anything?

Chair Gooyer: I don't think so. I would like to possibly reword your first comment about adding an element. I don't know if it's especially a matter of adding an element. We may end up just with an awning in front of it. That's not what I'm looking for. I just want some review of that band, if you want to call it, for the second-story office portion. Whatever that (crosstalk) ...

Vice Chair Lew: You're thinking about the material?

Chair Gooyer: ... a little bit more flexibility. I'm not looking for just something additional that needs to be attached to it. Maybe it's a removal or whatever the case is. I just want maybe another look at that.

Vice Chair Lew: The issue is you want to break ...

Chair Gooyer: I think it's too mundane, it's too ...

Vice Chair Lew: You want to break the horizontal band of the two-story design element along Lytton.

Chair Gooyer: Right.

Vice Chair Lew: How's that?

Chair Gooyer: Yeah.

Vice Chair Lew: I don't know (crosstalk) however that comes back.

Chair Gooyer: I'd be happier with that terminology.

Mr. Hayes: How about we come back with some ideas to the subcommittee?

Chair Gooyer: Right.

Vice Chair Lew: I can support that.

Chair Gooyer: Can I get a second?

Board Member Kim: I'll second that.

Chair Gooyer: All those in favor?

Vice Chair Lew: Aye.

Board Member Kim: Aye.

Chair Gooyer: Aye. Opposed?

Board Member Furth: No.

Chair Gooyer: It carries 3-1.

Mr. Hayes: Thank you.

6. **429 University Avenue [14PLN-00222]**: To Consider an Appeal of the Director of Planning and Community Environment's Architectural Review Approval of a 31,407 Square-Foot, Four Story, Mixed Use Building with Parking Facilities on Two Subterranean Levels on an 11,000 Square-Foot Site. Environmental Assessment: An Initial Study was prepared and a Mitigated Negative Declaration was circulated from November 17, 2014 to December 12, 2014. Zoning District: Downtown Commercial (CD-C (GF)(P)) District. For more information, contact Christy Fong at Christy.fong@cityofpaloalto.org.

Study Session

Minutes Approval: March 3, 2016

Subcommittee Item

Board Member Questions, Comments, Announcements

Adjournment

Attachment D

From: Sheldon Ah Sing
To: ["walter sedriks"](#)
Cc: [Brad Ehikian](#); [Ken Hayes](#); [Geetha Srikantan](#); [Janice Sedriks](#)
Subject: RE: 411/437 Lytton
Date: Tuesday, March 15, 2016 12:12:00 PM
Attachments: [image002.png](#)

Mr. Sedriks,

Thank you for your comments. The proposed transformer as indicated on the most recent plans is located on the Kipling side of the project.

Sheldon S. Ah Sing, AICP | *senior planner*



M-Lab, a think tank for cities.
Click to join the conversation.

From: walter sedriks [mailto:sedriks@gmail.com]
Sent: Tuesday, March 15, 2016 12:01 PM
To: Sheldon Ah Sing <SAhsing@m-group.us>
Cc: Brad Ehikian <bradehikian@comcast.net>; Ken Hayes <khayes@thehayesgroup.com>; Geetha Srikantan <gsrikantan@yahoo.com>; Janice Sedriks <janice325@gmail.com>
Subject: Re: 411/437 Lytton

Dear Mr Ah Sing,

We live a couple of houses down from Geetha on Waverley Street, and would thus be somewhat less impacted by any problems with the subject transformer. However, we fully agree with the points Geetha makes and her assessment of the potential problems. We would therefore also strongly urge City of Palo Alto officials and PG&E to locate the transformer on the Kipling side of the new building at this site.

Sincerely,

Janice & Walter Sedriks
325 Waverley St
Palo Alto

On Sun, Mar 13, 2016 at 9:23 PM, geetha srikantan <gsrikantan@yahoo.com> wrote:

Dear Sheldon, Brad, Ken,

It was good to see all of you last Thursday at the HRB review. As noted that morning, I am very concerned about the placement of the transformer for the entire new development just across the fence line from my property at 385 Waverley Street.

Specifically:

1. The noise/hum from a transformer is constant and inescapable, and absolutely not acceptable for the residences at 411 Lytton and 385 Waverley.
2. Another concern is safety - if at any time this heavy-duty transformer were to malfunction and blow up, it could cause significant damage to (a) people living these residences and (b) buildings and property near this location.
3. Since 411 Lytton has been designated as a Historic home, and has old structures, it is very likely that the structural integrity of this historic home would be compromised by placing a heavy-duty electrical transformer next to it. Potential damage from constant hum/vibration would be a serious concern for the old structures.

I learnt from Brad Ehikian (the owner at 411/437 Lytton) that Ken Hayes (architect for the project) has prepared and submitted plans to locate this transformer underground on the Kipling side. Locating the transformer on the Kipling side is a good option, as it is easy to service the machinery from the side street.

As should be evident, none of the concerned parties is happy with locating the transformer at the back/slanted fence between two homes. I would strongly urge City of Palo Alto officials and PG&E to accept this proposal to locate the transformer on the Kipling side of the new building at this site.

thanks
geetha

Attachment E



CITY OF
**PALO
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PLANNING & COMMUNITY ENVIRONMENT

250 Hamilton Avenue, 5th Floor
Palo Alto, CA 94301
650.329.2441

April 28, 2016

Ken Hayes
Hayes Group Architects
2657 Spring Street
Redwood City, CA 94063

Subject: 411-437 Lytton Avenue (14PLN-00489) – Major ARB Approval

Dear Mr. Hayes:

On March 17, 2016, the Architectural Review Board recommended approval of the application referenced above and as described further below, and the Director of Planning and Community Environment (Director) approved the project on April 28, 2016. The approval will become effective 14 days from the postmark date of this letter, unless an appeal is filed in accordance with Title 18 of the Palo Alto Municipal Code. The approval was based on the findings in Attachment A, and is subject to staff recommended conditions of approval and additional conditions as noted in Attachment B. The project is described as follows:

411 - 437 Lytton Avenue [14PLN00-489]: Request by Hayes Group Architects, Inc. On Behalf Of Ehikian & Company for Architectural Review to allow the demolition of an existing commercial building and the construction of a new three story mixed-use, office and residential building (two units) and a 1,417 sf Addition To An Existing Historic Category 2 residence on two lots to be merged. A two level underground parking garage is proposed to be constructed under the new mixed use building adjacent to the existing residential building. Environmental Assessment: Mitigated Negative Declaration. Zoning District: CD-C(P) Community Commercial Downtown District and Pedestrian Shopping Combining District.

Unless an appeal is filed, this project approval shall be effective for one year from May 10, 2016, within which time construction of the project shall have commenced. Application for extension may be made prior to the expiration on May 10, 2017. The time period for a project may be extended once for an additional year by the Director of Planning and shall be open to appeal at that time. In the event the building permit is not secured for the project within the time limits specified above, the Architectural Review Board approval shall expire and be of no further force or effect. Should you have any questions regarding this ARB action, please call the Project Planner, Sheldon Ah Sing, at (650) 938-1111.

Sincerely,

Jonathan Lait
Assistant Director

Attachments:

- A. Architectural Review Findings
- B. Conditions of Approval

C. Mitigation Monitoring and Reporting Program

ATTACHMENT A
FINDINGS FOR APPROVAL
Architectural Review, Context-Based Criteria
411-437 Lytton Avenue / File No. 14PLN-00489

A. ARCHITECTURAL REVIEW FINDINGS

The design and architecture of the proposed improvements, as conditioned, complies with the Findings for Architectural Review findings as required in Chapter 18.76.020 of the PAMC.

Comprehensive Plan and Purpose of ARB:

Finding #1: The design is consistent and compatible with applicable elements of the Palo Alto Comprehensive Plan.

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

- *Promote orderly and harmonious development in the city;*
- *Enhance the desirability of residence or investment in the city;*
- *Encourage the attainment of the most desirable use of land and improvements;*
- *Enhance the desirability of living conditions upon the immediate site or in adjacent areas; and*
- *Promote visual environments which are of high aesthetic quality and variety and which, at the same time, are considerate of each other.*

The proposed project is consistent with Findings #1 and #16 in that the design of the proposed mixed-use project is consistent with the following Comprehensive Plan Goals and Policies:

- Policy L-18: Encourage the upgrading and revitalization of selected Centers in a manner that is compatible with the character of surrounding neighborhoods.
- Policy L-48: Promote high quality, creative design and site planning that is compatible with surrounding development and public spaces.
- Policy L-49: Design buildings to revitalize streets and public spaces and to enhance a sense of community and personal safety. Provide an ordered variety of entries, porches, windows, bays and balconies along public ways where it is consistent with neighborhood character; avoid blank or solid walls at street level; and include human-scale details and massing.
- Policy L-75: Minimize the negative physical impacts of parking lots. Locate parking behind buildings or underground wherever possible.
- Policy L-77: Encourage alternatives to surface parking lots to minimize the amount of land that must be devoted to parking, provided that economic and traffic safety goals can still be achieved.
- Policy L-78: Encourage development that creatively integrates parking into the project by providing for shared use of parking areas.

- Policy H2.2 Continue to support the redevelopment of suitable lands for mixed uses containing housing to encourage compact, infill development. Optimize the use of existing urban services, and support transit use.

The project improves the desirability of investment by providing a development that would enhance the site aesthetically and functionally by eliminating one curb cut and providing a safer pedestrian experience along Lytton Avenue; by eliminating the surface parking lot and placing parking below ground; and replace the 437 Lytton building with a building that is consistent with newer developments in design, function—that would appeal to new investment and promote activity. The project includes residential units which soften the building by including livable common areas with balconies and recessed elements. The proposed materials for the project are of high quality and are used purposefully to ensure compatibility with surrounding development.

Compatibility and Character:

Finding #2: The design is compatible with the immediate environment of the site.

Finding #4: In areas considered by the board as having a unified design character or historical character, the design is compatible with such character;

Finding #5: The design promotes harmonious transitions in scale and character in areas between different designated land uses.

Finding #6: The design is compatible with approved improvements both on and off the site.

The proposed project is consistent with Findings #2, #4, #5 and #6 in that the area is comprised of various sized building of various architectural styles with single, two and three-story buildings with residential, retail and office uses and the proposed building fits within this area with its scale, massing and architectural style. The project is consistent with the Pedestrian overlay district in that the project is designed to accommodate a retail use. The project provides setback relieve and steps its building mass down adjacent to the adjacent residential uses.

Functionality and Open Space:

Finding #3: The design is appropriate to the function of the project.

Finding #7: The planning and siting of the building on the site creates an internal sense of order and provides a desirable environment for occupants, visitors and the general community.

Finding #8: The amount and arrangement of open space are appropriate to the design and the function of the structures.

The project is consistent with Findings #3, #7, and #8 in that the design of the new buildings is consistent with contemporary development within the City. The site layout provides common areas for residents, employees, and patrons, and enlivens the primary street along Lytton Avenue Real, in addition to the private balconies each residential unit has. The building amenities (open space, parking, entry, etc.) are accessible and attractive to users. The anticipated commercial uses are located along the street frontages and would have minimal impacts to the residents above.

Circulation and Traffic:

Finding #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.

Finding #10: Access to the property and circulation thereon are safe and convenient for pedestrians, cyclists and vehicles.

The project is consistent with Findings #9 and #10 in that the project's design provides adequate automobile and bicycle parking located conveniently with pedestrian access to the building entrances. With the elimination of a curb cut on Lytton Avenue, the site access and circulation thereon are safe and convenient for pedestrians, cyclists and vehicles. The project is easily approachable by all modes of transportation and does not introduce any significant changes to the adjacent street and sidewalk system.

Landscaping and Plant Materials:

Finding #11: Natural features are appropriately preserved and integrated with the project. Finding #12: The materials, textures and colors and details of construction and plant material are an appropriate expression to the design and function and compatible with the adjacent and neighboring structures, landscape elements and functions.

Finding #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 on the site and the landscape concept depicts an appropriate unit with the various buildings on the site.

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

The project is consistent with Findings #11-#14 in that the new landscaping for the site is relatively low maintenance and drought tolerant and will be a desirable addition to the site. The project will be adding street trees consistent with City standards. The project includes layered landscaping opportunities on multiple levels with the specific intent of providing a visual screen between the project and the surrounding sites. In addition, the proposed construction materials are consistent with the contemporary design of the mixed-use building and include: wood panel siding, glass railings, clear anodized aluminum window framing, laminated glass fins, Solarban glazing, composite metal paneling and metal shingling, standing seam metal roof, and exposed, sand-blasted integrally colored concrete. The project includes removable planters along Lytton Avenue and Kipling Street to accommodate future commercial uses needed access directly to the sidewalk.

Sustainability:

Finding #15: The design is energy efficient and incorporates renewable energy design elements including, but not limited to:

- a. Careful building orientation to optimize daylight to interiors
- b. High performance, low-emissivity glazing
- c. Cool roof and roof insulation beyond Code minimum
- d. Solar ready roof
- e. Use of energy efficient LED lighting
- f. Low-flow plumbing and shower fixtures
- g. Below grade parking to allow for increased landscape and stormwater treatment areas

The project is consistent with Finding #15 in that the project is subject to the California Green Building Code (CalGreen, Tier 2) as well as Build it Green for the residential component and includes a variety of sustainable elements.

B. CONTEXT-BASED DESIGN CRITERIA FINDINGS

Pursuant to PAMC 18.16.090(b), the following context-based design considerations and findings are applicable to this project.

- (1) **Pedestrian and Bicycle Environment.** *The design of new projects shall promote pedestrian walkability, a bicycle friendly environment, and connectivity through design elements.* This finding can be made in the affirmative in that the project provides bike racks near the building entrances for short term use as well bike lockers in the garage to support the bicycle environment. The street façade along Lytton Avenue includes a sheltered area adjacent to the lobby entrance, which supports street activity. The project proposes to eliminate one of the curb cuts along Lytton Avenue that will provide a safer experience for pedestrians and cyclists.
- (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.* This finding can be made in the affirmative in that project maintains the substantial sidewalks and includes a sheltered area adjacent to the lobby from the street to allow for pedestrian ease of use; and the street facades include storefront windows and removable planters that supports an interior connection with the street and pedestrians.
- (3) **Massing and Setbacks.** *Buildings shall be designed to minimize massing and conform to proper setbacks.* This finding can be made in the affirmative in that the proposed project complies with the CD-C(P) zoning development standards and the design is consistent with the Downtown Urban Design Guide since the project complies with the height and setback requirements and the performance standards for projects adjacent to different land uses. Additionally, the use of balconies and setting the back the top floor facilitates the appearance of reducing the mass of the building.
- (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.* This finding can be made in the affirmative in that the proposed project complies with the daylight plane standard, setbacks to residential uses, and performance standards for projects adjacent to different land uses. The project's mass steps down adjacent to the 411 Lytton Avenue historic structure and the residential buildings to the rear of the project. These elements are no taller than the buildings on the other side of the residential buildings.
- (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.* This finding can be made in the affirmative in that the project provides open space with private balconies for the residents and yard (411 Lytton), a terrace and at-grade patio area for the commercial users and at grade plaza and walkways for all to use.
- (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 project includes underground parking and eliminates one existing curb cut from the site.

- (7) **Large (Multi-Acre) Sites.** *Large sites (over one acre) shall be designed so that street, block, and building patterns are consistent with those of the surrounding neighborhood.* This finding does not apply.
- (8) **Sustainability and Green Building Design.** *Project design and materials to achieve sustainability and green building design should be incorporated into the project.* This finding can be made in the affirmative in that the project is subject to the California Green Building Code (CalGreen, Tier 2) and Build it Green and includes a variety of sustainable elements.

Attachment B
CONDITIONS OF APPROVAL
411-437 Lytton Avenue
14PLN-00489

Planning Division

1. The plans submitted for Building Permit shall be in substantial conformance with plans dated received on March 14, 2016, except as modified to incorporate the following conditions of approval.
2. This complete approval document shall be printed on the cover sheet of the plan set submitted with the Building Permit application.
3. ARB Sub-Committee: The following items shall be returned to the ARB sub-committee for review and approval prior to issuance of any Building permit:
 - a. A break of the horizontal element on the 437 Lytton building along the Lytton and Kipling elevations.
 - b. Provide a mix of trees and shrubs along the north property line adjacent to the ramp to the underground garage.
 - c. Demonstrate that the project includes automatic shades to reduce nighttime light filtering.
4. 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 in writing 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. No signs are approved at this time. All proposed signage for the site shall be submitted for Architectural Review and approval in a separate planning entitlement application.
6. For all future commercial business, operating or with activities between the hours of 10:00 p.m. and 6:00 a.m., a conditional use permit shall be obtained and conditions of approval shall be applied as deemed necessary to ensure the operation is compatible with the site's residential use (PAMC 18.23.040).
7. All projects shall comply with Chapter 9.10 of the Palo Alto Municipal Code (the Noise Ordinance).
8. For future commercial uses, cooking odors, smoke and other similar air contaminants shall be controlled and prevented from leaving the property or becoming a nuisance to residents and neighboring properties.

9. LIGHTING: Prior to issuance of any building permit, the owner or designee shall demonstrate that the lights within the stairwell on the west elevation shall include motion sensors so that unnecessary light shall not spill out of the stairwell when not in use.
10. Terrace Hours: The hours of the office terrace shall be limited between 9:00am and 6:00pm on weekdays and occupancy on the weekends is prohibited. Amplified sound is prohibited on the terrace.
11. TERRACE LANDSCAPING: The owner or designee prior to issuance of occupancy permit shall demonstrate that the vegetation on the terrace (including over the stairwell on the west) provides sufficient screening of the terrace from neighboring properties.
12. A Mitigation Monitoring and Reporting Program (MMRP), prepared for this project in compliance with the California Environmental Quality Act (CEQA), is attached herein and shall be incorporated by reference as conditions of approval. The applicant shall comply with all specified mitigation measures in the timelines outlined in the project's MMRP. Prior to requesting issuance of any related demolition and/or construction permits, the applicant shall meet with the Project Planner to review and ensure compliance with the MMRP, subject to the satisfaction of the Director of Planning of Planning and Community Environment.
13. CEQA Mitigation Measure BIO-1.1: In compliance with the MBTA and the California Fish and Game Code, the project shall implement the following measures:
 - Pre-construction surveys shall be completed by a qualified ornithologist to identify active nests that may be disturbed during project implementation. All potential nesting areas (trees, tall shrubs) shall be surveyed no more than 3 days prior to tree removal or pruning, if the activity will occur within the breeding season (February 1 – August 31). If more than 30 days pass between the completion of the preconstruction survey and the initiation of construction activities, the preconstruction survey shall be completed again and repeated at 30 day intervals until construction activities are initiated.
 - If an active nest is observed, tree removal and pruning shall be postponed until all the young have fledged. An exclusion zone shall be established around the nest site, in consultation with the California Department of Fish and Game (CDFG). Exclusion zones for active passerine (songbirds) nests shall have a 50-foot radius centered on the nest tree or shrub.
 - Active nests shall be monitored weekly until the young fledge. No construction activities, parking, staging, material storage, or other disturbance shall be allowed within the exclusion zones until the young have fledged from the nest.
14. CEQA Mitigation Measure CR-1.1: The applicant will identify a qualified historic architect to oversee project activities related to the historic house. The selection of the historic architect will be approved by the City prior to the commencement of project activities. The consulting historic architect will monitor implementation of required protection measures and will provide reports and findings to the City as required.
15. CEQA Mitigation Measure CR-1.2: The historic architect shall establish a training program for

construction workers involved in the project that communicates the importance of protecting historic resources. This program shall include information on recognizing historic fabric and materials, and directions on how to exercise care when working around and operating equipment near the historic structure, including storage of materials away from historic buildings. It shall also include information on means to reduce vibrations from demolition and construction, and monitoring and reporting any potential problems that could affect the historic resources in the area. The project sponsor shall be responsible for implementation of the training program, which shall be reviewed and approved by City staff.

16. CEQA Mitigation Measure CR-1.3: Monitoring will be conducted by the qualified historic architect and the project's structural engineer for any relocation or rehabilitation activities where there is a potential for substantial damage to the historic house. The duration and intensity of the monitoring program will be determined by the project's historic architect and will range from full-time monitoring to "as needed" inspections throughout construction or demolition operations. Monitoring reports shall be submitted to the City's assigned staff on a periodic basis to be determined by City staff.

If, in the opinion of the project's structural engineer and historic architect, substantial adverse impacts to historic resources related to relocation or rehabilitation activities are found during construction, the monitoring team shall so inform the project sponsor, or sponsor's designated representative responsible for construction activities, as well as City staff within 24 hours. The project sponsor and the City shall consider the structural engineer and historical architect's findings and recommendations and mutually agree on corrective measures, which shall be carried out by the project sponsor.

17. CEQA Mitigation Measure CR-1.4: Protection and Relocation, Phase I Construction Phasing: The protection of the historic house and the temporary relocation procedures are intertwined such that the sequencing is a constituent element of the protection. Physical distance and an offset in the timing of demolition of the office building is the best protection for the historic house from damage associated with flying debris or from demolition equipment. Implementing one of the following relocation options is proposed for the "Phase I" relocation and rehabilitation of the 411 Lytton Avenue residence.
 - a. Relocation Phasing Option 1: Retain the house on its existing 411 Lytton Avenue site and demolish the existing two-story office building at 437 Lytton Avenue. The distance between the two structures creates a natural buffer for protection of the house. As demolition often causes flying debris, the windows on the north elevation shall be clad with minimum ½" plywood for physical protection. Following demolition of the office building, the house would be temporarily moved to the 437 Lytton Avenue site, the basement and foundation installed for the residence, and the house moved back to the 411 Avenue Lytton site.
 - b. Relocation Phasing Option 2: If the procedure identified in Relocation Option 1 is not feasible, prior to demolition of the two story commercial building at 437 Lytton Avenue, relocate the house to its receiver site. Excavate the new basement for the house, and construct foundation walls. Move the house back to its original footprint and bolt it to the new foundation but refrain from constructing the addition and any rehabilitation activities.

Protect the north facing windows as described above. Demolish the two-story office building at 437 Lytton Avenue after the house is relocated back to the 411 Lytton Avenue site.

18. CEQA Mitigation Measure CR-1.5: Protection and Relocation, Phase II Construction: In either case described in MM CR-1.4, at the start of construction for the new three-story mixed-use building, potentially harmful construction activities will be taking place directly adjacent to the historic house. The following recommendations for Phase II construction will protect historic resources during this phase.
 - a. Mount physical protection to the roof, and windows to protect the house from flying debris from above.
 - b. Apply all shoring and anti-vibration suggestions from a qualified engineer.
 - c. Do not construct the addition or attempt to do any rehabilitation work until the new three-story structure is closed in as a final protection measure.
19. CEQA Mitigation Measure CR-1.6: Protection and Relocation, General Relocation Procedures: The following general relocations recommendations will further protect historic resources during the temporary relocation process.
 - a. At a minimum, before starting, the house will be completely photo-documented by the moving contractor, under supervision of the consulting historic architect.
 - b. The site will be secured with fencing, and window and door openings will be covered with plywood to prevent intruders.
 - c. The site will be cleared of all shrubs and plant materials that would impede the relocation activity.
 - d. The house will be assessed for weak points that could fail during the move. Those areas will be braced, shored, or supported with an internal secondary stud wall depending on the structural condition requiring remediation. All temporary work of this kind will be reversible, additive, and will not destroy the historic fabric of the building.
 - e. The house will be moved in the largest sections possible and allowed by clearances on the route. The street facing porch may have to be parted from the main body of the house and moved separately or reconstructed.
 - f. Any house elements that are removed as part of the relocation will be given a unique identifying number, catalogued, stored in secure containers, preferably on site.
 - g. The house will be moved during an off hour period to minimize impacts to the street and surrounding neighbors.
 - h. The house, on its temporary site will be supported by temporary wooden cribbing. It will be elevated well above the ground to allow the moving contractor access for steel carrying beams and floor reinforcing if necessary. When the new foundations and basement are complete, the house will be relocated to its original site.
20. CEQA Mitigation Measure CR-1.7: Protection and Relocation, Relocation Procedures for Specific Elements: The following measures will further protect historic resources during the temporary relocation process.
 - a. Porch: If necessary, the porch will be dismantled in the largest pieces possible.
 - b. Windows: The windows are in good condition and can be moved in place. If it is determined

that the motion associated with the relocation activity will cause damage, the window sash will be labeled, catalogued, removed and stored in secure containers for relocation to the new site.

- c. Doors: Doors will be labeled, catalogued, removed and stored in secure containers for relocation to the new site.
- d. Brick Chimney: The feasibility of moving the chimney with the house should be determined. If required, the house moving contractor will dismantle the chimney, and will clean and palletize the bricks. The interior mantle will be salvaged, and moved with the bricks. Based on experience, approximately 75 percent of the bricks might be salvaged. The architect, in conjunction with the house mover will determine the feasibility of reconstructing the chimney: however, at a minimum the geometry and historic character of the living room fire place should be retained because of the high integrity of the building.
- e. Historic Elements: Further specifications for the protection of wood and other elements are included in the *Protection and Relocation Study* prepared by C.G. Duncan (Appendix B1 of IS/MND).

21. CEQA Mitigation Measure CR-1.8: Protection and Relocation, Rehabilitation Measures: The following measures will further protect historic resources during the rehabilitation process.

- a. All work, will adhere to the Secretary of the Interior's Standards for the Treatment of
- b. Historic Properties, using the Rehabilitation Guidelines.
- c. Retain the historic room configurations with the exception of the necessary changes for the rear addition.
- d. Retain all historic flat plaster over lath, if possible.
- e. If original wood floor material is found beneath new coverings inspect it for soundness, recoverability, and retain as much as possible. Replace deteriorated wood flooring with in-kind material.
- f. Retain all interior window and door trim, baseboards, and moldings.
- g. Retain all historic door and window hardware.
- h. If reconstruction of the front, street facing porch is necessary incorporate the salvaged historic columns, trim curved elements as much as possible. Where there is insufficient salvaged historic material, replace it with new in-kind material.
- i. The foundation shall be constructed such that the house will retain its historic relationship to the surrounding finished grade.
- j. If feasible, utilities shall enter the house from underground and be hidden.
- k. As part of the bid qualifications, the contractor responsible for the rehabilitation work shall be versed in the Secretary of the Interior's Standards for the Treatment of Historic Properties, and be able to demonstrate previous experience in the rehabilitation of historic buildings.

22. CEQA Mitigation Measure CR-2.1: In the event any significant cultural materials are encountered during construction grading or excavation, all construction within a radius of 50-feet of the find would be halted, the Director of Planning and Community Environment shall be notified, and the archaeologist shall examine the find and make appropriate recommendations regarding the significance of the find and the appropriate mitigation. Recommendations could include collection, recordation and analysis of any significant cultural materials. A report of findings documenting any data recovered during monitoring shall be submitted to the Director of

Planning and Community Environment.

23. CEQA Mitigation Measure CR-2.2: In the event that human skeletal remains are encountered, the applicant is required by County Ordinance No. B6-18 to immediately notify the County Coroner. Upon determination by the County Coroner that the remains are Native American, the coroner shall contact the California Native American Heritage Commission, pursuant to subdivision (c) of section 7050.5 of the Health and Safety Code and the County Coordinator of Indian Affairs. No further disturbance of the site may be made except as authorized by the County Coordinator of Indian Affairs in accordance with the provisions of state law and the Health and Safety Code. The Director of Planning and Community Environment shall also be notified immediately if human skeletal remains are found on the site during development.
24. CEQA Mitigation Measure NOISE-1.1: A Construction Vibration Monitoring Plan shall be implemented to document conditions prior to, during, and after vibration generating construction activities. All Plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry accepted standard methods. The Construction Vibration Monitoring Plan shall include the following tasks:
- Identification of the sensitivity of nearby structures to groundborne vibration. Vibration limits shall be applied to all vibration sensitive structures located within 50 feet of the project
 - Performance of a photo survey, elevation survey, and crack monitoring survey for each structure within 50 feet of construction activities identified as sources of high vibration levels. Surveys shall be performed prior to any construction activity, in regular intervals during construction and after project completion and shall include internal and external crack monitoring in structures, settlement, and distress and shall document the condition of foundations, walls, and other structural elements in the interior and exterior of said structures.
 - Development of a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions. Construction contingencies would be identified for when vibration levels approach the limits.
 - At minimum, vibration monitoring shall be conducted during pavement removal, building demolition, and drilling activities. Monitoring results may indicate the need for more or less intensive measurements.
 - If vibration levels approach limits, suspend construction and implement contingencies to either lower vibration levels or secure the affected structures.
 - Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.
 - Conduct post-survey on structures where either monitoring has indicated high levels or complaints of damage has been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities.

25. CEQA Mitigation Measure NOISE-1.2: The results of all vibration monitoring shall be summarized and submitted in a report to the Development Services Department and Planning and Community Environment shortly after substantial completion of each phase identified in the project schedule of the Construction Vibration Monitoring Plan. The report shall include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations. An explanation of all events that exceeded vibration limits shall be included together with proper documentation supporting any such claims.
26. Estimated Development Impact Fees in the amount of \$221,716.98, shall be paid prior to the issuance of the related building permit. This fee shall be recalculated at the time of building permit issuance.
27. In the event actual construction of the project is not commenced within twelve months of the date of approval, the approval shall expire and be of no further force or effect, pursuant to Palo Alto Municipal Code Section 18.77.090.
28. Except as expressly specified herein, the site plan, floor plans, building elevations and any additional information or representations, submitted by the Applicant during the Staff review and public hearing process leading to the approval of this entitlement, whether oral or written, which indicated the proposed structure or manner of operation, are deemed conditions of approval.
29. The approved use and/or construction are subject to, and shall comply with, all applicable City ordinances and laws and regulations of other governmental agencies.
30. 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.
31. 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 – Urban Forestry

PRIOR TO DEMOLITION, BUILDING OR GRADING PERMIT ISSUANCE

32. Applicant shall submit a Parking Management Plan for review and approval prior to the issuance of the building permit. The Parking Management Plan shall include an annual monitoring with report to City Staff that summarizes parking occupancy during peak parking demand periods. Any revisions to the Parking Management plan must be proposed by the property owner and approved by City Transportation Division staff.
33. Three trees, designated as Trees #1, 2 and 11 on the arborists report require protection and monthly activity reporting. If the Designated Avocado Tree #1 dies or is destroyed, a 48" replacement tree shall be installed in the same approximate location with irrigation. Species to be approved by Urban Forestry. The monthly report required with this condition shall be transmitted to Dave Dockter, Planning Arborist with the City of Palo Alto and the Assistant Director of Planning and Community Environment.
34. Eight publicly owned trees are approved for removal. Six new trees (four Cimmarron Ash; 2 Maidenhair) shall be installed 10' clear of underground lines per plans. Mitigation for net loss of two trees shall be \$1,300 contribution to the Palo Alto Forestry Fund.
35. Sidewalk base for the six new trees shall provide Silva Cell grid structures for 800 cu.ft. per tree, as coordinated with project arborist and reflected on Grading and Improvement Plans (see New Trees below.)
36. BUILDING PERMIT SUBMITTAL- PROJECT ARBORIST CERTIFICATION LETTER. Prior to submittal for staff review, attach a Project Arborist Certification Letter that he/she has; (a) reviewed the entire building permit plan set submittal and, (b)* verified all his/her updated TPR mitigation measures and changes are incorporated in the plan set, (c) affirm that ongoing Contractor/Project Arborist site monitoring inspections and reporting have been arranged with the contractor or owner (see Sheet T-1) and, (d) understands that design revisions (site or plan changes) within a TPZ will be routed to Project Arborist/Contractor for review prior to approval from City.

* (b above) other information. The Building Permit submittal set shall be accompanied by the project site arborist's certification letter that the plans have incorporated said design changes and are consistent with City Tree Technical Manual Standards, Regulations and information:

- a. Provide a project arborist's Updated Tree Protection Report (TPR) with building permit level mitigation measures, (e.g., resolve grading proximity issues with Public trees; exact TPZ scaled in feet). Provide plan revision directions to minimize root cutting conflicts that are obvious in the civil, basement, sidewalk improvement sheets. See TPR below.
 - b. Palo Alto [Tree Technical Manual](#) Construction Standards, Section 2.00 and PAMC 8.10.080.
37. PLAN SET REQUIREMENTS. The final Plans submitted for building permit shall include the following information and notes on relevant plan sheets:

- a. SHEET T-1, BUILDING PERMIT. The building permit plan set will include the City's full-sized, Sheet T-1 ([Tree Protection-it's Part of the Plan!](#)), available on the Development Center website at <http://www.cityofpal Alto.org/civicax/filebank/documents/31783>. The Applicant shall **complete and sign the Tree Disclosure Statement** and recognize the Project Arborist Tree Activity Inspection Schedule. Monthly reporting to Urban Forestry/Contractor is mandatory. (Insp. #1: applies to all projects; with tree preservation report: Insp. #1-7 applies)
- b. The Tree Preservation Report (TPR). All sheets of the Applicant's construction level TPR approved by the City for full implementation by Contractor, (*list the Project Arborist here, enter date here, 20__*) shall be printed on numbered Sheet T-1 (T-2, T-3, etc) and added to the sheet index. Eliminate the conflict between the proposed Storm Drain and Designated Tree #1.
- c. Include a Tree Disposition Sheet. Plans to show protective tree fencing for retained trees and those removed. The Plan Set (esp. site, demolition, grading & drainage, foundation, irrigation, tree disposition, utility sheets, etc.) must number all trees and delineate/show the correct configuration of Type I, Type II or Type III fencing enclosing each Regulated Tree, using a bold dashed line scaling the Tree Protection Zone (Standard Dwg. #605, Sheet T-1; City Tree Technical Manual, Section 6.35-Site Plans); **or by using the Project Arborist's unique diagram for each Tree Protection Zone enclosure.**

38. SITE PLAN REQUIREMENTS: In addition to showing TPZ fencing, add the following Notes on the specified Plan Sheets.
 - a. Note #1. Apply to the site plan stating, *"All tree protection and inspection schedule measures, design recommendations, watering and construction scheduling shall be implemented in full by owner and contractor, as stated on Sheet T-1, in the Tree Protection Report and the approved plans"*.
 - b. Note #2. All civil plans, grading plans, irrigation plans, site plans and utility plans and relevant sheets shall add a note applying to the trees to be protected, including neighboring trees stating: *"Regulated Tree--before working in this area contact the Project Site Arborist at 650-321-0202"*;
 - 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"*

39. TREE REMOVAL—PROTECTED & RIGHT-OF-WAY TREES. Existing trees (Publicly-owned or Protected) to be removed, as shown accurately located on site plans, require approval by an [Urban Forestry Tree Care Permit](#) prior to issuance of any building, demolition or grading permit. Public tree removals shall also be referenced in a separate Street Work Permit required by Public Works Engineering.
- Add plan note for each tree to be removed, *“Tree Removal. Contractor shall obtain a completed Urban Forestry Tree Care Permit # _____ (contractor to complete) separate from the Building or Street Work Permit. Permit notice hanger and conditions apply. Contact (650-496-5953).”*
 - Copy the approval. The completed [Tree Care Permit](#) shall be printed on Sheet T-2, or specific approval communication from staff clearly copied directly on the relevant plan sheet. The same Form is used for public or private Protected tree removal requests available from the Urban Forestry webpage: <http://www.cityofpaloalto.org/gov/depts/pwd/trees/default.asp>
40. NEW RIGHT-OF-WAY TREES--PLAN REQUIREMENTS. New trees shall be shown on all relevant plans: site, utility, irrigation, landscape, etc. in a location 10’ clear radius from any (new or existing) underground utility or curb cut (see Note #4 above).
- Add note on the Planting Plan that states, *“Tree Planting. Prior to in-ground installation, Urban Forestry inspection/approval required for tree stock, planting conditions and irrigation adequacy. Contact (650-496-5953).”*
 - Landscape Plans shall state the Urban Forestry approved species, size and include relevant Standard Planting Dwg. #603, #603a or #604 (reference which), and shall note the tree pit dug at least twice the diameter of the root ball.
 - Landscape plan shall include planting preparation details for trees specifying digging the soil to at least 30-inches deep, backfilled with a quality topsoil and dressing with 2-inches of wood or bark mulch on top of the root ball keeping clear of the trunk by 1-inch.
 - Add note on the Planting & Irrigation Plan that states, *“Irrigation and tree planting in the right-of-way requires a street work permit per CPA Public Works standards.”*
 - Automatic irrigation shall be provided for each tree. Standard Dwg. #513 shall be included on the irrigation plans and show two bubbler heads mounted on flexible tubing placed at the edge of the root ball. Bubblers mounted inside an aeration tube are prohibited. The tree irrigation system shall be connected to a separate valve from other shrubbery and ground cover, pursuant to the City's Landscape Water Efficiency Standards.
36. NEW TREES—SOIL VOLUME. Unless otherwise approved, six new right-of-way trees each new tree shall be provided with 800 cubic feet of rootable soil area, utilizing Standard Dwg. #604/513. [Rootable soil](#) shall mean compaction less than 90% over the area, not including sidewalk base areas except when mitigated. Sidewalk or asphalt base underlayment [in lieu of compacted base rock] shall use an *Alternative Base Material* method such as structural grid ([Silva Cell](#)). Design and manufacturer details shall be added to relevant civil and landscape sheets. Each parking lot tree in small islands and all public trees shall be provided adequate rootable soil volume commensurate to mature tree

size. List the volume on plans. Note: this expectation requires coordination with the engineer, arborist and landscape architect.

- a. Minimum soil volume for tree size growth performance (in cubic feet): Large: 1,200 cu.ft. Medium: 800 cu.ft. Small: 400 cu.ft.
- b. Landscape Plan. When qualifying for parking area shade ordinance compliance (PAMC 18.40.130) trees shall be labeled (as S, M or L).

37. LANDSCAPE PLANS

- a. Include all changes recommended from civil engineer, architect and staff, including planting specifications if called for by the project arborist,
- b. Provide a detailed landscape and irrigation plan encompassing on-and off-site plantable areas out to the curb as approved by the Architectural Review Board. A Landscape Water Use statement, water use calculations and a statement of design intent shall be submitted for the project. A licensed landscape architect and qualified irrigation consultant will prepare these plans, to include:
 - i. All existing trees identified both to be retained and removed including street trees.
 - ii. Complete plant list indicating tree and plant species, quantity, size, and locations.
 - iii. Irrigation schedule and plan.
 - iv. Fence locations.
 - v. Lighting plan with photometric data.
 - vi. Landscape Plan shall ensure the backflow device is adequately obscured with the appropriate screening to minimize visibility (planted shrubbery is preferred, painted dark green, decorative boulder covering acceptable; wire cages are discouraged).
 - vii. All new trees planted within the public right-of-way shall be installed per Public Works (PW) Standard Planting Diagram #603 or 604 (include on plans), and shall have a tree pit dug at least twice the diameter of the root ball.
 - viii. Landscape plan shall include planting preparation details for trees specifying digging the soil to at least 30-inches deep, backfilled with a quality topsoil and dressing with 2-inches of wood or bark mulch on top of the root ball keeping clear of the trunk by 1-inch.
 - ix. Automatic irrigation shall be provided to all trees. For trees, Standard Dwg. #513 shall be included on the irrigation plans and show two bubbler heads mounted on flexible tubing placed at the edge of the root ball. Bubblers shall not be mounted inside an aeration tube. The tree irrigation system shall be connected to a separate valve from other shrubbery and ground cover, pursuant to the City's Landscape Water Efficiency Standards. Irrigation in the right-of-way requires a street work permit per CPA Public Works standards.
- c. Add Planting notes to include the following mandatory criteria:
 - i. *Prior to any planting, all plantable areas shall be tilled to 12" depth, and all construction rubble and stones over 1" or larger shall be removed from the site.*
 - ii. *A turf-free zone around trees 36" diameter (18" radius) required for best tree performance.*

- d. Add note: *“Mandatory Landscape Architect (LA) Inspections and Verification to the City. The LA shall verify the performance measurements are achieved with a letter of verification to City Planning staff, in addition to owner’s representative for the following:*
- i. *All the above landscape plan and tree requirements are in the Building Permit set of plans.*
 - ii. *Percolation & drainage checks have been performed and are acceptable.*
 - iii. *Fine grading inspection of all plantable areas has been personally inspected for tilling depth, rubble removal, soil test amendments are mixed and irrigation trenching will not cut through any tree roots.*
 - iv. *Tree and Shrub Planting Specifications, including delivered stock, meets Standards in the CPA Tree Technical Manual, Section 3.30-3.50. Girdling roots and previously topped trees are subject to rejection.*

DURING CONSTRUCTION

38. TREE PROTECTION VERIFICATION. Prior to any site work a written verification from the contractor that the required protective fencing is in place shall be submitted to the Urban Forestry Section (derek.sproat@cityofpaloalto.org). The fencing shall contain required warning sign and remain in place until final inspection of the project.
39. 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.
40. PLAN CHANGES. Revisions and/or **changes to plans before or during construction** shall be reviewed and responded to by the (a) project site arborist, (*name of certified arborist of record and phone #*), 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.
41. CONDITIONS. All Planning Department conditions of approval for the project shall be printed on the plans submitted for building permit.
42. 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.
43. 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.

44. 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

45. URBAN FORESTRY DIGITAL FILE & INSPECTION. The applicant or architect shall provide a digital file of the landscape plan, including new off-site trees in the publicly owned right-of-way. A USB Flash Drive, with CAD or other files that show species, size and exact scaled location of each tree on public property, shall be delivered to Urban Forestry at a tree and landscape inspection scheduled by Urban Forestry (650-496-5953).
46. LANDSCAPE CERTIFICATION LETTER. The Planning Department shall be in receipt of a verification letter that the Landscape Architect has inspected all trees, shrubs, planting and irrigation and that they are installed and functioning as specified in the approved plans.
47. PROJECT ARBORIST CERTIFICATION LETTER. Prior to written request for temporary or final occupancy, the contractor shall provide to the Planning Department and property owner a final inspection letter by the Project Arborist. The inspection shall evaluate the success or needs of Regulated tree protection, including new landscape trees, as indicated on the approved plans. The written acceptance of successful tree preservation shall include a photograph record and/or recommendations for the health, welfare, mitigation remedies for injuries (if any). The final report may be used to navigate any outstanding issues, concerns or security guarantee return process, when applicable.
48. PLANNING INSPECTION. Prior to final sign off, contractor or owner shall contact the city planner (650-329-2441) to inspect and verify Special Conditions relating to the conditions for structures, fixtures, colors and site plan accessories.

POST CONSTRUCTION

49. 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.

UTILITIES – WATER, GAS & WASTEWATER

PRIOR TO ISSUANCE OF A DEMOLITION PERMIT

50. Prior to demolition, the applicant shall submit the existing water/wastewater fixture unit loads (and building as-built plans to verify the existing loads) to determine the capacity fee credit for

the existing load. If the applicant does not submit loads and plans they may not receive credit for the existing water/wastewater fixtures.

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

FOR BUILDING PERMIT

52. The applicant shall submit a completed water-gas-wastewater service connection application-load sheet for each unit with separate metering for City of Palo Alto Utilities. The applicant must provide all the information requested for utility service demands (water in fixture units/g.p.m., gas in b.t.u.p.h, and sewer in fixture units/g.p.d.). The applicant shall provide the existing (prior) loads, the new loads, and the combined/total loads (the new loads plus any existing loads to remain).
53. The applicant shall submit improvement plans for utility construction. The plans must show the size and location of all underground utilities and new fire services 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 electric, communication duct banks, and storm lines need to be daylighted by potholing from top to bottom to verify cross section prior to plan approval and starting lateral installation.
54. 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).
55. The applicant shall be responsible for installing and upgrading the existing utility mains and/or services as necessary to handle anticipated peak loads. This responsibility includes all costs associated with the design and construction for the installation/upgrade of the utility mains and/or services.
56. The applicant's engineer shall submit flow calculations and system capacity study showing that the on-site and off-site water and sanitary sewer mains and services will provide the domestic, irrigation, fire flows, and wastewater capacity needed to service the development and adjacent properties during anticipated peak flow demands. Field testing may be required to determine current flows and water pressures on existing water main. Calculations must be signed and stamped by a registered civil engineer. The applicant is required to perform, at his/her expense, a flow monitoring study of the existing sewer main to determine the remaining capacity. The report must include existing peak flows or depth of flow based on a minimum monitoring period of seven continuous days or as determined by the senior wastewater engineer. The study shall meet the requirements and the approval of the WGW engineering section. No downstream overloading of existing sewer main will be permitted.

57. For contractor installed water and wastewater mains or services, the applicant shall submit to the WGW engineering section of the Utilities Department four copies of the installation of water and wastewater utilities off-site improvement plans in accordance with the utilities department design criteria. All utility work within the public right-of-way shall be clearly shown on the plans that are prepared, signed and stamped by a registered civil engineer. The contractor shall also submit a complete schedule of work, method of construction and the manufacture's literature on the materials to be used for approval by the utilities engineering section. The applicant's contractor will not be allowed to begin work until the improvement plan and other submittals have been approved by the water, gas and wastewater engineering section. After the work is complete but prior to sign off, the applicant shall provide record drawings (as-builts) of the contractor installed water and wastewater mains and services per City of Palo Alto Utilities record drawing procedures. For contractor installed services the contractor shall install 3M marker balls at each water or wastewater service tap to the main and at the City clean out for wastewater laterals.
58. 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.
59. An approved reduced pressure detector assembly is required for the existing or new water connection for the fire system to comply with requirements of California administrative code, title 17, sections 7583 through 7605 inclusive (a double detector assembly may be allowed for existing fire sprinkler systems upon the CPAU's approval)). Reduced pressure detector assemblies shall be installed on the owner's property adjacent to the property line, within 5' of the property line. Show the location of the reduced pressure detector assembly on the plans.
60. All backflow preventer devices shall be approved by the WGW engineering division. Inspection by the utilities cross connection inspector is required for the supply pipe between the meter and the assembly.
61. Existing wastewater laterals that are not plastic (ABS, PVC, or PE) shall be replaced at the applicant's expense.
62. Existing water services that are not a currently standard material shall be replaced at the applicant's expense.
63. 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.

64. Each unit or place of business shall have its own water and gas meter shown on the plans. Each parcel shall have its own water service, gas service and sewer lateral connection shown on the plans.
65. A separate water meter and backflow preventer is required to irrigate the approved landscape plan. Show the location of the irrigation meter on the plans. This meter shall be designated as an irrigation account and no other water service will be billed on the account. The irrigation and landscape plans submitted with the application for a grading or building permit shall conform to the City of Palo Alto water efficiency standards.
66. A new water service line installation for domestic usage is required. For service connections of 4-inch through 8-inch sizes, the applicant's contractor must provide and install a concrete vault with meter reading lid covers for water meter and other required control equipment in accordance with the utilities standard detail. Show the location of the new water service and meter on the plans.
67. A new water service line installation for irrigation usage is required. Show the location of the new water service and meter on the plans.
68. A new water service line installation for fire system usage is required. Show the location of the new water service on the plans. The applicant shall provide to the engineering department a copy of the plans for fire system including all fire department's requirements.
69. A new gas service line installation is required. Show the new gas meter location on the plans. The gas meter location must conform with utilities standard details.
70. A new sewer lateral installation per lot is required. Show the location of the new sewer lateral on the plans.
71. The applicant shall secure a public utilities easement for facilities installed in private property. The applicant's engineer shall obtain, prepare, record with the county of Santa Clara, and provide the utilities engineering section with copies of the public utilities easement across the adjacent parcels as is necessary to serve the development.
72. Where public mains are installed in private streets/PUEs for condominium and town home projects the CC&Rs and final map shall include the statement "Public Utility Easements: If the City's reasonable use of the Public Utility Easements, which are shown as P.U.E on the Map, results in any damage to the Common Area, then it shall be the responsibility of the Association, and not of the City, to Restore the affected portion(s) of the Common Area. This Section may not be amended without the prior written consent of the City".
73. All existing water and wastewater services that will not be reused shall be abandoned at the main per WGW utilities procedures.
74. Utility vaults, transformers, utility cabinets, concrete bases, or other structures cannot be placed over existing water, gas or wastewater mains/services. Maintain 1' horizontal clear separation

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

75. To install new gas service by directional boring, the applicant is required to have a sewer cleanout at the front of the building. This cleanout is required so the sewer lateral can be videoed for verification of no damage after the gas service is installed by directional boring.
76. All utility installations shall be in accordance with the City of Palo Alto utility standards for water, gas & wastewater.
77. The applicant shall obtain an encroachment permit from Caltrans for all utility work in the El Camino Real right-of-way. The applicant must provide a copy of the permit to the WGW engineering section.
78. The applicant shall obtain an encroachment permit from Santa Clara county department of transportation for all utility work in the county road right-of-way. The applicant must provide a copy of the permit to the WGW engineering section.
79. The applicant shall obtain a construction permit from Santa Clara county valley water district for the utility service line to be installed by the City of Palo Alto Utilities.

FIRE DEPARTMENT

80. Sprinklers to be designed per NFPA 13. Standpipes shall be in accordance with NFPA 14. Fire sprinklers, standpipes and fire alarm systems required in accordance with NFPA 13, NFPA14, NFPA 24, NFPA 72 and State and local standards. Sprinkler, standpipe, fire alarm and underground fire supply installations require separate submittal to the Fire Prevention Bureau.
81. 2-1/2 in. hose outlets shall be provided in approved locations in the garage.
82. Sprinkler main drain must be coordinated with plumbing design so that 200 gpm can be flowed for annual main drain testing for 90 seconds without creating a surge or excess flow into the sanitary sewer system.
83. All floor levels in multi-story buildings must be served by an elevator capable of accommodating a 24 x 84 inch gurney without lifting or manipulating the gurney.
84. All welding or other hot work during construction shall be under a permit obtained from the Palo Alto Fire Department with proper notification and documentation of procedures followed and work conducted.
85. Low-E glass and underground parking areas can interfere with portable radios used by emergency

responders. Please provide an RF Engineering analysis to determine if additional devices or equipment will be needed to maintain operability of emergency responder portable radios throughout 97% of each new building in accordance with the Fire Code Section 510 as adopted by the City of Palo Alto. A written report to the Fire Marshal shall be provided prior to final inspection.

PUBLIC WORKS – WATERSHED PROTECTION

86. PAMC 16.09.170, 16.09.040 Discharge of Groundwater. Prior approval shall be obtained from the city engineer or designee to discharge water pumped from construction sites to the storm drain. The city engineer or designee may require gravity settling and filtration upon a determination that either or both would improve the water quality of the discharge. Contaminated ground water or water that exceeds state or federal requirements for discharge to navigable waters may not be discharged to the storm drain. Such water may be discharged to the sewer, provided that the discharge limits contained in Palo Alto Municipal Code (16.09.040(m)) are not exceeded and the approval of the superintendent is obtained prior to discharge. The City shall be compensated for any costs it incurs in authorizing such discharge, at the rate set forth in the Municipal Fee Schedule.
87. PAMC 16.09.055 Unpolluted Water. Unpolluted water shall not be discharged through direct or indirect connection to the sanitary sewer system.
88. **PAMC 16.09.180(b)(9) Covered Parking.** Drain plumbing for parking garage floor drains must be connected to an oil/water separator with a minimum capacity of 100 gallons, and to the sanitary sewer system.
89. PAMC 16.09.180(b)(10) Dumpsters for New and Remodeled Facilities. New buildings and residential developments providing centralized solid waste collection, except for single-family and duplex residences, shall provide a covered area for a dumpster. The area shall be adequately sized for all waste streams and designed with grading or a berm system to prevent water runoff and runoff from the area. – the proposed location in the garage meets this requirement.
90. PAMC 16.09.180(b)(14) Architectural Copper. On and after January 1, 2003, copper metal roofing, copper metal gutters, copper metal down spouts, and copper granule containing asphalt shingles shall not be permitted for use on any residential, commercial or industrial building for which a building permit is required. Copper flashing for use under tiles or slates and small copper ornaments are exempt from this prohibition. Replacement roofing, gutters and downspouts on historic structures are exempt, provided that the roofing material used shall be prepatinated at the factory. For the purposes of this exemption, the definition of "historic" shall be limited to structures designated as Category 1 or Category 2 buildings in the current edition of the Palo Alto Historical and Architectural Resources Report and Inventory.
91. PAMC 16.09.180(b)(5) Condensate from HVAC. Condensate lines shall not be connected or allowed to drain to the storm drain system.
92. PAMC 16.09.180(b)(b) Copper Piping. Copper, copper alloys, lead and lead alloys, including brass, shall not be used in sewer lines, connectors, or seals coming in contact with sewage except for

domestic waste sink traps and short lengths of associated connecting pipes where alternate materials are not practical. The plans must specify that copper piping will not be used for wastewater plumbing.

93. PAMC 16.09.220(c)(1) Dental Facilities That Remove or Place Amalgam Fillings. An ISO 11143 certified amalgam separator device shall be installed for each dental vacuum suction system. The installed device must be ISO 11143 certified as capable of removing a minimum of 95 percent of amalgam. The amalgam separator system shall be certified at flow rates comparable to the flow rate of the actual vacuum suction system operation. Neither the separator device nor the related plumbing shall include an automatic flow bypass. For facilities that require an amalgam separator that exceeds the practical capacity of ISO 11143 test methodology, a non-certified separator will be accepted, provided that smaller units from the same manufacturer and of the same technology are ISO-certified.
94. 16.09.180(12) Mercury Switches. Mercury switches shall not be installed in sewer or storm drain sumps.
95. PAMC 16.09.205(a) Cooling Systems, Pools, Spas, Fountains, Boilers and Heat Exchangers. It shall be unlawful to discharge water from cooling systems, pools, spas, fountains boilers and heat exchangers to the storm drain system.
96. PAMC 16.09.165(h) Storm Drain Labeling. Storm drain inlets shall be clearly marked with the words "No dumping - Flows to Bay," or equivalent.

Undesignated Retail Space:

97. PAMC 16.09. Newly constructed or improved buildings with all or a portion of the space with undesignated tenants or future use will need to meet all requirements that would have been applicable during design and construction. If such undesignated retail space becomes a food service facility the FSE requirements must be met.

UTILITIES – ELECTRICAL

98. The applicant shall comply with all the Electric Utility Engineering Department service requirements noted during plan review.
99. 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.
100. The applicant shall submit a request to disconnect all existing utility services and/or meters including a signed affidavit of vacancy, on the form provided by the Building Inspection Division. Utilities will be disconnected or removed within 10 working days after receipt of request. The demolition permit will be issued after all utility services and/or meters have been disconnected and removed.

THE FOLLOWING SHALL BE INCORPORATED IN SUBMITTALS FOR ELECTRIC SERVICE

101. 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.
102. Industrial and large commercial customers must allow sufficient lead-time for Electric Utility Engineering and Operations (typically 8-12 weeks after advance engineering fees have been paid) to design and construct the electric service requested.
103. Only one electric service lateral is permitted per parcel. Utilities Rule & Regulation #18.
104. This project requires a padmount transformer. 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).
105. The developer/owner shall provide space for installing padmount equipment (i.e. transformers, switches, and interrupters) and associated substructure as required by the City.
106. 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.
107. Location of the electric panel/switchboard shall be shown on the site plan and approved by the Architectural Review Board and Utilities Department.
108. 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.
109. 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.
110. For underground services, no more than four (4) 750 MCM conductors per phase can be connected to the transformer secondary terminals; otherwise, bus duct must be used for connections to padmount transformers. If customer installs a bus duct directly between the transformer secondary terminals and the main switchgear, the installation of a transition cabinet will not be required.
111. 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.

112. If the customer's total load exceeds 2500 kVA, service shall be provided at the primary voltage of 12,470 volts and the customer shall provide the high voltage switchgear and transformers.
113. For primary services, the standard service protection is a padmount fault interrupter owned and maintained by the City, installed at the customer's expense. The customer must provide and install the pad and associated substructure required for the fault interrupter.
114. 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.
115. 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.

DURING CONSTRUCTION

116. 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.
117. 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 by USA shall be delineated with white paint. All USA markings shall be removed by the customer or contractor when construction is complete.
118. 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.
119. 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.
120. All new underground conduits and substructures shall be installed per City standards and shall be inspected by the Electrical Underground Inspector before backfilling.
121. The customer is responsible for installing all underground electric service conductors, bus duct, transition cabinets, and other required equipment. The installation shall meet the National Electric Code and the City Standards.

122. Meter and switchboard requirements shall be in accordance with Electric Utility Service Equipment Requirements Committee (EUSERC) drawings accepted by Utility and CPA standards for meter installations.
123. 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
124. Catalog cut sheets may not be substituted for factory drawing submittal.
125. 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

126. 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

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

PUBLIC WORKS - ENGINEERING

131. SUBDIVISION: The proposed project is merging two legal lots comprised of at least 8 historic lots. Since the lot merger consists of four or more lots, the applicant shall submit an application for a Minor Subdivision to the Department of Planning and Community Environment (PAMC 21.08.050; Government Code 66412(d)). If condominium units are proposed, the applicant can incorporate the lot merger and condominium subdivision into the same submittal. Depending on the number of units proposed, the applicant shall submit a Minor or Major Subdivision application to the Department of Planning & Community Environment for a Preliminary Parcel Map/Parcel Map or Tentative Map/Final Map. Please be advised that no grading or building permits will be issued until the Parcel or Tentative Map is recorded with the County Recorder. A digital copy of the approved

map, in AutoCAD format, shall be submitted to Public Works Engineering and shall conform to North American Datum 1983 State Plane Zone 3 for horizontal survey controls and NGVD88 for vertical survey controls.

132. OFF SITE IMPROVEMENTS: As part of this project and the associated subdivision, the following improvements are required and must be shown on the plans submitted for a building permit. Note that under the provisions of the Subdivision Map Act, the applicant may be required to enter into a subdivision improvement agreement and provide security for the work shown on the plans.
- a. SIDEWALK, CURB & GUTTER: As part of this project, the applicant must replace existing sidewalks, curbs, gutters or driveway approaches in the public right-of-way along the frontage(s) of the property and a new concrete bus pad shall be provided for the bus stop on the Lytton Avenue frontage. Substitute the existing extended concrete gutter pan on the Lytton frontage with city standard curb and gutter. The site plan and grading and drainage plan submitted with the building permit plan set must show the extent of the replacement work. 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.
 - b. RESURFACING: The applicant is required to resurface (grind and overlay) the entire width of the street on the Lytton Avenue and Kipling Street frontages adjacent to the project. Resurfacing within the Kipling/Lytton intersection shall extend to the easterly and southerly corner radius returns on Lytton and Kipling, respectively.
 - c. STREET TREES: The applicant may be required to replace existing and/or add new street trees in the public right-of-way along the property's frontage(s). Call the Public Works' arborist at 650-496-5953 to arrange a site visit so he can determine what street tree work, if any, will be required for this project. 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, or include a note that Public Works' arborist has determined no street tree work is required. 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)
 - d. STORM DRAIN: To accommodate new directional curb ramps at the corner of Lytton and Kipling and simplify drainage adjacent to the site, the existing storm drain and catch basins at either end of the corner radius return shall be removed and replaced with a new catch basin on Kipling, clear of the new curb ramp flare, and connected to the Lytton Avenue storm drain main with a new manhole. Eliminate the high point in the gutter of the corner to allow runoff to flow from Lytton to the relocated catch basin on Kipling. The proposed storm drain lateral connection from the basement shall be intercepted with a catch basin while the drains, pipeline, and connection to the storm drain for the landscaped area adjacent to the single family home shall be removed. Configure the proposed drainage system from the basement to ensure water is not pressurized when entering the lateral connecting with the storm drain main.

133. **SHORING & HISTORIC STRUCTURE:** Due to the proximity of the basement excavation to the existing historic structure, the applicant shall include detailed shoring plans in the building permit plan set prepared by a licensed engineer. The shoring plans shall follow all applicable safety regulations, required environmental mitigations, and demonstrate how the building will be protected and suspended during the excavation activities. Shoring for the excavation, including tie backs, must not extend onto adjacent private property or into the city right of way without having first obtained written permission from the private property owners and/or an encroachment permit from Public Works Engineering.
134. **BASEMENT DRAINAGE:** Due to high groundwater throughout much of the City and Public Works prohibiting the pumping and discharging of groundwater, perforated pipe drainage systems at the exterior of the basement walls or under the slab are not allowed for this site. A drainage system is, however, required for all exterior basement-level spaces, such as lightwells, patios or stairwells. This system consists of a sump, a sump pump, a backflow preventer, and a closed pipe from the pump to a dissipation device onsite at least 10 feet from the property line, such as a bubbler box in a landscaped area, so that water can percolate into the soil and/or sheet flow across the site. The device must not allow stagnant water that could become mosquito habitat. Additionally, the plans must show that exterior basement-level spaces are at least 7-3/4" below any adjacent windowsills or doorsills to minimize the potential for flooding the basement. Public Works recommends a waterproofing consultant be retained to design and inspect the vapor barrier and waterproofing systems for the basement.
135. **DEWATERING:** Basement excavations may require dewatering during construction. Public Works only allows groundwater drawdown well dewatering. Open pit groundwater dewatering is disallowed. Dewatering is only allowed from April through October due to inadequate capacity in our storm drain system. The geotechnical report for this site must list the highest anticipated groundwater level. We recommend a piezometer to be installed in the soil boring. The contractor must determine the depth to groundwater immediately prior to excavation by using the piezometer or by drilling an exploratory hole if the deepest excavation will be within 3 feet of the highest anticipated groundwater level. If groundwater is found within 2 feet of the deepest excavation, a drawdown well dewatering system must be used, or alternatively, the contractor can excavate for the basement and hope not to hit groundwater, but if he does, he must immediately stop all work and install a drawdown well system before he continues to excavate. Public Works may require the water to be tested for contaminants prior to initial discharge and at intervals during dewatering. If testing is required, the contractor must retain an independent testing firm to test the discharge water for the contaminants Public Works specifies and submit the results to Public Works.

Public Works reviews and approves dewatering plans as part of a *Street Work Permit*. The applicant can include a dewatering plan in the building permit plan set in order to obtain approval of the plan during the building permit review, but the contractor will still be required to obtain a street work permit prior to dewatering. Alternatively, the applicant must include the above dewatering requirements in a note on the site plan. Public Works has a sample dewatering plan sheet and dewatering guidelines available at the Development Center and on our website.

136. **GRADING & DRAINAGE PLAN:** The plan set must include a grading & drainage plan prepared by a

licensed professional that includes existing and proposed spot elevations and drainage flow arrows to demonstrate proper drainage of the site. Adjacent grades must slope away from the buildings at 2%, minimum. Downspouts and splashblocks should be shown on this plan, as well as any site drainage features such as swales. Grading will not be allowed that increases drainage onto, or blocks existing drainage from, neighboring properties. Public Works generally does not allow rainwater to be collected and discharged into the street gutter, but encourages the developer to keep rainwater onsite as much as feasible by directing runoff to landscaped and other pervious areas of the site. See the Grading & Drainage Plan Guidelines: <http://www.cityofpaloalto.org/civicax/filebank/documents/2717>

137. GRADING PERMIT: The grading plan must include a table providing the cubic yardage of dirt being cut and filled outside of the building footprint. If the total is more than 100 cubic yards, a grading permit will be required. An application and plans for a grading permit are submitted to Public Works separately from the building permit plan set. The application and guidelines are available at the Development Center and on our website.
138. STORM WATER POLLUTION PREVENTION: The City's full-sized "Pollution Prevention - It's Part of the Plan" sheet must be included in the plan set. The sheet is available here: <http://www.cityofpaloalto.org/civicax/filebank/documents/2732>
139. 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.
140. 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.
141. 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.
142. STORM WATER TREATMENT: This project shall comply with the storm water regulations contained in provision C.3 of the NPDES municipal storm water discharge permit issued by the San Francisco Bay Regional Water Quality Control Board (and incorporated into Palo Alto Municipal Code Chapter 16.11). These regulations apply to land development projects that create or replace 10,000 square feet or more of impervious surface, and restaurants, retail gasoline outlets, auto service facilities, and uncovered parking lots that create and/or replace 5,000 square feet or more

of impervious surface. In order to address the potential permanent impacts of the project on storm water quality, the applicant shall incorporate into the project a set of permanent site design measures, source controls, and treatment controls that serve to protect storm water quality, subject to the approval of the Public Works Department. The applicant shall identify, size, design and incorporate permanent storm water pollution prevention measures (preferably landscape-based treatment controls such as bioswales, filter strips, and permeable pavement rather than mechanical devices that require long-term maintenance) to treat the runoff from a “water quality storm” specified in PAMC Chapter 16.11 prior to discharge to the municipal storm drain system. **Effective February 10, 2011, regulated projects, must contract with a qualified third-party reviewer during the building permit review process to certify that the proposed permanent storm water pollution prevention measures comply with the requirements of Palo Alto Municipal Code Chapter 16.11.** The certification form, 2 copies of approved storm water treatment plan, and a description of Maintenance Task and Schedule must be received by the City from the third-party reviewer prior to approval of the building permit by the Public Works department. **Within 45 days of the installation of the required storm water treatment measures and prior to the issuance of an occupancy permit for the building, third-party reviewer shall also submit to the City a certification for approval that the project’s permanent measures were constructed and installed in accordance to the approved permit drawings.**

143. STORMWATER MAINTENANCE AGREEMENT: 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.
144. 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.

PUBLIC ART

145. Prior to issuance of any building permit, the project shall demonstrate that approval of the project’s art plan was granted by the City’s Public Arts Commission.

*** End of Conditions of Approval ***

MITIGATION MONITORING OR REPORTING PROGRAM

411-437 Lytton Avenue Project

Palo Alto File No. 14PLN-00489



CITY OF PALO ALTO

March 2016

MITIGATION MONITORING OR REPORTING PROGRAM
411-437 Lytton Avenue Project, Palo Alto
Palo Alto File No. 14PLN-00489

Environmental Impacts	Mitigation Measures	Responsibility for Compliance	Method of Compliance and Oversight of Implementation	Timing of Compliance
Biological Resources				
Impact BIO-1: Construction of the proposed project could result in disturbance to active migratory bird nests.	Mitigation Measure BIO-1.1: In compliance with the MBTA and the California Fish and Game Code, the project shall implement the following measures: - Pre-construction surveys shall be completed by a qualified ornithologist to identify active nests that may be disturbed during project implementation. All potential nesting areas (trees, tall shrubs) shall be surveyed no more than 30 days prior to tree removal or pruning, if the activity will occur within the breeding season (February 1 – August 31). If more than 30 days pass between the completion of the preconstruction survey and the initiation of construction activities, the preconstruction survey shall be completed again and repeated at 30 day intervals until construction activities are initiated. - If an active nest is observed, tree removal and pruning shall be postponed until all the young have fledged. An exclusion zone shall be established around the nest site, in consultation with the California Department of Fish and Game (CDFG). Exclusion zones for active passerine (songbirds) nests shall have a 50-foot radius centered on the nest tree or shrub.	Project applicant and contractors	All measures will be required as part of development permits, and will be printed on all construction documents, contracts, and project plans prior to issuance of development permits. Oversight of implementation by the City of Palo Alto Director of Planning and Community Environment.	Prior to the start of demolition and construction, as specified.

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	Active nests shall be monitored weekly until the young fledge. No construction activities, parking, staging, material storage, or other disturbance shall be allowed within the exclusion zones until the young have fledged from the nest.			
Cultural Resources				
Impact CR-1: Based on the property's historic status, damage caused during the temporary relocation and completion of modifications could result in a significant impact to historic resources.	Mitigation Measure CR-1.1: The applicant will identify a qualified historic architect to oversee project activities related to the historic house. The selection of the historic architect will be approved by the City prior to the commencement of project activities. The consulting historic architect will monitor implementation of required protection measures and will provide reports and findings to the City as required. Mitigation Measure CR-1.2: The historic architect shall establish a training program for construction workers involved in the project that communicates the importance of protecting historic resources. This program shall include information on recognizing historic fabric and materials, and directions on how to exercise care when working around and operating equipment near the historic structure, including storage of materials away from historic buildings. It shall also include information on means to reduce vibrations from demolition and	Project applicant and consulting historic preservation architect.	All measures will be required as part of development permits, and will be printed on all construction documents, contracts, and project plans prior to issuance of development permits. Oversight of implementation by the City of Palo Alto Director of Planning and Community Environment and the City's Historic Resources Planner.	Prior to the start of demolition and during building relocation and construction, as specified.

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	construction, and monitoring and reporting any potential problems that could affect the historic resources in the area. The project sponsor shall be responsible for implementation of the training program, which shall be reviewed and approved by City staff. Mitigation Measure CR-1.3: Monitoring will be conducted by the qualified historic architect and the project's structural engineer for any relocation or rehabilitation activities where there is a potential for substantial damage to the historic house. The duration and intensity of the monitoring program will be determined by the project's historic architect and will range from full-time monitoring to "as needed" inspections throughout construction or demolition operations. Monitoring reports shall be submitted to the City's assigned staff on a periodic basis to be determined by City staff. If, in the opinion of the project's structural engineer and historic architect, substantial adverse impacts to historic resources related to relocation or rehabilitation activities are found during construction, the monitoring team shall so inform the project sponsor, or sponsor's designated representative responsible for construction activities, as well as City staff within 24 hours. The project sponsor and the City shall consider			

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	the structural engineer and historical architect's findings and recommendations and mutually agree on corrective measures, which shall be carried out by the project sponsor. Mitigation Measure CR-1.4: Protection and Relocation, Phase I Construction Phasing: The protection of the historic house and the temporary relocation procedures are intertwined such that the sequencing is a constituent element of the protection. Physical distance and an offset in the timing of demolition of the office building is the best protection for the historic house from damage associated with flying debris or from demolition equipment. Implementing one of the following relocation options is proposed for the "Phase I" relocation and rehabilitation of the 411 Lytton Avenue residence. <u>1. Relocation Phasing Option 1:</u> Retain the house on its existing 411 Lytton Avenue site and demolish the existing two-story office building at 437 Lytton Avenue. The distance between the two structures creates a natural buffer for protection of the house. As demolition often causes flying debris, the windows on the north elevation shall be clad with minimum ½" plywood for physical protection. Following demolition of the office building, the house would be			

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	temporarily moved to the 437 Lytton Avenue site, the basement and foundation installed for the residence, and the house moved back to the 411 Avenue Lytton site. <u>2. Relocation Phasing Option 2:</u> If the procedure identified in Relocation Option 1 is not feasible, prior to demolition of the two story commercial building at 437 Lytton Avenue, relocate the house to its receiver site. Excavate the new basement for the house, and construct foundation walls. Move the house back to its original footprint and bolt it to the new foundation but refrain from constructing the addition and any rehabilitation activities. Protect the north facing windows as described above. Demolish the two-story office building at 437 Lytton Avenue after the house is relocated back to the 411 Lytton Avenue site. Mitigation Measure CR-1.5: Protection and Relocation, Phase II Construction: In either case described in MM CR-1.4, at the start of construction for the new three-story mixed-use building, potentially harmful construction activities will be taking place directly adjacent to the historic house. The following recommendations for Phase II construction will protect historic resources during this phase.			

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	1. Mount physical protection to the roof, and windows to protect the house from flying debris from above. 2. Apply all shoring and anti-vibration suggestions from a qualified engineer. 3. Do not construct the addition or attempt to do any rehabilitation work until the new three-story structure is closed in as a final protection measure. Mitigation Measure CR-1.6: Protection and Relocation, General Relocation Procedures: The following general relocations recommendations will further protect historic resources during the temporary relocation process. 1. At a minimum, before starting, the house will be completely photo-documented by the moving contractor, under supervision of the consulting historic architect. 2. The site will be secured with fencing, and window and door openings will be covered with plywood to prevent intruders. 3. The site will be cleared of all shrubs and plant materials that would impede the relocation activity. 4. The house will be assessed for weak points that could fail during the move. Those areas will be braced, shored, or supported with an internal secondary stud wall depending on the structural			

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	condition requiring remediation. All temporary work of this kind will be reversible, additive, and will not destroy the historic fabric of the building. 5. The house will be moved in the largest sections possible and allowed by clearances on the route. The street facing porch may have to be parted from the main body of the house and moved separately or reconstructed. 6. Any house elements that are removed as part of the relocation will be given a unique identifying number, catalogued, stored in secure containers, preferably on site. 7. The house will be moved during an off hour period to minimize impacts to the street and surrounding neighbors. 8. The house, on its temporary site will be supported by temporary wooden cribbing. It will be elevated well above the ground to allow the moving contractor access for steel carrying beams and floor reinforcing if necessary. When the new foundations and basement are complete, the house will be relocated to its original site. Mitigation Measure CR-1.7: Protection and Relocation, Relocation Procedures for Specific Elements: The following measures will further protect historic			

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	resources during the temporary relocation process. 1. <u>Porch</u>: If necessary, the porch will be dismantled in the largest pieces possible. 2. <u>Windows</u>: The windows are in good condition and can be moved in place. If it is determined that the motion associated with the relocation activity will cause damage, the window sash will be labeled, catalogued, removed and stored in secure containers for relocation to the new site. 3. <u>Doors</u>: Doors will be labeled, catalogued, removed and stored in secure containers for relocation to the new site. 4. <u>Brick Chimney</u>: The feasibility of moving the chimney with the house should be determined. If required, the house moving contractor will dismantle the chimney, and will clean and palletize the bricks. The interior mantle will be salvaged, and moved with the bricks. Based on experience, approximately 75 percent of the bricks might be salvaged. The architect, in conjunction with the house mover will determine the feasibility of reconstructing the chimney; however, at a minimum the geometry and historic character of the living room fire place should be retrained because of the high integrity of the building. 5. <u>Historic Elements</u>: Further specifications for the protection of wood and other			

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	elements are included in the Protection and Relocation Study prepared by C.G. Duncan (Appendix B1). Mitigation Measure CR-1.8: Protection and Relocation, Rehabilitation Measures: The following measures will further protect historic resources during the rehabilitation process. 1. All work, will adhere to the Secretary of the Interior's Standards for the Treatment of Historic Properties, using the Rehabilitation Guidelines. 2. Retain the historic room configurations with the exception of the necessary changes for the rear addition. 3. Retain all historic flat plaster over lath, if possible. 4. If original wood floor material is found beneath new coverings inspect it for soundness, recoverability, and retain as much as possible. Replace deteriorated wood flooring with in-kind material. 5. Retain all interior window and door trim, baseboards, and moldings. 6. Retain all historic door and window hardware. 7. If reconstruction of the front, street facing porch is necessary incorporate the salvaged historic columns, trim curved elements as much as possible. Where there is insufficient salvaged historic			

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	material, replace it with new in-kind material. 8. The foundation shall be constructed such that the house will retain its historic relationship to the surrounding finished grade. 9. If feasible, utilities shall enter the house from underground and be hidden. 10. As part of the bid qualifications, the contractor responsible for the rehabilitation work shall be versed in the Secretary of the Interior's Standards for the Treatment of Historic Properties, and be able to demonstrate previous experience in the rehabilitation of historic buildings.			
Impact CR-2: Although existing and past development has altered the project site, there is always the potential to discover unknown cultural resources during site excavation. In the event any archaeological or human remains are discovered on the site, impacts would be potentially significant.	Mitigation Measure CR-2.1: In the event any significant cultural materials are encountered during construction grading or excavation, all construction within a radius of 50-feet of the find would be halted, the Director of Planning and Community Environment shall be notified, and the archaeologist shall examine the find and make appropriate recommendations regarding the significance of the find and the appropriate mitigation. Recommendations could include collection, recordation and analysis of any significant cultural materials. A report of findings documenting any data recovered during monitoring shall be	Project applicant and contractors.	All measures will be required as part of development permits, and will be printed on all construction documents, contracts, and project plans prior to issuance of development permits. Oversight of implementation by the City of Palo Alto Director of Planning and Community Environment.	During construction, as specified.

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	submitted to the Director of Planning and Community Environment. Mitigation Measure CR-2.2: In the event that human skeletal remains are encountered, the applicant is required by County Ordinance No. B6-18 to immediately notify the County Coroner. Upon determination by the County Coroner that the remains are Native American, the coroner shall contact the California Native American Heritage Commission, pursuant to subdivision (c) of section 7050.5 of the Health and Safety Code and the County Coordinator of Indian Affairs. No further disturbance of the site may be made except as authorized by the County Coordinator of Indian Affairs in accordance with the provisions of state law and the Health and Safety Code. The Director of Planning and Community Environment shall also be notified immediately if human skeletal remains are found on the site during development.			
Noise and Vibration				
Impact NOISE-1: The proposed project could affect a number of older buildings near the project from the temporary vibration impacts from the excavation and	Mitigation Measure NOISE-1.1: A Construction Vibration Monitoring Plan shall be implemented to document conditions prior to, during, and after vibration generating construction activities. All Plan tasks shall be undertaken under the	Project applicant and contractors.	All measures will be required as part of development permits, and will be printed on all construction documents, contracts, and project plans	Prior to the start of demolition and during demolition and

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construction of the basement parking garage at 437 Lytton Avenue.	direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry accepted standard methods. The Construction Vibration Monitoring Plan shall include the following tasks: • Identification of the sensitivity of nearby structures to groundborne vibration. Vibration limits shall be applied to all vibration sensitive structures located within 50 feet of the project. • Performance of a photo survey, elevation survey, and crack monitoring survey for each structure within 50 feet of construction activities identified as sources of high vibration levels. Surveys shall be performed prior to any construction activity, in regular intervals during construction and after project completion and shall include internal and external crack monitoring in structures, settlement, and distress and shall document the condition of foundations, walls, and other structural elements in the interior and exterior of said structures. • Development of a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the		prior to issuance of development permits. Oversight of implementation by the City of Palo Alto Director of Planning and Community Environment.	construction, as specified.

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	need to conduct photo, elevation, and crack surveys to document before and after construction conditions. Construction contingencies would be identified for when vibration levels approach the limits. • At minimum, vibration monitoring shall be conducted during pavement removal, building demolition, and drilling activities. Monitoring results may indicate the need for more or less intensive measurements. • If vibration levels approach limits, suspend construction and implement contingencies to either lower vibration levels or secure the affected structures. • Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site. • Conduct post-survey on structures where either monitoring has indicated high levels or complaints of damage has been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities. Mitigation Measure NOISE-1.2: The results of all vibration monitoring shall be summarized and submitted in a report to the Development Services Department and			

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	Planning and Community Environment shortly after substantial completion of each phase identified in the project schedule of the Construction Vibration Monitoring Plan. The report shall include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations. An explanation of all events that exceeded vibration limits shall be included together with proper documentation supporting any such claims.			

Attachment F

Initial Study and Mitigated Negative Declaration

This document is available for viewing online at:

<http://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?BlobID=52028>

Hard copies of IS/MND is available at City Hall, 5th Floor, Planning and Community Environment Department.



HEXAGON TRANSPORTATION CONSULTANTS, INC.

Memorandum

Date: March 12, 2015

To: Mr. Brad R. Ehikian, Ehikian & Company
Mr. Ken Hayes, Hayes Group Architects, Inc.

From: Gary Black and Ling Jin

Subject: Trip Generation Analysis and On-Site Circulation/Parking/Site Access Review for Mixed-Use Development at 411 and 437 Lytton Avenue in Palo Alto, California

Hexagon Transportation Consultants, Inc. has completed the trip generation analysis and on-site circulation/parking/site access review for the proposed mixed use project located at 411 and 437 Lytton Avenue in Palo Alto, California. The project consists of demolishing the existing two-story office building at 437 Lytton and constructing a three story building with two floors of office space and a residential unit above. The size of the existing office building is 7,426 square feet. The proposed new office space is 13,522 square feet, so there is a proposed increase in office space of 6,096 square feet. The existing house at 411 Lytton Avenue would be remodeled with one bedroom added.

Parking for the 437 Lytton site would be provided in two subterranean parking levels accessible via a two-way driveway on Kipling Street. The existing site driveway on Lytton Avenue would be removed.

The purpose of this traffic study is to estimate the net new trips generated by the project, which the City of Palo Alto can review and determine if a focused traffic study is needed. Hexagon also reviewed the project site plan to determine the overall adequacy of the site access and on-site circulation in accordance with generally accepted traffic engineering standards and to identify any access or circulation issues that should be improved. Parking was evaluated relative to the Palo Alto Parking Code.

Project Trip Generation

Through empirical research, data have been collected that quantify the amount of traffic produced by common land uses. Thus, for the most common land uses there are standard trip generation rates that can be applied to help predict the future traffic increases that would result from a new development. The magnitude of traffic added to the roadway system by a particular development is estimated by multiplying the applicable trip generation rates by the size of the development. The trip generation rates published in the Institute of Transportation Engineers' (ITE) manual entitled *Trip Generation, 9th Edition* (2012) for General Office Building (Land Use 710) and Single-Family Detached House (Land Use 210) were used for this study.

The trips generated by the existing office building at 437 Lytton Avenue were estimated using the trip generation rates for General Office Building (Land Use 710) following the same procedures as described above. The number of trips generated by the one residential unit at 411 Lytton Avenue under project conditions would be the same as existing conditions.

As shown in Table 1, the project is estimated to generate 75 net new daily vehicle trips, with 10 net new trips occurring during the AM peak hour and 10 net new trips during the PM peak hour. The new trips added by the proposed project are minimal. Therefore, it is probably not necessary to do any further focused traffic study.

Table 1
Project Trip Generation Estimates

Land Use	ITE Code	Size		Daily Trip Rates	Daily Trips	AM Peak Hour				PM Peak Hour			
						Pk-Hr Rate	Trips			Pk-Hr Rate	Trips		
							In	Out	Total		In	Out	Total
Existing Use													
Office Space ¹	710	7,426	s.f.	11.03	82	1.56	11	1	12	1.49	2	9	11
Proposed Use													
Office Space ¹	710	13,522	s.f.	11.03	147	1.56	18	3	21	1.49	3	17	20
Residential ²	210	1	unit	9.52	10	0.75	0	1	1	1.00	1	0	1
Total Proposed					157		18	4	22		4	17	21
Net Project Trips (Proposed - Existing)					75		7	3	10		2	8	10
Notes: ¹ Rates based on ITE Land Use Code 710 (General Office), average rate. ² Rates based on ITE Land Use Code 210 (Single-Family Detached Housing), average rate. Source: Institute of Traffic Engineers, Trip Generation Manual, 9th Edition, 2012.													

Site Access & Circulation

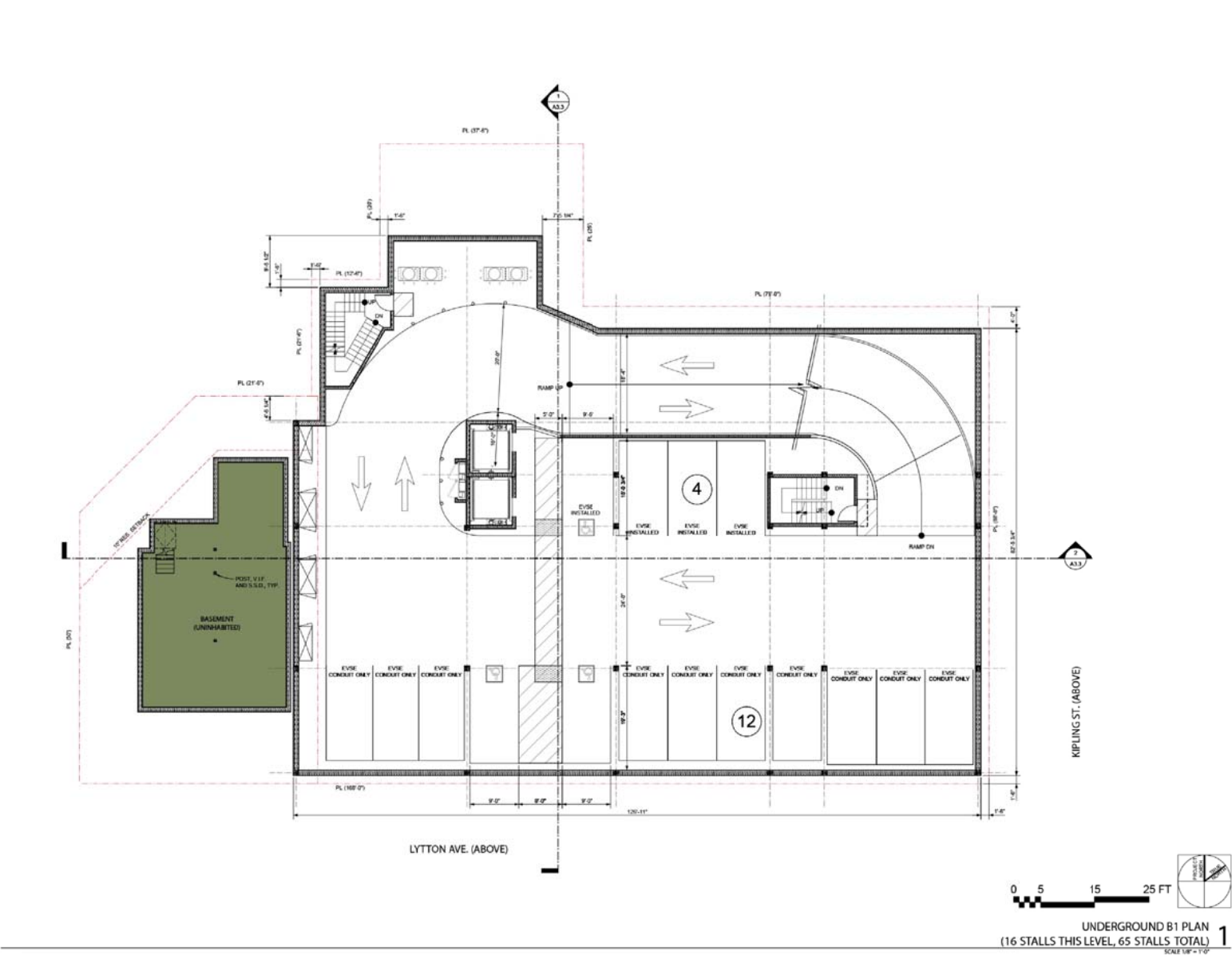
A review of the project site plan was performed to determine whether adequate site access and circulation would be provided. This review was based on the site plan provided by Hayes Group Architects, Inc. dated March 9, 2015 (see Figure 1).

Site Access

Currently, the vehicular access to the site at 437 Lytton Avenue is provided by driveways on both Lytton Avenue and Kipling Street. With the project, the existing driveway along Lytton Avenue would be eliminated. Vehicle access to the underground parking garage would be provided via a two-way driveway on Kipling Street. The driveway is estimated to serve 22 vehicles during the AM peak hour and 21 vehicles during the PM peak hour under project conditions. That is an average of about one car per three minutes. The driveway would work well, and the addition of project traffic easily would be accommodated. The site plan shows that the project site at 411 Lytton Avenue would keep the existing single-lane driveway located on Lytton Avenue.

For bicycle accessibility, there are bike lanes on both sides of Lytton Avenue. The bike lanes extend from Alma Street in the west to Middlefield Road in the east. The bike trips generated by the project would be accommodated by the existing bike facilities around the study area.

Drawn: 3/20/15
Reviewed: 11/18/00 A2.2 (03/09)S.y.w.x



HAYES GROUP ARCHITECTS

HAYES GROUP ARCHITECTS, INC.
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PROJECT DESCRIPTION:
437 LYTTON AVE.
PALO ALTO
CA / 94301

DESCRIPTION:
PRELIMINARY AND SUBMITTAL
03.04.14
MAJOR AND SUBMITTAL
12.08.14
MAJOR AND RESUBMITTAL
03.03.15

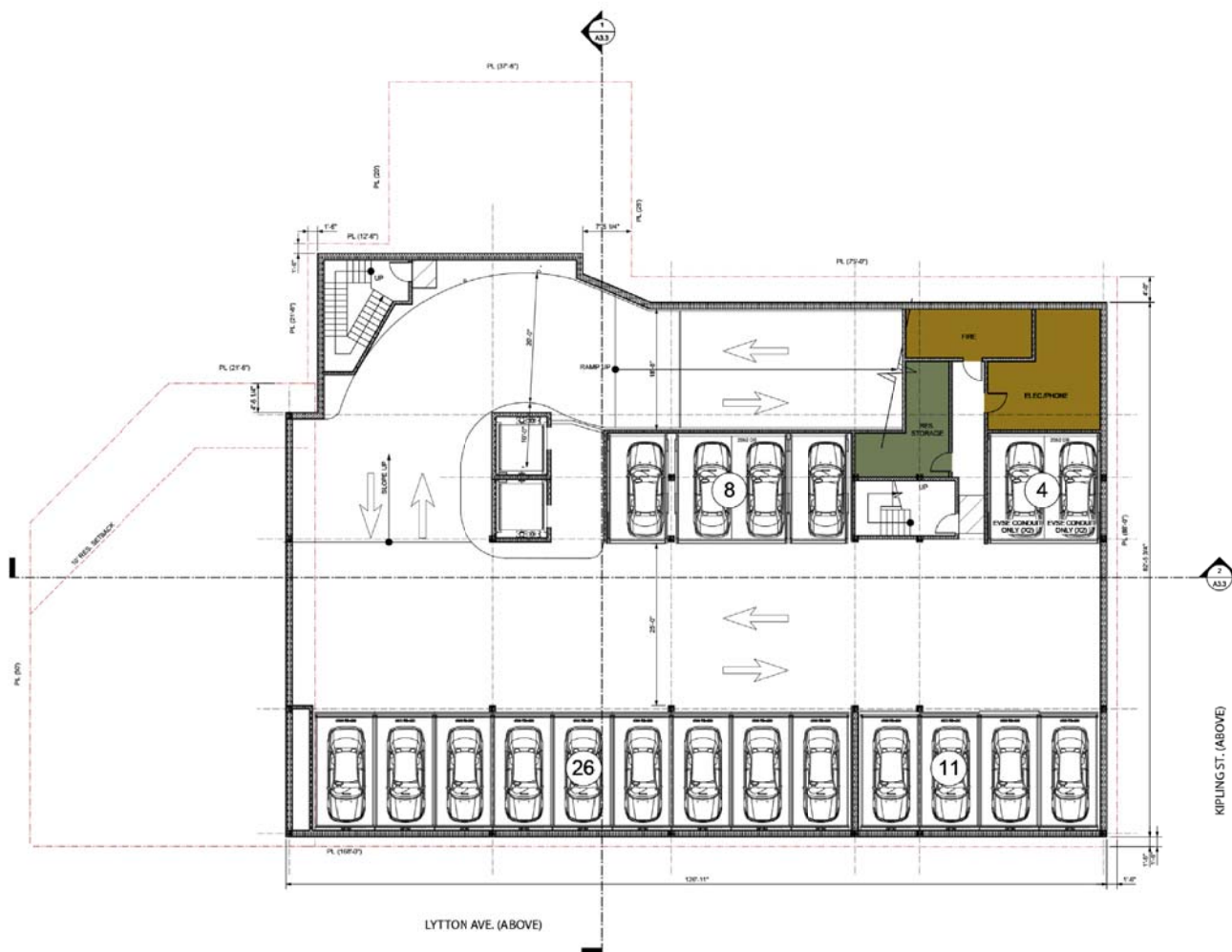
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UNDERGROUND B1 - PLAN

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A2.2



0 5 15 25 FT
UNDERGROUND B2 PLAN
(49 STALLS THIS LEVEL, 65 STALLS TOTAL)
SCALE 1/8" = 1'-0"



HAYES GROUP ARCHITECTS, INC.
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PROJECT DESCRIPTION:
437 LYTTON AVE.
437 LYTTON AVE.
PALO ALTO
CA / 94301

DESCRIPTION
PRELIMINARY APM SUBMITTAL
08.04.14
MAJOR APM SUBMITTAL
12.09.14
MAJOR APM PRELIMINARY
03.01.15

SHEET REVISIONS
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DRAWING CONTENT
UNDERGROUND B2 - PLAN

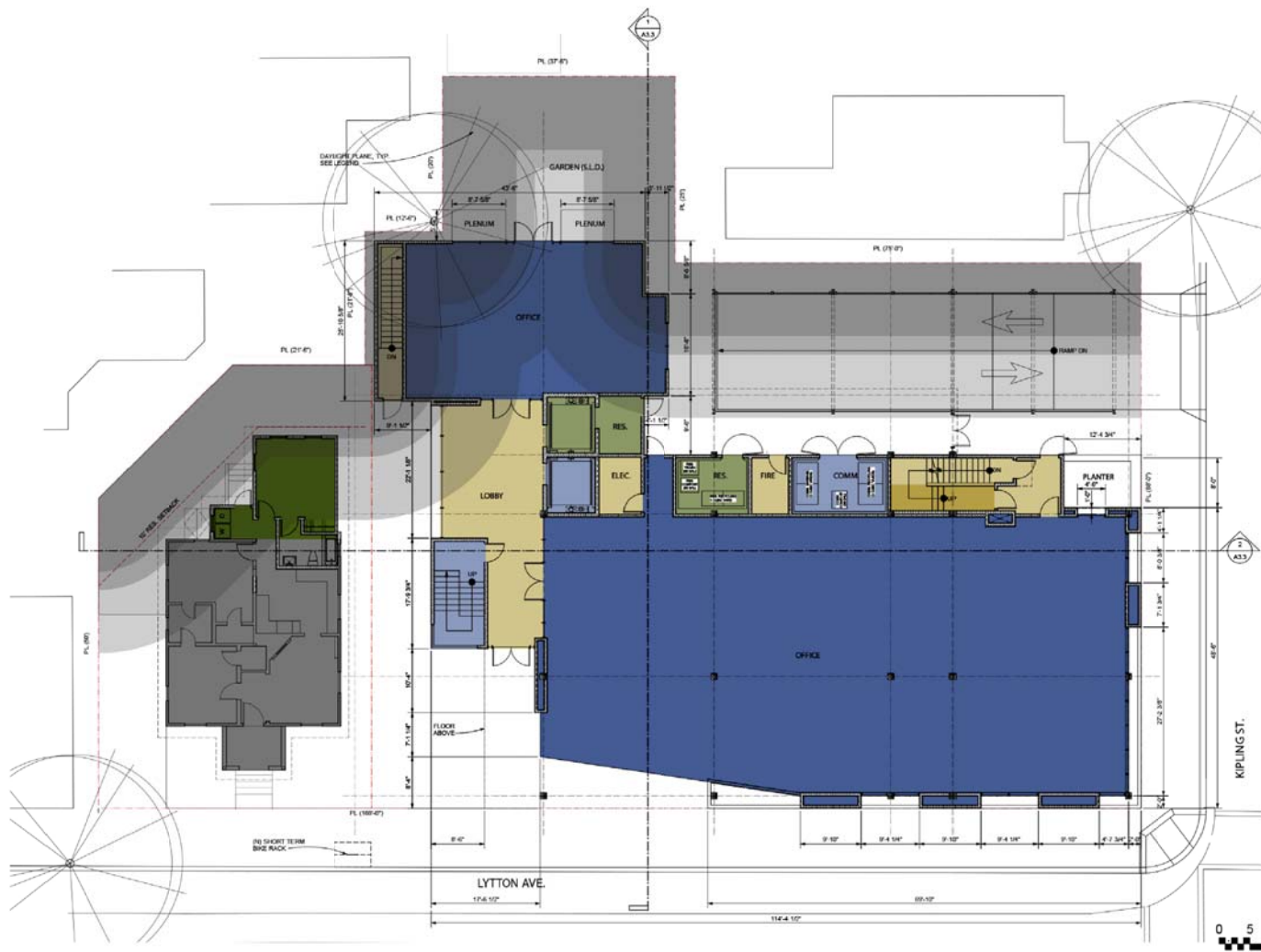
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JOB NUMBER:
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Draw: 3/5/15
Rev: 11/18/00, A2.1 000915.vrx

Draw: 3/6/15
Rev: 11/18/06 A2.3 030615.rvt



437 LYTTON AREA SUMMARY	OFFICE	RESIDENTIAL
1ST FLOOR (1,148 SF)		
RESIDENTIAL	4,811 SF	4,811 SF
RES. CIRCULATION	252 SF	252 SF
2ND FLOOR (1,148 SF)		
OFFICE	6,474 SF	6,474 SF
SHARED CIRCULATION	116 SF	58 SF
COMMERCIAL CIRC.	230 SF	230 SF
RES. CIRC.	130 SF	130 SF
GROUND FLOOR (2,267 SF)		
OFFICE	5,350 SF	5,350 SF
SHARED CIRCULATION	42 SF	41 SF
SHARED CIRC., STAIRS, ELEV.	1,487 SF	458 SF
COMM. CIRC. & S/T	142 SF	382 SF
RES. ELEV., CORR. & T.S.	276 SF	276 SF
3RD FLOOR (1,148 SF)		
UTILITY	480 SF	530 SF
RES. STORAGE	204 SF	204 SF
SUB TOTAL	13,822 SF	8,797 SF
TOTAL	13,822 SF	8,797 SF

411 LYTTON AREA SUMMARY	OFFICE	RESIDENTIAL
TOTAL GROUND FLOOR (16,244 SF)		
NO RES. ADDITION	288 SF	
NO RES. BASEMENT STORAGE	1,140 SF	
RES. RESIDENCE	801 SF	
TOTAL 411 LYTTON HOUSE	2,243 SF	

TOTAL AREA SUMMARY	OFFICE	RESIDENTIAL
SUB TOTAL	13,822 SF	8,797 SF
TOTAL	13,822 SF	8,797 SF

PARKING SUMMARY	DAYLIGHT PLANE LEGEND
PARKING SPACES REQUIRED:	11' FT. AT PL TO -26' 10"
OFFICE (1,148 SF) (1,148 SF)	2
RES. @ 1:100 (1,148 SF)	2
411 LYTTON HOUSE (2,243 SF)	2
TOTAL REQUIRED:	6
PARKING SPACES PROVIDED:	16
PARKING LEVEL 11	16
PARKING LEVEL 12	0
TOTAL PROVIDED:	16
BISS SPACES PROVIDED:	
LONG TERM	16
SHORT TERM	0
TOTAL	16
BISS SPACES PROVIDED:	
LONG TERM	16
SHORT TERM	0
TOTAL	16



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PROJECT DESCRIPTION:
437 LYTTON AVE.
PALO ALTO
CA / 94301

DESCRIPTION
PREFLIMINARY AND SUBMITTAL
03.26.14
MAJOR AND SUBMITTAL
12.28.14
MAJOR AND RESIDENTIAL
03.03.15

SHEET REVISIONS
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DRAWING CONTENT
GROUND FLOOR PLAN

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DRAWING NUMBER

GROUND FLOOR PLAN 1
SCALE 1/8" = 1'-0"

A2.3

Figure 1
Site Plan

Circulation

On-site vehicular circulation was reviewed for the project in accordance with generally accepted traffic engineering standards. No dead-end drive aisles are proposed on underground parking level one. The site plan shows one dead-end drive aisle on underground parking level two. Dead-end aisles are generally undesirable from a circulation perspective because upon entering, drivers may discover that there is no available parking and must either back out or perform a three-point turn. To avoid difficult vehicle parking maneuvers on the dead-end aisle and to guarantee effective use of the stacked parking spaces, Hexagon recommends that all of the parking spaces be assigned parking. If assigned, the dead-end aisle would not cause any circulation issues.

An analysis was conducted to determine the adequacy of drive aisle widths and radii for passenger cars in the underground garage. Based on the analysis, vehicles would need to use the opposite lanes and make three-point turns in order to access some of the parking spaces. Therefore, Hexagon recommends the installation of mirrors in key locations to help drivers make turns safely.

The proposed site plan shows that the ramps to the underground garage would be 18 feet 8 inches in width, which would meet the City's standard for below ground parking facilities (City Zoning Code Section 18.54.070). The proposed site plan shows 90 degree parking spaces throughout the underground garage, and the width of the parking stalls would vary between 8.5 feet and 9.5 feet at different locations. The City's standard width for two-way drive aisles is between 23 feet and 25 feet where 90-degree standard parking spaces are provided depending on the width of the stalls. This allows sufficient room for vehicles to back out of parking spaces. The minimum stall width for 24 feet and 25 feet aisles is 9 feet and 8.5 feet, respectively. According to the proposed site plan, the drive aisles on all parking levels would meet this standard.

The project proposes to have a trash and recycling room next to the drive aisle ramp to underground parking. A truck would not be able to access the trash and recycling room, so it is assumed that the trash bins would be rolled out to the street for pick-up.

The City Zoning Code (Section 18.54.040) requires one off-street loading space for an office development with gross floor area between 10,000 s.f. and 99,999 s.f. The project proposes one loading space on Lytton Avenue, meeting this requirement.

Parking

The parking for the proposed project was evaluated based on the City of Palo Alto parking code. The project site is located outside of the Downtown Parking Assessment District. Based on the City's requirements, all the parking spaces must be provided on site.

Based on the March 9, 2015 site plan, parking for the mixed-use building at 437 Lytton Avenue and the home at 411 Lytton Avenue would be provided in the underground parking garage. The requirement for office space is a minimum parking supply of 1 space per 250 square feet. As previously described, the proposed project would construct 13,522 square feet of office space. City of Palo Alto parking standards require that the project provide a minimum of 54 parking spaces onsite for the office use. The proposed residential unit on the third floor and the home at 411 Lytton Avenue each require two parking spaces. Therefore, the total required parking spaces for the proposed mixed-use development would be 58 spaces. The proposed underground parking garage would provide a total of 65 parking spaces with 16 regular parking spaces and 49 stacked spaces. For the proposed office development, Hexagon recommends that all the parking spaces be assigned parking. Assuming assigned spaces, Hexagon does not see a problem with stacked parking spaces for an office building.

The City's municipal code requires one bike parking space per 2,500 square feet for office use, split 80% long-term and 20% short-term, and one long-term bike parking space per unit for multi-family residential uses. This yields a minimum requirement of 6 long-term bicycle spaces and 1 short-term space. The proposed project would provide 6 long-term bicycle parking spaces in the underground garage and two short-term spaces at street level, which exceeds the City's standards.

Conclusions

The project trips generated by the proposed project are fairly low and would not cause any significant impact to the surrounding roadway systems or neighborhood traffic. Therefore, a further focused traffic study probably is not necessary.

The site access/ on-site circulation and parking review indicates that some improvements would be necessary to meet the City's standard and to facilitate vehicle parking maneuvers.

- Install mirrors in key locations in the underground garage to help drivers make turns safely.
- Designate all parking spaces in the underground garage as assigned spaces to avoid difficult parking maneuvers on the dead-end aisle and to guarantee effective use of the stacked parking spaces.

CITY OF PALO ALTO
INTERIM OFFICE/R&D ANNUAL LIMIT GUIDELINE
~~February 17~~ June 2, 2016

Pursuant to the authority granted by Palo Alto Municipal Code ("PAMC") Section 18.85.208, the following Interim Office/R&D Annual Limit Program Guideline ("Guideline") is hereby adopted and determined to be desirable for the implementation and enforcement of PAMC Section 18.85.200 (Annual Office Limit) of PAMC Chapter 18.85 (Interim Zoning Ordinances). All defined terms used in this Guideline shall have the meaning set forth in PAMC Section 18.85.201.

Overview: The purpose of this Guideline is to implement the annual limit on Office/R&D development adopted by Ordinance Number 5357 on October 26, 2015. The annual limit was adopted on an interim basis for two years (until November 26, 2017) or until the Comprehensive Plan Update is completed, whichever occurs first.

No more than 50,000 gross square feet of new Office/R&D development can be approved within a given fiscal year in the subset of the City shown in Attachment A and adopted as Exhibit A of Ordinance 5357. This Guideline is intended to implement the interim annual limit in Fiscal Year 2015/16 and Fiscal Year 2016/17.

Program Guideline:

A. **Applicability.** This Interim Office/R&D Annual Limit Program Guideline is applicable to all discretionary development applications proposing an increase in gross square footage devoted to one or more of the following uses,¹ when the site is located within the area shown on Exhibit A of Ordinance 5357:

- Research & Development as defined in PAMC Section 18.04.030(123)
- Administrative Office Services as defined in PAMC Section 18.04.030(6)
- General Business Office as defined in PAMC Section 18.04.030(61)
- Medical Office as defined in PAMC Section 18.04.030(95)
- Professional Office as defined in PAMC Section 18.04.030(116).

Building permit applications and associated use and occupancy certificates are not discretionary and applications proposing use or reuse of existing building space via non-discretionary applications are not subject to the Interim Office/R&D Annual Limit.

B. **Exemptions.** Exempted applications, as defined below, shall be processed in accordance with applicable sections of the PAMC without regard to the

¹ The text of the cited definitions is included in Attachment B.

procedures established by this Guideline. The decision to approve or disapprove such applications shall be appealable to the City Council in accordance with existing provisions of the PAMC.

An applicant may request in writing a formal determination that a pending application is exempt pursuant to one of the exemptions outlined below at any time. The resulting written determination shall be considered a code interpretation that is appealable to the City Council consistent with Section 18.01.025 of the PAMC.

1. Accessory office space that is incidental to and customarily associated with a principal use or facility. Examples include a small office space used in conjunction with a retail establishment, a hotel, a school, or a religious institution.
 2. City office space.
 3. Any application proposing less than 2,000 new gross square feet of Research & Development, Administrative Office Services, General Business Office, and/or Professional Office, where such application does not also involve the Medical Office exemption in item (4) below.
 4. Any application proposing a project containing less than 5,000 new gross square feet of Medical Office, where such application does not also involve the exemption in item (3) above.
 5. "Pipeline Projects" as follows:
 - a. Projects which obtained a planning entitlement prior to the effective date of Ordinance 5357 (November 25, 2015).
 - b. Projects which are the subject of a planning entitlement application that was submitted to the City in 2013 or 2014 and deemed complete by the City on or before March 31, 2015.
- C. "Self-Mitigating Projects" which provide rental housing for more members of the workforce than would be employed in the project, and which provide substantial transportation demand management (TDM) strategies either individually or in combination with other projects or programs such that parking and traffic conditions in the site vicinity would be improved.
- D. Economic Hardship Waiver or Adjustment. An applicant may request that requirements of Ordinance 5357 be adjusted or waived based upon showing that applying the requirements of Ordinance 5357 would effectuate an unconstitutional taking of property or otherwise have an unconstitutional application to the property.

1. The applicant shall bear the burden of presenting evidence to support a hardship-related waiver or modification and shall submit an economic analysis along with an explanation of the factual and legal basis for the claim to the Director of Planning.
 2. The Director of Planning shall review the request and forward it to the City Council with a recommendation within 60 days. The City Council shall consider the request at a noticed public meeting, along with the economic analysis and the Director's recommendation, and provide a final decision to grant or deny the request.
- E. Processing and review of applications subject to the Interim Office/R&D Annual Limit.
1. Applications subject to the Interim Office/R&D Annual Limit shall be processed in accordance with the PAMC and the California Environmental Quality Act (CEQA), except that neither the Director of Planning nor the City Council shall adopt the CEQA document or act upon any such applications between July 1 and March 31 of each year.
 2. The Director of Planning shall review all such applications that are pending final action by the Director of Planning or City Council as of the close of business on March 31 of each year, and determine which applications are eligible for consideration.
 - a. Pending applications only become eligible for consideration if they have been recommended for approval by the Architectural Review Board (ARB) and the Planning & Transportation Commission (PTC – for Site and Design and rezoning applications only), and if review pursuant to CEQA has been completed. For purposes of this section, subdivision requests accompanying entitlement applications do not need to be submitted or processed.
 - b. Applications that are not eligible for consideration at the close of business on March 31 will be reviewed for eligibility in the following fiscal year unless the 50,000 square foot annual limit has not been reached as described in paragraph (c) below. In this case, additional applications may become eligible and be considered between March 31 and June 30, as long as the 50,000 square foot annual limit is not reached.
 3. If the sum total of new square footage proposed by all eligible applications on the close of business on March 31 is 50,000 square feet or less, all of the applications will be acted upon by the approving authority established in the PAMC. For example, the Director of Planning would act upon Architectural Review applications, and that action would be appealable to the City Council.

The City Council would act upon applications requiring Site and Design or rezoning. The project is considered to have received a square footage allocation in the Fiscal Year approved, whether that approval is by the Director or the City Council. Thus the City Council may consider and render a decision on any appeal of the Director's decision after the end of the Fiscal Year without necessitating reconsideration of the project's square footage allocation.

4. If the sum total of new square footage proposed by all eligible applications on the close of business on March 31 is greater than 50,000 square feet, the Director of Planning shall prepare the applications for hearing by the City Council as follows:
 - a. At an initial hearing, the Director shall provide the City Council with all pending applications, including required CEQA documents, recommended findings and conditions of approval. Each applicant will be invited to present their project at the initial hearing, and the City Council may provide comments and direction regarding the recommended findings and conditions. The initial review of the eligible projects by the City Council may be spread over more than one meeting if time does not allow review of all projects on one meeting agenda.
 - i. If the City Council is unable to support approval of the required CEQA document or the required findings for any of the eligible projects, it may direct staff to prepare findings for denial or impose conditions that will permit it to make the necessary findings.
 - ii. Projects that are denied based upon not meeting required findings for approval are no longer eligible projects and the applicant must submit a new planning entitlement for a substantially different project for proposed development at the same site.
 - b. At a second public hearing, the Director shall provide the City Council with a recommended ranking of the eligible applications using the scoring criteria included below. The Director may convene a panel consisting of the Chair of the ARB and the Chair of the PTC to assist in the ranking. At the second public hearing, the City Council shall review the Director's recommendation and select the projects that shall receive an office/R&D allocation. The projects selected shall receive planning entitlement approval at the same hearing, which shall occur before the end of the fiscal year on June 30. The City Council shall approve, deny, or approve as modified the project(s) receiving an office/R&D allocation.

- c. Any application that is not approved by the City Council solely because it exceeds the office/R&D allocation shall be denied unless the applicant requests that the project be rolled over for consideration in the next fiscal year. In addition, the applicant may request his/her application be rolled over to the next fiscal year if the City Council proposes to modify the project by reducing its square footage and the applicant declines to do so. A project can be rolled over only one time.
- F. Expiration of Office/R&D Allocation. Once a project has been approved, all applicable entitlement timelines apply to the project, including the expiration of approvals. If an entitlement expires, the approved allocation also expires. The allocation cannot be carried over to another development proposal; it must be used for the approved project or it will be lost.
- G. Review Criteria and Scoring.
 - 1. Eligible applications that were deemed complete by the City between March 31 and June 15, 2015 shall have priority over other projects and shall be evaluated against each other and granted an allocation before other eligible applications are considered
 - 2. Review criteria are established in Ordinance 5347 as follows:

Impacts

- a. The density of the development in the context of underlying zoning and the site surroundings; and
- b. The ability to avoid or address potential impacts on traffic and parking;

Design

- c. The quality of design, including the attention to human scale where the building(s) meet the street, the compatibility with surroundings, and the overall architectural quality; and

Environmental Quality

- d. Environmental quality

Public Benefit

- e. The value to the community of public benefits offered; and

Uses

- f. Mixed use projects including substantial housing; and
- g. Mixed use projects including retail; and
- h. Mixed use projects that provide space for cultural amenities such as but not limited to art galleries and studios

- 3. The Director's recommendation shall be based on an evaluation of eligible applications weighting the review criteria as shown in the score card in Table

1, below. All projects will be ranked against each other according to the point totals they receive.

4. The City Council may accept the Director's recommendation or modify it based on its independent review of the criteria, and shall determine which eligible applications will be approved, approved with modifications, or denied, such that the total square footage approved does not exceed 50,000 new gross square feet of the uses listed in Section A, above.

Table 1. Interim Office/R&D Annual Limit Scoring (One Score Card Shall be Used to Evaluate Each Eligible Application)

Project Address and APN:		Net New Square Footage Requested:		
Brief Project Description:				
Scoring Criterion	Total Possible Score	Considerations for Each Criterion	Project Score	Explanation
1. Impacts	30			
a. The density of the development in the context of underlying zoning and the site surroundings	10	Projects will be ranked against each other, with the most points awarded to the project that does not require variances or exceptions from applicable quantitative standards of the code <i>and</i> that is deemed to be most consistent in terms of its mass and scale with nearby buildings. ¹		
b. The ability to avoid or address potential impacts on traffic and parking	20	Projects will be ranked against each other, with the most points awarded to the project resulting in the least traffic and the least potential for unmet parking demand, regardless of whether these impacts are considered significant pursuant to CEQA.		
2. Design	20			
c. The quality of design, including the attention to human scale where the building(s) meet the street, the compatibility with surroundings, and the overall architectural quality	20	Projects will be ranked against each other, with the most points awarded to the project with the highest quality of design. Rankings will consider how the buildings address the street and their compatibility with surrounding buildings.		

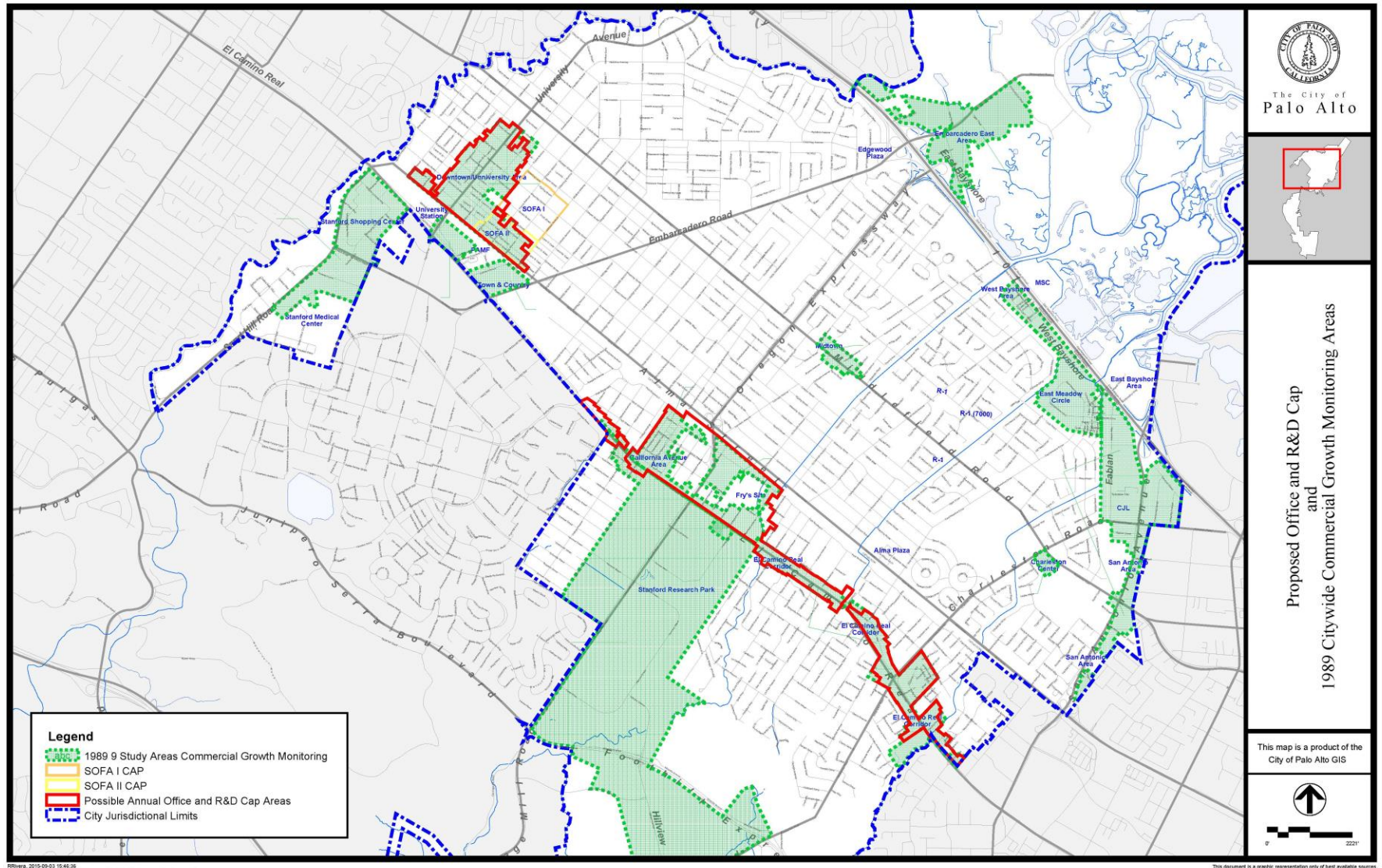
Scoring Criterion	Total Possible Score	Considerations for Each Criterion	Project Score	Explanation
3. Environmental Quality	20			
a. Environmental quality	20	Projects will be ranked against each other, with the most points awarded to project that avoids significant environmental impacts under CEQA <i>and</i> that is designed to enhance the built and natural environment. Enhancements may include, but are not limited to, incorporation of energy conservation, storm water, and sustainability features above and beyond legal requirements, as well as incorporation of vegetation/landscaping and bird friendly design.		
4. Public Benefit	20			
b. The value to the community of public benefits offered	20	Eligible projects will be compared to each other in terms of their value to the community, with the top project receiving up to 20 points and other projects receiving lower rankings based on their relative benefits. For purposes of this section, the value of public benefits may be qualitative or quantitative. ²		
5. Uses	20			
c. Mixed use projects including substantial housing	10	Projects will be ranked against each other with the most points awarded to the project with the greatest number of dwelling units. ³		
d. Mixed use projects including retail	5	Projects will be ranked against each other based on their mix of uses, including the quantity of ground floor retail. ³		
e. Mixed use projects that provide space for cultural amenities such as but not limited to art galleries and studios	5	Projects will be ranked against each other based on their mix of uses, including retail or personal services uses (galleries or studios) for use by artists, or space for other cultural uses. A project's public art requirement does not count towards this. ³		

Notes:

1. For purposes of this section, exceptions to the “Build to Line” standard and requests for parking reductions per PAMC Section 18.52.050 shall not be considered. Section 18.52.050 can be used to allow parking adjustments based on provision of on-site amenities, shared parking, senior housing, affordable housing, housing near transit, and TDM plans.
2. Benefits may be intrinsic to the project, such as affordable housing units, publicly accessible open spaces, publicly accessible off-street parking, community meeting space, or subsidized rent for community-serving non-profits. Benefits may also be extrinsic improvements or voluntary financial contributions to larger community initiatives. Some benefits may be quantifiable and some may not.
3. By rewarding provision of uses that may not be permitted in all zoning districts, this section effectively gives some priority to those projects that are proposed within districts that allow the desired uses (when those uses are incorporated into the proposed project).

Attachment A Map of Areas Subject to the Interim Office/R&D Annual Limit

Attachment C



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Attachment B

Definitions of Relevant Office and R&D Uses from the Palo Alto Zoning Ordinance

Land Use	Code Section	Definition
Research & Development	18.04.030(123)	"Research and development" means a use engaged in the study, testing, engineering, product design, analysis and development of devices, products, processes, or services related to current or new technologies. Research and development may include limited manufacturing, fabricating, processing, assembling or storage of prototypes, devices, compounds, products or materials, or similar related activities, where such activities are incidental to research, development or evaluation. Examples of "research and development" uses include, but are not limited to, computer software and hardware firms, computer peripherals and related products, electronic research firms, biotechnical and biomedical firms, instrument analysis, genomics, robotics and pharmaceutical research laboratories, and related educational development. Research and development may include the storage or use of hazardous materials in excess of the exempt quantities listed in Title 15 of the Municipal Code, or etiological (biological) agents up to and including Risk Group 3 or Bio Safety Level 3 classifications as defined by the National Institute of Health (NIH) or the Center for Disease Control (CDC). Higher classification levels of etiological (biological) agents are not allowed without express permission of the City Manager, Fire Chief, and Police Chief. Related administrative uses such as finance, legal, human resources, management, marketing, sales, accounting, purchasing, or corporate offices; provisions of services to others on or off-site; and related educational uses may also be included provided they remain primarily supportive of the primary uses of "research and development" and are part of the same research and development firm.
Administrative Office Services	18.040.030(6)	"Administrative office services" means offices and service facilities performing headquarters, regional, or other level management and administrative services for firms and institutions.
General Business Office	18.040.030(61)	"General business office" means a use principally providing services to individuals, firms, or other entities, including but not limited to real estate, insurance, property management, title companies, investment, personnel, travel, and similar services.
Medical Office	18.04.030(95)	"Medical office" means a use providing consultation, diagnosis, therapeutic, preventive, or corrective personal treatment services by doctors, dentists, medical and dental laboratories, and similar practitioners of medical and healing arts for humans, licensed for such practice by the state of California. Incidental medical and/or dental research within the office is considered part of the office use, where it supports the on-site patient services. Medical office use does not include the storage or use of hazardous materials in excess of the permit quantities as defined in Title 15 of the Municipal Code. Medical gas storage or use shall be allowed up to 1,008 cubic feet per gas type and flammable liquids storage and use shall be

Land Use	Code Section	Definition
		allowed up to 20 gallons total (including waste).
Professional Office	18.04.030(116)	"Professional office" means a use providing professional or consulting services in the fields of law, architecture and architectural design, engineering, accounting, and similar professions, including associated product testing and prototype development, but excluding product manufacturing or assembly and excluding the storage or use of hazardous materials in excess of permit quantities prescribed in Title 15 of the Municipal Code.