



# City of Palo Alto

## City Council Staff Report

(ID # 11565)

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**Report Type: Action Items**

**Meeting Date: 11/16/2020**

**Summary Title: 788 - 796 San Antonio Road & San Antonio Road Corridor**

**Title: PUBLIC HEARING / QUASI-JUDICIAL / LEGISLATIVE. 788 San Antonio Road [19PLN-00079]: The City Council Will Consider: 1) Adoption of a Resolution Certifying a Final Environmental Impact Report (EIR), Making CEQA Findings Including a Statement of Overriding Considerations, and Adopting a Mitigation Monitoring and Reporting Plan; 2) Adoption of a Resolution Amending the Comprehensive Plan; 3) Adoption of a Zoning Ordinance: a) Expanding the Housing Incentive Program to San Antonio Road, and b) Amending Definition of Gross Floor Area and Amending Retail Preservation for Housing; 4) Approval of a Tentative Map for a Condominium Subdivision; 5) Approval of a Variance to a Special Setback; and 6) Approval of Major Architectural Review for 102 Dwelling Units, a 1,800 Square Foot Commercial Space and two Basement Levels of Parking (Continued From November 9, 2020)**

**From: City Manager**

**Lead Department: Planning and Development Services**

### **Recommendation**

Staff recommends that the City Council take the following actions:

1. Adopt a Resolution certifying the Final Environmental Impact Report, adopting California Environmental Quality Act (CEQA) findings, a Statement of Overriding Considerations and a Mitigation, Monitoring and Reporting Program (Attachment B);
2. Adopt a resolution amending Comprehensive Plan Land Use Element Program L2.4.1 (Attachment C); and
3. Introduce an Ordinance approving text amendments to the Palo Alto Municipal Code Title 18 (Attachment D);
4. Adopt a Record of Land Use Action approving the requests for a Tentative Map, Variance and Architectural Review based on findings and subject to the conditions of approval (Attachment E)

## **Executive Summary**

The applicant is Ted O'Hanlon for 788 SAPA Land LLC. The proposal is to demolish the two existing buildings on two parcels located at 788 – 796 San Antonio Road and construct a four-story mixed-use building with two underground parking levels. The project includes 102 dwelling units and approximately 1,800 square feet of ground floor retail space.

The site's current zoning (Commercial Services - CS) development standards do not allow for the building and number of dwelling units as proposed. The applicant therefore requests zoning text amendments. The amendment would apply the Housing Incentive Program (HIP) to the subject property, and as recommended by staff, 16 other properties zoned CS between Middlefield Road and East Charleston Road (9.54 acres), collectively described as the "Program Area." The HIP process currently enables development having a floor area ratio (FAR) up to 1.5:1 in the CS zone along El Camino Real. The HIP also provides for a waiver of the lot coverage requirements among other incentives to encourage additional housing. As proposed, the HIP for the Program Area would enable an FAR of 2.0:1 and implementation of the mixed-use project, which is comparable to the HIP within the CC(2) zone.

The applicant requests approval of the following:

1. Comprehensive Plan Amendment to Program L2.4.1;
2. Zoning Text Amendment for the expansion of the HIP and other amendments;
3. Tentative Map for a one-lot condominium subdivision;
4. Architectural Review; and
5. Variance for protrusion into the Special Setback along San Antonio Road.

One of the existing buildings proposed for demolition was constructed in 1953 and is eligible for listing on the California Register of Historic Resources. The loss of this potential resource cannot be mitigated and required the preparation of an Environmental Impact Report (EIR) and adoption of a Statement of Overriding Considerations (SOC). A SOC is a document that identifies the significant environmental impact of the project and project benefits that are seen to outweigh these impacts; the SOC is required for project approval along with certification of the EIR. The Draft EIR was circulated for public comments between July 31, 2020 and September 14, 2020. A Final EIR for the project includes the Draft EIR, revisions to the Draft EIR, responses to comments, and the Mitigation, Monitoring and Reporting Program for the Council's consideration.

The project was subject to seven public hearings described in greater detail in the Background section of this report. Notably, the project was the subject of two Pre-Screening meetings with the City Council (October 2018 and May 2019). The Planning & Transportation Commission (PTC) conducted a public hearing on August 12, 2020 and recommended approval of the project. The Architectural Review Board (ARB) conducted a public hearing on August 20, 2020

and recommended approval of the project.

The purpose of this report is to summarize the background, the key issues and policy implications of the project and facilitate the City Council's consideration of the project requests.

## **Background**

The applicant proposes a primarily residential, mixed-use development on a site that includes two lots. To implement the project, the applicant seeks approval of the following:

- An amendment to the Comprehensive Plan;
- Amendments to the Zoning Code;
- Merging the existing lots and creating a one-lot condominium subdivision;
- A variance for a pedestrian ramp; and
- An Architectural Review application.

### *Development Component*

The project is the redevelopment of an approximately one-acre property located at the intersection of San Antonio Road and Leghorn Street. The applicant proposes a mixed-use building with ground floor retail and 102 upper floor residential units (32 studios, 66 one-bedroom units and four two-bedroom units). Of those units, 16 (15%) are proposed to be restricted to BMR households. The four-story, mixed-use building would be 49'-5" in height. A two-level basement garage would include 126 vehicle spaces, trash room, and elevator/stairwells. The required bicycle parking is proposed at grade within the lobby and outside of the commercial space in a secured area. The applicant also requests a Variance for a proposed pedestrian ramp that would encroach into the 24-foot special setback along San Antonio Road. This ramp would provide primary access to the building.

The project includes a Tentative Map to create an airspace condominium subdivision, creating individual residential/commercial space for sale. Parcel 1 of the condominium includes the commercial space, parking garage, and common areas, and Parcel 2 includes 102 residential units. While the applicant intends to record the Final Map, pay applicable impact fees, and construct the building to condominium code, the applicant has stated that it intends to initially offer the condos for rent. At a later date, the owner may decide to sell the units.

The existing buildings at 788 and 796 San Antonio Road are 6,200 square feet and 11,600 square feet, respectively. Of that, 5,897 square feet is occupied by a commercial recreation use (martial arts studio), which is considered "retail/retail-like." These buildings would be demolished to accommodate the project.

The proposed residential FAR is 1.95:1 (84,812 square feet) and the non-residential FAR would be 0.04:1 (1,800 square feet). The total proposed FAR for the project is 2.0:1 (86,614 square

feet). The 1,800 square feet of retail space would be located on the ground floor at the street corner. This space would have a floor to ceiling height of 12 feet. Pedestrian access to the retail space would be provided from both the San Antonio Road and Leghorn Street frontages.

The applicant proposes 16 of the dwelling units to be Below Market Rate (BMR) consistent with Palo Alto Municipal Code (PAMC) requirements (See Condition of Approvals #1 through #3 within Attachment E).

The project plans feature a contemporary design using a combination of traditional and contemporary materials including smooth stucco, cement fiber panels, Corten steel panels, redwood elements, aluminum framed windows and curtain wall systems. At the north and south ends of the building along San Antonio Road, the building design includes a full curtain wall window system. The main pedestrian entry to the building along San Antonio Road includes an accentuated entry element. The rear of the building has alternating brick and painted stucco facades. The overall mass of the building is broken up by balconies, change of materials, and variation in colors.

The vehicular entry to the basement parking facility is accessed from Leghorn Street. In addition to providing parking areas, the basement would include 1,346 square feet for trash rooms.

The building is designed to have an open, central courtyard area over the podium deck, a large first floor lobby area fronting San Antonio Road, and a covered, common deck on the fourth floor facing San Antonio Road. Adjacent to the lobby area would be a secured area containing the majority of the bicycle parking spaces for the project. The remaining bicycle parking spaces would be located on the plaza area outside of the retail space, for short-term users. Each unit would provide access to its own balcony enabling views either away from the building or into the interior courtyard.

Sixteen trees were surveyed for the project. Nine are street trees, three are adjacent, off-site trees; the remaining four trees are on the project site. Thirteen trees are considered protected. Three protected street trees are proposed for removal to accommodate the Leghorn street frontage realignment that includes a wider sidewalk. A fourth tree (Raywood Ash Tree) is proposed to be removed given its poor health (shown on plan sheets T-2 and AR-1). Protected trees lost by the development will be replaced in accordance with the City's tree technical manual. Proposed landscaping includes street trees, interior trees, shrubs, ground cover, and vines. Accompanying the vegetation would be hardscape in the form of walkways or paved areas. The plaza areas would feature colored concrete and stamped patterns providing a connection to the site's previous user.

The applicant proposes to place a pedestrian ramp within the 24-foot special setback along San Antonio Road. The ramp would protrude 14 feet into the setback, leaving 10 feet clear to the

property line. The ramp would provide the primary access to the building and would be the only accessible ramp for persons with disabilities. There is a secondary pedestrian access proposed on the Leghorn Street side that includes steps. Therefore, a Variance is requested for the ramp protrusion into the setback.

Attachment E is the draft Record of Land Use Action for Council action on the Architectural Review, Tentative Map and Variance applications.

#### *Comprehensive Plan Amendment*

To implement the Applicant's project, a Comprehensive Plan (Plan) amendment is necessary and proposed to eliminate an inconsistency.

The project is subject to several Plan goals, policies and programs. On balance, the project is consistent with the Comprehensive Plan, except for Program L2.4.1 that implements Policy L-2.4.

- Policy L-2.4 Use a variety of strategies to stimulate housing, near retail, employment, and transit, in a way that connects to and enhances existing neighborhoods.
  - Program L2.4.1 Amend the Housing Element to eliminate housing sites along San Antonio Road and increase residential densities in Downtown and the California Avenue area to replace potential units from the sites eliminated.

Attachment C is the Resolution for the Comprehensive Plan Amendment.

#### *Zoning Amendment*

To implement the Applicant's project, a zoning amendment request is necessary and proposed. The applicant requests Council amend the Zoning Code language to allow for application of the HIP to the site. Further, staff requests considering extending the HIP beyond the subject property, to CS zoned properties fronting the east side of San Antonio Road between Middlefield Road and East Charleston Road. Collectively, these 18 parcels (including the development site) encompass 9.54 acres, referred to as the "Program Area."

The zoning amendment request would specifically include the following:

- Extend housing incentives to the subject property and more broadly to CS zoned properties on the east side of San Antonio Road between Middlefield Road and East Charleston Road (except 705 San Antonio, which is not on the east side), including:
  - Establishing an HIP that includes a waiver to allow up to a 2.0:1 FAR for housing projects and changes to lot coverage restrictions;
  - Eliminating maximum housing density requirements;
  - Allowing rooftop gardens to count towards required open space;
  - Excluding the first 1,500 square feet of retail or retail-like floor area from parking

requirements;

- Amend the citywide definition of gross floor area to exempt certain areas in subterranean parking facilities from inclusion in gross floor area/FAR; and
- Amend the citywide retail preservation requirements to modify the standard for a waiver from the retail preservation ordinance, to allow exceptions for certain housing projects.

Based on the potential yield for density, the Program Area could yield 818 dwelling units, including the development project.

Attachment D is the Draft Ordinance for the zoning text amendments.

### Project Timeline

The project has been the subject of several prior public hearings, including two pre-screenings with the City Council, a Scoping Meeting and a project review meeting with the PTC, and three ARB hearings. In addition, the applicant facilitated a community meeting that was open to the public.

Following the summary of the staff report links, this section discusses the timeline leading to the subject of this report to the City Council regarding the overall consideration of the applicant's request.

### *Summary of Prior City Public Hearings and Staff Reports*

Hearing	Meeting Date	Staff Report Link
City	October 15, 2018:	<a href="https://tinyurl.com/788-San-Antonio-10-5-2018">tinyurl.com/788-San-Antonio-10-5-2018</a>
Council:	May 20, 2019:	<a href="https://bit.ly/788SA2ndPrescreening">bit.ly/788SA2ndPrescreening</a>
PTC:	September 11, 2019:	<a href="https://tinyurl.com/788-San-Antonio-PTC-9-11-2019">tinyurl.com/788-San-Antonio-PTC-9-11-2019</a>
	August 12, 2020:	<a href="https://bit.ly/788SanAntonioPTCAugust122020">bit.ly/788SanAntonioPTCAugust122020</a>
HRB:	None	
	August 15, 2019:	<a href="https://bit.ly/2OWv9qW">bit.ly/2OWv9qW</a>
ARB:	January 16, 2020:	<a href="https://tinyurl.com/788-San-Antonio-ARB-1-16-2020">tinyurl.com/788-San-Antonio-ARB-1-16-2020</a>
	August 20, 2020:	<a href="https://tinyurl.com/788-San-Antonio-ARB-8-20-2020">tinyurl.com/788-San-Antonio-ARB-8-20-2020</a>

### *First Council Pre-Screening (October 15, 2018)*

The Council held a prescreening study session to consider a conceptual state-density bonus project that would have required a zone change for the subject property from the current CS zoning to RM-40. Fifty-four (54) housing units were proposed including eight below market rate units (BMR) in a four-story building. The site contains approximately 12,000 square feet of existing retail or retail-like uses that the City's codes required to be incorporated into a new project, if the site were redeveloped under commercial zoning. With the zone change, the retail

preservation requirement would not apply. In its prescreening review, however, Council encouraged the applicant to incorporate a retail or retail-like component into a future project.

After the October 2018 Council meeting, the City adopted zoning code amendments with the intent of making housing projects more attractive to developers and to advance the City closer to its goal of adding 300+ housing units each year. These Housing Incentive Program (HIP) amendments did not extend to San Antonio Road. The applicant submitted the project application on March 5, 2019. Since the application request was different than the prior request, staff scheduled a subsequent prescreening study session with the City Council.

#### *Second Council Pre-screening (May 20, 2019)*

The applicant presented to Council a version of the project with 64 dwelling units, as a prescreening request for zoning amendments. This iteration of the project included 1,730 square feet of ground floor retail and 10 BMR units. Discussion at the meeting centered on the appropriateness of having housing along the San Antonio Road corridor and at more intense levels closer to a 2.0:1 Floor Area Ratio (FAR). At that meeting, some members of the City Council expressed interest in applying the HIP along the San Antonio Road corridor between Middlefield Road and East Charleston Road; this discussion is captured on pages 5-12 of the Council meeting minutes<sup>1</sup>.

#### *First Architectural Review Board Meeting (August 15, 2019)*

The Architectural Review Board (ARB) reviewed the project. The plans the ARB reviewed was for 102 dwelling units, including 16 BMR units and 1,780 square feet of ground floor retail, and a single level basement with vehicle stackers. The proposed residential FAR is 1.93:1 (84,175.3 square feet). The proposed non-residential FAR would be 0.04:1 (1,779.5 square feet). The total FAR for the project is 1.97:1 (85,954.8 square feet). The ARB provided feedback on ways to make the project more consistent with the Architectural Review findings. The ARB review was captured in meeting minutes<sup>2</sup> and is viewable here (<https://tinyurl.com/788-San-Antonio-8-15-19Video>).

#### *First Planning & Transportation Commission Meeting (September 11, 2019)*

The Planning and Transportation Commission (PTC) conducted a public hearing/scoping hearing to hear comments regarding the scope of the Environmental Impact Report (EIR). Meeting minutes<sup>3</sup> capture the discussion from the public and the PTC.

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<sup>1</sup> May 20, 2019 Council meeting minutes:

<https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=71027.62&BlobID=72705>

<sup>2</sup> August 15, 2019 ARB meeting minutes: <https://www.cityofpaloalto.org/civicax/filebank/documents/73613>

<sup>3</sup> September 11, 2019 PTC meeting minutes: <https://www.cityofpaloalto.org/civicax/filebank/documents/74497>

### *Second Architectural Review Board Meeting (January 16, 2020)*

The ARB provided feedback on the project design, captured in meeting minutes<sup>4</sup> and a video of the ARB meeting is viewable here: <https://tinyurl.com/788-San-Antonio-1-16-20Video>. The recommendations were suggested to make the project more consistent with the Architectural Review findings.

### *Release of Draft Environmental Impact Report*

The Draft EIR for the project was released on July 31, 2020 for public comment in accordance with the California Environmental Quality Act (CEQA). The comment period was a 45-day period commencing on September 14, 2020. The Draft EIR considered the recently adopted CEQA thresholds regarding transportation impacts on the environment by evaluating Vehicle Miles Travelled (VMT).

### *Applicant's Community Meeting (August 6, 2020)*

The applicant facilitated a community meeting on-line, to discuss the current project; comments were provided by those that attended the online meeting.

### *Second Planning & Transportation Commission Meeting (August 12, 2020)*

The PTC reviewed the project including the Comprehensive Plan program amendment, Zoning text amendment, Tentative Map and Variance. Notable changes to the project include the provision of a second level for the basement and elimination of the vehicle parking stackers. The project does not include any parking reduction for the development project. The PTC's review of the project was captured in meeting minutes<sup>5</sup> and the video is viewable here <https://tinyurl.com/788-San-Antonio-8-12-20Video>. In summary, public comments included concerns about traffic, groundwater, bicycle safety, and comments in support of the project.

The PTC recommended approval of the project and recommended that the project:

- Provide a robust Transportation Demand Management (TDM) document;
- Consider intersection improvements at San Antonio Road and Leghorn Street; and

The PTC also recommended that Council consider creating a corridor plan along San Antonio Road linking land use and transportation issues.

### *Third Architectural Review Board Meeting (August 20, 2020)*

The ARB reviewed the Architectural Review application, project plans and draft approval findings. The ARB's review of the project was captured in meeting minutes<sup>6</sup> and the video is

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<sup>4</sup> January 16, 2020 ARB meeting minutes: <https://www.cityofpaloalto.org/civicax/filebank/documents/75702>

<sup>5</sup> August 12, 2020 PTC meeting minutes:  
<https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?BlobID=78342>

<sup>6</sup> August 20, 2020 ARB meeting minutes:



viewable here <https://tinyurl.com/788-San-Antonio-8-20-20Video>. The ARB recommended approval of the project with conditions that the project address eight design items with an ARB Subcommittee. Those issues to be addressed include:

- Reconsider Corten steel material and/or provide additional details;
- Consider substitution for Redwood or provide more information on the life cycle of maintenance;
- Reconsider bright white paint color with earth tone color;
- Consider making the “ribbon” element a uniform thickness;
- Consider making the corner (Leghorn/San Antonio) more visually architectural. Consider adding relief through changing materials;
- Consider locating the bicycle wash facility in the basement;
- Review the use of Blue Oak trees with Urban Forestry staff; and
- Consider an alternative to the vertical window in the stairwell.

## **Discussion**

With adoption of the proposed legislation requests, the proposed development at 788 – 796 San Antonio Road would comply with all applicable plans, policies and regulations, as described further below. In addition, future developments could take advantage of the HIP expansion.

## **Neighborhood Setting and Character**

### *The Development Site*

The one-acre site includes two parcels and two, one-story commercial/light industrial buildings. The structure at 788 San Antonio Road is considered eligible for listing on the California Register of Historical Resources (California Register). The property is associated with the long-term operation of the California Chrysanthemum Growers Association, a Japanese flower growers’ cooperative that commissioned construction of the building in 1953. The structure at 790-796 San Antonio Road, was built in 1967. According to the Historic Evaluation conducted by Page & Turnbull (June 2020), under a contract with the City of Palo Alto, the structure does not meet the criteria for eligibility.

### *Program Area*

The Program Area includes the San Antonio Road corridor between Middlefield Road and East Charleston Road. The Program Area includes 18 parcels zoned CS encompassing 9.54 acres. The eastern boundary of the program area borders the City of Mountain View. With the exception of one parcel, 705 San Antonio Road, all of the parcels in the Program Area are located on the east side of San Antonio Road.

San Antonio Road is 80 feet wide from curb to curb and includes four lanes and a landscaped

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<https://www.cityofpaloalto.org/civicax/filebank/documents/78571>

median with left turn pockets. The corridor includes detached sidewalks that are five-feet wide.

A new 300 room hotel project is currently under construction at 744 San Antonio Road. This was approved with a 2.0:1 FAR and represents a similar scale project as the proposed project. There is a 24-foot special setback along San Antonio Road and a 15-foot special setback along Leghorn Street, which could be used to accommodate additional bike facilities in the future. To the west of the project and across San Antonio Road are is the Greenhouse development consisting of 228 condominium housing units within three-story, multi-family buildings on the 15-acre site. The Greenhouse buildings are located over 150 feet from the project site. The project site is adjacent to and within the vicinity of several one-story commercial buildings. These low-rise commercial developments currently predominate along the San Antonio Road corridor. The area is gradually being re-developed with buildings that rise to the maximum 50-foot height limit. Another notable development, the Taube Koret Campus for Jewish Life (TKCJL) Planned Community has a similar mass and height. TKCJL is located at the intersection of San Antonio Road and East Charleston Road, adjacent to the Altaire housing development.

#### Consistency with the Comprehensive Plan, Area Plans and Guidelines

The Comprehensive Plan contains the City's policies on land use and community design, transportation, housing, natural environment, safety, business and economics, and community services, otherwise known as "elements" of the Plan. Its policies apply to both public and private properties. Its focus is on the physical form of the city. The Plan is used by the City Council and the PTC to evaluate land use changes. It is used by citizens and neighborhood groups to understand the City's long-range plans and proposals for different geographic areas. The Plan also provides the basis for the City's development regulations.

Each "element" includes goals, policies and programs that are the essence of the Plan and provide a framework to guide decisions on a wide range of issues. A Goal is a general end towards which the City will direct effort. A Policy is a specific statement of principle or of guiding actions that implies clear commitment. A policy is a general direction that a governmental agency sets to follow, in order to meet its goals and objectives before undertaking an action program.

The Service Commercial land use designation is categorized as primarily commercial in nature but permits residential uses in appropriate locations. The subject application proposes a mixed-use project with a small proportion of retail to residential. The Multi-Family Residential designation exists on the west side of San Antonio Road, though it would be unique on the east side, designated Service Commercial from Middlefield Road to East Charleston Road.

#### *Housing Element*

The Housing Element (2014) of the Comprehensive Plan identifies the 788 San Antonio Road site as a housing inventory site (with a realistic yield of 11 units) along with other properties San

Antonio Road traverses the southern boundary of the City into the adjacent City of Mountain View. The 14 identified housing inventory sites along this corridor are located on the east side of San Antonio Road and are zoned CS. The Housing Element indicates that these sites would have a realistic yield of 155 units. The CS zone allows for multifamily housing at 30 dwelling units per acre as part of a mixed-use development. The parcels on the west side of San Antonio Road are primarily developed with single- and multi-family residential units, including The Greenhouse, with some commercial uses. The parcels on the east side of San Antonio Road, including the identified housing sites, are developed with non-residential uses interspersed with some multi-family residential developments.

In addition, there are several Comprehensive Plan Programs and Policies that would be advanced by carefully implemented intensification of this corridor. However, one program, L2.4.1 in the Land Use Element of the Comprehensive Plan (2017-2030) indicates that the San Antonio Road Housing Inventory Sites should be removed in favor of concentrating residential density in the Downtown and California Avenue areas.

The PTC recommends an amendment to Program L2.4.1 to ensure complete consistency in the following manner:

Program L2.4.1 Amend the Housing Element to increase ~~eliminate~~ housing sites along San Antonio Road between Middlefield Road and East Charleston Road and increase residential densities in Downtown and the California Avenue ~~area to~~ ~~replace potential units from the sites eliminated.~~

When considering the Comprehensive Plan as a whole, the project and proposed zoning text amendments, are compatible with the objectives, policies, general land uses, and programs specified in the Plan.

### Zoning Compliance

Staff performed a detailed review of the proposed project's consistency with applicable zoning standards. A summary table is provided in Attachment F. This provides the context of the proposed project, compared with the existing zoning and the proposed development. Adoption of the proposed amendments described further in the following section would make the project consistent with the Zoning Code.

### *Proposed Amendments*

The Zoning Code was amended in 2019 to provide incentives to produce additional housing units that are an alternative to using the Density Bonus code. These incentives were packaged as the Housing Incentive Program (HIP). In accordance with the City's Comprehensive Plan, the HIP targets properties along El Camino Real and the Downtown and California Avenue areas. Specifically, the CS district properties along El Camino Real are eligible to use the HIP. The HIP includes several provisions that incentivize housing production. The proposed amendments

would further incentivize housing production, clarify and modify development standards, and add the San Antonio Road corridor.

#### *Housing Incentive Program Amendments*

The proposed amendments to the HIP would:

- ***Allow up to 2.0:1 FAR for the Program Area***, which is 0.5:1 FAR higher than what is allowed along El Camino Real for CS zoned properties. It would be the same FAR for CC(2) zoned properties elsewhere in the City and the same FAR as allowed for hotel uses. The Downtown allows up to 3.0:1 FAR. The 2:1 FAR is proposed within the Program Area due to the area's greater height limits and the surrounding land uses. While there are residential properties across San Antonio Road, the immediate area does not have other sensitive land uses and abuts light industrial and commercial land uses in the City of Mountain View.
- ***Apply development standards*** for building height and setbacks and other development standards; remove the 30 units per acre density limit. This would allow for the design of the site and buildings to provide the necessary aesthetic qualities to be consistent with the required Architectural Review Findings.
- ***Allow rooftop garden area to count for up to 60% of the required open space***. This would allow for some flexibility in design for projects.
- ***Allow reduced parking for small retail***. Exclude the first 1,500 square feet of ground-floor retail area from the retail parking requirement for residential mixed-use projects. The Development Project does not propose to utilize the parking exemption; however, it should be considered as part of the HIP for other potential projects within the Program Area.
- ***Encourage 100% affordable projects***. Extend same HIP provisions that support 100% affordable housing projects to the Program Area.

The consideration of the HIP expansion is coming at a time when the City's Regional Housing Allocation (RHNA) numbers are coming into focus. The proposed development project would represent a third of the City's current annual housing production goals. The potential density from the remaining properties within the Program Area would only assist the City identifying other opportunity sites during the next Housing Element cycle.

#### *Gross Floor Area Definition*

The City uses the term 'gross floor area' (GFA) along with 'floor area ratio' to help regulate the size of buildings on property. The GFA definition states what is included and excluded from calculations of GFA. Basement parking facilities accessory to a permitted or conditionally permitted use on the same site are exempt from calculations of gross floor area (per PAMC 18.04.030 65(b)(i)) for this site, unless this space is deemed usable for commercial uses by the Planning Director. The term usable is broad and can lead to confusion among planners,

applicants, and the public.

Staff proposes an amendment to the gross floor area definition for subterranean parking facilities that would exempt certain areas from the calculation. Currently, parking and drive aisle areas are exempt. As proposed, areas designed and required for electrical and fire equipment rooms, and other areas designated for similar purposes that do not increase the intensity of the use of the site would be exempted from floor area. This exclusion only applies to the minimum area needed for equipment rooms, and similar purposes to comply with current code requirements. These below-grade areas would not generate additional parking demand, nor directly add to the bulk of the building.

#### *Retail Preservation*

The purpose of PAMC 18.40.180, Retail Preservation, is to maintain the amount of retail or retail-like ground-floor space in the City. Providing retail space on sites is sometimes challenging for housing developers. During the May 20, 2019 Pre-screening meeting, the Council debated the issue. Council at the time appear amenable to some reduction in the retail requirement, but not a complete waiver or exemption for residential projects in zones where retail floor area is required.

The project site includes 5,897 square feet of existing retail or retail-like space. The applicant proposes to build approximately 1,800 square feet of retail floor area and requests a partial exemption from the retail preservation ordinance, to exempt the remaining (approximately) 4,100 square feet of retail or retail-like space.

For sites with substantially more retail or retail-like space, redevelopment for housing becomes less attractive for two primary reasons. First, it reduces the amount of floor area that can be dedicated toward housing units. Second, retail area must be parked at four spaces per thousand square feet, which adds to the project's overall construction costs.

The ordinance requires replacement of any ground floor retail or retail-like space permitted or operating as of March 2, 2015 with another retail or retail-like use. The ordinance notes two grounds for requesting a waiver or adjustments to the retail preservation requirements. These include "economic hardship" and "alternative viable active use". Documentation is required to prove that these grounds have merit to warrant a waiver or adjustment. The bar to grant a waiver from the retail preservation ordinance is high.

Staff proposes that Council amend the ordinance with a partial exemption from the retail preservation for residential high density (30 or higher units per acre) mixed-use projects on CS zoned properties. CS zoned properties typically cater to automobile-oriented commercial. The introduction of high density residential mixed-use projects would draw more pedestrian-oriented commercial businesses. Except for commercially zoned areas with a Ground Floor or

Retail combining district, the proposed waiver would allow the replacement of retail and retail-like uses with housing. Existing retail-like uses could be replaced with a minimum of 1,500 square feet of retail space.

### **Summary of Key Issues**

In addition to the legislative and quasi-judicial aspects of the application, the City has received a number of other comments, which were generally grouped into the following areas:

1. Retail Preservation
2. Floor Area Ratio
3. Transportation
4. Parking
5. Groundwater

#### Retail Preservation

As early as the Pre-screening meetings, there were comments focused on preserving retail and including additional retail into the development project. At the time, one of the existing tenants of the site, Studio Kicks (martial arts facility) had concerns about the loss of the space. However, there have been no recent comments from representatives or users of Studio Kicks on the development proposal. It is understood that there are competing interests in having retail preservation and additional housing. As described in the “retail preservation” section, the transition to higher density mixed-use projects lends itself to pedestrian-oriented retail. This transition could also bolster the likelihood of more robust mobility options for the corridor, such as bicycle and transit facilities creating the type of synergy necessary for a successful high-density neighborhood.

#### Floor Area Ratio (FAR)

There were comments regarding the FAR during the PTC and ARB meetings. There was a suggestion that a 1.5:1 FAR would be more appropriate for the Program Area. That is also an alternative mentioned the project’s EIR. That alternative would result in a reduction of approximately 25% of the projected dwelling units. Concerns about the FAR being too massive was discussed but ultimately assuaged, since the City’s Architectural Review process and findings would ensure that projects are consistent and/or compatible with the surroundings.

#### Transportation

The City has expressed interest in locating high-density housing near transit. This project increases density, which requires consideration of bicycle and transit mobility options. The nearest Santa Clara Valley Transportation Authority (VTA) bus stops are located at Charleston and San Antonio Road, and on Middlefield Road and San Antonio Road. There is no bus service on San Antonio Road between Middlefield Road and Charleston Road.

The site is within a five- to 20-minute bike ride of many major employers in the area and a nine-

minute ride to Caltrain. San Antonio Road includes a Class III facility (no bike lanes and shared with through traffic). Class II bicycle facilities are found on Middlefield and Charleston.

San Antonio Road is congested at times. San Antonio Road is a designated truck route, where large trucks can get access to US 101. Placing more residential units within the Program Area would increase the demand for safe pedestrian and bicycle facilities and the development of a more complete street that accommodates all users such as vehicles, deliveries, pedestrians, and cyclists.

Traffic reports associated with the project's EIR indicates no significant traffic impacts to San Antonio Road. In addressing the concern regarding pedestrians and cyclists, the PTC included as part of their recommendation:

- Consider intersection improvements at San Antonio Road and Leghorn Street (see Condition 22 in Attachment E); and
- The Council consider a corridor plan along San Antonio Road linking land use and transportation issues (discussed further below).

### Parking

Throughout the process, there were comments regarding parking provisions for the development project. Concerns included the use of vehicular stacking parking systems that could fail and any reductions in required parking that could result in residents parking in adjacent neighborhoods. In response to these concerns, the applicant added a second basement parking level and eliminated the vehicular stacking parking systems. The project now meets the City's parking requirements, including parking the retail space entirely.

### Groundwater

Several comments from the public noted concern about the construction of the basement for the project. There was increased concern when the project included an additional basement level. The project may require dewatering as part of the excavation construction. Palo Alto Municipal Code (PAMC) 16.28.155 addresses temporary construction-related dewatering. The code includes various regulations, not limited to but including (a) limitations on the time of year that dewatering may occur; (b) notification to neighboring properties of the dewatering; and (c) fill stations allowing water to be used by neighboring properties. Following the City's code requirements would ensure that construction activities involving dewatering would have minimal impact on surrounding areas.

### **Policy Implications**

The proposed project supports the City's efforts to implement goals and policies outlined in the recently adopted Comprehensive Plan, focusing on addressing what Council has identified as three key priorities for the community this year: housing, sustainability and mobility.



### Housing

Goals and programs outlined in the Housing Element encourage housing within proximity to public transit, employment opportunities, and commercial areas, as well as a range in types of units to support the City's fair share of the regional housing needs.

The HIP expansion would further these goals and programs. As noted, the site is within the vicinity of major employers and is situated within a commercial area. Public transit is also within the vicinity; however, with implementation of more residential dwelling units a corridor plan and exploring additional linkages to public transit is appropriate. The PTC recommends the Council consider such a plan. However, reduced staff and consultant resources and competing interests for reduced fiscal spending may require this initiative be postponed.

### Sustainability

The project includes a TDM plan. As conditioned, the TDM plan shall include robust measures and strategies to achieve the goal of reducing single-occupancy vehicle trips to the project site by a minimum of 20% in conformance with the City's Comprehensive Plan. The proposed project is anticipated to generate vehicle miles travelled (VMT) per resident at a rate below the impact threshold and VMT impacts attributable to the project are anticipated to be less than significant. Therefore, the project furthers the City's sustainability goals.

### Mobility

San Antonio Road is a designed truck route, a four-lane road with class III bicycle facilities. This corridor includes 24-foot special setbacks on both sides of San Antonio Road that could provide the area necessary to accommodate future mobility improvements. As conditioned, this project includes dedication of the area within the 24-foot special setback for future mobility improvements. Implementation of a corridor plan that links the proposed land uses with transportation could improve mobility within the corridor.

### **Resource Impact**

There are no fiscal or budgetary impacts to the City associated with this private development or the text amendments. The project is a cost-recovery project where the costs of processing the application, including the completion of the environmental review documentation are borne by the applicant.

### **Timeline**

Following Council's decision, if approved, a second reading of the Zoning Code Text Amendment Ordinance would follow in December.

### **Stakeholder Engagement**

The PAMC requires notice of this public hearing be published in a local newspaper of general



circulation and mailed to owners and occupants of property within 600 feet of the subject property at least ten days in advance of a public hearing. Attachment H includes public comments and Attachment I includes a link to the Final EIR that contains response to public comments on the Draft EIR.

### **Environmental Review**

The subject project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. Specifically, the project requires the certification of an EIR. The EIR was prepared by Rincon under contract with the City. The EIR considers both the development project and the legislative amendments as a “Program EIR”. A “Program EIR” is an EIR that may be prepared on a series of actions that can be characterized as one large project. This EIR also has enough detail to evaluate the proposed development project.

#### *Notice of Preparation and Scoping Meeting*

Pursuant to CEQA, a Notice of Preparation (NOP) was posted for public comment on September 4, 2019 through October 7, 2019. The purpose of the NOP was to state that an EIR was being prepared for the project and to allow the public and other affected agencies to provide comment on topics that they thought should be covered by the EIR. This consultation period was for at least 30-days after the issuance of the NOP. The City received two written comments on the NOP and those were included in the Introduction section of the EIR for reference.

A scoping meeting on the EIR was conducted on September 11, 2019 during a duly noticed PTC meeting. Verbal comments are summarized within the Draft EIR Table 1-2.

#### *Public Circulation*

The Draft EIR was circulated for public review between July 31, 2020 and September 14, 2020. Public comments on the Draft EIR were included in a Final EIR, which responds to each of the substantive comments received. The Final EIR was provided to commenters on October 30, 2020 and can be found in Attachment I.

#### *Potential Impacts*

Environmental impacts are physical impacts on the environment and are separated into either construction (temporary) or operational (longer-term and ongoing) impacts and evaluated based upon established thresholds of significance. If an impact is potentially significant, then mitigation measures are required to reduce that impact to a level of less than significant if feasible. The following were identified as potential significant impacts by topic that could be mitigated to less than significant:

Air Quality, Biological Resources, Geology/Soils, Hazards/Hazardous Materials, Noise and Tribal Cultural Resources.

### *Cultural Resources*

**Impact CUL-1.** The project would result in demolition and removal of two existing single-story commercial buildings at 788 and 790-796 San Antonio Road. Due to its retained integrity, one existing structure at 788 San Antonio Road may be eligible for individual listing in the California Register of Historic Resources (California Register) and constitutes a historical resource for the purposes of CEQA. Therefore, impacts to historic resources for the 788 – 796 San Antonio development would be significant and unavoidable. Further, development in the rest of the program area under the HIP expansion could result in the demolition or modification of structures eligible for listing on the City’s Historic Inventory or California Register.

The proposed development project would be required to implement mitigation measures, which would reduce significant direct impacts to the eligible historic resource to the extent feasible. Despite the implementation of these mitigation measures for the project, which include historic and photographic documentation and an interpretive website, the historic resource would be demolished and the impact to the 788 San Antonio Road property would not be reduced to a less-than-significant level under CEQA. Demolition by its nature is complete and total material impairment of the historical resource, and no feasible mitigation measures are available to mitigate the demolition of the CEQA historical resources to a less-than-significant level. The demolition of the eligible building results in an unavoidable significant impact that would require the City Council to adopt a Statement of Overriding Consideration (SOC), since there is no mitigation for a demolished building.

For the balance of the program area, where demolition or modifications are proposed to structures over 45 years in age, a Historic Resources Evaluation shall be prepared to determine the structure’s eligibility on the local or State historic registers.

### *Historic Listing Eligible Structure*

The building at 788 San Antonio Road was constructed in 1953. As noted in the Page & Turnbull 788 San Antonio Road Historic Resources Report (Appendix D of the Draft EIR), the building appears to be individually eligible for listing in the California Register under Criterion 1 (Events) for its association with the California Chrysanthemum Growers Association, a long-term representative of the importance of Japanese American floriculture and industrial cooperatives in the San Francisco Bay Area. This cooperative floriculture group provided Japanese American growers on the San Francisco Peninsula with shared access to growing technologies, shipping options, and stabilized markets from its founding in 1932 to the end of the twentieth century.

The character-defining features of 788 San Antonio Road include the following features original to its 1953 construction:

- Rectangular, one-story massing, including original building and 1958 eastern extension;

- Side- and cross-gabled roof element at west building façade;
- Concrete masonry unit construction;
- Multi-light steel-frame windows on north, west, and south façades;
- Vehicle utility openings on south façade;
- Wood-plank shelves below windows on west façade.

The building at 788 San Antonio Road retains integrity to the degree necessary to appear eligible for individual listing in the California Register under Criterion 1 (Events) with a period of significance of 1953-2002.

#### *Final EIR*

The Final EIR consists of comments received by the Lead Agency on the Draft EIR during the public review period, responses to those comments, and necessary revisions to the text of the Draft EIR (Attachment I).

In conformance with the California Environmental Quality Act (CEQA) and CEQA Guidelines, the Final EIR provides objective information regarding the environmental consequences of the proposed project. The Final EIR is intended to be used by the City and any Responsible Agencies in making decisions regarding the project. The CEQA Guidelines advise that, while the information in the Final EIR does not control the agency's ultimate discretion on the project, the agency must respond to each significant effect identified in the Draft EIR by making written findings for each of those significant effects.

According to the State Public Resources Code (Section 21081), no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

*(a) The public agency makes one or more of the following findings with respect to each significant effect:*

*(1) Changes or alterations have been required in, or incorporated into, the project which will mitigate or avoid the significant effect on the environment.*

*(2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.*

*(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities of highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental*

*impact report.*

*(b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the City finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.*

***Statement of Overriding Considerations (SOC)***

The Final EIR indicates that the Project would result in significant and unavoidable impacts which cannot be adequately mitigated through the adoption and implementation of feasible mitigation measures. Those impacts, along with mitigation measures to mitigate them to the extent feasible, are listed below as referenced in the Final EIR.

Demolition of the eligible structure at 788 San Antonio Road represents a substantial adverse effect to a historical resource eligible for the California Register. No mitigation measure will completely reduce the impact of demolition to implement the project and there are no feasible project alternatives that would both completely avoid significant impacts or meet all of the project objectives as stated and discussed in the Final EIR, therefore statements of overriding consideration are necessary.

As stated below and within the attached record of land of use action, statements that the City Council may modify to support adoption of the SOC:

- (1) The site is in an area that is in transition from low-intensity commercial development to higher-intensity commercial and mixed-use development. The area includes Housing Inventory Sites contained in the City's Housing Element. Based on recent and current housing demand, the preservation and expansion of these opportunity sites are necessary for the City to meet current and anticipated Regional Housing Needs Allocation (RHNA) goals. The Housing Incentive Program (HIP) expansion allows for the project's objectives to be met and the adaptive reuse of the historic structure cannot feasibly accommodate a mixed-use project and meet the project objectives.
- (2) Redevelopment of the site will include a mixed-use use project that would include local serving, pedestrian-oriented commercial and residential units. The approval of these residential units would represent one-third of the number of dwelling units established by the City in year for housing production. The project would be the catalyst for future mixed-use projects. There is a potential for the HIP to accommodate approximately 800 dwelling units in the program area. While the loss of the historic structure would result in a negative impact on the environment, this loss is outweighed by the benefit of the needed increase in the City's housing stock, which will help in alleviating the current housing crisis.

**Attachments:**

**Attachment A: Location Map**

**Attachment B: Resolution Making CEQA Findings with Statement of  
Overriding Considerations**

**Attachment C: Resolution for Comprehensive Plan Amendment**

**Attachment D: Ordinance Amending Title 18 of the Municipal Code**

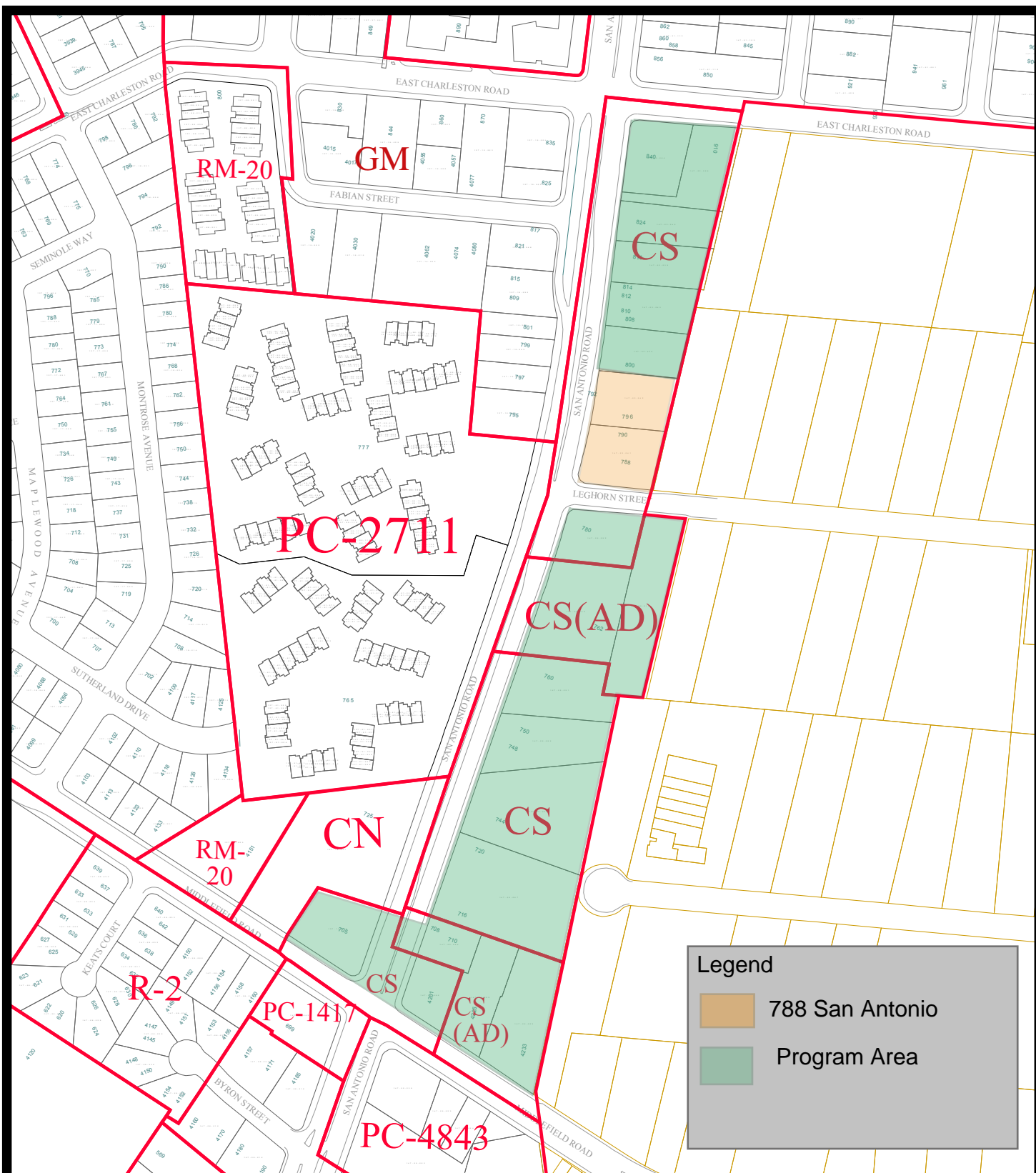
**Attachment E: Record of Land Use Action**

**Attachment F: Zoning Comparison Table**



**Attachment G: Applicant's Project Description**

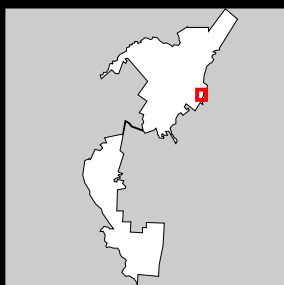
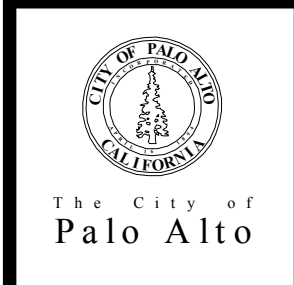
**Attachment H: Public comments up until 8-3-20**

**Attachment I: Project Plans and Environmental Impact Report**





**Legend**

	788 San Antonio
	Program Area



## 788-796 San Antonio & Program Area

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

Resolution No

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Resolution of the Council of the City of Palo Alto Certifying the Final  
Environmental Impact Report for the Housing Incentive Program Expansion and  
788 San Antonio Road Mixed-use Project Pursuant to the California  
Environmental Quality Act and Adopting the Mitigation Monitoring and  
Reporting Program and the Statement of Overriding Considerations

The Council of the City of Palo Alto RESOLVES as follows:

SECTION 1. Introduction and Certification.

(a) The City Council of the City of Palo Alto ("City Council"), in the exercise of its independent judgment, makes and adopts the following findings to comply with the requirements of the California Environmental Quality Act ("CEQA"; Pub. Resources Code, §§ 21000 et seq.), and Sections 15091, 15092, and 15093 of the CEQA Guidelines (14 Cal. Code Regs., § 15000 et seq.). All statements set forth in this Resolution constitute formal findings of the City Council, including the statements set forth in this paragraph. These findings are made relative to the conclusions of the City of Palo Alto Housing Incentive Program Expansion and 788 San Antonio Road Mixed-use Project Final Environmental Impact Report (State Clearinghouse No.2019090070) (the "Final EIR"), which includes the Draft Environmental Impact Report ("Draft EIR"). The Final EIR addresses the environmental impacts of the implementation of the Housing Incentive Program Expansion and the 788 San Antonio Mixed-Use Project (the "Project", as further defined in Section 2(b) below) and is incorporated herein by reference. These findings are based upon the entire record of proceedings for the Project.

(b) Mitigation measures associated with the potentially significant impacts of the Project will be implemented through the Mitigation Monitoring and Reporting Program described below, which is the responsibility of the City.

(c) The City of Palo Alto is the Lead Agency pursuant to Public Resources Code section 21067 as it has the principal responsibility to approve and regulate the Project. Ted O'Hanlon on behalf of 788 SAPA Land, LLC is the Project applicant.

(d) The City exercised its independent judgment in accordance with Public Resources Code section 21082.1(c), in retaining the independent consulting firm Rincon Consultants, Inc. ("Rincon, Inc.") to prepare the Final EIR, and Rincon, Inc. prepared the Final EIR under the supervision and at the direction of the City's Director of Planning and Development Services.

(e) The City, through Rincon, Inc., initially prepared the Draft EIR and circulated it for review by responsible and trustee agencies and the public and submitted it to the State Clearinghouse for review and comment by state agencies, for a comment period which ran from July 31, 2020, through September 14, 2020. As noted above, the Final EIR includes the Draft EIR. Comments were received and revisions were made to the Final EIR.

(f) The City Council agrees with the characterization of the Final EIR with respect to all impacts initially identified as "less than significant" and finds that those impacts have been described accurately and are less than significant as so described in the Final EIR. This finding does not apply to impacts identified as significant or potentially significant that are reduced to a less than significant level by mitigation measures included in the Final EIR. The disposition of each of those impacts and the mitigation measures adopted to reduce them are addressed specifically in the findings below.

(g) The Final EIR considers a reasonable range of potentially feasible alternatives, sufficient to foster informed decision making, public participation and a reasoned choice, in accordance with CEQA.

(h) Based upon review and consideration of the information contained therein, the City Council hereby certifies that the Final EIR was completed in compliance with CEQA and reflects the City of Palo Alto's independent judgment and analysis. The City Council has considered evidence and arguments presented during consideration of the Project and the Final EIR. In determining whether the Project may have a significant impact on the environment, and in adopting the findings set forth below, the City Council certifies that it has complied with Public Resources Code sections 21081, 21081.5, and 21082.2.

(i) Section 4 of the Final EIR shows all revisions which the Final EIR made to the Draft EIR. All references to the Draft EIR in these findings include references to all revisions to the Draft EIR made in the Final EIR. Having reviewed this section and the Final EIR as a whole, the City Council hereby finds, determines, and declares that no significant new information



has been added to the Final EIR so as to warrant recirculation of all or a portion of the Draft EIR. Likewise, the City Council has considered all public comments and other information submitted into the record since publication of the Final EIR, and further finds that none of that additional information constitutes significant new information requiring recirculation of the Final EIR.

## SECTION 2. Project Information.

The following Project information is supplied to provide context for the discussion and findings that follow but is intended as a summary and not a replacement for the information contained in the Draft EIR, Final EIR, or Project approvals.

### (a) Project Objectives

The Project Objectives of the Project applicant are set forth in Chapter 2 of the Draft EIR, which is incorporated herein by reference.

### (b) Project Description

The project includes two components, which include 1) amendments to the Zoning Code and Comprehensive Plan affecting 18 parcels and 2) a development project encompassing two of the 18 parcels.

The Project includes a Comprehensive Plan Amendment to amend Program L2.4.1 to increase housing sites along San Antonio Road between Middlefield Road and East Charleston Road.

The project would involve an amendment to Section 18 of the Palo Alto Municipal Code (PAMC) to allow the application of the Housing Incentive Program (HIP) to the 18 parcels within the program area. This would allow for increased density of multi-family residential development along San Antonio Road corridor. The proposed text amendment would involve the following changes to the zoning regulations that apply to these properties:

- Allow a waiver for housing projects to exceed maximum Floor Area Ratio (FAR), up to 2.0;
- Allow a waiver to exceed maximum site coverage;

- Allow rooftop gardens to count towards required open space;
- Exclude retail area from parking requirements;
- Exempt certain area in subterranean garages from counting towards FAR; and
- Allow a waiver to reduce requirements related to preservation of existing retail space to allow for housing projects

In addition to the proposed amendment to the PAMC, the project would also involve development of two of the 18 parcels within the program area, at 788 - 796 San Antonio Road. This development would involve the demolition of the two existing on-site one-story commercial structures and the construction of a four-story mixed-use structure with one retail tenant space, 102 dwelling units, and a two-level subterranean parking garage. Each floor would be arranged according to the same general footprint, with an empty rectangular space in the center to allow solar access to a proposed central courtyard at the first floor. Uses on the first floor would include a 1,803 square-foot retail space at the southwestern corner of the site and common areas along San Antonio Road, including a main entrance and lobby, mail room, bicycle parking rooms, and a bicycle repair room, and dwelling units arranged around the north, east, and south portions of the site. The floors above the first would include residential units arranged around the central courtyard space. Most units would include attached private outdoor balconies with views either towards the central courtyard or out towards the perimeters of the site. A communal landscaped roof garden would be located at the fourth floor at the western portion of the building along San Antonio Road.

A conceptual site plan of the proposed Project is shown on Figures 2-2 and 2-7. A conceptual elevation of the development building is shown on Figure 2.8. (All references to figures and tables are to those appearing in the Draft EIR, as modified where applicable in the Final EIR.)

A complete description of the Project as proposed by the Project applicant is set forth in Chapter 2 of the Draft EIR, as modified in the Final EIR.

(c) Required Approvals

The approvals required by the City as lead agency for implementation of the Project include:

- A. Comprehensive Plan Amendment
- B. Zoning Text Amendment
- C. Architectural Review
- D. Tentative Map (One-lot Condominium Subdivision)
- E. Variance
- F. Demolition Permit
- G. Building Permits
- H. Encroachment Permit

SECTION 3. Record of Proceedings.

(a) For purposes of CEQA, CEQA Guidelines section 15091(e), and these findings, the Record of Proceedings for the Project includes, but is not limited to, the following documents:

- (1) The Final EIR, which consists of the Housing Incentives Program Expansion and 788 San Antonio Road Mixed-Use Project Draft Environmental Impact Report, published and circulated for public review and comment by the City from July 31, 2020 through September 14, 2020 (the "Draft EIR"), and the Housing Incentives Program Expansion and 788 San Antonio Road Mixed-Use Project Final Environmental Impact Report, published and made available on October 30, 2020, and all appendices, reports, documents, studies, memoranda, maps, testimony, and other materials related thereto;
- (2) All public notices issued by the City in connection with the Project and the preparation of the Draft EIR and the Final EIR, including but not limited to public notices for all public workshops held to seek public comments and input on the Project and the Notice of Preparation, Notice of Completion, Notice of Availability;
- (3) All written and oral communications submitted by agencies or interested members of the general public during the public review period for the Draft EIR, including oral communications made at public hearings or meetings held on the Project approvals;

- (4) The Mitigation Monitoring and Reporting Program;
- (5) All findings and resolutions adopted by the City Council in connection with the Project, and all documents cited or referred to therein;
- (6) All final reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared by the City of Palo Alto and consultants with respect to the City of Palo Alto's compliance with the requirements of CEQA, and with respect to the City of Palo Alto's actions on the Project, including all staff reports and attachments to all staff reports for all public meetings held by the City;
- (7) Minutes and/or verbatim transcripts of all public meetings and/or public hearings held by the City of Palo Alto in connection with the Project;
- (8) Matters of common knowledge to the City of Palo Alto, including, but not limited to, federal, state, and local laws and regulations;
- (9) Any documents expressly cited in these findings, in addition to those cited above; and
- (10) Any other materials required to be in the record of proceedings by Public Resources Code section 21167.G(e).

(b) The custodian of the documents comprising the record of proceedings is the Director of Planning and Community Environment, City of Palo Alto, 250 Hamilton Avenue, Palo Alto, California, 94301.

(c) Copies of all of the above-referenced documents, which constitute the record of proceedings upon which the City of Palo Alto's decision on the Project is based, are and have been available upon request at the offices of the Planning and Community Environment Department, City of Palo Alto, 250 Hamilton Avenue, Palo Alto, California, 94301, and other locations in the City of Palo Alto.

(d) The City of Palo Alto has relied upon all the documents, materials, and evidence listed above in reaching its decision on the Project.

(e) The City Council hereby finds, determines and declares that the above-referenced documents, materials, and evidence constitute substantial evidence (as that term is defined by section 15384 of the CEQA Guidelines) to support each of the findings contained herein.

#### SECTION 4. Mitigation Monitoring and Reporting Program.

(a) CEQA requires the lead agency approving a project to adopt a Mitigation Monitoring and Reporting Program (MMRP) for the changes made to the project that it has adopted in order to mitigate or avoid significant effects on the environment. An MMRP has been prepared and is recommended for adoption by the City Council concurrently with the adoption of these findings to ensure compliance with mitigation measures during Project implementation. As required by Public Resources Code section 21081.6, the MMRP designates responsibility and anticipated timing for the implementation of the mitigation measures recommended in the Final EIR. The MMRP will remain available for public review during the compliance period.

(b) The City Council hereby adopts the MMRP for the Project attached hereto as Exhibit A and incorporated by reference, and finds, determines, and declares that adoption of the MMRP will ensure enforcement and continued imposition of the mitigation measures recommended in the Final EIR, and set forth in the MMRP, in order to mitigate or avoid significant impacts on the environment.

#### SECTION 5. Significant Impacts Reduced to Less than Significant.

The Draft EIR and the Final EIR identified several significant and potentially significant environmental impacts that the Project will cause or contribute to. All these significant effects can be fully addressed and reduced to less than significant through the adoption and implementation of standard project requirements incorporated as part of the Project and feasible mitigation measures. Those impacts, along with the standard project requirements and mitigation measures to reduce them to less than significant, are listed below as referenced in the Draft and Final EIR.

#### **(A) 4.1 Air Quality**

**(1) Impact AQ-1.** Development under the HIP expansion, including the 788 San Antonio Road Project, could result in air pollution emissions that would be inconsistent with the 2017 BAAQMD Clean Air Plan, which is the applicable Air Quality Plan. The 788 San Antonio Road development alone would be consistent with the objectives of the 2017 Clean Air Plan. However, construction of projects in the HIP expansion area would potentially exceed BAAQMD thresholds for criteria pollutants and conflict with the Clean Air Plan. This impact would be less than significant with mitigation incorporated.

- (a) **Potential Impact.** The impact above is described in Section 4.1 of the Draft EIR.
- (b) **Mitigation Measure.** Implementation of the following mitigation measure would reduce impacts of the Housing Incentive Program Expansion.

**MM- AQ-1. Construction Mitigation.** For individual projects in the HIP expansion area that exceed the BAAQMD air pollutant and precursor screening levels, the project proponent for that particular development shall conduct a quantifiable analysis to measure construction-related impacts to air quality for all construction phases as described in the BAAQMD CEQA Guidelines (2017). If project construction would exceed BAAQMD thresholds for criteria pollutants, the City shall require the construction contractor(s) to implement additional BAAQMD-approved measures beyond Basic Control requirements and demonstrate that such measures would reduce emissions to below thresholds. Additional measures for development projects that exceed significance criteria may include, but are not limited to:

- All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.
- All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
- Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.
- Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
- The simultaneous occurrence of excavation, grading, and ground-disturbing

construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.

- All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
- Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12-inch compacted layer of wood chips, mulch, or gravel.
- Minimizing the idling time of diesel-powered construction equipment to two minutes.
- The project shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NOX reduction and 45 percent PM reduction compared to the most recent ARB fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available.
- Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., Regulation 8, Rule 3: Architectural Coatings).
- Requiring that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NOX and PM.
- Limiting import/export of soils or limiting the number of hauling trips per day to reduce emissions of NOX associated with hauling truck trips.
- Phasing construction activities to reduce daily equipment use.

(c) **Findings.** With implementation of Mitigation Measure AQ-1, the HIP expansion would be consistent with the goals of the 2017 Clean Air Plan. and impacts would be less than significant.

(d) **Remaining Impact.** Impacts would be less than significant.

**(2) Impact AQ-2.** Impact AQ-2. Construction and operation of the 788 San Antonio Road project would not result in emissions of criteria pollutants in excess of BAAQMD thresholds and the project would be in compliance with BAAQMD carbon monoxide thresholds. However, construction of future projects under the HIP expansion could potentially exceed BAAQMD standards for criteria pollutants. This impact would be less than significant with mitigation incorporated.

(a) **Potential Impact.** The impact above is described in Section 4.1 of the Draft EIR.

(b) **Mitigation Measure.** Implementation of MM AQ-1 would reduce impacts of the individual development projects. Because the 788 San Antonio Road development has been demonstrated not to exceed applicable construction emissions, Mitigation Measure AQ-1 does not apply to this development.

(c) **Findings.** With mitigation, future projects under the HIP expansion in the program area would be required to quantify construction emissions and include emissions control measures as applicable to demonstrate projects would not exceed applicable thresholds for construction-related emissions.

(d) **Remaining Impact.** Implementation of the mitigation measure would make the impacts less than significant.

## **(B) Section 4 of Initial Study: Biological Resources**

**(1) Biological Resource Impact:** The project may result in impacts to protected nesting bird species. This impact would be significant but mitigable.

(a) **Potential Impact.** The impact above is described in Section 4 of the Initial Study of the Draft EIR.

(b) **Mitigation Measure.** In conformance with the California State Fish and Game Code and the provisions of the Migratory Bird Treaty Act, the project shall implement the following measure to reduce impacts to nesting birds and raptors to a less than significant:

**(2) BIO-1 Nesting Bird Surveys and Avoidance.** Construction, grading, site preparation and other ground-disturbing activities required for development allowed by the proposed HIP expansion that would involve vegetation or tree removal shall be prohibited during the general avian nesting season (February 1 – August 31), if feasible. If nesting season avoidance is not feasible, the applicant shall retain a qualified biologist, as approved by the City of Palo Alto, to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and activity status of any active nests on or adjacent to the development site. The extent of the survey buffer area surrounding the site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the MBTA and CFGC, nesting bird surveys shall be performed not more than 14 days prior to scheduled vegetation clearance and structure demolition. In the event that active nests are discovered, a suitable buffer (typically a minimum buffer of 50 feet for passerines and a minimum buffer of 250 feet for raptors) shall be established around such active nests and no construction shall be allowed



within the buffer areas until a qualified biologist has determined that the nest is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest). No ground disturbing activities shall occur within this buffer until the qualified biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting bird surveys are not required for construction activities occurring between August 31 and February 1.

(c) **Findings.** Implementation of Mitigation Measure BIO-1 would ensure protection of nesting birds that may be present on the site during construction activities.

(d) **Remaining Impact.** Implementation of the Mitigation Measure would reduce the potentially significant impact to special status species to a less than significant level

#### **(C) 4.2 Cultural Resources**

**(1) Impact CUL – 1:** (Other than 788 – 796 San Antonio Road) Development in the rest of the program area under the HIP expansion could result in the demolition or modification of structures eligible for listing on the City’s historic inventory or CRHR.

(a) **Potential Impact.** The impact listed above is discussed in Section 4.2 of the Draft EIR.

(b) **Mitigation Measures:** Implementation of the following measures would reduce the impact.

**CUL-1 Historic Resource Evaluation.** For future projects in the program area that would involve demolition or modification of structures over 45 years in age, a Historic Resources Evaluation (HRE) shall be prepared by a qualified professional to determine the structure’s eligibility for listing on the local or state historic registers. The report shall be submitted to the Planning Director and will be utilized by staff in their evaluation of the project and CEQA review. If the structure is determined to be eligible for listing on the local or state register, *Mitigation Measure CUL-2* shall be implemented.

**CUL-2 Rehabilitation and Restoration.** For future projects in the program area that involve modification of structures determined to be eligible for listing on the City’s historic inventory or CRHR, prior to submittal for building permits, a qualified historic preservation architect shall review the plans for the modifications to verify that the work is in keeping with applicable Secretary of the Interior’s Standards for Rehabilitation, such that the original materials and character-defining features will be retained and rehabilitated. The final design

and materials associated with building modifications shall be reviewed and approved by the Director and the Historic Preservation Planner of the City of Palo Alto Planning and Community Environment Department.

(c) **Findings:** If a future project under the HIP expansion proposes to materially alter a structure within the program area, implementation of *Mitigation Measure CUL-1* would allow the City to determine if the structure is eligible for listing in a local, state, or national register. If a structure proposed for alteration is found to be eligible for any one of these registers, *Mitigation Measure CUL-2* would be required. *Mitigation Measure CUL-2* would reduce impacts associated with modification or alteration of existing eligible resources by ensuring compliance with the standards for rehabilitation of historic structures. Because future demolition of potentially eligible historical structures is speculative, further analysis is not required at this time, but would be required as part of any future development application under the HIP expansion once project-level information is available.

(d) **Remaining Impact:** Future projects would implement *Mitigation Measures CUL-1 and CUL-2* and therefore consistent with CEQA for the Program Level analysis for the HIP Expansion component of the project.

**(2) Cultural Resource Impact to unidentified archaeological resources.** Project grading and other ground-disturbing activities could result in impacts to previously unidentified archaeological resources. This impact would be significant but mitigable.

(a) **Potential Impact:** This impact is discussed in Section 5 of the Initial Study.

(b) **Mitigation Measures:** The following mitigation measures would be required to avoid or reduce the project's potentially significant impacts to archaeological resources:

**CR-1 Worker's Environmental Awareness Program (WEAP).** For all development subject to the proposed HIP expansion, a qualified archaeologist shall be retained who meets the Secretary of the Interior's Professional Qualifications Standards for archaeology to conduct WEAP training for archaeological sensitivity for all construction personnel prior to the commencement of ground disturbing activities. Archaeological sensitivity training should include a description of the types of cultural resources that may be encountered, cultural sensitivity issues, regulatory issues, and the proper protocol for treatment of the materials in

the event of a find.

**CR-2 Unanticipated Discovery of Cultural Resources.** For all development subject to the proposed HIP expansion, in the event that archaeological resources are unearthed during project construction, all earth-disturbing work near the find must be temporarily suspended or redirected until an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeology (NPS 1983) has evaluated the nature and significance of the find. If the discovery proves to be significant under CEQA, additional work, such as preservation in place or archaeological data recovery, shall occur as required by the archeologist in coordination with City staff and descendants and/or stakeholder groups, as warranted. Once the resource has been properly treated or protected, work in the area may resume. A Native American representative shall be retained to monitor mitigation work associated with Native American cultural material.

(c) **Findings:** Implementation of *Mitigation Measures CR-1 and CR-2* would ensure that cultural resources are properly identified and preserved in the event they are uncovered during construction.

(d) **Remaining Impacts:** would reduce impacts regarding disrupting intact archaeological resources to a less than significant level.

#### **(D) Geology and Soils**

**(1) Impact 1:** The program area and project site are in an area that may be underlain by soils susceptible to liquefaction. Impacts related to liquefaction and unstable soils would less than significant with mitigation incorporated.

(a) **Potential Impact:** This impact is discussed in Section 7 of the Initial Study.

(b) **Mitigation Measure:** The following mitigation measure shall be implemented prior to and during construction of projects proposed under the proposed HIP expansion to avoid or reduce the project's potentially significant effects related to liquefaction:

**GEO-1 Geotechnical Investigation.** Prior to approval of grading permits for a building or structure associated with the development allowed by the HIP expansion, a detailed final geotechnical investigation shall be performed to identify significant geotechnical constraints on

the proposed development. The report shall develop formal recommendations for project design and construction, including site grading/soil preparation and foundation design. Among other components, the report shall include a quantitative evaluation of liquefaction susceptibility, including projected levels of post-liquefaction settlement; an evaluation of soil shrink-swell potential; and an investigation of compressible soils that may be prone to settlement/subsidence. The report shall be stamped and signed by a professional engineer (PE) or geotechnical engineer and provided by the applicant to the City of Palo Alto for review to ensure that foundations designed for all proposed structures are appropriate and meet code requirements. The PE or geotechnical engineer of record shall also review the final grading, drainage, and foundation plans to confirm incorporation of the report recommendations. Field monitoring during project construction shall be performed to verify that the work is performed as recommended.

(c) **Findings:** Following the recommendations of the geotechnical report will ensure that projects meet proven construction techniques.

(d) **Remaining Impact:** With implementation of *Mitigation Measure GEO-1*, the potentially significant impact associated with liquefaction would be reduced to a less than significant level.

**(2) Unanticipated Paleontological Resource Discovery.** Construction activities associated with development in the program area could involve ground disturbance and excavation that could result in the unanticipated discovery of paleontological resources. In addition, excavation at depths greater than 18 feet would involve removal of soils beyond the alluvial fan deposits and are more likely to result in the discovery of paleontological resources.

(a) **Potential Impact:** This impact is discussed in Section 7 of the Initial Study.

(b) **Mitigation Measure:** With implementation of the following mitigation measures, potential impacts to subsurface cultural resources would be reduced to a less than significant level:

**GEO-2 Discovery of Paleontological Resources.** Construction activities associated with the development allowed under the HIP expansion shall adhere to the following measures.

**1. Ground Disturbance.** Prior to ground-disturbing activities for projects associated with the HIP expansion, the applicant or its designee will retain a qualified paleontologist to provide on-call services in the event of an unanticipated discovery. A qualified professional paleontologist is defined by the SVP standards as an individual preferably with an M.S. or Ph.D. in paleontology or geology who is experienced with paleontological procedures and techniques, who is knowledgeable in the geology of California, and who has worked as a paleontological mitigation project supervisor for a least two years (SVP 2010). Prior to the start of construction, the qualified paleontologist or his or her designee shall conduct a Paleontological Worker Environmental Awareness Program (WEAP), a training for construction personnel regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff. The WEAP shall be fulfilled at the time of a preconstruction meeting at which a Qualified Paleontologist shall attend.

In accordance with SVP (2010) guidelines, in the event that undetected buried resources are encountered, all work shall halt in the immediate vicinity of the find and the qualified professional paleontologist shall be notified to evaluate the discovery. The qualified paleontologist shall determine the significance of the discovery and identify whether additional mitigation or treatment is warranted. Measures may include testing, data recovery, reburial, archival review and/or transfer to the appropriate museum or educational institution. All testing, data recovery, reburial, archival review or transfer to research institutions related to monitoring discoveries shall be determined by the qualified paleontologist and shall be reported to the City. Work in the area of the discovery will resume once the find is properly documented and authorization is given to resume construction work.

**2. Excavation Below 18 Feet.** Prior to the commencement of grading and excavation below a depth of 18 feet for any project associated with the HIP expansion, applicants shall retain a qualified paleontologist approved by the City of Palo Alto to monitor grading and excavation activities. Full-time monitoring onsite shall occur whenever excavation activities exceed 18 feet below ground surface. The duration and timing of the monitoring will be determined by the qualified paleontologist and the location and extent of proposed ground disturbance. If the qualified paleontologist determines that full-time monitoring is no longer warranted, based on the specific geologic conditions at the surface or at depth, he/she may recommend that monitoring be reduced to periodic spot-checking or cease entirely. Any paleontological resources discovered by construction personnel or

subcontractors shall be reported immediately to the paleontologist. In the event undetected buried resources are encountered during grading and excavation, all work in the immediate vicinity of the find shall cease and the paleontologist shall evaluate the resource and propose appropriate mitigation measures. Measures may include testing, data recovery, reburial, archival review and/or transfer to the appropriate museum or educational institution. All testing, data recovery, reburial, archival review or transfer to research institutions related to monitoring discoveries shall be determined by the qualified paleontologist and shall be reported to the City.

(c) **Findings:** *Mitigation Measure GEO-2* would apply to all construction activities associated with housing allowed under the HIP expansion and would ensure that potential impacts to paleontological resources would be less than significant by providing for the recovery, identification and curation of previously unrecovered fossils.

(d) **Remaining Impact:** Impacts following implementation of the mitigation measure would be less than significant.

#### **(E) Hazards and Hazardous Materials**

**(1) Impact 1.** Based on these existing conditions, construction activities associated with the higher-density housing allowed by the HIP expansion, including excavation to accommodate foundations and subterranean structures, could expose construction workers or nearby residents to potentially unacceptable health risks from contaminated soil. Moreover, hauling of such materials may occur within 0.25 mile of schools.

(a) **Potential Impact:** This impact is discussed in Section 9 of the Initial Study.

(b) **Mitigation Measure:** The project shall implement the following mitigation measures to protect construction workers during construction:

**HAZ-1 Site Risk Management Plan.** Prior to issuance of permits allowing groundwater dewatering or earth-disturbing activity, the developer shall prepare a site risk management plan (SRMP). The SRMP will address known and unknown environmental issues that may be encountered during development. The plan shall identify appropriate measures to be followed when impacted soil and groundwater are encountered during demolition, excavation,

dewatering, and construction. This includes health and safety measures to reduce exposure to potentially impacted soil and groundwater for construction workers and dust control measures to reduce exposure to contaminated dust particles for nearby residents.

Health and safety measures shall include the required personal protective equipment (PPE) to be used by site personnel, including action levels and decision criteria for upgrading the levels of PPE. The SRMP shall also identify personnel to be notified, emergency contacts, and a sampling protocol if impacted media is encountered. The excavation and demolition contractors shall be made aware of the possibility of encountering known and unknown hazardous materials including impacted soil and groundwater; and shall be provided with appropriate contact and notification information. The plan shall include a provision stating at what point it is safe to continue with the excavation or demolition, and identify the person authorized to make that determination. In addition, the SRMP shall include measures for the appropriate handling and profiling of impacted soil and groundwater to be removed from the project site and disposed offsite. Removal, transportation, and disposal of impacted soil and groundwater shall be performed in accordance with applicable federal, state, and local laws, regulations, and ordinances.

The SMRP shall be submitted to the City of Palo Alto for review and approval prior to issuance of a grading or building permit. If deemed necessary by City staff, the SRMP shall also be submitted to the Santa Clara County Department of Environmental Health for review and oversight.

(c) **Findings:** Implementation of *Mitigation Measure HAZ-1* would ensure that impacts would be reduced to a less than significant level.

(d) **Remaining Impact:** Impacts would be less than significant.

**(F) 4.5 Noise**

**(1) Impact N-1.** The construction of projects under the proposed HIP expansion, including the 788 San Antonio Road Project, would temporarily increase ambient noise levels at sensitive receptors in and near the program area.

(a) **Potential Impact:** The potential impact is discussed in Section 4.5 of the Draft EIR.

(b) **Mitigation Measure:** The project shall implement the following mitigation measure, which would lessen potential construction-related noise impacts to a less than significant level:

**N-1 Construction-Related Noise Reduction Measures.** The applicant shall apply the following measures during construction of projects in the program area:

- **Mufflers.** Construction equipment shall be properly maintained and all internal combustion engine driven machinery with intake and exhaust mufflers and engine shrouds, as applicable, shall be in good condition and appropriate for the equipment. During construction, all equipment, fixed or mobile, shall be operated with closed engine doors and shall be equipped with properly operating and maintained mufflers, consistent with manufacturers' standards.

- **Electrical Power.** Electrical power, rather than diesel equipment, shall be used to run compressors and similar power tools and to power temporary structures, such as construction trailers or caretaker facilities.

- **Equipment Staging.** All stationary equipment (e.g., air compressors, portable generators) shall be staged as far away from sensitive receptors as feasible. Where feasible, construct temporary noise barriers around stationary equipment in a manner that fully blocks the line of sight to residential windows in the adjacent apartment complex.

- **Equipment Idling.** Construction vehicles and equipment shall not be left idling for longer than five minutes when not in use.

- **Workers' Radios.** All noise from workers' radios shall be controlled to a point that they are not audible at sensitive receptors near construction activity.

- **Smart Back-up Alarms.** Mobile construction equipment shall have smart back-up alarms that automatically adjust the sound level of the alarm in response to ambient noise levels. Alternatively, back-up alarms shall be disabled and replaced with human spotters to ensure safety when mobile construction equipment is moving in the reverse direction.

- **Sound Barrier.** During the demolition, site preparation, grading, building, and paving phases of construction, temporary sound barriers shall be installed and maintained facing sensitive receptors (e.g., residential units, educational facilities) located within 100 feet of the center of construction activity. Temporary sound barriers shall, at a minimum, block the line of sight between noise-generating construction equipment and adjacent windows at sensitive receptors and shall be placed as close to the source equipment as feasible. Such barriers shall be field tested to reduce noise by at least 10 dBA at sensitive receptors. A sound



barrier can achieve a 5 dBA noise level reduction when it is tall enough to break the line of-sight from the source equipment to the sensitive receptor, and it can achieve an approximate 1 dBA additional noise level reduction for each 2 feet of height after it breaks the line of sight (FHWA 2011). Mobile sound barriers may be used as appropriate to attenuate construction noise near the source equipment.

- **Disturbance Coordinator.** The applicant shall designate a disturbance coordinator who shall be responsible for responding to any local complaints about construction noise. The noise disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler) and shall require that reasonable measures warranted to correct the problem be implemented. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site.

(c) **Finding:** The analysis estimates that construction activity during allowed hours would generate ambient noise up to 87 dBA Leq at the nearest sensitive receptors before mitigation, which would represent an increase of up to 16 dBA Leq above existing ambient noise levels. The use of temporary sound barriers according to the specifications in *Mitigation Measure N-1* would reduce construction noise levels by 10 dBA Leq. The installation of a temporary sound barrier as directed in *Mitigation Measure N-1*, combined with other noise reduction measures required in *Mitigation Measure N-1*, would be sufficient to reduce ambient noise during construction by at least 10 dBA Leq. After this noise reduction, construction noise at the nearest sensitive receptors would be no greater than 77 dBA Leq, or up to 6 dBA above existing ambient noise levels. As a result, construction activity would not cause an increase of 10 dBA or greater in hourly noise levels above existing ambient conditions at sensitive receptors for two or more hours per day, five days per week, for a period of 12 months or more. *Mitigation Measure N-1* would reduce construction noise to the extent feasible, and resultant noise levels from construction activity after mitigation would not exceed the City' maximum allowable level of 110 dBA at any point outside of the project site (PAMC Section 9.10.060).

(d) **Remaining Impact:** The identified impact would be less than significant with implementation of the mitigation measure.

## **(F) Tribal Cultural Resources**

**(1) Impact 1, Undisturbed subsurface tribal cultural resources.** There is the possibility of encountering undisturbed subsurface tribal cultural resources during demolition and construction activities.

(a) **Potential Impact:** This impact is discussed in Section 18 of the Initial Study.

(b) **Mitigation Measure:** The following mitigation measure would be required to avoid or reduce the project's potentially significant impacts to tribal cultural resources:

**TCR-1 Unanticipated Discovery of Tribal Cultural Resources.** In the event that cultural resources of Native American origin are identified during construction of any development associated with proposed HIP expansion, all earth-disturbing work in the vicinity of the find must be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find and an appropriate Native American representative, based on the nature of the find, is consulted. If the County, in consultation with local Native Americans, determines that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with state guidelines and in consultation with Native American groups. The plan would include avoidance of the resource or, if avoidance of the resource is infeasible, the plan would outline the appropriate treatment of the resource in coordination with the archeologist, if applicable, and the appropriate Native American tribal representative.

(c) **Finding:** *Mitigation Measure TCR-1* would ensure that tribal cultural resources are identified properly and preserved in the event they are uncovered during construction.

(d) **Remaining Impact:** Implementation of the mitigation measure would reduce impacts regarding disrupting tribal cultural resources to a less than significant level.

#### SECTION 6. Significant and Unavoidable Impacts.

The Draft EIR and the Final EIR documented that the Project would result in significant and unavoidable impacts which cannot be adequately mitigated through the adoption and implementation of feasible mitigation measures. Those impacts, along with mitigation measures to mitigate them to the extent feasible, are listed below as referenced in the Draft EIR.

#### **4.2 Cultural Resources**

**Impact CUL-1:** The project would result in demolition and removal of two

existing single-story commercial buildings at 788 and 790-796 San Antonio Road. Due to its retained integrity, one existing structure at 788 San Antonio Road may be eligible for individual listing in the California Register of Historic Resources (CRHR) and constitutes a historical resource for the purposes of CEQA. Further, development in the rest of the program area under the HIP expansion could result in the demolition or modification of structures eligible for listing on the City's historic inventory or CRHR. Therefore, impacts to historic resources would be significant and unavoidable.

(a) **Potential Impact.** The impact identified above is described and discussed in Section 4.2 of the Draft EIR.

(b) **Mitigation Measures.** The following mitigation measures will be adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program, and as further described in the remainder of these findings:

Mitigation Measures CUL-3 and CUL-4.

**MM CUL-3:** Historic Documentation Package. Prior to issuance of demolition permits for the 788 San Antonio Road Mixed-Use Project, the applicant shall undertake Historic American Building Survey (HABS) documentation of the structure including its character defining features. The documentation should generally follow the HABS Level III requirements and include measured drawings that depict the size, scale, and dimensions of the subject property; digital photographic recordation of the interior and exterior of the subject property including all character-defining features; a detailed historic narrative report; and compilation of historic research. The documentation shall be undertaken by a qualified professional who meets the standards for history, architectural history, or architecture (as appropriate), as set forth by the Secretary of the Interior's Professional Qualification Standards (36 CFR, Part 61). The original archival-quality documentation shall be offered as donated material to the City of Palo Alto Historic Inventory where it would be available for current and future generations. Archival copies of the documentation also shall be submitted to the City of Palo Alto Library where it would be available to local researchers. Completion of this mitigation measure shall be monitored and enforced by the City.

**MM CUL-4 Interpretive Website.** Prior to issuance of demolition permits for the 788 San Antonio Road Mixed-Use Project, the applicant shall develop an online interpretive website that displays materials concerning the history and architectural features of the property. Interpretation of the site's history shall be supervised by an architectural historian or historian who meets the Secretary of the Interior's Professional Qualification Standards and may engage additional consultants to develop the display. The interpretative website, which may include, but are not limited to, a display of photographs, news articles, memorabilia, and/or video. The site shall be overseen by Palo Alto Historic Association, a similar non-profit, or the City of Palo Alto at the applicant's expense. The content of the site shall be approved by the Director of Planning & Development Services or designee.

(a) **Findings.** The above-noted mitigation measures will reduce the severity of this potentially significant impact by documenting the building materials. The mitigation measures also provide the opportunity to display an interpretation of the site's history. However, because of the implementation of the project requires the demolition of the building, these measures would not fully mitigate this Impact to a less-than-significant level.

(b) **Remaining Impacts.** There are no other feasible mitigation measures available to mitigate this impact to a less-than-significant level. Implementation of Mitigation Measures CUL-3 and 4 would lessen the Project's impacts on the described historical resources through documentation and providing an interpretive archival of the building's materials. However, the implementation of the Project requires the demolition and these mitigation measures would not result in reversing the demolition, and therefore would still result in a significant impact to historic resources.

(c) **Overriding Considerations.** The environmental, social, economic and other benefits of the Project override any remaining significant adverse impacts of the Project relating to historical resources as set forth in the Statement of Overriding Considerations below.

#### SECTION 7. Findings Regarding Project Alternatives.

Public Resources Code section 21002 prohibits a public agency from approving a

project if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of the project. When a lead agency finds, even after the adoption of all feasible mitigation measures, that a project will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, it must, prior to approving the project as mitigated, first determine whether there are any project alternatives that are feasible and that would substantially lessen or avoid the project's significant impacts. Under CEQA, "feasibility" includes "desirability" to the extent that it is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors, and an alternative may be deemed by the lead agency to be "infeasible" if it fails to adequately promote the project applicant's and/or the lead agency's primary underlying goals and objectives for the project. Thus, a lead agency may reject an alternative, even if it would avoid or substantially lessen one or more significant environmental effects of the project, if it finds that the alternative's failure to adequately achieve the objectives for the project, or other specific and identifiable considerations, make the alternative infeasible.

The City Council certifies that the Final EIR describes a reasonable range of alternatives to the Project, which could feasibly obtain the basic objectives of the Project, and that the City Council has evaluated the comparative merits of the alternatives. As described below, the City Council has decided to approve the Project as proposed, and to reject the remainder of the alternatives, as summarized below.

Chapter 2 of the Draft EIR set forth the Project applicant's objectives for the Project. That list is incorporated herein by reference. In light of the applicant's objectives for the Project, and given that the Project is expected to result in certain significant environmental effects even after the implementation of all feasible mitigation measures, as identified above, the City hereby makes the following findings with respect to whether one or more of the alternatives evaluated in the Draft EIR could feasibly accomplish most of the goals and objectives for the Project and substantially lessen or avoid one or more of its potentially significant effects.

#### No Project Alternative

The No Project Alternative - Current Conditions Scenario is discussed at Section 6.1 of the Draft EIR. The No Project - Current Conditions Scenario is hereby rejected as infeasible

because it would not achieve the Project objectives, as explained in Section 6.4 of the Draft EIR.

Alternative 2: Project Site - Existing 788 San Antonio Road Building to Remain Plus New Building Location

The “Existing 788 San Antonio Road Building to Remain Plus New Building Location” Alternative is discussed in Section 6.2 of the Draft EIR. This alternative is hereby rejected as infeasible because while the demolition of the historically eligible building would not occur, the operation of 6,500 square feet of retail space would increase vehicle trips compared to the proposed project and therefore would result in greater impacts related to air quality, GHG emissions, and transportation. Alternative 2 would meet most of the objectives for the Project, but it would not develop as many residential units to assist with the City’s progress toward its goal of generating 300 housing units per year and improve the jobs housing balance.

Alternative 3: Expand the Housing Incentive Program to Allow Floor Area Ratio of 1.5 within the Program Area Alternative

The “Expand the Housing Incentive Program to Allow Floor Area Ratio of 1.5 within the Program Area Alternative” is discussed in Section 6.3 of the Draft EIR. would reduce vehicle trip generation, it would result in reduced impacts related to air quality, greenhouse gas emissions, and transportation. Nevertheless, impacts related to historical resources from the potential demolition or impairment of the building at 788 San Antonio Road would remain. Alternative 3 would meet most of the program objectives, but it would not develop as many residential units to assist with the City’s progress towards the City’s Regional Housing Needs Assessment (RHNA) goals.

SECTION 8. Statement of Overriding Considerations

Pursuant to Public Resources Code Section 21081 and Section 15093 of the CEQA Guidelines, this City Council adopts and makes the following Statement of Overriding Considerations regarding the remaining significant unavoidable impacts of the Project, as discussed above, and the anticipated economic, social and other benefits of the Project. The City finds that: (i) the majority of the significant impacts of the Project will be reduced to less- than-significant and acceptable levels by the mitigation measures described in the

Final EIR and approved and adopted by these Findings; (ii) the City's approval of the Project will result in certain significant adverse environmental effects that cannot be avoided even with the incorporation of all feasible mitigation measures into the Project; and (iii) there are no other feasible mitigation measures or feasible Project alternatives that would further mitigate or avoid the remaining significant environmental effects. The significant effects that have not been mitigated to a less-than-significant level and are therefore considered significant and unavoidable are identified in Section 6 herein. Despite these potentially significant impacts, it is the City's considered judgment that the benefits offered by the Project outweigh the potentially adverse effects of these significant impacts. The substantial evidence supporting the following described benefits of the Project can be found in the preceding findings and in the record of proceedings.

The benefits of the Project which the City Council finds serve as overriding considerations" justifying its approval include the following:

(1) The site is in an area that is in transition from low-intensity commercial development to higher-intensity commercial and mixed-use development. The area includes Housing Inventory Sites contained in the City's Housing Element. Based on recent and current housing demand, the preservation and expansion of these opportunity sites are necessary for the City to meet current and anticipated Regional Housing Needs Allocation (RHNA) goals. The Housing Incentive Program (HIP) expansion allows for the project's objectives to be met and the adaptive reuse of the historic structure cannot feasibly accommodate a mixed-use project and meet the project objectives.

(2) Redevelopment of the site will include a mixed-use use project that would include local serving, pedestrian-oriented commercial and residential units. The approval of these residential units would represent one-third of the number of dwelling units established by the City in year for housing production. The project would be the catalyst for future mixed-use projects. There is a potential for the HIP to accommodate approximately 800 dwelling units in the program area. While the loss of the historic structure would result in a negative impact on the environment, this loss is outweighed by the benefit of the needed increase in the City's housing stock, which will help in alleviating the current housing crisis.

INTRODUCED AND PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

APPROVED:

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City Clerk

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Mayor

APPROVED AS TO FORM:

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City Manager

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Assistant City Attorney

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Director of Planning and  
Development Services



## Exhibit A

## MITIGATION MONITORING OR REPORTING PROGRAM

<b>PROJECT NAME</b>	Housing Incentive Program Expansion and 788 San Antonio Road Mixed-Use Project	Application Number	19PLN-00079
Applicant	Ted O’Hanlon on behalf of 788 SA, LLC 2625 Middlefield Road, #101 Palo Alto, CA 94306	Date	November 2020

The Draft Environmental Impact Report for the Housing Incentive Program Expansion and 788 San Antonio Road Mixed-Use Project identifies the mitigation measures that will be implemented to reduce the impacts associated with the project. The California Environmental Quality Act (CEQA) was amended in 1989 to add Section 21081.6, which requires a public agency to adopt a monitoring and reporting program for assessing and ensuring compliance with any required mitigation measures applied to proposed development. As stated in section 21081.6(a)(1) of the Public Resources Code, "... the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment."

Section 21081.6 also provides general guidelines for implementing mitigation monitoring programs and indicates that specific reporting and/or monitoring requirements, to be enforced during project implementation, shall be defined as part of adopting an Environmental Impact Report (EIR).

The mitigation monitoring table lists those mitigation measures that would be included as conditions of approval for the project. To ensure that the mitigation measures are properly implemented, a monitoring program has been devised which identifies the timing and responsibility for monitoring each measure.

Environmental Impact	Mitigation Measure	Responsibility for Implementation	Timing of Compliance	Oversight of Implementation
<b>Air Quality</b>				
<b>AQ-1: Construction Mitigation</b>	For individual projects in the HIP expansion area that exceed the BAAQMD air pollutant and precursor screening levels, the project proponent for that particular development shall conduct a quantifiable analysis to measure construction-related impacts to air quality for all construction phases as described in the BAAQMD CEQA Guidelines (2017). If project construction would exceed BAAQMD thresholds for criteria pollutants, the City shall require the construction contractor(s) to implement additional BAAQMD-approved measures beyond Basic Control requirements and demonstrate that such measures would reduce emissions to below thresholds. Additional measures for development projects that exceed significance criteria may include, but are not limited to:	Applicant	Prior to grading permit	CPA Planning Department

Environmental Impact	Mitigation Measure	Responsibility for Implementation	Timing of Compliance	Oversight of Implementation
	<ol style="list-style-type: none"> <li>1. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.</li> <li>2. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.</li> <li>3. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.</li> <li>4. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.</li> <li>5. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.</li> <li>6. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.</li> <li>7. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12-inch compacted layer of wood chips, mulch, or gravel.</li> <li>8. Minimizing the idling time of diesel-powered construction equipment to two minutes.</li> <li>9. The project shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NO<sub>x</sub> reduction and 45 percent PM reduction compared to the most recent ARB fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available.</li> <li>10. Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., Regulation 8, Rule 3: Architectural Coatings).</li> <li>11. Requiring that all construction equipment, diesel trucks, and</li> </ol>	28		

Environmental Impact	Mitigation Measure	Responsibility for Implementation	Timing of Compliance	Oversight of Implementation
	<p>generators be equipped with Best Available Control Technology for emission reductions of NO<sub>x</sub> and PM.</p> <p>12.Limiting import/export of soils or limiting the number of hauling trips per day to reduce emissions of NO<sub>x</sub> associated with hauling truck trips.</p> <p>13.Phasing construction activities to reduce daily equipment use.</p>			
<b>Biological Resources</b>				
<b>BIO-1: Nesting Bird Surveys and Avoidance</b>	<p>Construction, grading, site preparation and other ground-disturbing activities required for development allowed by the proposed HIP expansion that would involve vegetation or tree removal shall be prohibited during the general avian nesting season (February 1 – August 31), if feasible. If nesting season avoidance is not feasible, the applicant shall retain a qualified biologist, as approved by the City of Palo Alto, to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and activity status of any active nests on or adjacent to the development site. The extent of the survey buffer area surrounding the site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the MBTA and CFGC, nesting bird surveys shall be performed not more than 14 days prior to scheduled vegetation clearance and structure demolition. In the event that active nests are discovered, a suitable buffer (typically a minimum buffer of 50 feet for passerines and a minimum buffer of 250 feet for raptors) shall be established around such active nests and no construction shall be allowed within the buffer areas until a</p>	<p>Applicant or designee/ Construction contractor</p> <p>29</p>	<p>Prior to and during Construction</p>	<p>CPA Planning Department</p>

Environmental Impact	Mitigation Measure	Responsibility for Implementation	Timing of Compliance	Oversight of Implementation
	qualified biologist has determined that the nest is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest). No ground disturbing activities shall occur within this buffer until the qualified biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting bird surveys are not required for construction activities occurring between August 31 and February 1.			
<b>Cultural Resources</b>				
<b>CUL-1 Historic Resource Evaluation.</b>	For future projects in the program area that would involve demolition or modification of structures over 45 years in age, a Historic Resources Evaluation (HRE) shall be prepared by a qualified professional to determine the structure's eligibility for listing on the local or state historic registers. The report shall be submitted to the Planning Director and will be utilized by staff in their evaluation of the project and CEQA review. If the structure is determined to be eligible for listing on the local or state register, Mitigation Measure CUL-2 shall be implemented.	Applicant or designee	Prior to project approval	CPA Planning Department
<b>CUL-2: Rehabilitation and Restoration</b>	For future projects in the program area that involve modification of structures determined to be eligible for listing on the City's historic inventory or CRHR, prior to submittal for building permits, a qualified historic preservation architect shall review the plans for the modifications to verify that the work is in keeping with applicable Secretary of the Interior's Standards for Rehabilitation, such that the original materials and character-defining features will be retained and rehabilitated. The final design and materials associated with building modifications shall be reviewed and approved by the Director and the Historic Preservation Planner of the City of Palo Alto Planning and Community Environment Department.	Applicant or designee	Prior to project approval	CPA Planning Department
<b>CUL-3: Historic Documentation Package</b>	Prior to issuance of demolition permits for the 788 San Antonio Road Mixed-Use Project, the applicant shall undertake Historic American Building Survey (HABS) documentation of the structure including its character defining features. The documentation should generally follow the HABS Level III requirements and include measured drawings that depict the size, scale, and dimensions of the subject property; digital photographic recordation of the interior and exterior of the subject property including all	Applicant or designee	Prior to issuance of demolition permits	CPA Planning Department

Environmental Impact	Mitigation Measure	Responsibility for Implementation	Timing of Compliance	Oversight of Implementation
	character-defining-features; a detailed historic narrative report; and compilation of historic research. The documentation shall be undertaken by a qualified professional who meets the standards for history, architectural history, or architecture (as appropriate), as set forth by the Secretary of the Interior's Professional Qualification Standards (36 CFR, Part 61). The original archival-quality documentation shall be offered as donated material to the City of Palo Alto Historic Inventory where it would be available for current and future generations. Archival copies of the documentation also shall be submitted to the City of Palo Alto Library where it would be available to local researchers. Completion of this mitigation measure shall be monitored and enforced by the City.			
<b>CUL-4: Interpretive Website</b>	Prior to issuance of demolition permits for the 788 San Antonio Road Mixed-Use Project, the applicant shall develop an online interpretive website that displays materials concerning the history and architectural features of the property. Interpretation of the site's history shall be supervised by an architectural historian or historian who meets the Secretary of the Interior's Professional Qualification Standards and may engage additional consultants to develop the display. The interpretative website, which may include, but are not limited to, a display of photographs, news articles, memorabilia, and/or video. The site shall be overseen by Palo Alto Historic Association, a similar non-profit, or the City of Palo Alto at the applicant's expense. The content of the site shall be approved by the Director of Planning & Development Services or designee.	Applicant or designee	Prior to issuance of demolition permits	CPA Planning Department
<b>CR-1: Worker's Environmental Awareness Program (WEAP)</b>	For all development subject to the proposed HIP expansion, a qualified archaeologist shall be retained who meets the Secretary of the Interior's Professional Qualifications Standards for archaeology to conduct WEAP training for archaeological sensitivity for all construction personnel prior to the commencement of ground disturbing activities. Archaeological sensitivity training should include a description of the types of cultural resources that may be encountered, cultural sensitivity issues, regulatory issues, and the proper protocol for treatment of the materials in the event of a find.	Applicant or designee/ Construction contractor	During Construction	CPA Planning Department
<b>CR-2:</b>	For all development subject to the	Applicant or	During	CPA Planning

Environmental Impact	Mitigation Measure	Responsibility for Implementation	Timing of Compliance	Oversight of Implementation
<b>Unanticipated Discovery of Cultural Resources</b>	proposed HIP expansion, in the event that archaeological resources are unearthed during project construction, all earth-disturbing work near the find must be temporarily suspended or redirected until an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeology (NPS 1983) has evaluated the nature and significance of the find. If the discovery proves to be significant under CEQA, additional work, such as preservation in place or archaeological data recovery, shall occur as required by the archeologist in coordination with City staff and descendants and/or stakeholder groups, as warranted. Once the resource has been properly treated or protected, work in the area may resume. A Native American representative shall be retained to monitor mitigation work associated with Native American cultural material.	designee/Construction contractor	Construction	Department
<b>Geology and Soils</b>				
<b>GEO-1: Geotechnical Investigation</b>	Prior to approval of grading permits for a building or structure associated with the development allowed by the HIP expansion, a detailed final geotechnical investigation shall be performed to identify significant geotechnical constraints on the proposed development. The report shall develop formal recommendations for project design and construction, including site grading/soil preparation and foundation design. Among other components, the report shall include a quantitative evaluation of liquefaction susceptibility, including projected levels of post-liquefaction settlement; an evaluation of soil shrink-swell potential; and an investigation of compressible soils that may be prone to settlement/subsidence. The report shall be stamped and signed by a professional engineer (PE) or geotechnical engineer and provided by the applicant to the City of Palo Alto for review to ensure that foundations designed for all proposed structures are appropriate and meet code requirements. The PE or geotechnical engineer of record shall also review the final grading, drainage, and foundation plans to confirm incorporation of the report recommendations. Field monitoring during project construction shall be performed to verify that the work is performed as recommended.	Applicant or designee	Prior to building permit	CPA Planning Department
<b>GEO-2: Discovery of Paleontological Resources</b>	Construction activities associated with the development allowed under the HIP expansion shall adhere to the following measures.	Applicant or designee/ Construction manager 32	Prior to ground disturbing activities and	CPA Planning Department

Environmental Impact	Mitigation Measure	Responsibility for Implementation	Timing of Compliance	Oversight of Implementation
	<p><b>1. Ground Disturbance.</b> Prior to ground-disturbing activities for projects associated with the HIP expansion, the applicant or its designee will retain a qualified paleontologist to provide on-call services in the event of an unanticipated discovery. A qualified professional paleontologist is defined by the SVP standards as an individual preferably with an M.S. or Ph.D. in paleontology or geology who is experienced with paleontological procedures and techniques, who is knowledgeable in the geology of California, and who has worked as a paleontological mitigation project supervisor for a least two years (SVP 2010). Prior to the start of construction, the qualified paleontologist or his or her designee shall conduct a Paleontological Worker Environmental Awareness Program (WEAP), a training for construction personnel regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff. The WEAP shall be fulfilled at the time of a preconstruction meeting at which a Qualified Paleontologist shall attend. In accordance with SVP (2010) guidelines, in the event that undetected buried resources are encountered, all work shall halt in the immediate vicinity of the find and the qualified professional paleontologist shall be notified to evaluate the discovery. The qualified paleontologist shall determine the significance of the discovery and identify whether additional mitigation or treatment is warranted. Measures may include testing, data recovery, reburial, archival review and/or transfer to the appropriate museum or educational institution. All testing, data recovery, reburial, archival review or transfer to research institutions related to monitoring discoveries shall be determined by the qualified paleontologist and shall be reported to the City. Work in the area of the discovery will resume once the find is properly documented and authorization is given to resume construction work.</p> <p><b>2. Excavation Below 18 Feet.</b> Prior to the commencement of grading and excavation below a depth of 18 feet for any project associated with the HIP expansion, applicants shall retain a qualified paleontologist approved by</p>	<p>33</p>	<p>during construction</p>	

Environmental Impact	Mitigation Measure	Responsibility for Implementation	Timing of Compliance	Oversight of Implementation
	<p>the City of Palo Alto to monitor grading and excavation activities. Full-time monitoring onsite shall occur whenever excavation activities exceed 18 feet below ground surface. The duration and timing of the monitoring will be determined by the qualified paleontologist and the location and extent of proposed ground disturbance. If the qualified paleontologist determines that full-time monitoring is no longer warranted, based on the specific geologic conditions at the surface or at depth, he/she may recommend that monitoring be reduced to periodic spot-checking or cease entirely. Any paleontological resources discovered by construction personnel or subcontractors shall be reported immediately to the paleontologist. In the event undetected buried resources are encountered during grading and excavation, all work in the immediate vicinity of the find shall cease and the paleontologist shall evaluate the resource and propose appropriate mitigation measures. Measures may include testing, data recovery, reburial, archival review and/or transfer to the appropriate museum or educational institution. All testing, data recovery, reburial, archival review or transfer to research institutions related to monitoring discoveries shall be determined by the qualified paleontologist and shall be reported to the City.</p>			

#### Hazards and Hazardous Materials

<b>HAZ-1: Site Risk Management Plan</b>	<p>Prior to issuance of permits allowing groundwater dewatering or earth-disturbing activity, the developer shall prepare a site risk management plan (SRMP). The SRMP will address known and unknown environmental issues that may be encountered during development. The plan shall identify appropriate measures to be followed when impacted soil and groundwater are encountered during demolition, excavation, dewatering, and construction. This includes health and safety measures to reduce exposure to potentially impacted soil and groundwater for construction workers and dust control measures to reduce exposure to contaminated dust particles for nearby residents.</p> <p>Health and safety measures shall include the required personal protective equipment (PPE) to be used by site personnel, including action levels and</p>	<p>Applicant or designee</p>	<p>Prior to issuance of grading permits</p>	<p>CPA Planning Department</p>
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Environmental Impact	Mitigation Measure	Responsibility for Implementation	Timing of Compliance	Oversight of Implementation
	<p>decision criteria for upgrading the levels of PPE. The SRMP shall also identify personnel to be notified, emergency contacts, and a sampling protocol if impacted media is encountered. The excavation and demolition contractors shall be made aware of the possibility of encountering known and unknown hazardous materials including impacted soil and groundwater; and shall be provided with appropriate contact and notification information. The plan shall include a provision stating at what point it is safe to continue with the excavation or demolition, and identify the person authorized to make that determination. In addition, the SRMP shall include measures for the appropriate handling and profiling of impacted soil and groundwater to be removed from the project site and disposed offsite. Removal, transportation, and disposal of impacted soil and groundwater shall be performed in accordance with applicable federal, state, and local laws, regulations, and ordinances.</p> <p>The SMRP shall be submitted to the City of Palo Alto for review and approval prior to issuance of a grading or building permit. If deemed necessary by City staff, the SRMP shall also be submitted to the Santa Clara County Department of Environmental Health for review and oversight.</p>			
<b>Noise</b>				
<b>N-1: Construction-Related Noise Reduction Measures</b>	<p>The applicant shall apply the following measures during construction of projects in the program area:</p> <ul style="list-style-type: none"> <li>▪ <i>Mufflers.</i> Construction equipment shall be properly maintained and all internal combustion engine driven machinery with intake and exhaust mufflers and engine shrouds, as applicable, shall be in good condition and appropriate for the equipment. During construction, all equipment, fixed or mobile, shall be operated with closed engine doors and shall be equipped with properly operating and maintained mufflers, consistent with manufacturers' standards.</li> <li>▪ <i>Electrical Power.</i> Electrical power, rather than diesel equipment, shall be used to run compressors and similar power tools and to power temporary structures, such as construction trailers or caretaker facilities.</li> <li>▪ <i>Equipment Staging.</i> All stationary equipment (e.g., air compressors, portable generators) shall be staged as</li> </ul>	<p>Applicant or designee, Construction contractor</p> <p>35</p>	During construction	CPA Planning Department

Environmental Impact	Mitigation Measure	Responsibility for Implementation	Timing of Compliance	Oversight of Implementation
	<p>feasible. Where feasible, construct temporary noise barriers around stationary equipment in a manner that fully blocks the line of sight to residential windows in the adjacent apartment complex.</p> <ul style="list-style-type: none"> <li>▪ <i>Equipment Idling.</i> Construction vehicles and equipment shall not be left idling for longer than five minutes when not in use.</li> <li>▪ <i>Workers' Radios.</i> All noise from workers' radios shall be controlled to a point that they are not audible at sensitive receptors near construction activity.</li> <li>▪ <i>Smart Back-up Alarms.</i> Mobile construction equipment shall have smart back-up alarms that automatically adjust the sound level of the alarm in response to ambient noise levels. Alternatively, back-up alarms shall be disabled and replaced with human spotters to ensure safety when mobile construction equipment is moving in the reverse direction.</li> <li>▪ <i>Sound Barrier.</i> During the demolition, site preparation, grading, building, and paving phases of construction, temporary sound barriers shall be installed and maintained facing sensitive receptors (e.g., residential units, educational facilities) located within 100 feet of the center of construction activity. Temporary sound barriers shall, at a minimum, block the line of sight between noise-generating construction equipment and adjacent windows at sensitive receptors and shall be placed as close to the source equipment as feasible. Such barriers shall be field tested to reduce noise by at least 10 dBA at sensitive receptors. A sound barrier can achieve a 5 dBA noise level reduction when it is tall enough to break the line-of-sight from the source equipment to the sensitive receptor, and it can achieve an approximate 1 dBA additional noise level reduction for each 2 feet of height after it breaks the line of sight (FHWA 2011). Mobile sound barriers may be used as appropriate to attenuate construction noise near the source equipment.</li> <li>▪ <i>Disturbance Coordinator.</i> The applicant shall designate a disturbance coordinator who shall be responsible for responding to any local complaints about construction noise. The noise disturbance coordinator shall determine the cause of the noise</li> </ul>			

Environmental Impact	Mitigation Measure	Responsibility for Implementation	Timing of Compliance	Oversight of Implementation
	complaint (e.g., starting too early, bad muffler) and shall require that reasonable measures warranted to correct the problem be implemented. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site.			
<b>Tribal Cultural Resources</b>				
<b>TCR-1: Unanticipated Discovery of Tribal Cultural Resources</b>	In the event that cultural resources of Native American origin are identified during construction of any development associated with proposed HIP expansion, all earth-disturbing work in the vicinity of the find must be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find and an appropriate Native American representative, based on the nature of the find, is consulted. If the County, in consultation with local Native Americans, determines that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with state guidelines and in consultation with Native American groups. The plan would include avoidance of the resource or, if avoidance of the resource is infeasible, the plan would outline the appropriate treatment of the resource in coordination with the archeologist, if applicable, and the appropriate Native American tribal representative.	Applicant or designee, Construction contractor	During construction	CPA Planning Department

**RESOLUTION NO. \_\_\_\_**  
**RESOLUTION OF THE COUNCIL OF THE CITY OF PALO ALTO ADOPTING**  
**THE TEXT AMENDMENTS TO THE COMPREHENSIVE PLAN LAND USE**  
**ELEMENT TO PROMOTE HOUSING ON SAN ANTONIO ROAD.**

WHEREAS, the Planning Commission, after a duly noticed public hearing on August 12, 2020, recommended that the City Council amend the Land Use Element of the Palo Alto Comprehensive Plan as set forth below; and

WHEREAS, upon consideration of said recommendation after duly noticed public hearing, the Council desires to amend said plan as hereinafter set forth;

The Council of the City of Palo Alto does RESOLVE as follows:

**SECTION 1.** The City Council finds that the public interest, health, safety and welfare of Palo Alto and the surrounding region require amendments to the Palo Alto Comprehensive Plan as set forth in Section 3.

**SECTION 2.** The proposed text amendments are consistent with the following policies and programs of the Comprehensive Plan:

**Land Use Policies and Programs**

- Policy L-1.3. Infill development in the urban service area should be compatible with its surroundings and the overall scale and character of the city to ensure a compact, efficient development pattern.
- Policy L-1.6. Encourage land uses that address the needs of the community and manage change and development to benefit the community.
- Policy L-1.11. Hold new development to the highest development standards in order to maintain Palo Alto's livability and achieve the highest quality development with the least impacts.
- Policy L-2.2. Enhance connections between commercial and mixed use centers and the surrounding residential neighborhoods by promoting walkable and bikeable connections and a diverse range of retail and services that caters to the daily needs of residents.
- Policy L-2.4. Use a variety of strategies to stimulate housing, near retail, employment, and transit, in a way that connects to and enhances existing neighborhoods.

- Policy L-2.6. Create opportunities for new mixed use development consisting of housing and retail.
- Policy L-4.2. Preserve ground-floor retail, limit the displacement of existing retail from neighborhood centers and explore opportunities to expand retail.

### **Housing Policies and Programs**

- Program H2.1.2. Allow increased residential densities and mixed use development only where adequate urban services and amenities, including roadway capacity, are available.
- 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.
- Program H2.2.8. Assess the potential of removing maximum residential densities (i.e. dwelling units per acre) in mixed use zoning districts to encourage the creation of smaller housing units within the allowable Floor Area Ratio (FAR), and adopt standards as appropriate.
- Policy H3.1. Encourage, foster, and preserve diverse housing opportunities for very low-, low-, and moderate income households.
- Program H3.1.2. Implement the BMR ordinance to reflect the City's policy of requiring: a) At least 15 percent of all housing units in projects must be provided at below market rates to very low-, low-, and moderate-income households.

**SECTION 3.** The Council finds hereby amends the text of the Program L2.4.1 of the Land Use Element of the Palo Alto Comprehensive Plan as follows:

Program L2.4.1 Amend the Housing Element to ~~increase~~ eliminate housing sites along San Antonio Road between Middlefield Road and East Charleston Road and increase residential densities in Downtown and the California Avenue ~~area to replace potential units from the sites eliminated.~~

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SECTION 4. The City as the lead agency for the Project has determined that the project is subject to environmental review under provisions of the California Environmental Quality Act (CEQA) under Guideline section 15081, Decision to Prepare an EIR. Specifically, the City prepared a Program EIR to address a series of actions that can be categorized as one large project. A Historic Resource Evaluation was completed for the project because of the age of a certain existing building on-site and it was determined that the building is eligible for listing on the California Register of Historical Resources. The loss of the potential resource through demolition cannot be mitigated and required the preparation of an EIR. Statements of Overriding Considerations are proposed for significant and unavoidable impacts to Cultural Resources. All other potential significant impacts can be mitigated to a level of less than significant with the implementation of mitigation measures. A Final EIR was prepared for the project that includes responses to comments made during the public draft circulation period (ending on September 14, 2020) and revisions to the draft EIR.

INTRODUCED AND PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

APPROVED:

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City Clerk

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Mayor

APPROVED AS TO FORM:

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City Manager

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Assistant City Attorney

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Director of Planning and  
Development Services

Ordinance No. \_\_\_\_\_

Ordinance of the Council of the City of Palo Alto Amending Title 18 (Zoning) of the Palo Alto Municipal Code, Including Chapters 18.04 (Definitions) and 18.16 (Neighborhood, Community, and Service Commercial (CN, CC, and CS) Districts), 18.40 (General Standards and Exceptions) and 18.52 (Parking and Loading Requirements) to Establish the Housing Incentive Program for CS Zoned Properties Along San Antonio Road Between Middlefield Road and East Charleston Road, Including Rooftop Gardens, Modified Parking Requirements; Change the Gross Floor Area Definition to Exempt Certain Subterranean Square Footage; Modify Retail Preservation for Certain Housing Projects

The Council of the City of Palo Alto ORDAINS as follows:

SECTION 1. Findings and Declarations. The City Council finds and declares as follows:

A. In November 2017, the City adopted an updated Comprehensive Plan that projected 3,545 to 4,420 new housing units between 2015 and 2030, and included policies to encourage housing production. The Council subsequently approved a Housing Work Plan with to support the City's efforts in meeting its Regional Housing Needs Assessment (RHNA) allocation of 1,988 units at varying levels of affordability and the goals inherent in the Comprehensive Plan policies. The Housing Work Plan detailed the actions needed to spur the production of housing, and included the proposed zoning changes reflected in this Ordinance to remove barriers and disincentives to housing development at higher densities where appropriate near transit, jobs and services, and that is affordable for a range of income levels.

B. On April 1, 2019, the City adopted the Housing Work Plan, which included various zoning ordinance amendments related to residential and residential mixed-use developments standards such as the housing incentive program, rooftop gardens and parking requirements.

C. On March 5, 2019, Ted O'Hanlon, representing Explore Real Estate on behalf of 788 SAPA Land Inc., the property owner for 788 San Antonio Road in Palo Alto, submitted an application for a high-density residential project. That project has since evolved to include a commercial component.

D. On May 20, 2019, the City Council held a duly noticed public hearing and was presented a pre-screening of the project that included potential zoning text amendments to implement the project and developments such as the project within the vicinity (CMR

10330).

E. On August 12, 2020, the Planning & Transportation Commission conducted a duly noticed public hearing, at which it reviewed, considered, and recommended the amendments to the Palo Alto Municipal Code described herein (CMR 11483).

F. On November 9, 2020, the City Council held a duly noticed public hearing and considered the subject amendment, including the recommendation from staff and the Planning & Transportation Commission and all public comments received prior to or at the hearing.

G. The proposed Ordinance promotes the development of housing in accordance with the goals and policies in the City's Comprehensive Plan and the purposes of the City's Zoning Code.

H. The proposed ordinance was considered through the California Environmental Quality Act.

SECTION 2. Subsection (a)(65)(B) (Gross Floor Area, Non-residential & Multifamily Exclusions) of Section 18.04.030 of Chapter 18.04 (Definitions) of Title 18 (Zoning) of the Palo Alto Municipal Code (PAMC) is amended to add a new subdivision (vi) as follows:

**18.04.030 Definitions**

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

[. . .]

(65) "Gross floor area" is defined as follows:

[. . .]

(B) Non-residential & Multifamily Exclusions: For all zoning districts other than the R-E, R-1, R-2 and RMD residence districts, "gross floor area" shall not include the following:

[. . .]

(vi) In subterranean parking garages: Areas designed and required for electrical and fire equipment rooms, and other areas designated for similar purposes that do not increase the intensity of the use of the site; this exclusion only applies to the minimum area needed for equipment rooms, and similar purposes to comply with current code requirements.

[. . .]

SECTION 3. Subsection (k) (Housing Incentive Program) of Section 18.16.060 (Development Standards) of Chapter 18.16 (Neighborhood, Community, and Service



Commercial (CN, CC, and CS) Districts) of Title 18 (Zoning) of the PAMC is amended as follows:

**18.16.060 Development Standards**

[. . .]

(k) Housing Incentive Program

~~(1) For an exclusively residential or residential mixed use project in the CC(2) zone or on CN or CS zoned sites on El Camino Real, the Director may waive the residential floor area ratio (FAR) limit and the maximum site coverage requirement after the project with the proposed waiver or waivers is reviewed by the Architectural Review Board, if the Director finds that a project exceeding these standards is consistent with the required architectural review findings. In no event shall the Director approve a commercial FAR that exceeds the standard in Table 4 of Section 18.16.060(b) or a total FAR (including both residential and commercial FAR) in excess of 2.0 in the CC(2) zone or 1.5 in the CN or CS zone.~~

(1) The Director may waive the residential floor area ratio (FAR) limit and the maximum site coverage requirement for a project that is reviewed by the Architectural Review Board, if the Director finds that the project with such waiver or waivers is consistent with the required architectural review findings in Section 18.76.020. The Director may only waive these development standards in the following areas and subject to the following restrictions:

(A) For an exclusively residential or mixed-use project in the CC(2) zone or on CN or CS zoned sites on El Camino Real. In no event shall the Director approve a commercial FAR that exceeds the standard in Table 4 of Section 18.16.060(b) or a total FAR (including both residential and commercial FAR) in excess of 2.0 in the CC(2) zone or 1.5 in the CN or CS zone.

(B) For an exclusively residential or mixed-use project on CS zoned sites on San Antonio Road between Middlefield Road and East Charleston Road. In no event shall the Director approve a commercial FAR that exceeds the standard in Table 4 of Section 18.16.060(b) or a total FAR (including both residential and commercial FAR) in excess of 2.0.

~~(2) For a 100% affordable housing project in the CC(2) zone or on CN or CS~~

~~zoned sites on El Camino Real, the Director may waive any development standard including parking after the project with the proposed waiver or waivers is reviewed by the Architectural Review Board, if the Director finds that a project with such waiver or waivers is consistent with the required architectural review findings. In no event shall the Director approve development standards more permissive than the standards applicable to the Affordable Housing (AH) Combining District in Chapter 18.30(J). A "100% affordable housing project" as used herein means a multiple-family housing or mixed-use project in which the residential component consists entirely of affordable units, as defined in Section 16.65.020 of this code, available only to households with income levels at or below 120% of the area median income, as defined in Section 16.65.020, and where the average household income does not exceed 60% of the area median income level, except for a building manager's unit.~~

- (2) The Director may waive any development standard including parking for a project that is reviewed by the Architectural Review Board, if the Director finds that the project with such waiver or waivers is consistent with the required architectural review findings in Section 18.76.020. The Director may only waive these development standards in the following areas and subject to the following restrictions:
- (A) For a 100% affordable housing project in the CC(2) zone or on CN or CS zoned sites on El Camino Real;
  - (B) For a 100% affordable housing project on CS zoned sites on San Antonio Road between Middlefield Road and East Charleston Road.
  - (C) In no event shall the Director approve development standards more permissive than the standards applicable to the Affordable Housing (AH) Combining District in Chapter 18.30(J). A "100% affordable housing project" as used herein means a multiple-family housing or mixed-use project in which the residential component consists entirely of affordable units, as defined in Section 16.65.020 of this code, available only to households with income levels at or below 120% of the area median income, as defined in Section 16.65.020, and where the average household income does not exceed 60% of the area median income level, except for a building manager's unit.
- (3) This program is a local alternative to the state density bonus law, and therefore, a project utilizing this program shall not be eligible for a

density bonus under Chapter 18.15 (Residential Density Bonus).

[. . .]

**SECTION 4.** Footnote (2) of Table 4 (Mixed Use and Residential Development Standards) of Section 18.16.060 (Development Standards) of Chapter 18.16 (Neighborhood, Community, and Service Commercial (CN, CC, and CS) District) of Title 18 (Zoning) of the PAMC is amended as follows:

**Section 18.18.060 Development Standards**

[. . .]

**(b) Mixed Use and Residential**

Table 4 specifies the development standards for new residential mixed use developments and residential developments. These developments shall be designed and constructed in compliance with the following requirements and the context-based design criteria outlined in Section [18.16.090](#), provided that more restrictive regulations may be recommended by the architectural review board and approved by the director of planning and community environment, pursuant to Section [18.76.020](#).

**Table 4**  
**Mixed Use and Residential Development Standards**

	CN	CC	CC(2)	CS	Subject to regulations in:
<b>Minimum Site Specifications</b>					
Site Area (ft <sup>2</sup> )	None required				
Site Width (ft)					
Site Depth (ft)					
<b>Minimum Setbacks</b>					Setback lines imposed by a special setback map pursuant to Chapter 20.08 of this code may apply
Front Yard (ft)	0' - 10' to create an 8' - 12' effective sidewalk width <sup>(8)</sup>	None Required <sup>(8)</sup>	0' - 10' to create an 8' - 12' effective sidewalk width <sup>(8)</sup>	0' - 10' to create an 8' - 12' effective sidewalk width <sup>(8)</sup>	

Not Yet Approved

Rear Yard (ft)	10' for residential portion; no requirement for commercial portion				
Rear Yard abutting residential zone district (ft)	10'				
Interior Side Yard if abutting residential zone district (ft)	10'				
Street Side Yard (ft)	5'				
Build-to-Lines	50% of frontage built to setback <sup>(1)</sup> 33% of side street built to setback <sup>(1)</sup>				
Permitted Setback Encroachments	Balconies, awnings, porches, stairways, and similar elements may extend up to 6' into the setback. Cornices, eaves, fireplaces, and similar architectural features (excluding flat or continuous walls or enclosures of interior space) may extend up to 4' into the front and rear setbacks and up to 3' into interior side setbacks				
Maximum Site Coverage	50%	50%	100%	50%	
Landscape/Open Space Coverage	35%	30%	20%	30%	
Usable Open Space	150 sq ft per unit <sup>(2)</sup>				
Maximum Height (ft)					
Standard	35' <sup>(4)</sup>	50'	37'	50'	
Within 150 ft. of a residential zone district (other than an RM-40 or PC zone) abutting or located within 50 feet of the side	35'	35' <sup>(5)</sup>	35' <sup>(5)</sup>	35' <sup>(5)</sup>	
Daylight Plane for lot lines abutting one or more residential zoning districts	Daylight plane height and slope shall be identical to those of the most restrictive residential zoning district abutting the lot line				
Residential Density	15 or 20 <sup>(9)</sup>	See sub-	No	30	18.16.060(i)

Not Yet Approved

<b>(net)<sup>(3)</sup></b>		section (e) below	maximum		
Sites on El Camino Real	No maximum			No maximum	
<u>Sites on San Antonio Rd Between Middlefield Rd and E. Charleston Rd</u>	<u>15 or 20<sup>(9)</sup></u>		=	<u>No Maximum</u>	
<b>Maximum Residential Floor Area Ratio (FAR)</b>	0.5:1 <sup>(4)</sup>		0.6:1	0.6:1	
<b>Maximum Nonresidential Floor Area Ratio (FAR)</b>	0.4:1		2.0:1	0.4:1	
<b>Total Mixed Use Floor Area Ratio (FAR)</b>	0.9:1 <sup>(4)</sup>		2.0:1	1.0:1	
<b>Minimum Mixed Use Ground Floor Commercial FAR<sup>(6)</sup></b>	0.15:1 <sup>(10)</sup>		0.15:1 <sup>(10)</sup> 0.25:1 <sup>(7)(10)</sup>	0.15:1 <sup>(10)</sup>	
<b>Parking</b>	See Chapters 18.52 and 18.54 (Parking)				18.52, 18.54

- (1) Twenty-five-foot driveway access permitted regardless of frontage; build-to requirement does not apply to CC district.
- (2) Required usable open space: (1) may be any combination of private and common open spaces; (2) does not need to be located on the ground (but rooftop gardens are not included as open space except as provided below); (3) minimum private open space dimension six feet; and (4) minimum common open space dimension twelve feet.

For CN and CS sites on El Camino Real, CS sites on San Antonio Road between Middlefield Road and East Charleston Road and CC(2) sites that do not abut a single- or two-family residential use or zoning district, rooftop gardens may qualify as usable open space and may count as up to 60% of the required usable open space for the residential component of a project. In order to qualify as usable open space, the rooftop garden shall meet the requirements set forth in Section 18.40.230.

- (3) Residential density shall be computed based upon the total site area,

irrespective of the percent of the site devoted to commercial use.

[. . .]

SECTION 5. Subsection (c) (Waivers and Adjustments; and Exemptions) of Section 18.40.180 (Retail Preservation) of Chapter 18.40 (General Standards and Exceptions) of Title 18 (Zoning) of the PAMC is amended to add a new subsection (4)(C) as follows:

**Section 18.40.180      Retail Preservation**

[. . .]

(c) Waivers and Adjustments; and Exemptions

[. . .]

- (4) Exemptions. The following uses shall be exempt or partially exempt from the provisions of this Section 18.40.180, as provided below shall not apply to:

[. . .]

(C) A high-density residential or mixed-use project in the CS zone district, but not within the Ground Floor (GF) or Retail (R) combining districts, shall be required to replace only 1,500 square feet of an existing Retail or Retail-Like use. For the purposes of this partial exemption, high-density shall mean 30 or more dwelling units per acre.

[. . .]

SECTION 6. Footnote 4 of Table 1 (Minimum Off-Street Parking Requirements) of Section 18.52.040 Off-Street Parking, Loading and Bicycle Facility Requirements of Chapter 18.52 (Parking and Loading Requirements) of Title 18 (Zoning) of the PAMC are amended as follows:

**18.52.040 Off-Street Parking, Loading and Bicycle Facility Requirements**

[. . .]

**Table 1  
Minimum Off-Street Parking Requirements**

[. . .]

1. Long Term (LT) and Short Term (ST) bicycle spaces as described in Section 18.54.060.
2. A "micro-unit" as used herein means a residential unit of 450 square feet or

less.

3. Senior housing for purposes of this provision means an independent living facility, not a convalescent or residential care facility.

4. For residential mixed-use developments in the CD-C zone, CC(2) zone, ~~and~~ on CN and CS zoned sites abutting El Camino Real, and on CS zoned sites abutting San Antonio Road between Middlefield Road and East Charleston Road, the first 1,500 square feet of ground-floor retail uses shall not be counted toward the vehicle parking requirement.

5. Because these parking standards are reduced from the standards otherwise applicable to multiple-family residential development, projects that utilize these reduced parking standards shall not be eligible for further parking reductions through adjustments under Section [18.52.050](#), Table 4.

[. . .]

SECTION 7. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 8. The City as the lead agency for the Project has determined that the project is subject to environmental review under provisions of the California Environmental Quality Act (CEQA) under Guideline section 15081, Decision to Prepare an EIR. Specifically, the City prepared a Program EIR to address a series of actions that can be categorized as one large project. A Historic Resource Evaluation was completed for the project because of the age of a certain existing building on-site and it was determined that the building is eligible for listing on the California Register of Historical Resources. The loss of the potential resource through demolition cannot be mitigated and required the preparation of an EIR. Statements of Overriding Considerations are proposed. All other potential significant impacts can be mitigated to a level of less than significant with the implementation of mitigation measures. A Final EIR was prepared for the project that includes responses to comments made during the public draft circulation period (ending on September 14, 2020) and revisions to the draft EIR.

SECTION 9. This Ordinance shall be effective on the thirty-first day after the date of its adoption.

INTRODUCED:

PASSED:

Not Yet Approved

AYES:

NOES:

ABSENT:

ABSTENTIONS:

NOT PARTICIPATING:

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

APPROVED:

\_\_\_\_\_  
Assistant City Attorney

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Director of Planning &  
Development Services



**ACTION NO. 2020-\_\_\_\_**  
**DRAFT RECORD OF THE COUNCIL OF THE CITY OF PALO ALTO LAND USE ACTION FOR**  
**788 SAN ANTONIO ROAD: TENTATIVE MAP, VARIANCE, AND ARCHITECTURAL REVIEW, 19PLN-**  
**00079 (TED O'HANLON, APPLICANT)**

At its meeting on November 9, 2020, the City Council of the City of Palo Alto ("City Council") approved a Major Architectural Review application, a Tentative Map for the development of a one-lot condominium subdivision, and a Variance request making the following findings, determinations and declarations:

**SECTION 1. Background.**

A. On March 5, 2019, Ted O'Hanlon applied for entitlements for a development project including: Architectural Review and Tentative Map for the development of a one-lot subdivision of airspace for a mixed-use project with 102 residential units and 1,803 square feet of commercial space ("The Project") with two levels of basement parking. Concurrently, the applicant applied for a Variance from the 24-foot special setback along San Antonio Road to allow the 14-foot protrusion into the special setback for a pedestrian entry ramp into the building.

B. The project site is comprised of two adjacent existing lots (APN Nos. 147-03-041 and -042) of approximately 0.997-acres within the Commercial Service (CS) zoning district. The site contains two existing commercial structures. Commercial land uses are located adjacent to the lot to the north, south and east. To the project's west include residential land uses.

C. Following staff review, the Planning and Transportation Commission reviewed the project and recommended approval on August 12, 2020, subject to conditions of approval.

D. Following review from the Planning and Transportation Commission, the Architectural Review Board reviewed the project and recommended approval on August 20, 2020, subject to conditions of approval.

E. On November 9, 2020, the City Council held a duly noticed public hearing, at which evidence was presented and all persons were afforded an opportunity to be heard in accordance with the Palo Alto Municipal Code and the Council's policies and procedures.

F. Concurrent with the adoption of this Record of Land Use Action, the City Council adopted a Resolution for an amendment to the City's Comprehensive Plan and an Ordinance amending the Palo Alto Municipal Code.

**SECTION 2. Environmental Review.**

The City as the lead agency for the Project has determined that the project is subject to environmental review under provisions of the California Environmental Quality Act (CEQA) under Guideline section 15081, Decision to Prepare an EIR. Specifically, the City prepared a Program EIR to address a series of

actions that can be categorized as one large project. An Historic Resource Evaluation was completed for the project because of the age of a certain existing building on-site and it was determined that the building is eligible for listing on the California Register of Historical Resources. The loss of the potential resource through demolition cannot be mitigated and required the preparation of an EIR. Statements of Overriding Considerations are proposed for significant and unavoidable impacts to Cultural Resources. All other potential significant impacts can be mitigated to a level of less than significant with the implementation of mitigation measures. A Final EIR was prepared for the project that includes responses to comments made during the public draft circulation period (ending on September 14, 2020) and revisions to the draft EIR.

### SECTION 3. Tentative Map Findings.

A legislative body of a city shall deny approval of a tentative map, if it makes any of the following findings (California Government Code Section 66474). The City Council cannot make these findings for the following reasons:

1. *That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451:*

The site is consistent with the Comprehensive Plan as described herein.

2. *That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans:*

The Project is consistent with the following Comprehensive Plan policies:

- Policy L-1.3. Infill development in the urban service area should be compatible with its surroundings and the overall scale and character of the city to ensure a compact, efficient development pattern.
- Policy L-1.6. Encourage land uses that address the needs of the community and manage change and development to benefit the community.
- Policy L-1.11. Hold new development to the highest development standards in order to maintain Palo Alto's livability and achieve the highest quality development with the least impacts.
- Policy L-2.2. Enhance connections between commercial and mixed use centers and the surrounding residential neighborhoods by promoting walkable and bikeable connections and a diverse range of retail and services that caters to the daily needs of residents.
- Policy L-2.4. Use a variety of strategies to stimulate housing, near retail, employment, and transit, in a way that connects to and enhances existing neighborhoods.

- Policy L-2.6. Create opportunities for new mixed use development consisting of housing and retail.
- Policy L-4.2. Preserve ground-floor retail, limit the displacement of existing retail from neighborhood centers and explore opportunities to expand retail.
- Program H2.1.2. Allow increased residential densities and mixed use development only where adequate urban services and amenities, including roadway capacity, are available.
- 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.
- Program H2.2.8. Assess the potential of removing maximum residential densities (i.e. dwelling units per acre) in mixed use zoning districts to encourage the creation of smaller housing units within the allowable Floor Area Ratio (FAR), and adopt standards as appropriate.
- Policy H3.1. Encourage, foster, and preserve diverse housing opportunities for very low-, low-, and moderate income households.
- Program H3.1.2. Implement the BMR ordinance to reflect the City's policy of requiring: a) At least 15 percent of all housing units in projects must be provided at below market rates to very low-, low-, and moderate-income households.

The Project includes a mixed-use building with frontage along San Antonio Road and Leghorn Street. Parking is provided below grade and therefore allows for the integration of open space and courtyard at-grade. The Project represents reinvestment in the area and is consistent with the land-use designations for the property. The Comprehensive Plan Land Use Policy L2.4.1 states to amend the Housing Element to eliminate housing sites along San Antonio Road and increase residential densities in Downtown and the California Avenue area, and as such, this Project concurrently proposes to amend that Comprehensive Plan policy to make consistent the efforts of this project to intensify density along San Antonio Road. When considering the Comprehensive Plan as a whole, the Project supports the objects, goals and policies of the plan. The Architectural Review Board (ARB) reviewed the Project for compliance with design review objectives; the Planning & Transportation Commission (PTC) reviewed the zoning text amendments, the subdivision and variance requests and the City Council reviewed the recommendations from both ARB and the PTC.

### 3. *That the site is not physically suitable for the type of development:*

The site is a corner lot with frontage on two streets. The design of the site includes appropriate separation between the mixed-use building and the surrounding buildings. The Project is consistent

with the City's Performance Standards set forth in Palo Alto Municipal Code (PAMC) 18.23, ensuring compatibility between commercial and residential uses. Proposed lighting is directed downward to prevent spillover to adjacent properties. Trash enclosures are located in the basement of the project with servicing of the bins done in a temporary staging area near Leghorn Street. The Project provides the required setbacks except for the pedestrian ramp entry along San Antonio Road that requires approval of a Variance and provides a greater setback that required along Leghorn Street. The project includes vegetation and tree plantings within the setback and open spaces. Mechanical equipment areas are screened appropriately.

The site circulation facilitates access for all modes of transportation. The Project includes short-term and long-term bike parking. On-site vehicular traffic will be directed underground, leaving the aboveground for pedestrians and bicyclist.

4. *That the site is not physically suitable for the proposed density of development:*

The Project proposes zoning text amendments to allow the Project to be implemented and therefore allowing the 102 dwelling units and the approximate 2.0:1 Floor Area Ratio development. With the approval of the zoning text amendments, the Project is consistent with the zoning and the site is physically suitable for the density of development.

5. *That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat:*

As noted in the Final EIR certified by the City Council on November 9, 2020, the Project will not cause environmental damage or injure fish, wildlife, or their habitat, in that property is not adjacent to sensitive habitat areas and would incorporate mitigation measures to reduce impacts to nesting birds to a less than significant level. Statements of overriding consideration were adopted for impacts to cultural resources and greenhouse gas emissions consistent with the California Environmental Quality Act (CEQA).

6. *That the design of the subdivision or type of improvements is likely to cause serious public health problems:*

An environmental analysis identifies potentially significant impacts related to the associated development project's improvements that would require mitigation measures to reduce them to a less than significant level. These include mitigations to address air quality, biological resources, geology and soils, hazards and hazardous materials and tribal cultural resource impacts. In addition, while mitigations are proposed for impacts to cultural resources impacts due to the demolition of building that is eligible for listing on the California Historic Register remain significant and unavoidable. Therefore, statements of overriding considerations were adopted in accordance with CEQA to address the impacts. However, this impact is not likely to cause serious public health problems.

7. *That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.*

The design of the subdivision will not conflict with any easements for access through or use of the property. A public access easement will be dedicated with the Final Map, and other existing easements are vacated to implement the project.

#### SECTION 4. Variance Findings.

1. *Because of special circumstances applicable to the subject property, including (but not limited to) size, shape, topography, location, or surroundings, the strict application of the requirements and regulations prescribed in Title 18 substantially deprives such property of privileges enjoyed by other property in the vicinity and in the same zoning district as the subject property.*

The Project site is a corner property with two street frontages – San Antonio Road and Leghorn Street. Both street frontages are subject to Special Setbacks (PAMC 20.08) enacted in the 1950s, likely for the purposes a future roadway widening. It is unlikely that the road would be widened for vehicles, however, other mobility improvements such as pathways for bicycles and pedestrians may be planned. San Antonio Road has a 24-foot special setback, while Leghorn Street has a 15-foot special setback. Projections into setbacks are usually addressed with General Exceptions as provided for in PAMC 18.40.070 or with a Design Enhancement Exception (DEE), however, no projections are permitted by the General Exceptions for Special Setbacks and a DEE cannot be applied to Special Setbacks (PAMC 18.76.050). Therefore, a Variance to the Special Setback standard is the appropriate request.

Adjacent similarly zoned properties that are subject to the 24-foot special setback have smaller setbacks for building area:

- 800 San Antonio Road is set back 19 feet from the property line.
- 810 and 814 San Antonio Road are set back 16 feet from the property line.
- 816 San Antonio Road is set back 17 feet from the property line.
- 760 San Antonio is set back 19 feet from the property line.
- 720 San Antonio Road is set back 17 feet from the property line.

These buildings were constructed after the implementation of the easement.

Based on the facts above, a strict application of the 24-foot special setback to the applicant's project

site would deprive the property of privileges enjoyed by other property in the vicinity and in the same zoning district as the subject property.

2. *The granting of the application shall not affect substantial compliance with the regulations or constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and in the same zoning district as the subject property.*

Other properties along San Antonio Road are subject to the 24-foot special setback. However, not many properties also have a 15-foot special setback on one side, except for the property directly across on Leghorn Street. The proposed building meets the required setbacks, while only the ramp leading to the primary entry into the building protrudes 13'-6" into the special setback. This switchback ramp complies with the Americans with Disabilities Act and serves as access for bicyclists into the building. The ramp starts at grade and at the landing is approximately one foot in elevation above grade and the ramp finally reaches approximately two and half feet in elevation above grade at the entry to the building.

3. *The granting of the application is consistent with the Palo Alto Comprehensive Plan and the purposes of Title 18 (Zoning).*

The project proposes zoning text amendments to implement the project. The project as proposed complies with all Zoning Ordinance requirements (other than the encroachments for which a variance is sought), including the context-based design criteria outlined in Chapter 18.16 which specifically encourages "entries to be clearly defined...and bicycle amenities that contribute to the area's bicycle environment and safety needs." Furthermore, the proposed project does not conflict with the promotion and protection of public health, safety, peace, morals, comfort, convenience or general welfare. Considering these facts, the proposed project is consistent with the purposes of the Zoning Ordinance (Title 18).

The Palo Alto Comprehensive Plan does not contain any setback requirements, so the variance does not include an exception to the Comprehensive Plan. Further, the proposed project is consistent with the Comprehensive Plan, as it will promote the following goals and policies, among others:

- L2.4: Use a variety of strategies to stimulate housing, near retail, employment and transit, in a way that connects to and enhances existing neighborhoods.
- Policy L-2.6: Create opportunities for new mixed use development consisting of housing and retail.
- Policy L-1.3: Infill development in the urban service area should be compatible with its surroundings and the overall scale and character of the city to ensure a compact, efficient

development pattern.

In summary, an important goal of the Palo Alto Comprehensive Plan is to encourage more housing units. Without a variance, development of housing units would be lost because the buildable site area would effectively be reduced to incorporate the ramp within the setback envelope.

4. *The granting of the application will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience.*

Approval of the requested variance will facilitate development of a residential mixed-use project:

(i) that is consistent with the goals of the comprehensive plan, municipal code, and context based design criteria, (ii) that preserves the health and welfare of five city-owned street trees along San Antonio Road, (iii) that is aesthetically pleasing and complements neighboring properties, and (v) that is consistent with other recent projects in the vicinity.

#### SECTION 5. Architectural Review Findings.

1. *The design is consistent with applicable provisions of the Palo Alto Comprehensive Plan, Zoning Code, coordinated area plans (including compatibility requirements), and any relevant design guides.*

The project is consistent with the following Comprehensive Plan Goals/Policies:

Comprehensive Plan Goal/Policy	Consistency
<b>Service Commercial.</b> Facilities providing citywide and regional services and relying on customers arriving by car. These uses do not necessarily benefit from being in high volume pedestrian areas such as shopping centers or Downtown. Typical uses include auto services and dealerships, motels, lumberyards, appliance stores and restaurants, including fast service types. In almost all cases, these uses require good automobile and service access so that customers can safely load and unload without impeding traffic. In some locations, residential and mixed-use projects may be appropriate in this land use category. Examples of Service Commercial areas include San Antonio Road, El Camino Real and	The project includes a mixed-use building with ground floor retail and 102 residential units on an approximately one-acre site. The project is a considered in the context of the proposed broader zoning text amendment that would allow higher density housing for properties within the Service Commercial District along San Antonio Road.

Comprehensive Plan Goal/Policy	Consistency
Embarcadero Road northeast of the Bayshore Freeway. Non-residential FARs will range up to 0.4. Consistent with the Comprehensive Plan's encouragement of housing near transit centers, higher density multi-family housing may be allowed in specific locations.	
<b>Policy L-1.3:</b> Infill development in the urban service area should be compatible with its surroundings and the overall scale and character of the city to ensure a compact, efficient development pattern.	Developed urban uses surround the project site. All utilities can serve the site. The adjacent buildings are one-story in height, there are buildings that are five stories in height within the vicinity consistent with zoning development standards.
<b>Policy L-1.11:</b> Hold new development to the highest development standards in order to maintain Palo Alto's livability and achieve the highest quality development with the least impacts.	The architectural review process includes findings and context-based design criteria necessary to develop the project. The project is subject to the Architectural Review process.
<b>Policy L-2.4:</b> Use a variety of strategies to stimulate housing, near retail, employment, and transit, in a way that connects to and enhances existing neighborhoods.	The project will be implemented using the Housing Incentive Program (HIP). The HIP is a part of the proposed broader zoning text amendment that would allow higher density housing for properties along San Antonio Road.
<b>Policy L-2.6:</b> Create opportunities for new mixed use development consisting of housing and retail.	The project would recreate 102 new residential units and approximately 1,800 square feet of retail space.
<b>Policy L-2.11:</b> Encourage new development and redevelopment to incorporate greenery and natural features such as green rooftops, pocket parks, plazas and rain gardens.	The project includes a roof terrace area with plantings as well as an interior courtyard area with plantings.
<b>Policy L-3.1:</b> Ensure that new or remodeled structures are compatible with the neighborhood and adjacent structures.	The adjacent and surrounding area includes much older buildings. The project has a very different design from the adjacent structures. However, there are two more recently developed projects that are similar in scale and design as the proposed project. The other projects went through the Architectural Review process.
<b>Policy L-4.2:</b> Preserve ground-floor retail, limit the displacement of existing retail from	The project will incorporate retail on the ground floor consistent in scale with the



Comprehensive Plan Goal/Policy	Consistency
neighborhood centers and explore opportunities to expand retail.	development and retail that promotes pedestrian activity. A certain amount of retail would be waived pursuant to the process allowed in the zoning code.
<b>Policy L-4.3:</b> Encourage street frontages that contribute to retail vitality in all Centers. Reinforce street corners in a way that enhances the pedestrian realm or that form corner plazas. Include trees and landscaping.	The project creates a corner plaza area defined by landscaping a furniture such as outdoor seating and low walls.
<b>Policy T-5.1:</b> All new development projects should manage parking demand generated by the project, without the use of on-street parking, consistent with the established parking regulations. As demonstrated parking demand decreases over time, parking requirements for new construction should decrease.	The project provides all its required parking onsite.
<b>Policy N-2.10:</b> Preserve and protect Regulated Trees, such as native oaks and other significant trees, on public and private property, including landscape trees approved as part of a development review process and consider strategies for expanding tree protection in Palo Alto.	The project protects the existing oak trees. Any removed regulated tree is replaced pursuant to City requirements.
<b>H3.1.2 PROGRAM.</b> Implement the BMR ordinance to reflect the City's policy of requiring: a) At least 15 percent of all housing units in projects must be provided at below market rates to very low-, low-, and moderate-income households.	The project includes 15% of the proposed units as below market rate.

The Project is consistent with Zoning Code requirements, except where the project seeks to amend the zoning code to allow the provisions of the Housing Incentive Program (HIP), and expansions to waivers to retail preservation requirements, and the variance for the protrusion into the San Antonio Road setback for the pedestrian entry ramp.

2. *The project has a unified and coherent design, that:*
  - a. creates an internal sense of order and desirable environment for occupants, visitors, and the general community,*
  - b. preserves, respects and integrates existing natural features that contribute positively to the site and the historic character including historic resources of*

- the area when relevant,*
- c. is consistent with the context-based design criteria of the applicable zone district,*
- d. provides harmonious transitions in scale, mass and character to adjacent land uses and land use designations,*
- e. enhances living conditions on the site (if it includes residential uses) and in adjacent residential areas.*

The Project is a residential mixed-use project and proposes a design with ground floor retail at the corner. This retail space is expected to be pedestrian-serving. The exterior of the space includes an outdoor plaza with a connection to the street corner. Elements of the existing historic building's former association with agriculture industry is integrated into the stamped paving patterns of the plaza. The residential component of the project has a primary entry along San Antonio Road. At the double-height lobby level includes an extensive bicycle storage area with multiple rooms where long-term bicycle parking is proposed. The lobby leads to the central interior courtyard that will serve as on-site open space for tenants. The same stamped paving pattern elements used at the corner plaza are also used in the interior courtyard providing the continuum of association with the site's past. The architecture is very different from the existing adjacent architecture; however, it is designed to complement recent projects of similar scale in the vicinity. The Project includes balconies for residential units and access to a roof-top terrace allowing users to access a larger on-site outdoor amenity space in addition to the interior courtyard.

## **Context-Based Design Criteria PAMC 18.16.90**

### **1. Pedestrian and Bicycle Environment**

*The design of new projects shall promote pedestrian walkability, a bicycle friendly environment, and connectivity through design elements*

The Project includes pedestrian-oriented retail with an outdoor plaza at the corner. Long-term bicycle parking is located adjacent to the double-height lobby on the interior. The secured bicycle parking is very visible from San Antonio Road. The lobby is accessible from the sidewalk via a ramp. Short-term bicycle parking is located along the building frontages of San Antonio Road and Leghorn Street.

### **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*

A glassy retail corner with a 12-foot ceiling topped by three residential units provides a focal point for the intersecting street-facing elevations. From this corner high point, the building steps down in both directions, especially on the San Antonio Road elevation, where the rooftop terrace provides a common outdoor area with views towards the Bay and the East Bay hills.

### **3. Massing and Setbacks**

*Buildings shall be designed to minimize massing and conform to proper setbacks*

The building is taller than the adjacent single-story buildings. Variegated facades include recessed features such as balconies and windows, different color shades and use of different materials that provide visual relief.

### **4. Low Density Residential Transitions**

*Where new projects are built abutting existing lower scale residential development, care shall be taken to respect the scale and privacy of neighboring properties*

The project is located kitty-corner from the Greenhouse residential community. San Antonio Road is a divided road with four lanes and the Greenhouse community is setback farther from San Antonio Road. Scale and privacy are not expected to be an issue given the location.

### **5. Project Open Space**

*Private and public open space shall be provided so that it is usable for the residents and visitors of the site*

The Project is subject to public park dedication or payment of an in-lieu fee. Given the difficulty in finding suitable park land within the vicinity of the project, the project applicant will pay the in-lieu fee. On-site private open space includes private balconies, the interior courtyard and the rooftop terrace. All of which are enough to meet the City's requirements.

### **6. Parking Design**

*Parking shall be accommodated but shall not be allowed to overwhelm the character of the project or detract from the pedestrian environment*

The Project provides all the required parking in two basement levels. The garage entry is off of the side street (Leghorn Street) as not to interfere with the pedestrian and bicycle movement along San Antonio Road.

### **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*

The project proposes to merge to parcels, however, the aggregate size of the two parcels is under one-acre.

### **8. Sustainability and Green Building Design**

*Project design and materials to achieve sustainability and green building design should be*

*incorporated into the project*

The project will be consistent with current Green Building codes (CalGreen) including Tier 2 measures shown on Sheets GB-1-R and GB-1-NR of the plans.

3. *The design is of high aesthetic quality, using high quality, integrated materials and appropriate construction techniques, and incorporating textures, colors, and other details that are compatible with and enhance the surrounding area.*

The Project includes a variety of high-quality materials conveying a contemporary architectural design. Together these materials create a cohesive design that is compatible with the surrounding developments.

4. *The design is functional, allowing for ease and safety of pedestrian and bicycle traffic and providing for elements that support the building's necessary operations (e.g. convenient vehicle access to property and utilities, appropriate arrangement and amount of open space and integrated signage, if applicable, etc.).*

Taking advantage of the ideal weather and the proximity of large employers in the area, the building will provide 102 indoor long-term bike parking spaces adjacent to the ground floor main lobby. The secured bicycle parking is highly visible from San Antonio Road. Entry walkways are sized appropriately to accommodate cyclists, pedestrians and those with disabilities. The building will also feature indoor bike repair areas, and an outdoor bike wash area for residents. The property will also accommodate 18 guest and short-term bike spaces along San Antonio Road and Leghorn Street to serve guests as well as the corner ground floor commercial space.

Access to utilities are convenient to maintain and serve the building. Open space is purposely located in the central interior courtyard and on the rooftop. The building includes an architectural ribbon, which will be a location for signs.

5. *The landscape design complements and enhances the building design and its surroundings, is appropriate to the site's functions, and utilizes to the extent practical, regional indigenous drought resistant plant material capable of providing desirable habitat that can be appropriately maintained.*

The design intent of the landscape is to: 1) reinforce the San Antonio Road and Leghorn Street frontages; 2) differentiate between the uses (residential and retail) with the proposed tree plantings; 3) provide recognizable entries for both the residential and retail uses; 4) address the privacy needs of future residents; and 5) provide varied open space opportunities for future residents and retail uses. All but two of the proposed plant species for the project are native plants (75% of the trees would be native). The plant palette includes trees, shrubs, perennials & annuals, and groundcover.

6. *The project incorporates design principles that achieve sustainability in areas related to energy efficiency, water conservation, building materials, landscaping, and site planning.*

The project will meet the current Green Building Code requirements. The majority of the proposed landscape palette is low to very low water use.

SECTION 6. Tentative Map Approval Granted.

Tentative Map Approval is filed and processed in accordance with PAMC Section 21.12.090 and granted by the City Council under PAMC Sections 21.12 and 21.20 and the California Government Code Section 66474, subject to the conditions of approval herein of this Record.

SECTION 7. Variance Approval Granted.

The Variance is filed and processed in accordance with PAMC Section 18.77.60 and granted by the City Council under PAMC Section 18.77.050.

SECTION 8. Architectural Review Approval Granted.

The Architectural Review is filed and processed in accordance with 18.77.070 and granted by the City Council under PAMC Section 18.77.050, subject to the conditions of approval herein of this Record.

SECTION 9. Final Map.

The Final Map submitted for review and approval by the City Council shall be in substantial conformance with the Tentative Map prepared by BKF Engineers titled "Tentative Map 788 San Antonio Housing," consisting of nine (9) pages, stamped as received March 31, 2020, except as modified to incorporate the conditions of approval contained herein of this record. A copy of the Tentative Map is on file with the Department of Planning & Development Services, Current Planning Division. Prior to the expiration of the Tentative Map approval, the subdivider shall cause the subdivision or any part thereof to be surveyed, and a Final Map, as specified in Chapter 21.08, to be prepared in conformance with the Tentative Map as conditionally approved, and in compliance with the provisions of the Subdivision Map Act and PAMC Title 21 and submitted to the City Engineer (PAMC Section 21.16.010[a]).

SECTION 10. Conditions of Approval (Tentative Map).

**HOUSING DIVISION**

The project as proposed includes 102 residential ownership units in a mixed-use development. The project is subject to the Below Market Rate (BMR) requirement as set forth by Palo Alto Municipal Code (PAMC) 16.65.060.

1. When the BMR requirement results in a fractional unit, an in-lieu payment to the Residential Housing Fund may be made for the fractional unit instead of providing an actual BMR unit, except that larger projects of 30 or more units must provide a whole BMR unit for any fractional unit of one-half (0.50) or larger. The proposed project – 102 ownership units is subject to a (BMR) requirement of 15.3 units and is proposing 16 units. Of the 16 BMR units, at least 66% of units affordable to households of 80-100% area median income (AMI) and up to 33% affordable to households 100-120% AMI.
2. All BMR units constructed shall be in conformance with the City's BMR Program rules and regulations. Failure to comply with the timing of this condition and any adopted BMR Program rules and regulations shall not waive its later enforcement.
3. A BMR Agreement in a form acceptable to the City Attorney for the 16 BMR units shall be executed and recorded prior to final map approval or building permit issuance, whichever occurs first. Failure to comply with the timing of this condition and any adopted BMR Program rules and regulations shall not waive its later enforcement.

#### **PUBLIC WORKS ENGINEERING DEPARTMENT**

4. **OFF-SITE IMPROVEMENTS:** Submit a copy of the off-site improvement plans that includes the replacement of curb, gutter, sidewalk, utilities, landscape, grind and overlay the full width (from curb to curb) for both sides of project frontage, etc. Plans shall include grades along the conforms. The applicant shall reach out to Public Works to schedule a meeting to discuss the extent of the off-site improvements prior to submittal of Final Map.
5. Subdivider shall prepare and submit documents per PAMC 21.16.020 along with the Final Map.
6. Provide closure calculations and stamped and signed engineer's cost estimate for the off-site improvements described above.
7. Subdivision Improvement Agreement is required to secure compliance with condition of approval and security of improvements onsite and offsite per PAMC Section 21.16.220.
8. The Final Map shall include CITY ENGINEER STATEMENT, CITY SURVEYOR STATEMENT, BENEFICIARY STATEMENT, DIRECTOR OF PLANNING AND COMMUNITY ENVIRONMENT STATEMENT and CITY CLERK.
9. The City of Palo Alto does not currently have a City Surveyor we have retained the services of 3<sup>rd</sup> party Surveyor to review and provide approval on behalf of the City. Third-party Surveyor will be reviewing, signing and stamping the Final Map associated with your project. In effort to employ the services of 3<sup>rd</sup> party Surveyor, and as part of the City's cost recovery measures, the applicant is

required to provide payment to cover the cost of 3<sup>rd</sup> party Surveyor's review. Our intent is to forward your Final Map to 3<sup>rd</sup> party Surveyor for an initial preliminary review of the documents. 3<sup>rd</sup> party Surveyor will then provide a review cost amount based on the complexity of the project and the information shown on the document. We will share this information with you once we receive it and ask that you return a copy acknowledging the amount. You may then provide a check for this amount as payment for the review cost. The City must receive payment prior to beginning the final review process.

#### **PRIOR TO FINAL MAP APPROVAL.**

10. Provide electronic copies of the documents submitted.
11. Submit wet signed and stamped mylar copy of the Final Map to the Public Works for signature. Map shall be signed by Owner, Notary and Surveyor prior to formal submittal.
12. Signed Subdivision Improvement Agreement and Security as described per PAMC 21.16.230.

#### **PRIOR TO ISSUANCE OF A BUILDING PERMIT OR GRADING AND EXCAVATION PERMIT**

13. Final Map shall be recorded with County Recorder.
14. Provide conformed copy of Map to City.

#### **TRANSPORTATION**

15. **San Antonio Road Twenty-Four Foot (24') Setback.** In the event that the City pursues future public improvements within the twenty-four foot setback on San Antonio Road, the property owner will, at its sole cost and as directed by the City, promptly remove private improvements within the special setback and modify the access to the building to accommodate the construction of the public improvements.
16. **Leghorn Street/San Antonio Road Intersection Improvements.** Prior to issuance of a building permit, the owner or designee shall execute an off-site improvement agreement in a form acceptable to the City Attorney, with plans acceptable to the Chief Transportation Official and City Engineer showing:
  - a) Traffic signal modification/Improvements
    - a. Upgrade traffic signal poles to meet current design standards for visibility
    - b. Upgrade Accessible Pedestrian System (APS) push buttons
    - c. Pole upgrades to allow for optional crosswalk widening to full width (median nose reduction)
  - b) Reduce curb radii on eastern side to shorten cross walk

## SECTION 11. Conditions of Approval. (Architectural Review)

### PLANNING DIVISION

1. **CONFORMANCE WITH PLANS.** Construction and development shall conform to the approved plans entitled, "788 San Antonio Housing," stamped as received by the City on May 11, 2020 on file with the Planning and Development Services Department, 250 Hamilton Avenue, Palo Alto, California except as modified by these conditions of approval.
2. **BUILDING PERMIT.** Apply for a building permit and meet any and all conditions of the Planning, Fire, Public Works, and Building Departments.
3. **BUILDING PERMIT PLAN SET.** All Department conditions of approval for the project shall be printed on the plans submitted for building permit.
4. **ARB CONDITION:** The owner or designee shall demonstrate the following prior to issuance of a building permit to the satisfaction of the Director of Planning & Development Services or designee:
  - Reconsider corten steel material and/or provide additional details;
  - Consider substitution for redwood or provide more information on the life cycle of maintenance;
  - Reconsider bright white paint color with earth tone color;
  - Consider making the "ribbon" element a uniform thickness;
  - Consider making corner (Leghorn/San Antonio) more visually architectural. Consider adding relief through changing materials;
  - Consider locating the bicycle wash facility in the basement;
  - Review the use of blue oak trees with Urban Forestry Division; and
  - Consider an alternative to the vertical window in the stairwell.
5. **PROJECT MODIFICATIONS:** All modifications to the approved project shall be submitted for review and approval prior to construction. If during the Building Permit review and construction phase, the project is modified by the applicant, it is the responsibility of the applicant to contact the Planning Division/project planner directly to obtain approval of the project modification. It is the applicant's responsibility to highlight any proposed changes to the project and to bring it to the project planner's attention.
6. **PROJECT EXPIRATION.** The project approval shall automatically expire after two years from the original date of approval, if within such two year period, the proposed use of the site or the construction of buildings has not commenced pursuant to and in accordance with the provisions of the permit or approval. Application for a one-year extension of this entitlement may be made prior to the expiration. (PAMC 18.77.090(a)).



7. **LANDSCAPE PLAN.** Plantings shall be installed in accordance with the approved plan set and shall be permanently maintained and replaced as necessary.
8. **DEVELOPMENT IMPACT FEES:** Development Impact Fees, currently estimated in the amount of \$5,344,136.59 plus the applicable public art fee, per PAMC 16.61.040, shall be paid prior to the issuance of the related building permit.
9. **IMPACT FEE 90-DAY PROTEST PERIOD.** California Government Code Section 66020 provides that a project applicant who desires to protest the fees, dedications, reservations, or other exactions imposed on a development project must initiate the protest at the time the development project is approved or conditionally approved or within ninety (90) days after the date that fees, dedications, reservations or exactions are imposed on the Project. Additionally, procedural requirements for protesting these development fees, dedications, reservations and exactions are set forth in Government Code Section 66020. IF YOU FAIL TO INITIATE A PROTEST WITHIN THE 90- DAY PERIOD OR FOLLOW THE PROTEST PROCEDURES DESCRIBED IN GOVERNMENT CODE SECTION 66020, YOU WILL BE BARRED FROM CHALLENGING THE VALIDITY OR REASONABLENESS OF THE FEES, DEDICATIONS, RESERVATIONS, AND EXACTIONS. If these requirements constitute fees, taxes, assessments, dedications, reservations, or other exactions as specified in Government Code Sections 66020(a) or 66021, this is to provide notification that, as of the date of this notice, the 90-day period has begun in which you may protest these requirements. This matter is subject to the California Code of Civil Procedures (CCP) Section 1094.5; the time by which judicial review must be sought is governed by CCP Section 1094.6.
10. **INDEPENDENCE AVENUE / LEGHORN STREET INTERSECTION:** Prior to issuance of an occupancy permit, with approval from the City of Mountain View, the owner or designee shall modify the intersection to include restriping of the westbound approach to the intersection to provide a westbound right-turn lane, or to provide a de facto right-turn lane by prohibiting curb-side parking during p.m. peak hours on weekdays.
11. **TOXIC AIR CONTAMINANTS EMISSIONS REDUCTIONS:** To comply with Comprehensive Plan Policy N-5.4 the applicant shall implement the following measures to reduce exposure of proposed residences to toxic air contaminants emissions from vehicles on San Antonio Road:
  - a. Submit to the City of Palo Alto a ventilation proposal prepared by a licensed design professional for all on-site buildings that describes the ventilation design and how that design ensures all dwelling units would be below the excess cancer risk level of 10 in one million established by the Bay Area Air Quality Management District.
  - b. If the proposed buildings would use operable windows or other sources of infiltration of ambient air, the development shall install a central HVAC system that includes high efficiency particulate filters (a MERV rating of 13 or higher). These types of filters are capable of removing approximately 90 percent of the diesel particulate matter (DPM) emissions from air introduced

into the heating, ventilation, and air conditioning (HVAC) system. The system may also include a carbon filter to remove other chemical matter. Filtration systems must operate to maintain positive pressure within the building interior to prevent entrainment of outdoor air indoors.

- c. If the development limits infiltration through non-operable windows, a suitable ventilation system shall include a ventilation system with filtration specifications equivalent to or better than the following: (1) American Society of Heating, Refrigerating and Air-Conditioning Engineers Minimum Efficiency Reporting Values (MERV) MERV-13 supply air filters, (2) greater than or equal to one air exchanges per hour of fresh outside filtered air, (3) greater than or equal to four air exchanges per hour recirculation, and (4) less than or equal to 0.25 air exchanges per hour in unfiltered infiltration. These types of filtration methods are capable of removing approximately 90 percent of the DPM emissions from air introduced into the HVAC system.
- d. Windows and doors shall be fully weatherproofed with caulking and weather-stripping that is rated to last at least 20 years. Weatherproof should be maintained and replaced by the property owner, as necessary, to ensure functionality for the lifetime of the project.
- e. Where appropriate, install passive (drop-in) electrostatic filtering systems, especially those with low air velocities (i.e., one mile per hour (mph)).
- f. Ensure an ongoing maintenance plan for the HVAC and filtration systems. Manufacturers of these types of filters recommend that they be replaced after two to three months of use.
- g. The applicant shall inform occupants regarding the proper use of any installed air filtration system.

12. **MITIGATION MONITORING AND REPORTING PROGRAM.** The Mitigation Monitoring and Reporting Program (MMRP) associated with the project and attached here as Exhibit 1 is incorporated by reference and all mitigation measures shall be implemented as described in said document. 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 and Development Services.

13. **FINAL INSPECTION:** A Planning Division Final inspection will be required to determine substantial compliance with the approved plans prior to the scheduling of a Building Division final. Any revisions during the building process must be approved by Planning, including but not limited to; materials, landscaping and hard surface locations. Contact your Project Planner, Sheldon S. Ah Sing at [sahsing@m-group.us](mailto:sahsing@m-group.us) to schedule this inspection.

## **RECYCLING**

14. It is the responsibility of the owner or designee to transport the refuse containers one to three times per week to the refuse staging area located along Leghorn Avenue. The refuse container lids must be kept closed to prevent rain and vermin from entering the bins. The Site is also responsible for transporting the refuse containers back to the refuse enclosure immediately after collection.

The applicant has agreed that the property management will find the proper adaptable hitch (hook tow hitch) that can maneuver the waste hauler, GreenWaste of Palo Alto's refuse bins. Please contact GreenWaste of Palo Alto at (650) 493-4894 or e-mail [ecissna@greenwaste.com](mailto:ecissna@greenwaste.com) (Eric Cissna) for recommendations.

### **WATERSHED PROTECTION**

15. **PCB Reporting.** The applicant shall complete and submit the "PCBs Applicant Package," including any required sampling reports (per the Applicant Package instructions), with the demolition permit application. The Applicant Package will outline PCBs sampling and reporting requirements that must be met if the project meets ALL of the following conditions:
- a. The project is a commercial, public, institutional, or industrial structure constructed or remodeled between January 1, 1950 and December 31, 1980. Single-family homes are exempt regardless of age.
  - b. The framing of the building contains material other than wood. Wood-frame structures are exempt.
  - c. The proposed demolition is a complete demolition of the building. Partial demolitions do not apply to the requirements.
16. If the project triggers polychlorinated biphenyls (PCBs) sampling as identified on the "PCBs Applicant Package," then the project shall conduct representative sampling of PCBs concentration in accordance with the "Protocol for Evaluating Priority PCBs-Containing Materials before Building Demolition (2018)."
- a. If the representative sample results or records DO NOT indicate PCB concentrations  $\geq 50$  parts per million (ppm) in one or more "priority materials," then the screening assessment is complete. Applicant submits screening form and the supporting sampling documentation with the demolition permit application. No additional action is required.
  - b. If the representative sample results or records DO indicate PCBs concentrations  $\geq 50$  ppm in one or more "priority materials," then the screening assessment is complete, but the Applicant MUST also contact applicable State and Federal Agencies to meet further requirements. Applicant submits screening form and the supporting sampling documentation with the demolition permit application, and also must contacts the State and Federal Agencies as indicated on Page 3 of the "PCBs Screening Assessment Form."
17. IMPORTANT: ADVANCED APPROVAL FROM THE UNITED STATES ENVIRONMENTAL PROTECTION

AGENCY (USEPA) OR OTHER STATE AGENCIES MAY BE REQUIRED PRIOR TO BUILDING DEMOLITION. IT IS RECOMMENDED THAT APPLICANTS BEGIN THE PCBs ASSESSMENT WELL IN ADVANCE OF APPLYING FOR DEMOLITION PERMIT AS THE PROCESS CAN TAKE BETWEEN 1-3 MONTHS.

**PRIOR TO THE ISSUANCE OF ANY BUILDING PERMIT:**

18. The following stormwater treatment measures shall apply to the project as applicable:

- a. All Bay Area Municipal Regional Stormwater Permit requirements shall be followed.
- b. Refer to the Santa Clara Valley Urban Runoff Pollution Prevention Program C.3 Handbook (download here: [http://scvurppp-w2k.com/c3\\_handbook.shtml](http://scvurppp-w2k.com/c3_handbook.shtml)) for details.
- c. For all C.3 features, vendor specifications regarding installation and maintenance should be followed and provided to city staff. Copies must be submitted to Pam Boyle Rodriguez at <mailto:mpamela.boyle@cityofpaloalto.org>. Add this bullet as a note to the building plans.
- d. Staff from Stormwater Program (Watershed Protection Division) may be present during installation of stormwater treatment measures. Contact Pam Boyle Rodriguez, Stormwater Program Manager, at (650) 329-2421 before installation. Add this bullet as a note to building plans on Stormwater Treatment (C.3) Plan.
- e. Bay-friendly Guidelines ([rescapeca.org](http://rescapeca.org))
- f. Do not use chemicals fertilizers, pesticides, herbicides or commercial soil amendment. Use Organic Materials Review Institute (OMRI) materials and compost. Refer to the Bay Friendly Landscape Guidelines: <http://www.stopwaste.org/resource/brochures/bayfriendly-landscape-guidelines-sustainable-practices-landscape-professional> for guidance. Add this bullet as a note to the building plans.
- g. Avoid compacting soil in areas that will be unpaved. Add this bullet as a note to the building plans.

19. The following stormwater quality protection provision shall apply as applicable:

- a. Temporary and permanent waste, compost and recycling containers shall be covered to prohibit fly-away trash and having rainwater enter the containers.
- b. Drain downspouts to landscaping (outward from building as needed).
- c. Drain heating, ventilation, and air conditioning (HVAC) fluids from roofs and other areas to landscaping.

**TRANSPORTATION**

20. **SAN ANTONIO ROAD TWENTY-FOUR FOOT (24') SETBACK.** In the event that the City pursues future public improvements within the twenty-four foot setback on San Antonio Road, the property owner will, at its sole cost and as directed by the City, promptly remove private improvements within the special setback and modify the access to the building to accommodate the construction of the public improvements.

21. **TRANSPORTATION DEMAND MANAGEMENT (TDM) PLAN.** Pending submittal of the TIA memo, or if the applicant requests a reduction in parking requirement. The applicant shall prepare a TDM plan for review and approval by the Chief Transportation Official (CTO) or designee prior to the issuance of building permits. The TDM plan shall include robust measures and strategies to achieve the goal of reducing single-occupancy vehicle trips to the project site by a minimum of 20% in conformance with the City's Comprehensive Plan. The TDM plan shall include an annual monitoring plan to document mode split and trips to the project site. Where the monitoring reports indicate that performance measures are not met through the measures and programs initially implemented, the City may require program modifications and may impose administrative penalties if identified deficiencies are not addressed within six months.
22. **LEGHORN STREET/SAN ANTONIO ROAD INTERSECTION IMPROVEMENTS.** Prior to issuance of a building permit, the owner or designee shall execute an off-site improvement agreement in a form acceptable to the City Attorney, with plans acceptable to the Chief Transportation Official and City Engineer showing:
- a) Traffic signal modification/Improvements
    - a. Upgrade traffic signal poles to meet current design standards for visibility
    - b. Upgrade Accessible Pedestrian System (APS) push buttons
    - c. Pole upgrades to allow for optional crosswalk widening to full width (median nose reduction)
  - b) Reduce curb radii on eastern side to shorten cross walk

## **UTILITIES – WASTE, WATER & GAS**

### **PRIOR TO ISSUANCE OF DEMOLITION PERMIT:**

23. 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:**

24. The applicant shall submit a completed water-gas-wastewater service connection application - load sheet for City of Palo Alto Utilities (CPAU). The applicant must provide all the information requested for utility service demands (water in fixture units/gallons per minutes (g.p.m.), gas in British thermal units per hour (b.t.u.p.h), and sewer in fixture units/gallons per day (g.p.d.)).
25. The applicant shall submit improvement plans for utility construction. The plans must show the size and location of all underground utilities within the development and the public right of way including meters, backflow preventers, fire service requirements, sewer mains, sewer cleanouts, backwater valve, sewer ejector pumps and any other required utilities. The plans must include

complete profiles for the design of all gravity lines clearly identifying the minimum vertical clearances from existing underground facilities.

26. The applicant to verify crossing utilities and **provide engineering profile drawings for the proposed sewer lateral**, there are existing primary and secondary high voltage conduits running along the frontage of the building.
27. The residential development portion will be master metered by CPAU and each dwelling unit will be privately sub metered. See requirement below. The applicant needs to provide an estimated domestic water load in gallons per minute (g.p.m.) to design the water service and meter size. A 4" master water meter will require a four (4) feet x eight (8) feet water meter set with a two (2) inch by-pass per DWG. # STD. WD-04. The vault shall be in private property inside a public utility easement (PUE).
28. Per SB7 (Water Code, Division 1, Chapter 8, Article 5, Section 537-537.5) requires new multi-family residential building to include a water sub-meter for each dwelling unit and to bill tenants accordingly for their water use per CPA Utilities rules and Regulations. Sub-meters shall comply with all laws and regulations governing their installation, maintenance, reading billing, and testing. Due to the extent of the frontage area along the streets, assuming a space constraint does not exist with the total number of meters, these dwelling units could be evaluated for the installation of individual City-owned meters in the Public City Right of Way and not on private property to avoid potential exposure in the event of leaks.
29. The residential will have set of meters and the retails will have another set of meters shown on the plans.
30. New high-density polyethylene (HDPE) water service and meter installation are required to furnish customer's demand for domestic. The water meter will be sized based on the water loads demands.
31. A separate water meter and backflow preventer for the retail space is required.
32. New HDPE water service installation is required to furnish customer's demand for fire sprinkler system. The water service and connection will be sized based on the water fire protection load demands. The applicant shall provide to the engineering department a copy of the plans for fire system including all fire department's requirements prior to the actual approval of the service.
33. The existing unused water services and sewer lateral (s) will be disconnected and abandoned at the main per utilities standards by the City of Palo Alto Utilities.
34. An approved reduced pressure principle assembly (RPPA backflow preventer device) is required for all new water connections from City of 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 five (5) feet of the property line or City Right of Way.

35. An approved reduced pressure detector assembly (RPDA backflow preventer device) is required for the new water connection for the fire system to comply with requirements of California administrative code, Title 17, Sections 7583 through 7605 inclusive.
36. There shall be no new gas service for this project.
37. The applicant is responsible for installing and upgrading the existing utility mains/services/lateral 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/services/lateral.
38. Per City of Palo Alto Ordinance 16.08.130 Amendment to CPC 710.1. Sewer backflow protection shall be installed for all new construction, remodels, sewer line repairs/ modifications, structures with sewer ejectors pumps and building floors. Where the elevation is at or below the invert of the city sanitary sewer main. **Show the location of the backwater valve on the plans.**
39. Sewer ejector pumps shall meet the CPAU conditions limiting the wastewater discharge flow rate to the wastewater collection. Sewage ejector pumps shall meet the following conditions:
  - a. The pump(s) shall be limited to a total 100 gallons per minute (g.p.m.) capacity or
  - b. The sewage line changes to a four (4) inch gravity flow line at least 20 feet from the City clean out.
  - c. The tank and float are set up such that the pump run time not exceed 20 seconds each cycle.
40. Trees may not be planted within 10 feet of new water, gas or wastewater mains/services or meters. New water, gas or wastewater services/meters may not be installed within 10 feet of existing trees.
41. 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.
42. All utility installations shall be in accordance with the latest edition of CPAU Standards for Water, Gas & Wastewater.

## **PUBLIC WORKS ENGINEERING**

43. **STORM WATER TREATMENT:** This project shall comply with the storm water regulations contained in provision C.3 of the National Pollutant Discharge Elimination System (NPDES) municipal storm water discharge permit issued by the San Francisco Bay Regional Water Quality Control Board (and incorporated into Palo Alto Municipal Code (PAMC) 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 planning phase to certify that the proposed permanent storm water pollution prevention measures comply with the requirements of Palo Alto Municipal Code Chapter 16.11.** The C.3 Data Form and a stamped and signed letter from the third-party reviewer confirming which documents they reviewed and that the project complies with Provision C.3 and PAMC 16.11 must be provided prior to PWE approval of the planning application. Provide updated C.3 Data Form stamp/signed by third-party and signed/stamped approval letter for Building permit set of plans.
44. **EASEMENTS:** All existing easements shall remain and not be removed. Above grade features such as building features shall not encroach into easement area.
45. **SIDEWALK, CURB & GUTTER:** As part of this project, the applicant must replace all sidewalks, curbs, gutters and driveway approaches in the public right-of-way along the frontage(s) of the property and must remove any unpermitted pavement in the planter strip. In addition, any abandoned driveway approaches need to be replaced with City standard sidewalk, curb and gutter. The site 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.
46. **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.

47. **BASEMENT SHORING:** Shoring for the basement excavation, including tiebacks, must not extend onto adjacent private property or into the City right-of-way without having first obtained written permission from the private property owners and/or an encroachment permit from Public Works.
48. **DEWATERING:** Proposed underground garage excavation may require dewatering during construction. Prior to issuance of a grading/excavation permit, the owner or designee shall contact Public Works to discuss the dewatering process and submittal requirements. Public Works only allows groundwater drawdown well dewatering. Open pit groundwater dewatering is disallowed. Dewatering is only allowed from April 1 through October 31 due to inadequate capacity in our storm drain system. The geotechnical report for this site must list the highest anticipated groundwater level; if the proposed project will encounter groundwater, the applicant must provide all required dewatering submittals for Public Works review and approval prior to grading permit issuance. Public Works has dewatering submittal requirements and guidelines available at the Development Center and on our website: [https://www.cityofpaloalto.org/gov/depts/pwd/forms\\_and\\_permits/default.asp](https://www.cityofpaloalto.org/gov/depts/pwd/forms_and_permits/default.asp)
49. **GRADING & EXCAVATION PERMIT:** An application for a grading and excavation permit must be submitted to Public Works when applying for a building permit. The application and guidelines are available at the Development Center and on our website.
50. **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>
51. **SWPPP:** The proposed development will disturb more than one acre of land. Accordingly, the applicant will be required to comply with the State of California's General Permit for Storm Water Discharges Associated with Construction Activity. This entails filing a Notice of Intent to Comply (NOI), paying a filing fee, and preparing and implementing a site specific storm water pollution prevention plan (SWPPP) that addresses both construction-stage and post-construction Best Management Practices (BMP's) for storm water quality protection. The applicant is required to submit two copies of the NOI and the draft SWPPP to the Public Works Department for review and approval prior to issuance of the building permit. Also, include the City's standard "Pollution Prevention - It's Part of the Plan" sheet in the building permit plan set. Copies are available from Public Works at the Development Center.

52. **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. Provide hard copy in submittal.
53. **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 any Building and/or Grading permit issuance.** The City will inspect the treatment measures yearly and charge an inspection fee.
54. **LOGISTICS PLAN:** The contractor must submit a logistics plan to the Public Works Department prior to commencing work. The contractor shall follow the City's Logistics Plan Preparation Guidelines when preparing this plan. If separate demo, grading and/or building permits are submitted, a separate logistics plan will be required for each separate permit application specific to that phase of construction.
55. 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.
56. **STREET OVERLAY.** San Antonio Road and Leghorn Street were recently resurfaced and these streets are under a moratorium. Applicant will be required to grind and overlay the full width (from curb to curb) of San Antonio Road and Leghorn Street over the full project frontage per Public Works standards. Plans shall include a signage a striping plan.
57. Based on the City's GIS there may be plume monitoring wells within the project site. Typically these wells are maintained by Santa Clara Valley Water District (SCVWD). The proposed work shall not destroy any of the monitoring well or affect the function and use of these. Contact SCVWD to verify the well location. Plot and label them on the plans and provide notes to protect wells as required by the district.
58. **ROUGH GRADING PLAN.** Provide a Rough Grading Plan for the work proposed as part of the Grading and Excavation Permit application. The Rough Grading Plans shall including the following: pad elevation, basement elevation, elevator pit elevation, ground monitoring wells, shoring for the proposed basement, limits of over excavation, stockpile area of material, overall earthwork volumes (cut and fill), temporary shoring for any existing facilities, ramps for the basement access, crane locations (if any), etc. Plans submitted for the Grading and Excavation Permit, shall be stand-alone, and therefore the plans shall include any conditions from other divisions that pertain to

items encountered during rough grading for example if contaminated groundwater is encountered and dewatering is expected, provide notes on the plans based on Water Quality's conditions of approval. Provide a note on the plans to direct the contractor to the approved City of Palo Alto Truck Route Map, which is available on the City's website.

59. **STORM WATER HYDRAULICS AND HYDROLOGY:** Plans provided do not show if the existing site drainage has a direct discharge into the existing system. Provide an analysis that compares the existing and proposed site runoff from the project site. Runoff shall be based on City of Palo Alto Drainage Design Standards for 10-year storm event with Hydraulic Grade Line (HGL's) 0.5 foot below inlet grates elevations and 100-year storm with HGL not exceeding the street right-of-way. As described on the City of Palo Alto Drainage Design Standards. The applicant shall provide the tabulated calculations directly on the conceptual grading and drainage plan. This project may be required to replace and upsize the existing storm drain system to handle the added flows and/or depending on the current pipe condition. The IDF tables and Precipitation Map for Palo Alto is available County of Santa Clara County Drainage Manual dated October 2007. The proposed project shall not increase runoff to the public storm drain system.
60. **STORM DRAIN LOGO:** The applicant is required to paint the "No Dumping/Flows to Adobe Creek" logo in blue color on a white background, adjacent to all onsite storm drain inlets. Stencils of the logo are available from the Public Works Environmental Compliance Division, which may be contacted at (650) 329-2598. A deposit may be required to secure the return of the stencil. Include the directions to paint the logos on the construction grading and drainage plan. Include maintenance of these logos in the Hazardous Materials Management Plan, if such a plan is part of this project. For any new public catch basins in the public road right-of-way, applicant shall place medallions next to the inlets. Medallions are also available from Environmental Compliance Division.
61. Plans for proposed development show the entire site's storm water runoff directed into the catch basin on Leghorn Street. Applicant will be required to provide Public Works Storm Drain Division a video of the storm drain line from that catch basin to the San Antonio manhole connection. If any of that storm drain line needs to be repaired or replaced, this project must complete that work as part of its offsite improvements.
62. The grading plan provided in the planning stage proposes overland release into the public right of way on San Antonio and Leghorn. This will only be allowed if applicant demonstrates that this matches existing drainage patterns and existing flow volume.
63. Civil plans submitted in the Building permit stage shall include detail sections at all locations where C.3 treatment devices are within 10 feet of the property line.
64. Areas noted as self-treating or self-retaining on the SWMP will not be allowed to have area drains that ultimately connect to the City storm system without explicit third-party C.3 reviewer approval.

and approval from the City's storm drain division. This may include revising drainage calculations to factor in this additional discharge.

## **UTILITIES – ELECTRIC**

65. Applicant shall provide easement for the transformer. A signed easement shall be the final condition prior to energization of the building. The City reserves the right to shut the power to the building without a signed easement.
66. The applicant shall comply with all the Electric Utility Engineering Department service requirements noted during plan review.
67. 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.
68. Only one electric service lateral is permitted per parcel. Utilities Rule & Regulation #18.
69. If this project requires pad-mount transformers, the location of the transformers shall be shown on the site plan and approved by the Utilities Department and the Architectural Review Board. Utilities Rule & Regulations #3 & #16 (see detail comments below).
70. The developer/owner shall provide space for installing pad-mount equipment (i.e. transformers, switches, and interrupters) and associated substructure as required by the City.
71. The location of the electric panel/switchboard shall be shown on the site plan and approved by the Architectural Review Board and Utilities Department.
72. 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.
73. The customer is responsible for sizing the service conductors and other required equipment according to the California Electric Code requirements and City standards.
74. 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.

75. 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.
76. The applicant shall secure a Public Utilities Easement for facilities installed on private property for City use.
77. 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.
78. A completed Utility Service Application and a full set of plans must be included with all applications involving electrical work. The Application must be included with the preliminary submittal.
79. 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.
80. 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.
81. 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.
82. At least 48 hours prior to starting any excavation, the customer must call Underground Service Alert (USA) at 1-800-227-2600 to have existing underground utilities located and marked. The areas to be checked for underground facility marking shall be delineated with white paint. All USA markings shall be removed by the customer or contractor when construction is complete.
83. The customer is responsible for installing all on-site substructures (conduits, boxes and pads) required for the electric service. No more than 270 degrees of bends are allowed in a secondary conduit run. All conduits must be sized according to California Electric Code requirements and no 1/2 – inch size conduits are permitted. All off-site substructure work will be constructed by the City at the customer's expense. Where mutually agreed upon by the City and the Applicant, all or part of the off-site substructure work may be constructed by the Applicant.

84. 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.
85. All new underground conduits and substructures shall be installed per City standards and shall be inspected by the Electrical Underground Inspector before backfilling.
86. For services larger than 1600 amps, a transition cabinet as the interconnection point between the utility's pad-mount transformer and the customer's main switchgear may be required. See City of Palo Alto Utilities Standard Drawing SR-XF-E-1020. The cabinet design drawings must be submitted to the Electric Utility Engineering Division for review and approval.
87. For underground services, no more than four (4) 750 MCM conductors per phase can be connected to the transformer secondary terminals; otherwise, bus duct or x-flex cable must be used for connections to pad-mount transformers.
88. 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. The customer is responsible for installing all underground electric service conductors, bus duct, transition cabinets, and other required equipment. The installation shall meet the California Electric Code and the City Standards.
89. 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.
90. Shop/ factory drawings for switchboards (400A and greater) and associated hardware must be submitted for review and approval prior to installing the switchgear to:  
  
Tiffany Pagtulingan Power Engineer  
Utilities Engineering (Electrical) 1007 Elwell Court  
Palo Alto, CA 94303
91. For 400A switchboards only, catalog cut sheets may be substituted in place of factory drawings.
92. All new underground electric services shall be inspected and approved by both the Building Inspection Division and the Electrical Underground Inspector before energizing.
93. 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.
94. The follow must be completed before Utilities will make the connection to the utility system and energize the service:

- a. All fees must be paid.
- b. All required inspections have been completed and approved by both the Building Inspection Division and the Electrical Underground Inspector.
- c. All Special Facilities contracts or other agreements need to be signed by the City and applicant.
- d. Easement documents must be completed.

## **HOUSING**

The project as proposed includes 102 residential ownership units in a mixed-use development. The project is subject to the Below Market Rate (BMR) requirement as set forth by Palo Alto Municipal Code (PAMC) 16.65.060.

- 95. When the BMR requirement results in a fractional unit, an in-lieu payment to the Residential Housing Fund may be made for the fractional unit instead of providing an actual BMR unit, except that larger projects of 30 or more units must provide a whole BMR unit for any fractional unit of one-half (0.50) or larger. The proposed project – 102 ownership units is subject to a BMR requirement of 15.3 units and is proposing 16 units. Of the 16 BMR units, at least 66% of units affordable to households of 80-100% area median income (AMI) and up to 33% affordable to households 100-120% AMI.
- 96. All BMR units constructed shall be in conformance with the City's BMR Program rules and regulations. Failure to comply with the timing of this condition and any adopted BMR Program rules and regulations shall not waive its later enforcement.
- 97. A BMR Agreement in a form acceptable to the City Attorney for the 16 BMR units shall be executed and recorded prior to final map approval or building permit issuance, whichever occurs first. Failure to comply with the timing of this condition and any adopted BMR Program rules and regulations shall not waive its later enforcement.

## **URBAN FORESTRY**

### **TREE PROTECTION COMPLIANCE:**

- 98. 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](mailto:pwps@cityofpaloalto.org)) beginning with the initial verification approval, using the template in the Tree Technical Manual, Addendum 11.

99. **PLAN CHANGES.** Revisions and/or **changes to plans before or during construction** shall be reviewed and responded to by the (a) project site arborist, or (b) landscape architect with written letter of acceptance before submitting the revision to the Building Department for review by Planning, Public Works or Urban Forestry.
100. **TREE DAMAGE.** Tree Damage, Injury Mitigation and Inspections apply to Contractor. Reporting, injury mitigation measures and arborist inspection schedule (1-5) apply pursuant to Tree Technical Manual (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.
101. **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.
102. **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) affirm that ongoing Contractor/Project Arborist site monitoring inspections and reporting have been arranged with the contractor or owner (see Sheet T-1) and, (c) understands that design revisions (site or plan changes) within a Tree Protection Zone (TPZ) will be routed to Project Arborist/Contractor for review prior to approval from City.
103. **TREE PROTECTION VERIFICATION.** Prior to any site work verification from the contractor that the required protective fencing is in place shall be submitted to the Urban Forestry Section. The fencing shall contain required warning sign and remain in place until final inspection of the project.
104. **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.
105. **PLAN SET REQUIREMENTS.** The final Plans submitted for building permit shall include the following information and notes on relevant plan sheets:
106. **SHEET T-1, BUILDING PERMIT.** The building permit plan set will include the City's full-sized, Sheet T-1 ([Tree Protection-it's Part of the Plan!](http://www.cityofpaloalto.org/civicax/filebank/documents/31783)), available on the Development Center website at <http://www.cityofpaloalto.org/civicax/filebank/documents/31783>. The Applicant shall **complete and sign the Tree Disclosure Statement** and recognize the Project Arborist Tree Activity Inspection Schedule. Monthly reporting to Urban Forestry/Contractor is mandatory. (Insp. #1: applies to all projects; with tree preservation report: Insp. #1-7 applies)



107.**The Tree Preservation Report (TPR).** All sheets of the Applicant's TPR approved by the City for full implementation by Contractor, shall be printed on numbered Sheet T-1 (T-2, T-3, etc) and added to the sheet index.

108.**Plans to show protective tree fencing.** The Plan Set (esp. site, demolition, grading & drainage, foundation, irrigation, tree disposition, utility sheets, etc.) must delineate/show the correct configuration of Type I, Type II or Type III fencing around each Regulated Tree, using a bold dashed line enclosing 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.**

### **PUBLIC ART**

109.If the applicant chooses to commission art on site, then they must complete both initial and final reviews and receive approval from the Public Art Commission prior to the issuance of a building permit.

110.If the applicant chooses to pay a contribution into the Public Art fund in-lieu of commissioning art on site, the contribution must be made prior to the issuance of a building permit.

SECTION 12. Terms of Approval.

1. Effective Date. The approvals memorialized in this Record of Land Use Action shall be effective on the same date that the accompanying ordinance containing zoning text amendments for the subject properties takes effect.

2. Tentative Map. All conditions of approval of the Tentative Map shall be fulfilled prior to approval of a Final Map (PAMC Section 21.16.010[c]). Unless a Final Map is filed, and all conditions of approval are fulfilled within a two-year period from the date of Tentative Map approval, the Tentative Map shall expire and all proceedings shall terminate. An extension of time may be granted by the city council after recommendation of the planning commission, upon the written application of the subdivider, prior to the expiration of the Vesting Tentative Map approval, or any previous extension granted. Such extension(s) shall be subject to the maximum limitations set forth in the Subdivision Map Act.

3. Variance. Approval of the Variance shall automatically expire after two years if the proposed use of the site or the construction of buildings has not commenced, in accordance with PAMC 18.77.090. The Director may approve an extension for a maximum period of twelve additional months only, upon application filed with him or her before the expiration of the initial two-year approval.

4. Architectural Review. Approval of the Architectural Review shall automatically expire after two years if the proposed use of the site or the construction of the buildings has not commenced, in accordance with PAMC 18.77.090. The Director may approve an extension for a maximum period of twelve additional months only, upon application filed with him or her before the expiration of the initial two-year approval.

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

APPROVED:

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City Clerk

Director of Planning and  
Development Services

APPROVED AS TO FORM:

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Assistant City Attorney

**PLANS AND DRAWINGS REFERENCED:**

Those plans prepared by BKF titled "Tentative Map 788 San Antonio Housing, 788, 790 & 796 San Antonio Road, City of Palo Alto, Santa Clara County, California" consisting of nine (9) pages, stamped, March 31, 2020. Those plans prepared by Studio S Squared Architecture titled "788 San Antonio Housing" consisting of 72 pages, stamped May 11, 2020.

## EXHIBIT 1: MITIGATION MONITORING AND REPORTING PROGRAM

PROJECT NAME	Housing Incentive Program Expansion and 788 San Antonio Road Mixed-Use Project	Application Number	19PLN-00079
	Ted O’Hanlon on behalf of 788 SA, LLC	Date	November 2020
Applicant	2625 Middlefield Road, #101 Palo Alto, CA 94306		

The Draft Environmental Impact Report for the Housing Incentive Program Expansion and 788 San Antonio Road Mixed-Use Project identifies the mitigation measures that will be implemented to reduce the impacts associated with the project. The California Environmental Quality Act (CEQA) was amended in 1989 to add Section 21081.6, which requires a public agency to adopt a monitoring and reporting program for assessing and ensuring compliance with any required mitigation measures applied to proposed development. As stated in section 21081.6(a)(1) of the Public Resources Code, “... the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.”

Section 21081.6 also provides general guidelines for implementing mitigation monitoring programs and indicates that specific reporting and/or monitoring requirements, to be enforced during project implementation, shall be defined as part of adopting an Environmental Impact Report (EIR).

The mitigation monitoring table lists those mitigation measures that would be included as conditions of approval for the project. To ensure that the mitigation measures are properly implemented, a monitoring program has been devised which identifies the timing and responsibility for monitoring each measure.

Environmental Impact	Mitigation Measure	Responsibility for Implementation	Timing of Compliance	Oversight of Implementation
<b>Air Quality</b>				
<b>AQ-1: Construction Mitigation</b>	For individual projects in the HIP expansion area that exceed the BAAQMD air pollutant and precursor screening levels, the project proponent for that particular development shall conduct a quantifiable analysis to measure construction-related impacts to air quality for all construction phases as described in the BAAQMD CEQA Guidelines (2017). If project construction would exceed BAAQMD thresholds for criteria pollutants, the City shall require the construction	Applicant	Prior to grading permit	CPA Planning Department

Environmental Impact	Mitigation Measure	Responsibility for Implementation	Timing of Compliance	Oversight of Implementation
	<p>contractor(s) to implement additional BAAQMD-approved measures beyond Basic Control requirements and demonstrate that such measures would reduce emissions to below thresholds. Additional measures for development projects that exceed significance criteria may include, but are not limited to:</p> <ol style="list-style-type: none"> <li>1. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.</li> <li>2. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.</li> <li>3. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.</li> <li>4. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.</li> <li>5. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.</li> <li>6. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.</li> <li>7. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12-inch compacted layer of wood chips, mulch, or gravel.</li> </ol>			

Environmental Impact	Mitigation Measure	Responsibility for Implementation	Timing of Compliance	Oversight of Implementation
	<p>8. Minimizing the idling time of diesel-powered construction equipment to two minutes.</p> <p>9. The project shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NO<sub>x</sub> reduction and 45 percent PM reduction compared to the most recent ARB fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available.</p> <p>10. Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., Regulation 8, Rule 3: Architectural Coatings).</p> <p>11. Requiring that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NO<sub>x</sub> and PM.</p> <p>12. Limiting import/export of soils or limiting the number of hauling trips per day to reduce emissions of NO<sub>x</sub> associated with hauling truck trips.</p> <p>13. Phasing construction activities to reduce daily equipment use.</p>			
<b>Biological Resources</b>				
<b>BIO-1: Nesting Bird Surveys and Avoidance</b>	Construction, grading, site preparation and other ground-disturbing activities required for development allowed by the proposed HIP expansion that would	Applicant or designee/ Construction contractor	Prior to and during Construction	CPA Planning Department

Environmental Impact	Mitigation Measure	Responsibility for Implementation	Timing of Compliance	Oversight of Implementation
	<p>involve vegetation or tree removal shall be prohibited during the general avian nesting season (February 1 – August 31), if feasible. If nesting season avoidance is not feasible, the applicant shall retain a qualified biologist, as approved by the City of Palo Alto, to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and activity status of any active nests on or adjacent to the development site. The extent of the survey buffer area surrounding the site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the MBTA and CFGC, nesting bird surveys shall be performed not more than 14 days prior to scheduled vegetation clearance and structure demolition. In the event that active nests are discovered, a suitable buffer (typically a minimum buffer of 50 feet for passerines and a minimum buffer of 250 feet for raptors) shall be established around such active nests and no construction shall be allowed within the buffer areas until a qualified biologist has determined that the nest is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest). No ground disturbing activities shall occur within this buffer until the qualified biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting bird surveys are not required for construction activities occurring between August 31 and February 1.</p>			
<b>Cultural Resources</b>				
<b>CUL-1 Historic Resource Evaluation.</b>	For future projects in the program area that would involve demolition or modification of structures over 45	Applicant or designee	Prior to project approval	CPA Planning Department

Environmental Impact	Mitigation Measure	Responsibility for Implementation	Timing of Compliance	Oversight of Implementation
	years in age, a Historic Resources Evaluation (HRE) shall be prepared by a qualified professional to determine the structure's eligibility for listing on the local or state historic registers. The report shall be submitted to the Planning Director and will be utilized by staff in their evaluation of the project and CEQA review. If the structure is determined to be eligible for listing on the local or state register, Mitigation Measure CUL-2 shall be implemented.			
<b>CUL-2: Rehabilitation and Restoration</b>	For future projects in the program area that involve modification of structures determined to be eligible for listing on the City's historic inventory or CRHR, prior to submittal for building permits, a qualified historic preservation architect shall review the plans for the modifications to verify that the work is in keeping with applicable Secretary of the Interior's Standards for Rehabilitation, such that the original materials and character-defining features will be retained and rehabilitated. The final design and materials associated with building modifications shall be reviewed and approved by the Director and the Historic Preservation Planner of the City of Palo Alto Planning and Community Environment Department.	Applicant or designee	Prior to project approval	CPA Planning Department
<b>CUL-3: Historic Documentation Package</b>	Prior to issuance of demolition permits for the 788 San Antonio Road Mixed-Use Project, the applicant shall undertake Historic American Building Survey (HABS) documentation of the structure including its character defining features. The documentation should generally follow the HABS Level III requirements and include measured drawings that depict the size, scale, and dimensions of the subject property; digital photographic recordation of the interior and	Applicant or designee	Prior to issuance of demolition permits	CPA Planning Department



Environmental Impact	Mitigation Measure	Responsibility for Implementation	Timing of Compliance	Oversight of Implementation
	<p>exterior of the subject property including all character-defining features; a detailed historic narrative report; and compilation of historic research. The documentation shall be undertaken by a qualified professional who meets the standards for history, architectural history, or architecture (as appropriate), as set forth by the Secretary of the Interior's Professional Qualification Standards (36 CFR, Part 61). The original archival-quality documentation shall be offered as donated material to the City of Palo Alto Historic Inventory where it would be available for current and future generations. Archival copies of the documentation also shall be submitted to the City of Palo Alto Library where it would be available to local researchers. Completion of this mitigation measure shall be monitored and enforced by the City.</p>			
<b>CUL-4: Interpretive Website</b>	<p>Prior to issuance of demolition permits for the 788 San Antonio Road Mixed-Use Project, the applicant shall develop an online interpretive website that displays materials concerning the history and architectural features of the property. Interpretation of the site's history shall be supervised by an architectural historian or historian who meets the Secretary of the Interior's Professional Qualification Standards and may engage additional consultants to develop the display. The interpretative website, which may include, but are not limited to, a display of photographs, news articles, memorabilia, and/or video. The site shall be overseen by Palo Alto Historic Association, a similar non-profit, or the City of Palo Alto at the applicant's expense. The content of the site shall be approved by the Director of Planning &amp; Development Services or</p>	Applicant or designee	Prior to issuance of demolition permits	CPA Planning Department

Environmental Impact	Mitigation Measure	Responsibility for Implementation	Timing of Compliance	Oversight of Implementation
	designee.			
<b>CR-1: Worker's Environmental Awareness Program (WEAP)</b>	For all development subject to the proposed HIP expansion, a qualified archaeologist shall be retained who meets the Secretary of the Interior's Professional Qualifications Standards for archaeology to conduct WEAP training for archaeological sensitivity for all construction personnel prior to the commencement of ground disturbing activities. Archaeological sensitivity training should include a description of the types of cultural resources that may be encountered, cultural sensitivity issues, regulatory issues, and the proper protocol for treatment of the materials in the event of a find.	Applicant or designee/Construction contractor	During Construction	CPA Planning Department
<b>CR-2: Unanticipated Discovery of Cultural Resources</b>	For all development subject to the proposed HIP expansion, in the event that archaeological resources are unearthed during project construction, all earth-disturbing work near the find must be temporarily suspended or redirected until an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeology (NPS 1983) has evaluated the nature and significance of the find. If the discovery proves to be significant under CEQA, additional work, such as preservation in place or archaeological data recovery, shall occur as required by the archeologist in coordination with City staff and descendants and/or stakeholder groups, as warranted. Once the resource has been properly treated or protected, work in the area may resume. A Native American representative shall be retained to monitor mitigation work associated with Native American cultural material.	Applicant or designee/Construction contractor	During Construction	CPA Planning Department
<b>Geology and Soils</b>				
<b>GEO-1:</b>	Prior to approval of grading permits for a building or structure associated	Applicant or designee	Prior to	CPA Planning

Environmental Impact	Mitigation Measure	Responsibility for Implementation	Timing of Compliance	Oversight of Implementation
<b>Geotechnical Investigation</b>	with the development allowed by the HIP expansion, a detailed final geotechnical investigation shall be performed to identify significant geotechnical constraints on the proposed development. The report shall develop formal recommendations for project design and construction, including site grading/soil preparation and foundation design. Among other components, the report shall include a quantitative evaluation of liquefaction susceptibility, including projected levels of post-liquefaction settlement; an evaluation of soil shrink-swell potential; and an investigation of compressible soils that may be prone to settlement/subsidence. The report shall be stamped and signed by a professional engineer (PE) or geotechnical engineer and provided by the applicant to the City of Palo Alto for review to ensure that foundations designed for all proposed structures are appropriate and meet code requirements. The PE or geotechnical engineer of record shall also review the final grading, drainage, and foundation plans to confirm incorporation of the report recommendations. Field monitoring during project construction shall be performed to verify that the work is performed as recommended.		building permit	Department
<b>GEO-2: Discovery of Paleontological Resources</b>	Construction activities associated with the development allowed under the HIP expansion shall adhere to the following measures.  <b>1. Ground Disturbance.</b> Prior to ground-disturbing activities for projects associated with the HIP expansion, the applicant or its designee will retain a qualified paleontologist to provide on-call services in the event of an unanticipated discovery. A	Applicant or designee/ Construction manager	Prior to ground disturbing activities and during construction	CPA Planning Department

Environmental Impact	Mitigation Measure	Responsibility for Implementation	Timing of Compliance	Oversight of Implementation
	<p>qualified professional paleontologist is defined by the SVP standards as an individual preferably with an M.S. or Ph.D. in paleontology or geology who is experienced with paleontological procedures and techniques, who is knowledgeable in the geology of California, and who has worked as a paleontological mitigation project supervisor for a least two years (SVP 2010). Prior to the start of construction, the qualified paleontologist or his or her designee shall conduct a Paleontological Worker Environmental Awareness Program (WEAP), a training for construction personnel regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff. The WEAP shall be fulfilled at the time of a preconstruction meeting at which a Qualified Paleontologist shall attend. In accordance with SVP (2010) guidelines, in the event that undetected buried resources are encountered, all work shall halt in the immediate vicinity of the find and the qualified professional paleontologist shall be notified to evaluate the discovery. The qualified paleontologist shall determine the significance of the discovery and identify whether additional mitigation or treatment is warranted. Measures may include testing, data recovery, reburial, archival review and/or transfer to the appropriate museum or educational institution. All testing, data recovery, reburial, archival review or transfer to research institutions related to monitoring discoveries shall be determined by the qualified</p>			

Environmental Impact	Mitigation Measure	Responsibility for Implementation	Timing of Compliance	Oversight of Implementation
	<p>paleontologist and shall be reported to the City. Work in the area of the discovery will resume once the find is properly documented and authorization is given to resume construction work.</p> <p><b>2. Excavation Below 18 Feet.</b> Prior to the commencement of grading and excavation below a depth of 18 feet for any project associated with the HIP expansion, applicants shall retain a qualified paleontologist approved by the City of Palo Alto to monitor grading and excavation activities. Full-time monitoring onsite shall occur whenever excavation activities exceed 18 feet below ground surface. The duration and timing of the monitoring will be determined by the qualified paleontologist and the location and extent of proposed ground disturbance. If the qualified paleontologist determines that full-time monitoring is no longer warranted, based on the specific geologic conditions at the surface or at depth, he/she may recommend that monitoring be reduced to periodic spot-checking or cease entirely. Any paleontological resources discovered by construction personnel or subcontractors shall be reported immediately to the paleontologist. In the event undetected buried resources are encountered during grading and excavation, all work in the immediate vicinity of the find shall cease and the paleontologist shall evaluate the resource and propose appropriate mitigation measures. Measures may include testing, data recovery, reburial, archival review and/or transfer to the appropriate museum or educational institution. All testing,</p>			

Environmental Impact	Mitigation Measure	Responsibility for Implementation	Timing of Compliance	Oversight of Implementation
	data recovery, reburial, archival review or transfer to research institutions related to monitoring discoveries shall be determined by the qualified paleontologist and shall be reported to the City.			
<b>Hazards and Hazardous Materials</b>				
<b>HAZ-1: Site Risk Management Plan</b>	<p>Prior to issuance of permits allowing groundwater dewatering or earth-disturbing activity, the developer shall prepare a site risk management plan (SRMP). The SRMP will address known and unknown environmental issues that may be encountered during development. The plan shall identify appropriate measures to be followed when impacted soil and groundwater are encountered during demolition, excavation, dewatering, and construction. This includes health and safety measures to reduce exposure to potentially impacted soil and groundwater for construction workers and dust control measures to reduce exposure to contaminated dust particles for nearby residents.</p> <p>Health and safety measures shall include the required personal protective equipment (PPE) to be used by site personnel, including action levels and decision criteria for upgrading the levels of PPE. The SRMP shall also identify personnel to be notified, emergency contacts, and a sampling protocol if impacted media is encountered. The excavation and demolition contractors shall be made aware of the possibility of encountering known and unknown hazardous materials including impacted soil and groundwater; and shall be provided with appropriate contact and notification information. The plan shall include a provision stating at what point it is safe to continue with the excavation or demolition, and identify the person authorized to make that</p>	Applicant or designee	Prior to issuance of grading permits	CPA Planning Department

Environmental Impact	Mitigation Measure	Responsibility for Implementation	Timing of Compliance	Oversight of Implementation
	<p>determination. In addition, the SRMP shall include measures for the appropriate handling and profiling of impacted soil and groundwater to be removed from the project site and disposed offsite. Removal, transportation, and disposal of impacted soil and groundwater shall be performed in accordance with applicable federal, state, and local laws, regulations, and ordinances.</p> <p>The SRMP shall be submitted to the City of Palo Alto for review and approval prior to issuance of a grading or building permit. If deemed necessary by City staff, the SRMP shall also be submitted to the Santa Clara County Department of Environmental Health for review and oversight.</p>			
<b>Noise</b>				
<b>N-1: Construction-Related Noise Reduction Measures</b>	<p>The applicant shall apply the following measures during construction of projects in the program area:</p> <ul style="list-style-type: none"> <li>▪ <i>Mufflers.</i> Construction equipment shall be properly maintained and all internal combustion engine driven machinery with intake and exhaust mufflers and engine shrouds, as applicable, shall be in good condition and appropriate for the equipment. During construction, all equipment, fixed or mobile, shall be operated with closed engine doors and shall be equipped with properly operating and maintained mufflers, consistent with manufacturers' standards.</li> <li>▪ <i>Electrical Power.</i> Electrical power, rather than diesel equipment, shall be used to run compressors and similar power tools and to power temporary structures, such as construction trailers or caretaker facilities.</li> <li>▪ <i>Equipment Staging.</i> All stationary equipment (e.g., air compressors,</li> </ul>	Applicant or designee, Construction contractor	During construction	CPA Planning Department

Environmental Impact	Mitigation Measure	Responsibility for Implementation	Timing of Compliance	Oversight of Implementation
	<p>portable generators) shall be staged as far away from sensitive receptors as feasible. Where feasible, construct temporary noise barriers around stationary equipment in a manner that fully blocks the line of sight to residential windows in the adjacent apartment complex.</p> <ul style="list-style-type: none"> <li>▪ <i>Equipment Idling.</i> Construction vehicles and equipment shall not be left idling for longer than five minutes when not in use.</li> <li>▪ <i>Workers' Radios.</i> All noise from workers' radios shall be controlled to a point that they are not audible at sensitive receptors near construction activity.</li> <li>▪ <i>Smart Back-up Alarms.</i> Mobile construction equipment shall have smart back-up alarms that automatically adjust the sound level of the alarm in response to ambient noise levels. Alternatively, back-up alarms shall be disabled and replaced with human spotters to ensure safety when mobile construction equipment is moving in the reverse direction.</li> <li>▪ <i>Sound Barrier.</i> During the demolition, site preparation, grading, building, and paving phases of construction, temporary sound barriers shall be installed and maintained facing sensitive receptors (e.g., residential units, educational facilities) located within 100 feet of the center of construction activity. Temporary sound barriers shall, at a minimum, block the line of sight between noise-generating construction equipment and adjacent windows at sensitive receptors and shall be placed as close to the source equipment as feasible. Such barriers shall be field tested to reduce noise by at</li> </ul>			



Environmental Impact	Mitigation Measure	Responsibility for Implementation	Timing of Compliance	Oversight of Implementation
	<p>least 10 dBA at sensitive receptors. A sound barrier can achieve a 5 dBA noise level reduction when it is tall enough to break the line-of-sight from the source equipment to the sensitive receptor, and it can achieve an approximate 1 dBA additional noise level reduction for each 2 feet of height after it breaks the line of sight (FHWA 2011). Mobile sound barriers may be used as appropriate to attenuate construction noise near the source equipment.</p> <ul style="list-style-type: none"> <li>▪ <i>Disturbance Coordinator.</i> The applicant shall designate a disturbance coordinator who shall be responsible for responding to any local complaints about construction noise. The noise disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler) and shall require that reasonable measures warranted to correct the problem be implemented. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site.</li> </ul>			
<b>Tribal Cultural Resources</b>				
<b>TCR-1: Unanticipated Discovery of Tribal Cultural Resources</b>	In the event that cultural resources of Native American origin are identified during construction of any development associated with proposed HIP expansion, all earth-disturbing work in the vicinity of the find must be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find and an appropriate Native American representative, based on the nature of the find, is consulted. If the County, in consultation with local Native Americans, determines that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and	Applicant or designee, Construction contractor	During construction	CPA Planning Department

Environmental Impact	Mitigation Measure	Responsibility for Implementation	Timing of Compliance	Oversight of Implementation
	implemented in accordance with state guidelines and in consultation with Native American groups. The plan would include avoidance of the resource or, if avoidance of the resource is infeasible, the plan would outline the appropriate treatment of the resource in coordination with the archeologist, if applicable, and the appropriate Native American tribal representative.			

**ATTACHMENT D**  
**ZONING COMPARISON TABLE**  
788 San Antonio Road

Table 1: CS ZONING DISTRICT COMPARISON TABLE (TITLE 18.16)			
Zoning District	CS (Existing Zoning)	Housing Incentive Program (HIP)	Proposed Project if HIP approved
Regulation	Required	Required	Proposed
<b>Minimum Site Specifications</b>			
Minimum Site Area (ft <sup>2</sup> )	None Required	Not Applicable	43,390 sf (0.996 acres)
Site Width (ft)	None Required	Not Applicable	234-255 feet (varies)
Site Depth (ft)	None Required	Not Applicable	147-187 feet (varies)
<b>Minimum Setbacks</b>			
<b>Min. Front Yard (Leghorn Street)</b> <sup>(8)</sup>	0 – 10 feet to create an 8 – 12 feet effective sidewalk width <sup>(1)</sup>	Not Applicable	25 feet with 7' 6" sidewalk
<b>Min. Rear Yard</b>	10 feet for residential portion; no requirement for commercial portion	Not Applicable	10 feet – 1 inch
<b>Min. Interior Side Yard</b>	10 feet (for lots abutting a residential zone district)	Not Applicable	10 feet – 3 inch
<b>Min. Street Side Yard (San Antonio Road)</b>	5 feet (superseded by special setback requirement)	Not Applicable	Building: 26 feet – 1 inch with 5 foot sidewalk <b>Pedestrian Ramp: 10 feet</b>
<b>Special Setback</b>	24 feet along San Antonio Road and 15 feet along Leghorn Street	Not Applicable	26 feet 1 inch along San Antonio Road and 25 feet along Leghorn Street
<b>Build-to-Lines (from Special Setback)</b>	50 percent of frontage built to setback; 33 percent of side street built to setback <sup>(1)</sup>	Not Applicable	Not Applicable
<b>Maximum Site Coverage</b>	50 percent	May be waived by the Director of Planning	<b>68 percent (29,467 sf)</b>
<b>Minimum Site Open Space (percent)</b>	30 percent	Not Applicable	35.5 % (15,412.31 sf)
<b>Minimum Usable Open Space (sf per unit)</b>	150 sf per unit (15,300 sf) <sup>(2)</sup>	Not Applicable	155 sf per unit (15,823.86 sf)

**Table 1: CS ZONING DISTRICT COMPARISON TABLE (TITLE 18.16)**

<b>Zoning District</b>	<b>CS (Existing Zoning)</b>	<b>Housing Incentive Program (HIP)</b>	<b>Proposed Project if HIP approved</b>
<b>Maximum Height</b>	50 feet	Not Applicable	49 feet – 5 inches
<b>Maximum Residential Floor Area Ratio (FAR)</b>	0.6:1	May be waived by the Director of Planning	<b>1.95:1 (84,812 sf)</b>
<b>Maximum Non-Residential Floor Area Ratio (FAR)</b>	0.4:1	Not Applicable	0.04:1 (1,802.56 sf)
<b>Maximum Combined Residential and Commercial Floor Area Ratio (FAR)</b>	1.0:1	1.5:1	<b>2.00:1 (86,614.75 sf)</b>
<b>Minimum Mixed-Use Ground Floor Commercial FAR</b>	0.15:1 (6,508.5 sf) <sup>(10)</sup>	Not Applicable	0.04:1 (1,779.5 sf)
<b>Daylight Plane for lot lines abutting one or more residential zone districts</b>	Daylight plane height and slope shall be identical to those of the most restrictive residential zoning district abutting the lot line	Not Applicable	Not Applicable
<b>Maximum Residential Density per Acre <sup>(3)</sup></b>	30 units/per acre, and no maximum for sites on El Camino Real	Not Applicable	102.34 units per acre

**CS Zoning Notes for Mixed Use Projects**

(1) Twenty-five-foot driveway access permitted regardless of frontage; build-to requirement does not apply to CC district.

(2) Required usable open space: (1) may be any combination of private and common open spaces; (2) does not need to be located on the ground (but rooftop gardens are not included as open space except as provided below); (3) minimum private open space dimension six feet; and (4) minimum common open space dimension twelve feet.

For CN and CS sites on El Camino Real and CC(2) sites that do not abut a single- or two-family residential use or zoning district, rooftop gardens may qualify as usable open space and may count as up to 60% of the required usable open space for the residential component of a project. In order to qualify as usable open space, the rooftop garden shall meet the requirements set forth in Section [18.40.230](#).

(3) Residential density shall be computed based upon the total site area, irrespective of the percent of the site devoted to commercial use.

(8) A 12-foot sidewalk width is required along El Camino Real frontage.

(10) In the CC(2) zone and on CN and CS zoned sites on El Camino Real, there shall be no minimum mixed use ground floor commercial FAR for a residential project, except to the extent that the retail preservation requirements of Section [18.40.180](#) or the retail shopping (R) combining district ([Chapter 18.30\(A\)](#)) applies.

See Draft Ordinance for details.

**18.16.090 Context-Based Design Criteria.** As further described in a separate attachment, development in a commercial district shall be responsible to its context and compatible with adjacent development, and shall promote the establishment of pedestrian oriented design.

Page 3 of 3



*Explore Real Estate  
2625 Middlefield Rd, #101  
Palo Alto, CA 94306  
650.813.1077*

March 30, 2020

Sheldon S. Ah Sing, AICP  
Principal Planner  
City of Palo Alto  
250 Hamilton Avenue  
Palo Alto, CA 94301  
Email: SAhsing@m-group.us

**Subject:** 788-796 San Antonio Road, Architectural Review, Major Project

Mr. Ah Sing:

On behalf of the owners of the property located at 788-796 San Antonio Road, we are pleased to present the third revision for review by the Architectural Review Board for a Major Project. Herein is an updated project description.

### **Project Summary**

The property was acquired in May 2018 and currently consists of 2 existing commercial/light industrial buildings with 3 commercial tenants on a 1-acre parcel. It enjoys excellent proximity in Palo Alto and immediate adjacency to a light-industrial and commercial area of Mountain View. The Google World Headquarters, currently under construction, is a 5-minute bike ride from the property. San Antonio Road also serves as a feeder to Highway 101, a major thoroughfare for accessing San Francisco to the north and San Jose to the south, and many other job centers along the Peninsula.

The project proposes to construct 102 rental units with a ground level retail use in a single building. The structure will be 4 floors above grade, with maximum heights below the allowable 50-foot limit and two levels of below grade parking. The total garage area is around 59,000 square feet while the usable (or FAR per code) area above grade is about 86,600 square feet. The proposed project follows the development standards of the Housing Incentive Plan approved by City Council for similarly zoned properties

(Commercial Service or CS) on El Camino Real, reasoning that San Antonio Road is similar in many characteristics.

The 102 units consist of (4) 2-bedroom/2 bath units, (66) 1-bedroom units and (32) studios. As required by the City, 15% of these (16 units) will be designated for Below-Market Rate qualified users. The 2-level garage provides 126 parking stalls (20 for retail use, 106 for residential), with no tandem stalls or stackers. This compares favorably to our previous 1 level garage design, which had 107 parking spaces (81 stacker stalls, 24 conventional stalls, 2 tandem).

An 1,800 square foot ground floor retail area has been designed as a possible café/restaurant, providing a destination and gathering place for both residents and neighbors. The 3,000 square foot roof garden will include a 700 square foot community room, outdoor cooking areas, and both covered and uncovered areas for dining and socializing.

Taking advantage of the active California lifestyle and the proximity of Google and other employers, the building will provide 102 indoor long-term bike parking spaces adjacent to the ground floor main lobby. Entry walkways have been generously sized to accommodate both cyclists and pedestrians. The building will also feature indoor bike repair areas, and an outdoor bike wash area for residents. The property will also accommodate 18 guest and short-term bike spaces.

The architecture has been designed to complement recent projects of similar scale along San Antonio Road, while also recalling older historic uses in the area. A glassy retail corner with an 12 foot ceilings topped by 3 residential units provides a focal point for the two street-facing elevations. From this corner high point, the building steps down in both directions, especially on the San Antonio side, where the rooftop terrace provides a common outdoor space with views towards the Bay and the East Bay hills beyond. A double height residential lobby provides a grand sense of arrival for residents, and a refreshing view of our lushly landscaped courtyard for passers-by. A rich exterior materials palette of smooth white and gray stucco, clear-heart redwood, Equitone cement fiber panels, and Corten Steel provides visual interest at all levels of the building. The Corten panels clad a playful architectural “ribbon” which winds its way across the San Antonio and Leghorn elevations, demarcating private/public zones, entry portals, and glassy/solid areas of the facade as it travels. A redwood rain screen evokes the walkways and structures of the nearby Baylands Nature Preserve and provides a warm tone at most of the residential balconies. Recalling the historic use of the site as a wholesale flower mart for chrysanthemum distribution, a floral stamp pattern enlivens both the public retail plaza and the private residential courtyard.

If useful, we can furnish or refresh supplemental information but it has not been described in this letter to avoid redundancy. Thus far the project has had two City Council Pre-Screenings, a Planning & Transportation Committee review with an Environmental Impact Report in process. We have also submitted information related to the project and the City’s Housing Incentive Program, a Retail Preservation Waiver

Request, and Notice of Preparation Comments related to the Environmental Impact Report.

We look forward to forthcoming Staff Reports, Development Review Committee and feedback from the Architectural Review Board and ultimately City Council.

Best Regards

A handwritten signature in black ink, appearing to read "EOH", with a long horizontal flourish extending to the right.

Ted O'Hanlon

Cc: Studio S-Squared  
788 SAPA Land LLC



**From:** [Harter, Pamela](#)  
**To:** [Planning Commission](#)  
**Subject:** resubmitting due not lack of my signature  
**Date:** Thursday, August 13, 2020 8:09:14 AM  
**Attachments:** [letter City of PA development 8-20.docx](#)  
**Importance:** High

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

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Thank you,

Pamela Harter  
765 San Antonio Rd. #86  
Palo Alto, CA 94303

NOTICE: This email message and/or its attachments may contain information that is confidential or restricted. It is intended only for the individuals named as recipients in the message. If you are NOT an authorized recipient, you are prohibited from using, delivering, distributing, printing, copying, or disclosing the message or content to others and must delete the message from your computer. If you have received this message in error, please notify the sender by return email.

8-12-20

Re: **proposed development on San Antonio Rd. 788-796**

To whom it may concern,

My name is Pamela Harter. I am a homeowner and taxpayer at 765 San Antonio Road, Palo Alto, CA 94303. My family has owned the property for over 40 years. I am also on the HOA board at Green House II.

I am concerned about the proposed project at 788- 796 San Antonio Rd. for many reasons. I will start by saying I am not opposed to development and smart growth. I am opposed to poorly considered development when traffic and parking are not considered. Or the full impact of a development is not considered.

- **Noise pollution** has and will continue to disrupt peace and quiet for years. Very negative impact on residents.
- **Traffic congestion-** total grid lock on San Antonio
- **Safety** cars will take a shortcut to try to beat the grid lock by coming into the complex and rushing to get to the other driveway and exit- very dangerous
- **Safety-** gridlock and access for emergency vehicles
- **Parking and density.** Adequate parking is needed. We depend on our 10 to 12 parking spaces along San Antonio Rd. have the parking for 40 years.
- **EIR** – does not seem legal to use this approval for other properties.
- **High Water table-** importance for protecting underground water- this is California after all
- **High density development** with little regard of impact of residents

**Noise pollution:** Our communities, both Greenhouse I and Greenhouse II, are adjacent to each other. Both condominium complexes are severely affected by the year and a half long, and still ongoing, hotel construction across the street. The contractor was given an allowance to start early before 8:00 am and also to pour cement in the middle of the night. Many of our residents are impacted severely by constant noise. There has been no peace and quiet.

**Traffic congestion:** Furthermore, our traffic is very congested and gridlocked on San Antonio. This is obviously due to being a main artery from east to west and that there has been massive development on the west end of San Antonio and the construction is still ongoing with another very large project that is relatively new.

**Safety and gridlock and access for emergency vehicles:** I have witnessed frustrated drivers caught in gridlock take a shortcut throughout complex to try to jump the line on 5 or 6 cars. This is very dangerous because they are in a hurry. I have been stuck in traffic coming from 101 for 20 or more minutes to drive a half mile distance. With severe gridlock an emergency vehicle will have a hard time getting into the complexes.

**Parking and density:** How much parking is the garage going to accommodate for this project. They can not push this under the rug and dismiss it. How are the retail businesses going to have adequate parking.

**The Street parking:** our condominiums have been able to use street parking -10 -12 spaces- along San Antonio Rd., for 40 years and are needed for residents and visitors. It is outrageous that you are considering taking it away because the demographics have changed since these condominiums were first built and we now have higher numbers of people living here now. Much greater density.

**EIR –** does not seem legal to use this approval for other properties

**High Water table-** protecting underground water, impacts of diverting the water with deep garages below water table. We cannot squander the underground water.

**High density development:** with little regard of impact on residents and quality of life. Traffic and parking are of great concern. The traffic is very grid locked. Parking is needed for the residents.

Pamela Harter

Concerned homeowner, longtime resident City of Palo Alto, taxpayer

VP Board member Greenhouse II

765 San Antonio Rd. #86,  
Palo Alto, CA 94303

831-818-3100

## Nguyen, Vinhloc

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**From:** Scott O'Neil <scottoneil@hotmail.com>  
**Sent:** Wednesday, August 12, 2020 9:27 PM  
**To:** Planning Commission  
**Subject:** Unconventional idea for bike safety at Leghorn & San Antonio project

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

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Hi,

I had an idea for a bike safety mitigation at the Leghorn project. The site is directly across the street from The Greenhouse, a large multi-family community with a lot of lawn space that is increasingly expensive to water.

What if The Greenhouse were incentivized to open up a public right of way around an edge of their property, terminating at Sutherland, a residential street on the other side? This would open up basically all of Palo Alto to cyclists at the Leghorn project without having to use any difficult streets.

Moreover, it would help improve safe bike access to-and-from Mountain View. As you surely understand, bike safety within our towns is often stymied by lack of safe interfaces at the borders. A Sutherland-Greenhouse-Leghorn pathway would open up a new safe avenue. I've often wished for such a right-of-way when biking in the area.

-Scott

P.S. I might be able to help an interested party get in touch with their HOA board. Feel free to let me know if that is desired.

**From:** [Palo Alto Forward](#)  
**To:** [Planning Commission](#)  
**Subject:** Item #3 Public Hearing on 788 San Antonio Road  
**Date:** Tuesday, August 11, 2020 9:18:50 PM  
**Attachments:** [Support for Housing on San Antonio.pdf](#)

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Dear Chair Templeton and Planning & Transportation Commission members,

I am writing on behalf of Palo Alto Forward in support of the staff recommendations with regard to the 788 San Antonio Road housing project and expansion of the Housing Incentive Program (HIP) to selected other areas on San Antonio Road.

As you know Palo Alto will be required to develop sites and policies in support of 2 to 3 times the city's housing goals under the current Regional Housing Needs Assessment (RHNA) allocation. The previous city decision to eliminate San Antonio Road sites was made with the hopes that sites in downtown, California Avenue and parts of El Camino would be sufficient to meet our housing goals. This has not happened and it is time to broaden the areas where new housing is allowed.

The proposed project at 788 San Antonio will make a needed addition to our housing stock as well as demonstrate the viability of the area for new housing. Approval of the project and needed zoning changes will send a signal to regional and state agencies that Palo Alto is taking our increased housing goals seriously and providing zoning and incentives to make such housing feasible.

The provisions for increased FAR and reduced retail requirements are similar to city policies already applied in other areas to make housing feasible. Palo Alto Forward supports the staff recommendation to adopt a Statement of Overriding Considerations with regard to the potential historical building issue. The applicant has made provision to recognize the historical significance of the building on site and on a website. As with the North Ventura area Palo Alto Forward believes there are appropriate ways to acknowledge our history without denying much needed housing.

We have reviewed the EIR and note as indicated in the staff report that other potential environmental impacts are not significant or can be mitigated.

Please move the project and expansion of the HIP area along San Antonio forward as the next step in showing that local control in Palo Alto is consistent with adding the much needed housing.

Gail A. Price  
President, Palo Alto Forward Board



August 12, 2020

Re: Item #3 Public Hearing on 788 San Antonio Road

Dear Chair Templeton and Planning & Transportation Commission members,

I am writing on behalf of Palo Alto Forward in support of the staff recommendations with regard to the 788 San Antonio Road housing project and expansion of the Housing Incentive Program (HIP) to selected other areas on San Antonio Road.

As you know Palo Alto will be required to develop sites and policies in support of 2 to 3 times the city's housing goals under the current Regional Housing Needs Assessment (RHNA) allocation. The previous city decision to eliminate San Antonio Road sites was made with the hopes that sites in downtown, California Avenue and parts of El Camino would be sufficient to meet our housing goals. This has not happened and it is time to broaden the areas where new housing is allowed.

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Please move the project and expansion of the HIP area along San Antonio forward as the next step in showing that local control in Palo Alto is consistent with adding the much needed housing.

Gail A. Price  
President, Palo Alto Forward Board

**From:** [Ted O'Hanlon](#)  
**To:** [Planning Commission](#)  
**Subject:** PTC 8/12, Item 3: 788 San Antonio Rd  
**Date:** Tuesday, August 11, 2020 9:32:18 AM

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Greetings Commissioners

At tomorrow evening's PTC hearing the 102 unit project at 788 San Antonio is on the agenda.

In advance, if you are available and would like to connect for a brief Q&A, please let me know. We could do this by phone or video.

In advance, thanks for your consideration and review of the project.

Best Regards,  
Ted O'Hanlon  
Project Executive  
[tedohanlon@gmail.com](mailto:tedohanlon@gmail.com)  
415.317.5070 mobile/text

**From:** [slevy@ccsce.com](mailto:slevy@ccsce.com)  
**To:** [Planning Commission](#)  
**Cc:** [Lait, Jonathan](#); [Shikada, Ed](#)  
**Subject:** 788 San Antonio project and HIP expansion  
**Date:** Monday, August 10, 2020 12:02:07 PM

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Dear Chair Templeton and PTC members,

Supporting the staff recommendation for the 788 San Antonio housing development and expansion of the Housing Incentive Program (HIP) to a broader area along San Antonio will provide three positive outcomes:

1. It will expand the available housing sites in our city, something urgently needed on several grounds,
2. It will move forward a project adding more than 100 new homes including 16 reserved for low income residents, and
3. It will send a signal to regional and state agencies that Palo Alto is serious about expanding housing opportunities and affordability

#### Background

This will be the first housing proposal to come before PTC since the 6th cycle (2022-2030) regional housing needs determination for the Bay Area was approved by the state Department of Housing and Community Development (HCD). Palo Alto's new city allocation will be between just over double the current allocation to probably three times or between 4,500 and 6,000 units.

The new Housing Element that Palo Alto needs to prepare must identify sites and policies to meet the overall unit goals and also by income group. The staff recommendation will be a step forward in meeting both of these goals.

The regional and Palo Alto RHNA goals include units for low, middle and higher income groups. A focus solely on units reserved for low income residents is not only difficult (only one has been approved recently after a long process) but also is contrary to the RHNA guidelines. And such a focus overlooks or dismisses the great need for housing that is affordable and available for moderate/middle income residents who do not qualify for subsidy but also cannot afford the \$2-3 million median prices for single family homes.

It is also true that many units reserved for low income residents come about as part of market rate developments that must meet the city goal of 15% BMR units including the proposed housing at 788 San Antonio.

I urge the commission to adopt the staff recommendation and not add conditions that affect project feasibility as housing projects must make financial sense (pencil out) to get financing and move forward,

#### The EIR

The proposals both for the project and HIP expansion got good marks in the EIR with many insignificant findings and some that can be easily mitigated. Please approve the staff recommendation for a Statement of Overriding Consideration for the potential historical building. There are ways proposed by the developer to preserve the memory of this building as with the cannery site in North Ventura that do not prevent the much needed housing from being built.

#### Local Control



I support local control if it means, as it should, that Palo Alto gets to decide how best to meet our housing goals. I do not support local control when it means Palo Alto gets to decide not to meet our housing goals. We do not have local control that says in Palo Alto you do not need a driver's license or sales of alcohol and tobacco to 10 year olds is legal. We do not get to pick which state laws and goals we wish to meet.

Support the staff recommendation and send a signal that Palo Alto intends to find ways to broaden housing access and affordability.

Stephen Levy

## Attachment I

### **Project Plans and Environmental Impact Report**

Due to shelter-in-place, these documents are only available online.

#### **Directions to review Project plans online:**

1. Go to: [bit.ly/PAPendingprojects](https://bit.ly/PAPendingprojects)
2. Scroll to find "788 San Antonio Road" and click the address link
3. On this project specific webpage you will find a link to the Project Plans, Draft EIR and Final EIR and other important information

#### **Direct Link to Project Webpage:**

<https://www.cityofpaloalto.org/news/displaynews.asp?NewsID=4575&TargetID=319>