



PLANNING & TRANSPORTATION DIVISION

STAFF REPORT

TO: PLANNING & TRANSPORTATION COMMISSION

FROM: Elena Lee
Senior Planner **DEPARTMENT:** Planning &
Community Environment

DATE: January 30, 2008

SUBJECT: 2995 Middlefield Road: Request by Old Trace Middlefield to rezone one parcel from Planned Community (PC-3779) to Commercial Neighborhood (CN). Environmental Review: An Initial Study has been completed and a Draft Mitigated Negative Declaration has been prepared.

RECOMMENDATION

Staff recommends that the Planning and Transportation Commission (PTC) recommend that the City Council adopt a Mitigated Negative Declaration and approve the ordinance (Attachment A) rezoning the site at 2995 Middlefield Rd. from Planned Community (PC-3779) to the Commercial Neighborhood (CN) District.

SUMMARY OF LAND USE ACTION

The purview of the PTC is to review the Initial Study and draft Mitigated Negative Declaration and to ensure that the proposed rezoning is consistent with the Comprehensive Plan and policies of the City of Palo Alto. The PTC is to make a recommendation to the City Council whether to approve or deny the proposed zone change.

BACKGROUND

Project Description

Attached to this staff report is a letter (Attachment F) from Mr. Eric Corrigan, owner of Old Trace Middlefield, requesting that the City consider rezoning the property at 2995 Middlefield Road, as shown on the location map (Attachment B), from Planned Community (PC-3779) to Commercial Neighborhood. The applicant is requesting the change from a designation that specifically allowed a gas station to a more general commercial designation to accommodate a broader range of uses. The applicant intends to submit an application for review of the removal of the gas station and development of a commercial building on the site. A subsequent CEQA

review document would be prepared and circulated for any new development resulting from this rezoning.

The subject property was rezoned to Planned Community (PC-3779) on November 9, 1987 from RM-2 (Low Density Multiple Family Residential) to allow the continued operation of an existing gas station and associated improvements.

Site Description

The project site is comprised of 0.45 acre of land, located on the north side of Middlefield Road, approximately 65 feet southeast of Matadero Creek. The site is developed with a gas station that has been inoperative since 2004. The property was purchased by the current owner, Old Trace Middlefield, from BP West Coast Products, LLC, in December 2007. The conditions of the property sale include that the new owner cannot re-establish a gas station on the site. The property is bounded by the Winter Lodge, a private recreational use on city owned land, on the north, east and west.

DISCUSSION

The proposed ordinance (Attachment A) is a rezoning of the subject parcel from Planned Community (PC-3997) to Commercial Neighborhood (CN). The CN district regulations are provided in Attachment D. The property at 2995 Middlefield Road is zoned PC-3997 for use as a gas station. The PC 3997 ordinance is provided as Attachment C. This zone change would allow the currently vacant site to be redeveloped with a variety of commercial uses, providing an opportunity to improve the area.

The proposed zone change application does yet not include any specific development project. The applicant intends to remove and replace the existing automobile service/gas station with a commercial building upon successful rezoning of the site, approval of a subsequent CEQA document and separate Architectural Review application. Any new mixed-use (residential and non-residential) development of four residential units or less would also be reviewed by the ARB followed by the Planning Director's decision. The maximum allowable residential density within a mixed use project on the site would be seven units. Any mixed use development of more than four residential units would be subject to the City's Site and Design Review process, with PTC and ARB review and Council decision required for approval.

The CN district is intended to create and maintain neighborhood centered shopping areas, consisting of retail sales, personal service, eating and drinking and office uses of moderate size. These uses should serve the immediate neighborhood and meet regulations that will assure maximum compatibility with the surrounding residential areas. The CN District would allow a variety of commercial/retail uses and mixed residential/non-residential uses to be configured either vertically or horizontally on the property, subject to CEQA review and approval of planning and building permits. The property is located in the Midtown West neighborhood, but outside of the Midtown Shopping Center (as defined in the Zoning Ordinance and Comprehensive Plan).

The Palo Alto Municipal Code (PAMC) Chapter 18.16 establishes the development standards and allowed uses in the CN district. Commercial uses are restricted in size per Section 18.16.060(f). However, the site is subject to setback lines established by PAMC 20.08, such that

parcels on Middlefield Road in this location have a minimum front setback of 25 feet. Future development would also be evaluated under context-based design criteria of PAMC 18.16 and performance criteria of PAMC 18.23, including those for parking and late night uses and activities. Since the sale of the parcel was conditioned by the prior owner so that the front area, where remediation for underground tanks is in process, is not to be disturbed, future development may not fully meet the context based design criteria set forth in PAMC 18.16. However, because the context-based design section consists of criteria/guidelines, decisions on future development will have to be evaluated for the project's conformance to the development standards, as well as consistency and compatibility with neighborhood context. The development proposal would be evaluated to determine if it meets the intent of the context based design section because those criteria are not the same as development standards. A non-residential development could have a floor area ratio of up to 0.4:1, for a maximum of approximately 8,358 square feet on the site. A mixed use project could have a floor area ratio up to 0.9:1, with the 0.5:1 additional area for residential units. A project's compliance with the CN regulations will be analyzed at the time a development application is submitted. The purview of the Commission is therefore to determine only whether the rezoning complies with the Comprehensive Plan and City Policy.

The Comprehensive Plan land use designation for the property is Neighborhood Commercial, which would be consistent with the proposed CN zone district. The site is surrounded by Middlefield Road, Matadero Creek and properties that are zoned Public Facility (PF). Those properties are part of the Winter Lodge, a recreation center with an ice skating rink, tennis courts and a swimming pool.

Zone Change Process

The process for a property owner-initiated zone change is outlined in the Palo Alto Municipal Code under Section 18.80. The steps are summarized as follows:

- The application for a change in zoning designation may be made with the consent of the property owner of record.
- The PTC sets a date for a regular or special meeting of the PTC, including a public hearing and notice to the property owner and surrounding property owners. The Commission may recommend to the City Council approval of the rezoning, modification of the area to be rezoned, application of more or less restrictive zoning, or denial of the rezoning.
- The decision of the Commission is forwarded to the City Council, including the Commission's findings and determinations for the requested zone change. Upon notice and a public hearing, the City Council takes final action regarding the zoning.

POLICY IMPLICATIONS

The proposed change in zoning designation must be consistent with the plans and policies of the City of Palo Alto. Therefore, the proposed zone change is consistent with the Neighborhood Commercial land use designation and a change in this designation is not required.

The Comprehensive Plan defines the Neighborhood Commercial designation as follows:

Typical uses in this designation would include shopping centers with off-street parking or a cluster of streetfront stores that serve the immediate neighborhood. Examples include Alma

Plaza, Charleston Center, Edgewood Center and Midtown. Typical uses include supermarkets, bakeries, drugstores, variety stores, barber shops, restaurants, dry cleaners, and hardware stores. In some locations, residential and mixed use projects may be allowed. Non-residential floor area ratios will range up to 0.4.

Consistency with Comprehensive Plan Policies

Staff believes that the proposed zone change complies with the Comprehensive Plan goals, policies and programs. The associated policies have been identified as relevant to this site and include:

Goal L-1: Implement local land use and growth management to provide for a “well-designed, compact city, providing residents and visitors with attractive neighborhoods, work places, shopping districts, public facilities and open spaces.”

Policy L-4: “Maintain Palo Alto’s varied residential neighborhoods while sustaining the vitality of its commercial areas and public facilities.”

Policy L-40: “Revitalize Midtown as an attractive, compact Neighborhood Center with diverse local-serving uses, a mix of one- and two-story buildings, adequate parking, and a network of pedestrian-oriented streets, ways and gathering places. Encourage retention of Midtown’s grocery stores and encourage a variety of neighborhood retail shops and services.”

Goal B-2: Provide for a “diverse mix of commercial, retail and professional service businesses. Economic strength stems from a diversity of small and large businesses. Palo Alto should strive to maintain and enhance diversity and provide the ability of these businesses to provide these goods and services within the community.”

Goal B-3: Encourage “new businesses that provide needed local services and municipal revenues, contribute to economic vitality, and enhance the City’s Physical Environment.”

Policy B-9: “Encourage new businesses that meet the city’s business and economic goals to locate in Palo Alto.”

ENVIRONMENTAL REVIEW

The draft Initial Study and Mitigated Negative Declaration, which reviewed the environmental issues related to the rezoning, as required by the California Environmental Quality Act (CEQA), is in circulation for a 20-day public review period that began January 18 and ends February 7, 2008. A copy of the environmental document is provided as Attachment E.

ATTACHMENTS

- A. Draft Ordinance
- B. Location Map
- C. Planned Community (PC-3779) Zoning
- D. Neighborhood Commercial District (CN) Regulations
- E. Draft Initial Study and Draft Mitigated Negative Declaration
- F. Rezoning Request Letter (by Applicant)

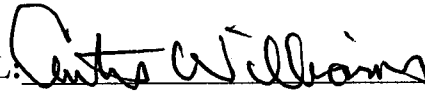
COURTESY COPIES

Old Trace Middlefield, Project Applicant and Owner
Sheri Furman, Midtown Residents Association

PREPARED BY: Elena Lee, Senior Planner

REVIEWED BY: Amy French, Manager of Current Planning

DEPARTMENT/DIVISION HEAD APPROVAL:



Curtis Williams, Assistant Director

ORDINANCE _____

ORDINANCE OF THE COUNCIL OF THE CITY OF PALO ALTO
AMENDING THE ZONING MAP OF THE CITY OF PALO ALTO TO
CHANGE THE ZONE DESIGNATION FOR APPROXIMATELY 0.45
ACRES, LOCATED AT 2995 MIDDLEFIELD ROAD, FROM
PLANNED COMMUNITY (PC 3779) TO NEIGHBORHOOD
COMMERCIAL (CN)

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

SECTION 1. The City Council finds as follows:

A. The Planning and Transportation Commission ("Commission"), after a duly noticed public hearing on January 30, 2008, has recommended that the City Council of the City of Palo Alto ("Council") rezone the 0.45 acres of land at 2995 Middlefield Road from "Planned Community (PC 3779)" to "Neighborhood Commercial (CN)";

B. The Council has received the facts presented at the Commission's public hearing, including public testimony and reports and recommendations from the director of planning and community environment or other appropriate city staff;

C. The Council finds that a change in the Zoning Map from "Planned Community (PC 3779)" to "Neighborhood Commercial (CN)" is consistent with the subject site's Comprehensive Plan designation of Neighborhood Commercial and designation of the CN zoning will enable the property owner to have a greater range of commercial uses onsite and thereby retain the business within City limits, subject to completion of architectural review and compliance with the CN regulations, which require all uses to be conducted in such a manner as to preclude any nuisance, hazard, or commonly recognized offensive conditions;

D. The Council finds that rezoning the parcel to Neighborhood Commercial District (CN) is in accord with the Neighborhood Commercial land use designation of the site, as defined in the Palo Alto Comprehensive Plan (PACP).

E. The Council held a duly noticed public hearing on the matter on March 24, 2008, and has reviewed the Mitigated Negative Declaration prepared for the project and all other relevant information, including staff reports, and all testimony, written and oral, presented on the matter.

SECTION 2. The Council hereby amends the Zoning Map of the City of Palo Alto to place 2995 Middlefield Road, 0.45 acres of land, within the "Neighborhood Commercial District (CN)."

SECTION 3. The Council hereby finds that this rezoning will have no significant effect on the environment and approves the Mitigated Negative Declaration.

NOT YET APPROVED

SECTION 4. This ordinance shall be effective upon the thirty-first (31st) day after its passage and adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ATTEST:

APPROVED:

City Clerk

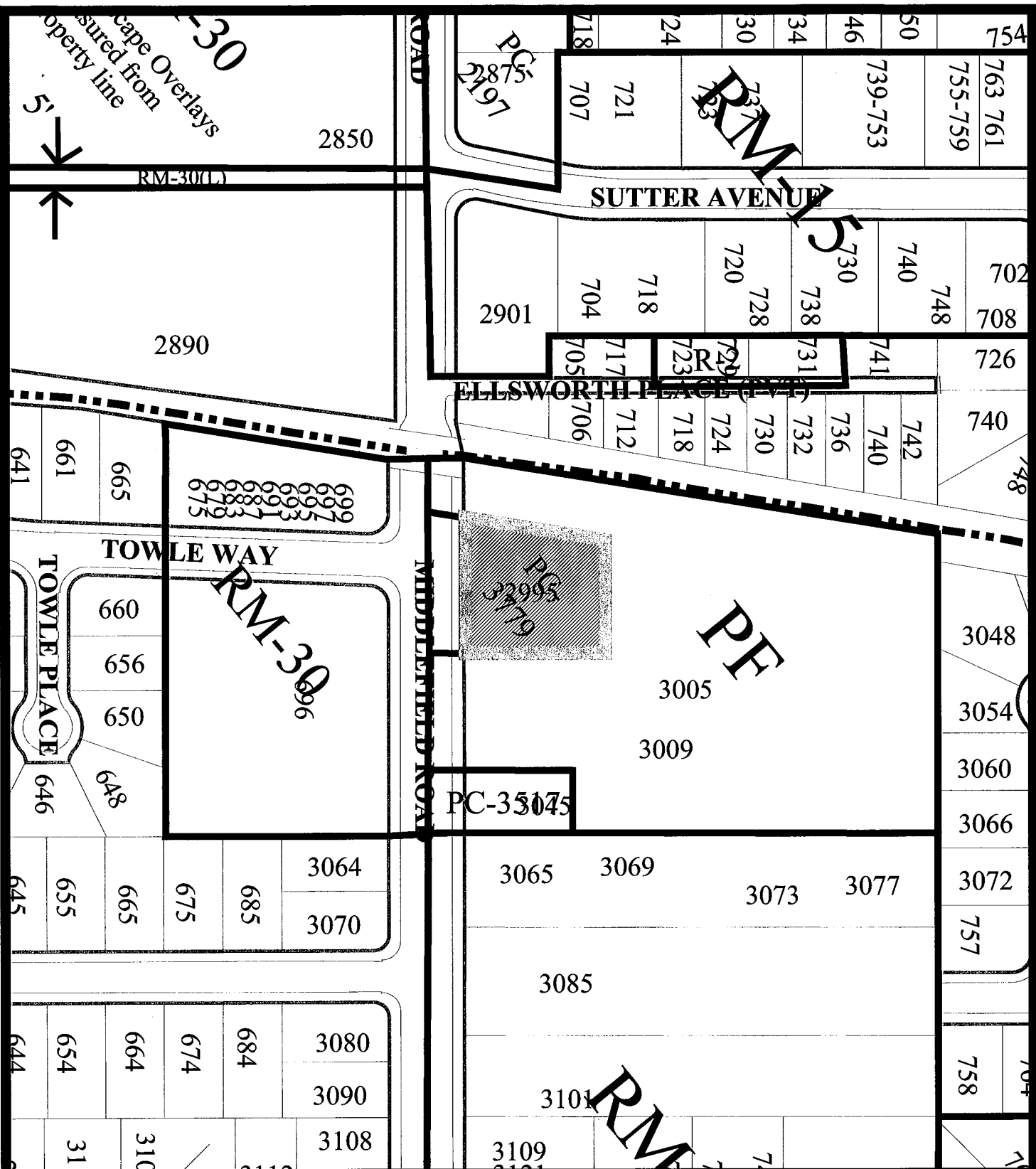
Mayor

APPROVED AS TO FORM:

City Manager

Deputy City Attorney

Director of Planning and
Community Environment

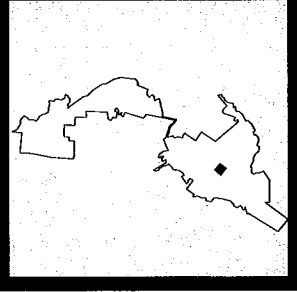


This map is a product of the City of Palo Alto GIS

0' 150'

2995 Middlefield Road
Zone Change
Map

ATTACHMENT B



The City of Palo Alto

Attachment
ORIGINAL

ORDINANCE NO. 3779
ORDINANCE OF THE COUNCIL OF THE CITY OF PALO ALTO
AMENDING SECTION 18.08.040 OF THE PALO ALTO MUNICIPAL
CODE (THE ZONING MAP) TO REZONE THE PROPERTY KNOWN AS
2995 MIDDLEFIELD ROAD FROM RM-2 TO PC

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

SECTION 1. Section 18 08.040 of the Palo Alto Municipal Code, the "Zoning Map", is hereby amended by rezoning the property known as 2995 Middlefield Road from RM-2 (Low Density Multiple Family Residential) to PC (Planned Community). Said property is shown on a map attached hereto as "Exhibit A" and incorporated herein by this reference.

SECTION 2. The City Council hereby finds, with respect to the subject property, that:

- (a) The proposed rezoning, which will permit continued operation of the existing gasoline service station, will not have a significant adverse impact on the physical environment;
- (b) The application of general or combining districts to the subject site will not provide sufficient restrictions on allowable uses to ensure continued compatibility and neighborhood service of the proposed development;
- (c) The development plan provides public benefits not otherwise obtainable by application of general districts in that the existing commercial site will be enhanced by addition of significant amounts of landscaping, clarified site access, and preservation of a neighborhood serving commercial use; and
- (d) The use allowed under the proposed PC zone is consistent with the Comprehensive Plan and compatible with adjoining sites in that neighborhood serving commercial uses will eliminate or reduce vehicular trips to community or regional commercial centers consistent with Policy 8 of the Comprehensive Plan Transportation Element.

SECTION 3. Development Plan. The plans entitled "ARCO PETROLEUM, 2995 MIDDLEFIELD ROAD", attached hereto as "Exhibit B", and incorporated herein by this reference, constitute the Development Plan. Said Development Plan is approved pursuant to Section 18.68.120 of the Palo Alto Municipal Code.

SECTION 4. Regulations.

(a) Uses. Allowable uses shall be limited to an automotive service station dispensing petroleum products and providing incidental automotive repair services, but excluding major auto repair such as body work, auto painting, etc. The sale of food or grocery items or alcoholic beverages is prohibited, except for pre-packaged soft drinks, cigarettes and snackfoods either from automatic vending machines or in shelves occupying a floor area not to exceed forty (40) square feet;

(b) Operations.

(i) Hours of operation shall be limited from 6:00 a.m. to 11:00 p.m. for dispensing of petroleum products. Automotive repair service hours of operation shall be limited to the hours from 8:00 a.m. to 6:00 p.m., Monday through Friday and from 9:00 a.m. to 6:00 p.m. on Saturday and Sunday, and shall be available at least five days per week.

(ii) Site lighting after hours of station operation shall be limited to security level lighting only. The monument sign shall not be illuminated after hours of operation.

(iii) All site activities shall comply with the provisions of Title 17 (Hazardous Materials Storage) and Chapter 9.20 (Noise) of the Palo Alto Municipal Code;

(iv) Public access to restrooms, water and air shall be allowed during normal business hours, with normal business controls.

(c) Improvements.

(i) Landscaping and sign modifications consistent with the approved development plans shall be installed within ninety (90) days of approval of this ordinance by the City Council. Landscaping shall be maintained in good condition by the site operator, and shall be replaced as necessary in conformance with the species indicated on the approved landscape plan;

(ii) Landscaping shall be maintained in good condition by the site operator, and shall be replaced as necessary in conformance with the species indicated on the approved landscape plan;

(iii) A five foot wide landscape buffer shall be installed by the applicant on the City property immediately adjoining the rear property line of the subject site. This area shall be planted and

improved as shown on the approved Development Plan, and shall be automatically irrigated from the subject property and maintained by the site operator until active use of the adjoining City property commences.

(iv) All landscape areas shall be protected by concrete curbs.

(v) Wheel stops shall be provided for all parking spaces located at the rear of the site.

(vi) Parking for patrons and employees of the automotive service facility shall be accommodated on-site, and shall not occur on adjoining properties.

(vii) The fascia panel over the pump island canopy shall not be removed.

(viii) Window signs shall not be permitted. Additional signs beyond those indicated on the approved project plans shall require approval as a minor Planned Community zone change.

(ix) The developer shall install standard sidewalk and gutter from the southern access driveway to the beginning of the access for the property at 3009 Middlefield Road (currently the Winter Club).

(x) The property owner shall quitclaim to the City their interest in the 7.5 foot portion of the adjacent City-owned property used for driveway purposes and deed to the City 7.5 feet on the southern boundary of the site in return for a quitclaim deed from the City of the twenty foot easement existing on the subject property. Exchange of quitclaim deeds and transfer of fee title shall be completed within ninety (90) days of the approval of the zone change by the City Council.

(xi) The property owner shall obtain approval from the Regional Water Quality Control Board and the Palo Alto Fire Marshal for a plan for investigation and clean up of contamination of soils and water from the former underground storage tanks. Upon approval of the plan, the property owner shall comply with the mandated clean up measures in an expeditious manner satisfactory to the Palo Alto Fire Marshal.

(xii) A fence shall be installed by the applicant on the perimeter of the north, east and west property lines of the subject site, as shown on the approved Development Plan. The fence shall be five feet in height, except that within seventy feet of the Middlefield Road property line, the fence shall be a maximum height of three feet.

SECTION 5. Development Schedule. Construction, including the installation of new tanks and delivery systems, shall begin within six (6) months of Council approval and be completed within six (6) months of the issuance of a building permit.

SECTION 6. The Council finds that this project will have no significant adverse environmental impact.

SECTION 7. This ordinance shall become effective upon the commencement of the thirty-first (31st) day after the day of its passage.

INTRODUCED: October 26, 1987

PASSED: November 9, 1987

AYES: Bechtel, Cobb, Klein, Levy, Patitucci, Renzel, Woolley

NOES: Fletcher, Sutorius

ABSTENTIONS: None

ASENT: None

ATTEST:

Gloria L. Young
City Clerk

APPROVED:

Neil Woolley
Mayor

APPROVED AS TO FORM:

Margaret A. Sloan
Sr. Assistant City Attorney

APPROVED:

W. Lee Z...
City Manager

Kenneth R. Schuler
Director of Planning and
Community Environment

David J. ...
Director of Public Works

Robert ...
Fire Chief

Chapter 18.16
NEIGHBORHOOD, COMMUNITY, AND
SERVICE COMMERCIAL (CN, CC and CS) DISTRICTS

Sections:

18.16.010	Purposes
18.16.020	Applicable Regulations
18.16.030	Definitions
18.16.040	Land Uses
18.16.050	Office Use Restrictions
18.16.060	Development Standards
18.16.070	Parking and Loading
18.16.080	Performance Standards
18.16.090	Context-Based Design Criteria
18.16.100	Grandfathered Uses

18.16.010 Purposes

The commercial zoning districts are intended to create and maintain sites for retail, personal services, eating and drinking establishments, hotels and other business uses in a manner that balances the needs of those uses with the need to minimize impacts to surrounding neighborhoods.

(a) Neighborhood Commercial [CN]

The CN neighborhood commercial district is intended to create and maintain neighborhood shopping areas primarily accommodating retail sales, personal service, eating and drinking, and office uses of moderate size serving the immediate neighborhood, under regulations that will assure maximum compatibility with surrounding residential areas.

(b) Community Commercial [CC]

The CC community commercial district is intended to create and maintain major commercial centers accommodating a broad range of office, retail sales, and other commercial activities of community-wide or regional significance. The CC community commercial district is intended to be applied to regional/community commercial centers identified by the Palo Alto Comprehensive Plan.

(c) Community Commercial (2) Subdistrict [CC(2)]

The community commercial (2) (CC(2)) subdistrict is intended to modify the site development regulations of the CC community commercial district, where applied in combination with such district, to allow site specific variations to the community commercial uses and development requirements in the CC district.

(d) Service Commercial [CS]

The CS service commercial district is intended to create and maintain areas accommodating citywide and regional services that may be inappropriate in neighborhood or pedestrian-

oriented shopping areas, and which generally require automotive access for customer convenience, servicing of vehicles or equipment, loading or unloading, or parking of commercial service vehicles.

(Ord. 4923 § 3 (part), 2006: Ord. 4925 § 3 (part), 2006)

18.16.020 Applicable Regulations

(a) Applicable Chapters

The specific regulations of this chapter and the additional regulations and procedures established by other relevant chapters of the Zoning Code shall apply to the CN, CS, and CC districts, and the subdistrict designated as CC(2), as shown on the city's Zoning Map. The term abutting residential zones, where used in this chapter, includes the R1, R2, RMD, RM-15, RM-30, RM-40, or residential Planned Community (PC) districts, unless otherwise specifically noted.

(b) Applicable Combining Districts

The combining districts applicable to the CN, CS, CC and CC(2) districts shall include, but shall not be limited to, the following districts:

- (1) The retail shopping (R) combining district regulations, as specified in Chapter 18.30(A), shall apply to the area of the CN, CS, and CC districts designated as R combining district as shown on the city's Zoning Map.
- (2) The pedestrian shopping (P) combining district regulations, as specified in Chapter 18.30(B), shall apply to the area of the CN, CS, CC and CC(2) districts designated P combining district as shown on the City's Zoning Map.

(Ord. 4923 § 3 (part), 2006: Ord. 4925 § 3 (part), 2006)

18.16.030 Definitions

For the purposes of this section, the following terms are defined:

- (a) **Charleston Shopping Center** is defined as all properties zoned CN and bounded by East Charleston Road, Middlefield Road, and Cubberley Community Center.
- (b) **Midtown Shopping District** is defined as all properties zoned CN in the vicinity of the intersection of Colorado Avenue and Middlefield Road which border Moreno Avenue, Bryson Avenue, Colorado Avenue, and San Carlos Court, or which border Middlefield Road in the area extending from Moreno Avenue to San Carlos Court.
- (c) **Town and Country Village Shopping Center** is defined as all properties zoned CC and bounded by El Camino Real, Embarcadero Road, Encina Avenue, and the Southern Pacific right-of-way.
- (d) **Stanford Shopping Center** is defined as all properties zoned CC and bounded by El Camino Real, Sand Hill Road, Quarry Road, and Vineyard Lane.
- (e) **Neighborhood-serving offices** are medical offices, professional offices, travel agencies, and insurance agencies that fit the definition of a neighborhood-serving use.

- (f) A neighborhood serving use is a use that primarily serves individual consumers and households, not businesses, is generally pedestrian oriented in design, and does not generate noise, fumes or truck traffic greater than that typically expected for uses with a local customer base. A neighborhood-serving use is also one to which a significant number of customers and clients travel, rather than the provider of the goods or services traveling off-site.
- (g) Ground floor shall mean the first floor that is above grade.
- (h) Mixed use development shall mean a combination of nonresidential and residential uses arranged on a site. The uses may be combined in a vertical configuration (within a building) or in a horizontal configuration (separate buildings).

(Ord. 4923 § 3 (part), 2006: Ord. 4925 § 3 (part), 2006)

18.16.040 Land Uses

The uses of land allowed by this chapter in each commercial zoning district are identified in the following tables. Land uses that are not listed on the tables are not allowed, except where otherwise noted. Where the last column on the following tables (Subject to Regulations in) includes a section number, specific regulations in the referenced section also apply to the use; however, provisions in other sections may apply as well.

(a) Commercial Zones and Land Uses

Permitted and conditionally permitted land uses for each commercial zone are shown in Table 1:

**TABLE 1
CN, CC, CC(2) AND CS PERMITTED AND CONDITIONAL USES
[P = Permitted Use • CUP = Conditional Use Permit Required]**

LAND USE	CN ⁽¹⁾	CC, CC(2)	CS ⁽²⁾	Subject to Regulations in:
ACCESSORY AND SUPPORT USES				
Accessory facilities and activities customarily associated with or essential to permitted uses, and operated incidental to the principal use.	P	P	P	18.42
Drive-in services or take-out services associated with permitted uses ⁽³⁾	CUP	CUP	CUP	18.42
Tire, battery, and automotive service facilities, when operated incidental to a permitted retail service or shopping center having a gross floor area of more than 30,000 square feet.		CUP		18.42
EDUCATIONAL, RELIGIOUS, AND ASSEMBLY USES				
Business and Trade Schools		P	P	
Churches and Religious Institutions	P	P	P	
Private Educational Facilities	CUP	P	P	
Private Clubs, Lodges, or Fraternal Organizations	CUP	P	P	

[Continued on Next Page]

LAND USE	ON ⁽¹⁾	CC, CC(2)	GS ⁽¹⁾	Subject to Regulations (1)
MANUFACTURING AND PROCESSING USES				
Recycling Centers	CUP	CUP	CUP	
Warehousing and Distribution			CUP	
OFFICE USES				
Administrative Office Services			P	18.16.050
Medical Offices	CUP	CUP	CUP	18.16.050
Professional and General Business Offices	P	P	P	18.16.050
PUBLIC/QUASI-PUBLIC USES				
Utility Facilities essential to provision of utility services but excluding construction or storage yards, maintenance facilities, or corporation yards.	CUP	CUP	CUP	
RECREATION USES				
Commercial Recreation	CUP	CUP	CUP	
Outdoor Recreation Services	CUP	CUP	CUP	
RESIDENTIAL USES				
Multiple-Family	P ⁽¹⁾	P ⁽¹⁾	P ⁽¹⁾	18.16.060(b)
Home Occupations	P	P	P	
Residential Care Homes	P	P	P	
RETAIL USES				
Eating and Drinking Services, excluding drive-in and take-out services	P	P	P	
Retail Services, excluding liquor stores	P	P	P	
Liquor stores	CUP	P	P	
Shopping Centers		P		18.16.060(e)
SERVICE USES				
Ambulance Services	CUP	CUP	CUP	
Animal Care, excluding boarding and kennels	P	P	P	
Boarding and Kennels			CUP	
Automobile Service Stations	CUP	CUP	CUP	18.30(G)
Automotive Services			CUP	
Convalescent Facilities	CUP	P	P	
Day Care Centers	P	P	P	
Small Family Day Care Homes	P	P	P	
Large Family Day Care Homes	P	P	P	
Small Adult Day Care Homes	P	P	P	
Large Adult Day Care Homes	CUP	P	P	
Banks and Financial Services	CUP	P ⁽²⁾	P ⁽²⁾	

[Continued on Next Page]

LAND USE	CN ⁽¹⁾	CC, CC(2)	CS ⁽²⁾	Subject to Regulations 10:
General Business Services		CUP	P	
Hotels		P	P	18.16.060(d)
Mortuaries	CUP	P	P	
Neighborhood Business Services	P			18.16.060(f)
Personal Services	P	P	P	18.16.060(f)
Reverse Vending Machines	P	P	P	
TEMPORARY USES				
Farmer s Markets	CUP	CUP	CUP	
Temporary Parking Facilities, provided that such facilities shall remain no more than five years.	CUP	CUP	CUP	
TRANSPORTATION USES				
Parking as a principal use		CUP	CUP	
Transportation Terminals		CUP	CUP	
P = Permitted Use		CUP = Conditional Use Permit Required		

- (1) Residential is only permitted as part of a mixed use development, pursuant to the provisions of Section 18.16.060(b), or on sites designated as Housing Opportunity Sites in the Housing Element of the Comprehensive Plan, pursuant to the provisions of Section 18.16.060(c).
- (2) Except drive-in services.
- (3) So long as drive up facilities, excluding car washes, provide full access to pedestrians and bicyclists. A maximum of two such services shall be permitted within 1,000 feet, and each use shall not be less than 150 feet from one another.
- (4) For properties in the CN and CS zone districts, businesses that operate or have associated activities at any time between the hours of 10:00 p.m. and 6:00 a.m. require a conditional use permit.

(b) Late Night Use and Activities

The following regulations restrict businesses that operate or have associated activities at any time between the hours of 10:00 p.m. and 6:00 a.m., where such site abuts or is located within 50 feet of residentially zoned properties.

- (1) Such businesses shall be operated in a manner to protect residential properties from excessive noise, odors, lighting or other nuisances from any sources during those hours.
- (2) For properties located in the CN or CS zone districts, businesses that operate or have associated activities at any time between the hours of 10:00 p.m. and 6:00 a.m. shall be required to obtain a conditional use permit. The director may apply conditions of approval as are deemed necessary to assure that the operations or activities are compatible with the nearby residentially zoned property.

(c) CN District: Special Use Requirements in the Charleston and Midtown Shopping Centers

The following regulations shall apply to areas of Charleston Center and the Midtown Shopping Center as defined in Section 18.16.030.

Table 2 shows the uses permitted and conditionally permitted on the ground floor of the applicable areas of the Charleston Center and Midtown Shopping Centers. Permitted and conditional uses specified in subsection (a) of this section shall only apply to the ground floor of the areas of the Charleston and Midtown Shopping Centers as listed in Table 2. Uses lawfully existing on January 16, 2001 may be continued as non-conforming uses but may only be replaced with uses permitted or conditionally permitted under this subsection.

**TABLE 2
CHARLESTON AND MIDTOWN SHOPPING CENTERS GROUND FLOOR USES**

P = Permitted Use • CUP = Conditional Use Permit Required • X = Prohibited Use

LAND USES	CHARLESTON CENTER	MIDTOWN SHOPPING CENTER	REVISIONS
ACCESSORY AND SUPPORT USES			
Accessory facilities and uses customarily incidental to permitted uses.	P	P	
EDUCATIONAL, RELIGIOUS, AND ASSEMBLY USES			
Churches and Religious Institutions	CUP	CUP	
Private Educational Facilities	CUP	CUP	
MANUFACTURING AND PROCESSING USES			
Recycling Centers	CUP	CUP	
OFFICE USES			
Neighborhood-serving offices that do not exceed 2,500 square feet in floor area.	P		18.16.050
Neighborhood-serving offices exceeding 2,500 square feet in floor area.	CUP		18.16.050
Administrative office uses and general business office uses (other than neighborhood-serving travel agencies and insurance agencies) other than those legally in existence on January 16, 2001	X	X	18.16.050
Medical offices not exceeding 2,500 square feet in area, professional offices, travel agencies, and insurance agencies		CUP	18.16.050
PUBLIC/QUASI-PUBLIC USES			
Utility Facilities essential to provision of utility services but excluding construction or storage yards, maintenance facilities, or corporation yards.	CUP	CUP	

[Continued on Next Page]

LAND USES	Charleston Shopping Center	Midtown Shopping Center	Subject to Regulation 18.30(G)
RECREATION USES			
Commercial Recreation	CUP	CUP	
Outdoor Recreation Services	CUP	CUP	
Private Clubs, Lodges, or Fraternal Organizations	CUP	CUP	
RESIDENTIAL USES			
Residential uses of any nature	X	X	
RETAIL USES			
Eating and Drinking Services, excluding drive-in and take-out services	P	P	
Retail Services, excluding liquor stores	P	P	
Liquor stores	CUP	CUP	
SERVICE USES			
Ambulance Services	CUP	CUP	
Animal Care, excluding boarding and kennels	P	P	
Automobile Service Stations	CUP	CUP	18.30(G)
Convalescent Facilities	CUP	CUP	
Day Care Centers	P	P	
Financial Services	CUP	CUP	
Mortuaries	CUP	CUP	
Neighborhood Business Services	P	P	
Personal Services	P	P	
Reverse Vending Machines	P	P	
TEMPORARY USES			
	CUP	CUP	
Temporary Parking Facilities, provided that such facilities shall remain no more than five years.	CUP	CUP	
P = Permitted Use CUP = Conditional Use Permit Required X = Prohibited Use			

(d) Charleston Shopping Center: Additional Use Restrictions

- (1) Any office use first occupying space at the Center on or after January 16, 2001, shall obtain a written determination from the director of planning and community environment that it qualifies as a neighborhood serving use, as defined in this chapter, before occupying its premises. The applicant shall submit such information as the director shall reasonably require in order to make the determination, and the director shall issue the determination within 30 days of receiving a complete application. Failure to submit the required information shall be grounds for determining that a business is not neighborhood-serving.

- (2) No more than 7,850 square feet of total floor area at the Center shall be occupied by office uses at any time.
- (3) Prior to approving a conditional use permit for neighborhood-serving offices larger than 2,500 square feet in total floor area, the city shall find that the proposed use will be neighborhood-serving, that it will be conducted in a manner that will enhance and strengthen the Center as a neighborhood resource, and that it will not diminish the retail strength of the center.

(e) Midtown Shopping Center: Additional Use Restrictions

- (1) An existing ground floor office may be replaced with another office if
 - (a) the new tenant or owner will continue the existing business or practice; or
 - (b) a conditional use permit is issued for the new office use.
- (2) No conditional use permit shall be issued for any new office use on the ground floor unless, in addition to the findings required for a conditional use permit as specified in Section 18.76.010, the City finds that the proposed use will be neighborhood serving, that it will be conducted in a manner that will enhance and strengthen the Midtown Shopping District as a neighborhood resource, and that it will not diminish the retail strength of the District.
- (3) For properties at 711, 719, and 721 Colorado Avenue, and 689 Bryson Avenue, buildings not fronting on Middlefield Avenue, designed and used for office purposes, and not well suited to other uses are exempt from the provisions of this subsection (b).

(Ord. 4923 § 3 (part), 2006: Ord. 4925 § 3 (part), 2006)

18.16.050 Office Use Restrictions

The following restrictions shall apply to office uses:

(a) Conversion of Ground Floor Housing and Non-Office Commercial to Office

Medical, Professional, and Business offices shall not be located on the ground floor, unless such offices either:

- (1) Have been continuously in existence in that space since March 19, 2001, and as of such date, were neither non-conforming nor in the process of being amortized pursuant to Chapter 18.30(I);
- (2) Occupy a space that was not occupied by housing, retail services, personal services, eating and drinking services, or automotive service on March 19, 2001 or thereafter;
- (3) In the case of CS zoned properties with site frontage on El Camino Real, were not occupied by housing on March 19, 2001;
- (4) Occupy a space that was vacant on March 19, 2001;
- (5) Are located in new or remodeled ground floor area built on or after March 19, 2001 if the ground floor area devoted to housing, retail services, eating and drinking services, personal services, and automobile services does not decrease;

- (6) Are on a site located in an area subject to a specific plan or coordinated area plan, which specifically allows for such ground floor medical, professional, and general business offices; or
- (7) Are located anywhere in Building E or in the rear 50% of Building C or D of the property at the southeast corner of the intersection of Park Boulevard and California Avenue, as shown on sheet A2 of the plans titled 101 California Avenue Townhouse/Commercial/Office, Palo Alto, CA by Crosby, Thornton, Marshall Associates, Architects, dated June 14, 1982, revised November 23, 1982, and on file with the Department of Planning and Community Environment.

(b) Size Restrictions on Office Uses in the CN and CS Districts

- (1) In the CN district, office uses shall be governed by the following regulations:
 - (A) Total floor area of permitted office uses on a lot shall not exceed 25% of the lot area, provided:
 - (i) A lot shall be permitted to have at least a total floor area of 2,500 square feet of office uses, provided the uses meet all other zoning regulations.
 - (ii) No lot shall be permitted to have more than a total floor area of 5,000 square feet of office uses.
 - (B) Such uses may be allowed to exceed the maximum size, subject to issuance of a conditional use permit in accord with the provisions of Chapter 18.76. The maximum size for any conditional use shall be established by the director and specified in the conditional use permit for such use.
- (2) In the CS district, office uses shall be governed by the following regulations:
 - (A) No lot shall be permitted to have more than a total floor area of 5,000 square feet of office uses.
 - (B) Such uses may be allowed to exceed the maximum size, subject to issuance of a conditional use permit in accord with the provisions of Chapter 18.76. The maximum size for any conditional use shall be established by the director and specified in the conditional use permit for such use.

(Ord. 4923 § 3 (part), 2006; Ord. 4925 § 3 (part), 2006)

18.16.060 Development Standards

(a) Exclusively Non-Residential Uses

Table 3 specifies the development standards for exclusively non-residential uses and alterations to non-residential uses or structures in the CN, CC, CC(2) and CS districts. 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 3
EXCLUSIVELY NON-RESIDENTIAL DEVELOPMENT STANDARDS**

	CS	CC	CC(1)	CC(2)	
Minimum Site Specifications					
Site Area (ft ²)	None Required				
Site Width (ft)					
Site Depth (ft)					
Minimum Setbacks					
Front Yard (ft)	0 – 10' to create an 8' – 12' effective sidewalk width <small>(1), (2), (8)</small>	None Required <small>(8)</small>	0 – 10' to create an 8' – 12' effective sidewalk width <small>(1), (2), (8)</small>	0 – 10' to create an 8' – 12' effective sidewalk width <small>(1), (2), (8)</small>	<i>Setback lines imposed by a special setback map pursuant to Chapter 20.08 of this code may apply</i>
Rear Yard (ft)	None required				
Interior Side Yard (ft)					
Street Side Yard (ft)	20' ⁽²⁾	None required			
Minimum Yard (ft) for lot lines abutting or opposite residential districts or residential PC districts	10' ⁽²⁾	10' ⁽²⁾	10' ⁽²⁾	10' ⁽²⁾	
Build-To-Lines	50% of frontage built to setback ⁽⁷⁾ 33% of side street built to setback ⁽⁷⁾				
Minimum setbacks from alleys for structures other than public parking garages (ft) ⁽³⁾					
Corner lots, from rear lot line on the alley	Not applicable		8'	Not applicable	
Corner lots, from side lot line on the alley			None		
All lots other than corner lots			20'		
Maximum Site Coverage	50%	None Required			

[Continued on Next Page]

	RM-40	CC	CC(1)	CC(2)	Additional Regulations (18.18.060)
Maximum Height (ft)					
Standard	25' and 2 stories	50'	37' ⁽⁴⁾	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 site		35'	35'	35'	
Maximum Floor Area Ratio (FAR)	0.4:1		2.0:1	0.4:1	18.18.060(e)
Maximum Floor Area Ratio (FAR) for Hotels	N/A	⁽⁵⁾	2.0:1	2.0:1	18.18.060(d)
Daylight Plane for lot lines abutting one or more residential zone districts other than an RM-40 or PC zone					
Initial Height at side or rear lot line (ft)	⁽⁶⁾	⁽⁶⁾	⁽⁶⁾	⁽⁶⁾	
Slope	⁽⁶⁾	⁽⁶⁾	⁽⁶⁾	⁽⁶⁾	

- (1) No parking or loading space, whether required or optional, shall be located in the first 10 feet adjoining the street property line of any required yard.
- (2) Any minimum front, street side, or interior yard shall be planted and maintained as a landscaped screen excluding areas required for access to the site. A solid wall or fence between 5 and 8 feet in height shall be constructed along any common interior lot line.
- (3) No setback from an alley is required for a public parking garage.
- (4) As measured to the peak of the roof or the top of a parapet; penthouses and equipment enclosures may exceed this height limit by a maximum of five feet, but shall be limited to an area equal to no more than ten percent of the site area and shall not intrude into the daylight plane.
- (5) See additional regulations in subsection (e) of this Section 18.16.050.
- (6) The initial height and slope shall be identical to those of the most restrictive residential zone abutting the site line in question.
- (7) Twenty-five-foot driveway access permitted regardless of frontage; build-to requirement does not apply to CC district.
- (8) A 12-foot sidewalk width is required along El Camino Real frontage.

(b) Mixed Uses

Table 4 specifies the development standards for new residential mixed use 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 DEVELOPMENT STANDARDS**

Minimum Site Specifications					
Site Area (ft ²)	None required				
Site Width (ft)					
Site Depth (ft)					
Minimum Setbacks					
					<i>Setback lines imposed by a special setback map pursuant to Chapter 20.08 of this code may apply</i>
Front Yard (ft)	0' – 10' to create an 8' – 12' effective sidewalk width ⁽⁸⁾	None Required ⁽⁸⁾	0' – 10' to create an 8' – 12' effective sidewalk width ⁽⁸⁾	0' – 10' to create an 8' – 12' effective sidewalk width ⁽⁸⁾	
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 ⁽¹⁾ 33% of side street built to setback ⁽¹⁾				
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					
	200 sq ft per unit for 5 or fewer units ⁽²⁾ ; 150 sq ft per unit for 6 units or more ⁽²⁾				

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	CN	CC	PC	RM-40	RM-35
Maximum Height (ft)					
Standard	35' ⁽⁴⁾	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 site	35'	35' ⁽⁶⁾	35' ⁽⁶⁾	35' ⁽⁶⁾	
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 (net) ⁽³⁾	15	See sub-section (e) below	30	30	
Maximum Residential Floor Area Ratio (FAR)	0.5:1 ⁽⁴⁾		0.6:1	0.6:1	
Maximum Nonresidential Floor Area Ratio (FAR)	0.4:1		2.0:1	0.4:1	
Total Mixed Use Floor Area Ratio (FAR)	0.9:1 ⁽⁴⁾		2.0:1	1.0:1	
Minimum Mixed Use Ground Floor Commercial FAR ⁽⁶⁾	0.15:1		0.15:1 0.25:1 ⁽⁷⁾	0.15:1	
Parking	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); (3) minimum private open space dimension six feet; and (4) minimum common open space dimension twelve feet.
 - (3) Residential density shall be computed based upon the total site area, irrespective of the percent of the site devoted to commercial use.
 - (4) For CN sites on El Camino Real, height may increase to a maximum of 40 feet and the FAR may increase to a maximum of 1.0:1 (0.5:1 for nonresidential, 0.5:1 for residential).
 - (5) For sites abutting an RM-40 zoned residential district or a residential Planned Community (PC) district, maximum height may be increased to 50 feet.
 - (6) Ground floor commercial uses generally include retail, personal services, hotels and eating and drinking establishments. Office uses may be included only to the extent they are permitted in ground floor regulations.
 - (7) If located in the California Avenue Parking Assessment District.
 - (8) A 12-foot sidewalk width is required along El Camino Real frontage.
- (1) Residential and nonresidential mixed use projects shall be subject to site and design review in accord with Chapter 18.30(I), except that mixed use projects with four or fewer residential units shall only require review and approval by the architectural review board.

- (2) Nonresidential uses that involve the use or storage of hazardous materials in excess of the exempt quantities prescribed in Title 15 of the Municipal Code, including but not limited to dry cleaning plants and auto repair, are prohibited in a mixed use development with residential uses.
- (3) Residential mixed use development is prohibited on any site designated with an Automobile Dealership (AD) Combining District overlay.

(c) Exclusively Residential Uses

Exclusively residential uses are generally prohibited in the CN, CS, CC, and CC(2) zone districts. Such uses are allowed, however, where a site is designated as a Housing Opportunity Site in the Housing Element of the Comprehensive Plan. Such sites shall be developed pursuant to the regulations for the multi-family zone designation (RM-15, RM-30, or RM-40) identified for the site in the Housing Element.

(d) Hotel Regulations

- (1) Hotels, where they are a permitted use and generate transient occupancy tax (TOT), may develop to a maximum FAR of 2.0:1 (except in the CC district, see Section 18.16.060(e) below).
- (2) Hotels may include residential condominium use, subject to:
 - (A) No more than 25% of the floor area shall be devoted to condominium use;
 - (B) No more than 25% of the total number of lodging units shall be devoted to condominium use; and
 - (C) A minimum FAR of 1.0 shall be provided for the hotel/condominium building(s).

(e) CC District Shopping Center Floor Area Ratio Regulations

- (1) The maximum floor area ratio for the Town and Country Village Shopping Center shall be .35 to 1; and office uses at said shopping center shall be limited to 15% of the floor area of the shopping center existing as of August 1, 1989. Hotel use shall not be included as part of the .35 to 1 maximum floor area ratio, but shall not exceed an additional .25 to 1 floor area ratio, for a maximum site floor area ratio of .60 to 1.
- (2) The maximum floor area ratio for mixed use development for the Town and Country Village Shopping Center shall be limited to .50 to 1; provided that no more than .35 to 1 floor area shall be nonresidential, consistent with part (1) above, and not more than .15 to 1 floor area shall be residential.
- (3) Stanford Shopping Center shall not be permitted to add more than 80,000 square feet of floor area to the total amount of floor area of the shopping center existing as of June 14, 1996, 1,332,362 square feet, for a total square footage not to exceed 1,412,362. Any hotel or mixed use development for the Stanford Shopping Center shall only be included if approved as part of a Development Agreement for the site.

(f) Size of Establishments in the CN District

In the CN district, permitted commercial uses shall not exceed the floor area per individual use or business establishment shown in Table 5. Such uses may be allowed to exceed the

maximum establishment size, subject to issuance of a conditional use permit in accord with Section 18.76.010. The maximum establishment size for any conditional use shall be established by the director and specified in the conditional use permit for such use.

**TABLE 5
MAXIMUM SIZE OF ESTABLISHMENT**

Type of Establishment	Maximum Size (ft ²)
Personal Services	2,500
Retail services, except grocery stores	15,000
Grocery stores	20,000
Eating and drinking services	5,000
Neighborhood business services	2,500

(g) Nuisances Prohibited

All uses, whether permitted or conditional, shall be conducted in such a manner as to preclude nuisance, hazard, or commonly recognized offensive conditions or characteristics, including creation or emission of dust, gas, smoke, noise, fumes, odors, vibrations, particulate matter, chemical compounds, electrical disturbance, humidity, heat, cold, glare, or night illuminations. Prior to issuance of a building permit, or occupancy permit, or at any other time, the building inspector may require evidence that adequate controls, measures, or devices have been provided to ensure and protect the public interest, health, comfort, convenience, safety, and general welfare from such nuisance, hazard, or offensive condition.

(h) Outdoor Sales and Storage

- (1) In the CN district, all permitted office and commercial activities shall be conducted within a building, except for:
 - (A) Incidental sales and display of plant materials and garden supplies occupying no more than 500 square feet of exterior sales and display area,
 - (B) Farmers markets that have obtained a conditional use permit, and
 - (C) Recycling centers that have obtained a conditional use permit.
- (2) In the CC district and in the CC(2) district, the following regulations shall apply to outdoor sales and storage:
 - (A) Except in shopping centers, all permitted office and commercial activities shall be conducted within a building, except for:
 - (i) Incidental sales and display of plant materials and garden supplies occupying no more than 2,000 square feet of exterior sales and display area,
 - (ii) Outdoor eating areas operated incidental to permitted eating and drinking services,
 - (iii) Farmers markets that have obtained a conditional use permit, and
 - (iv) Recycling centers that have obtained a conditional use permit.
 - (B) Any permitted outdoor activity in excess of 2,000 square feet shall be subject to a conditional use permit.

- (C) Exterior storage shall be prohibited, except as provided under subparagraph (A)(iv) of this subsection.
- (3) In the CS district, outdoor sales and display of merchandise, and outdoor eating areas operated incidental to permitted eating and drinking services shall be permitted subject to the following regulations:
 - (A) Outdoor sales and display shall not occupy a total site area exceeding the gross building floor area on the site, except as authorized by a conditional use permit.
 - (B) Areas used for outdoor sales and display of motor vehicles, boats, campers, camp trailers, trailers, trailer coaches, house cars, or similar conveyances shall meet the minimum design standards applicable to off street parking facilities with respect to paving, grading, drainage, access to public streets and alleys, safety and protective features, lighting, landscaping, and screening.
 - (C) Exterior storage shall be prohibited, unless screened by a solid wall or fence of between 5 and 8 feet in height.

(i) Recycling Storage

All new development, including approved modifications that add thirty percent or more floor area to existing uses, shall provide adequate and accessible interior areas or exterior enclosures for the storage of recyclable materials in appropriate containers. The design, construction and accessibility of recycling areas and enclosures shall be subject to approval by the architectural review board, in accordance with design guidelines adopted by that board and approved by the city council pursuant to Section 18.76.020.

(j) Employee Showers

Employee shower facilities shall be provided for any new building constructed or for any addition to or enlargement of any existing building as specified in Table 6.

**TABLE 6
EMPLOYEE SHOWERS REQUIRED**

Uses	Gross Floor Area of New Construction (ft ²)	Showers Required
Medical, Professional, and General Business Offices, Financial Services, Business and Trade Schools, General Business Services	0-9,999	No requirement
	10,000-19,999	1
	20,000-49,999	2
	50,000 and up	4
Retail Services, Personal Services, and Eating and Drinking Services	0-24,999	No requirement
	25,000-49,999	1
	50,000-99,999	2
	100,000 and up	4

(Ord. 4923 § 3 (part), 2006: Ord. 4925 § 3 (part), 2006)

18.16.070 Parking and Loading

Off-street parking and loading facilities shall be required for all permitted and conditional uses in accord with Chapters 18.52 and 18.54 of this title. All parking and loading facilities on any site, whether required as minimums or optionally provided in addition to minimum requirements, shall comply with the regulations and the design standards established by Chapters 18.52 and 18.54.

(Ord. 4923 § 3 (part), 2006; Ord. 4925 § 3 (part), 2006)

18.16.080 Performance Standards

In addition to the standards for development prescribed above, all development in the CN, CS, CC, and CC(2) districts shall comply with the performance criteria outlined in Chapter 18.23 of the Zoning Ordinance. All mixed use development shall also comply with the provisions of Chapter 18.23 of the Zoning Ordinance.

(Ord. 4923 § 3 (part), 2006; Ord. 4925 § 3 (part), 2006)

Editor's Note

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18.16.090 Context-Based Design Criteria**(a) Contextual and Compatibility Criteria**

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.

(1) Context

- (A) Context as used in this section is intended to indicate relationships between the site s development to adjacent street types, surrounding land uses, and on-site or nearby natural features, such as creeks or trees. Effective transitions to these adjacent uses and features are strongly reinforced by Comprehensive Plan policies.
- (B) The word context should not be construed as a desire to replicate existing surroundings, but rather to provide appropriate transitions to those surroundings. Context is also not specific to architectural style or design, though in some instances relationships may be reinforced by an architectural response.

(2) Compatibility

- (A) Compatibility is achieved when the apparent scale and mass of new buildings is consistent with the pattern of achieving a pedestrian oriented design, and when new construction shares general characteristics and establishes design linkages with the overall pattern of buildings so that the visual unity of the street is maintained.
- (B) Compatibility goals may be accomplished through various means, including but not limited to:
 - (i) the siting, scale, massing, and materials;
 - (ii) the rhythmic pattern of the street established by the general width of the buildings and the spacing between them;
 - (iii) the pattern of roof lines and projections;
 - (iv) the sizes, proportions, and orientations of windows, bays and doorways;
 - (v) the location and treatment of entryways;
 - (vi) the shadow patterns from massing and decorative features;
 - (vii) the siting and treatment of parking; and
 - (viii) the treatment of landscaping.

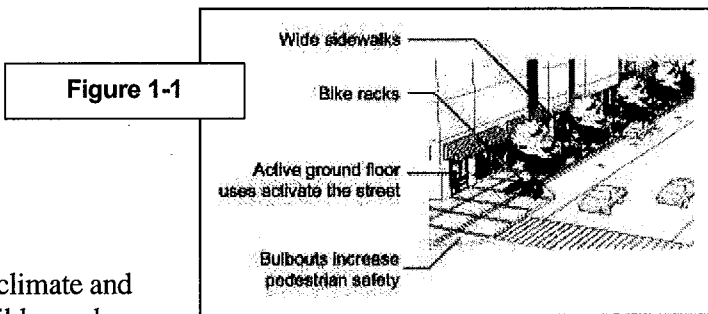
(b) Context-Based Design Considerations and Findings

In addition to the findings for Architectural Review contained in Section 18.76.020(d) of the Zoning Ordinance, the following additional findings are applicable in the CN, CS, CC and CC(2) districts, as further illustrated on the accompanying diagrams:

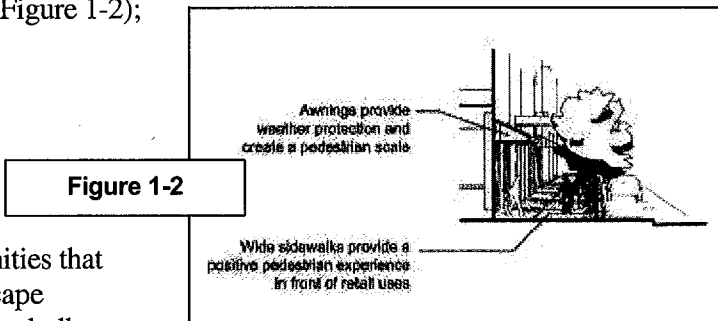
(1) Pedestrian and Bicycle Environment

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

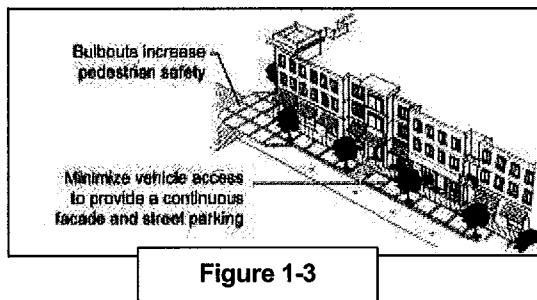
- A. Ground floor uses that are appealing to pedestrians through well-designed visibility and access (Figure 1-1);



- B. On primary pedestrian routes, climate and weather protection where possible, such as covered waiting areas, building projections and colonnades, and awnings (Figure 1-2);



- C. Streetscape or pedestrian amenities that contribute to the area s streetscape environment such as street trees, bulbouts, benches, landscape elements, and public art (Figure 1-3);

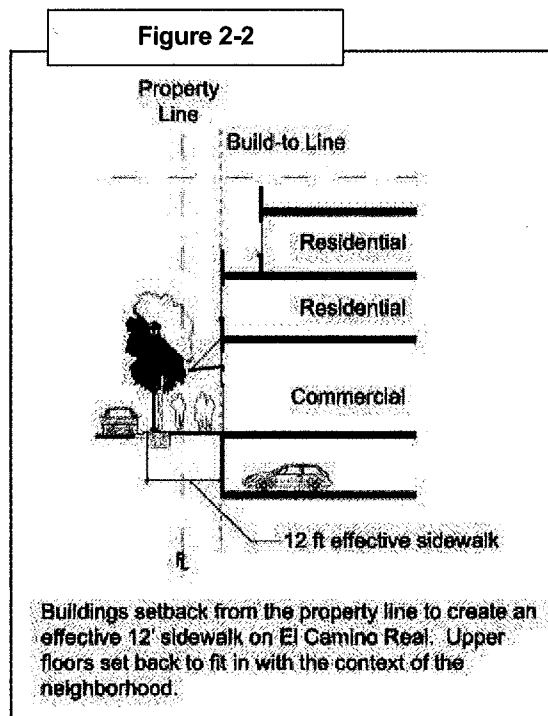
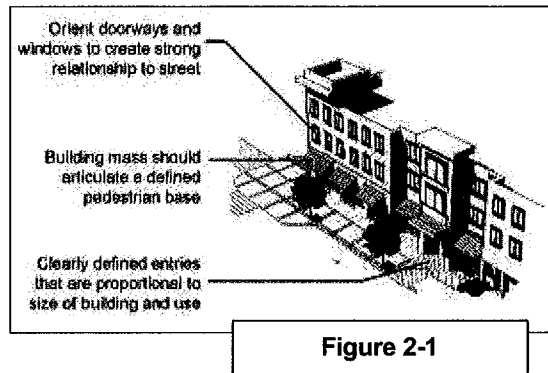


- D. Bicycle amenities that contribute to the area s bicycle environment and safety needs, such as bike racks, storage or parking, or dedicated bike lanes or paths (Figure 1-1); and
- E. Vehicle access from alleys or sidestreets where they exist, with pedestrian access from the public street.

(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 such as:

- A. Placement and orientation of doorways, windows, and landscape elements to create strong, direct relationships with the street (Figure 2-1);
- B. Facades that include projecting eaves and overhangs, porches, and other architectural elements that provide human scale and help break up building mass (Figure 2-2);
- C. Entries that are clearly defined features of front facades, and that have a scale that is in proportion to the size and type of the building and number of units being accessed; larger buildings should have a more prominent building entrance, while maintaining a pedestrian scale;
- D. Residential units and storefronts that have a presence on the street and are not walled-off or oriented exclusively inward;
- E. Elements that signal habitation such as entrances, stairs, porches, bays and balconies that are visible to people on the street;
- F. All exposed sides of a building designed with the same level of care and integrity;
- G. Reinforcing the definition and importance of the street with building mass; and
- H. Upper floors set back to fit in with the context of the neighborhood.



(3) Massing and Setbacks

Buildings shall be designed to minimize massing and conform to proper setbacks through elements such as:

- A. Rooflines that emphasize and accentuate significant elements of the building such as entries, bays, and balconies (Figure 3-1);
- B. Design with articulation, setbacks, and materials that minimize massing, break down the scale of buildings, and provide visual interest (Figure 3-1);
- C. Corner buildings that incorporate special features to reinforce important intersections and create buildings of unique architectural merit and varied styles (Figure 3-1);
- D. Building facades articulated with a building base, body and roof or parapet edge (Figure 3-2);
- E. Buildings set back from the property line to create an effective 12' sidewalk on El Camino Real, 8' elsewhere (Figure 3-4);
- F. A majority of the building frontage located at the setback line (Figure 3-3); and
- G. No side setback for midblock properties, allowing for a continuous street facade, except when abutting low density residential (Figure 3-3).

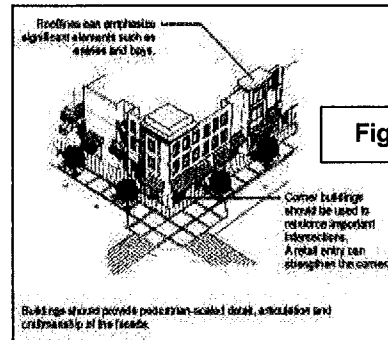


Figure 3-1

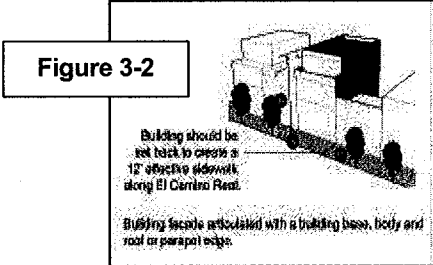


Figure 3-2

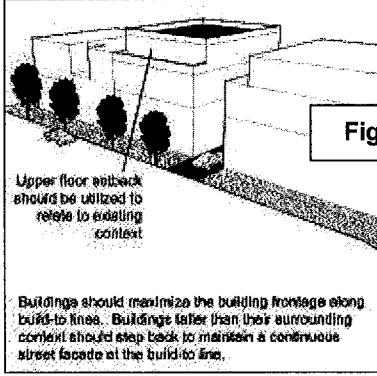


Figure 3-3

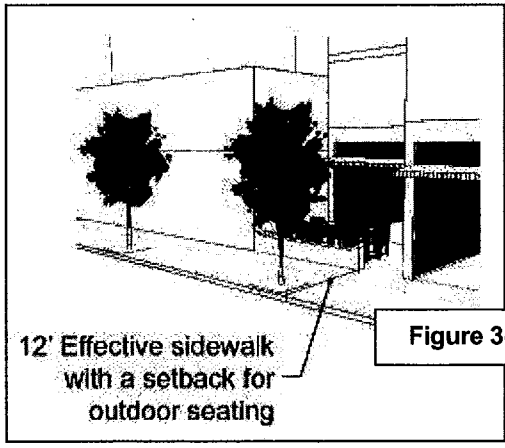


Figure 3-4

(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 through:

- A. Transitions of development intensity from higher density development building types to building types that are compatible with the lower intensity surrounding uses (Figure 4-1);

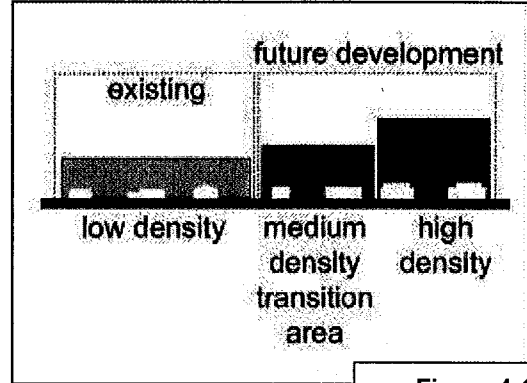


Figure 4-1

- B. Massing and orientation of buildings that respect and mirror the massing of neighboring structures by stepping back upper stories to transition to smaller scale buildings, including setbacks and daylight planes that match abutting R-1 and R-2 zone requirements (Figure 4-2);

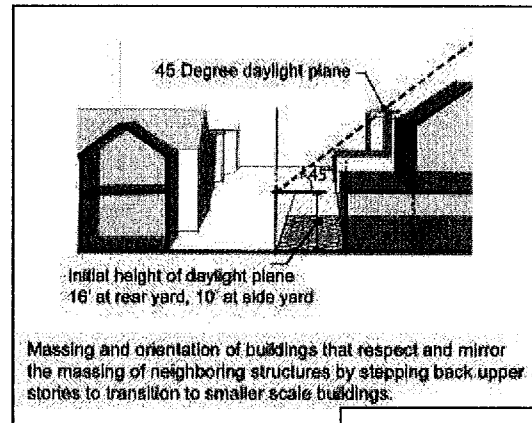


Figure 4-2

- C. Respecting privacy of neighboring structures, with windows and upper floor balconies positioned so they minimize views into neighboring properties (Figure 4-3);

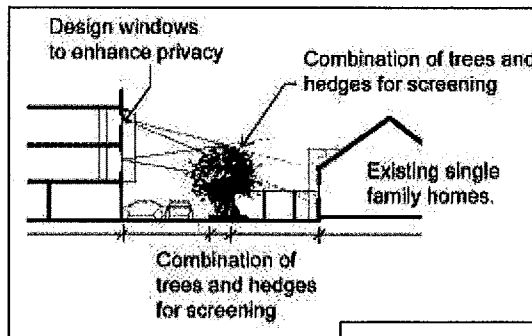


Figure 4-3

- D. Minimizing sight lines into and from neighboring properties (Figure 4-3);
- E. Limiting sun and shade impacts on abutting properties; and
- F. Providing pedestrian paseos and mews to create separation between uses.

(5) Project Open Space

Private and public open space shall be provided so that it is usable for the residents, visitors, and/or employees of a site.

- A. The type and design of the usable private open space shall be appropriate to the character of the building(s), and shall consider dimensions, solar access, wind protection, views, and privacy;
- B. Open space should be sited and designed to accommodate different activities, groups, active and passive uses, and should be located convenient to the users (e.g., residents, employees, or public)
- C. Common open spaces should connect to the pedestrian pathways and existing natural amenities of the site and its surroundings;
- D. Usable open space may be any combination of private and common spaces;
- E. Usable open space does not need to be located on the ground and may be located in porches, decks, balconies and/or podiums (but not on rooftops) (Figure 5-1);
- F. Open space should be located to activate the street façade and increase eyes on the street when possible (Figure 5-1);
- G. Both private and common open space areas should be buffered from noise where feasible through landscaping and building placement;
- H. Open space situated over a structural slab/podium or on a rooftop shall have a combination of landscaping and high quality paving materials, including elements such as planters, mature trees, and use of textured and/or colored paved surfaces (Figure 5-2); and
- I. Parking may not be counted as open space.

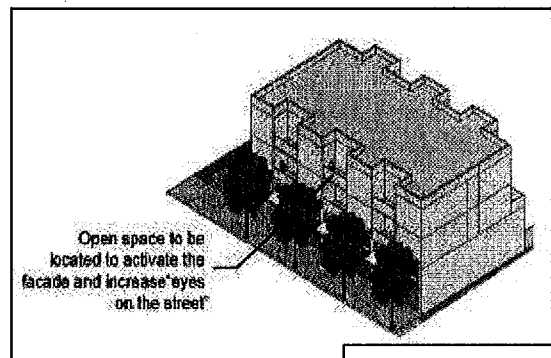
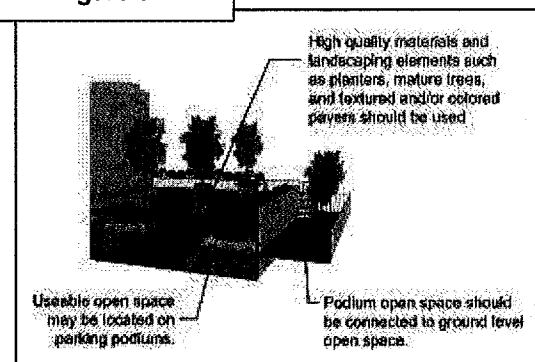


Figure 5-1

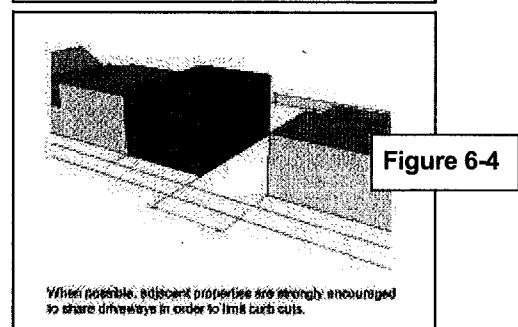
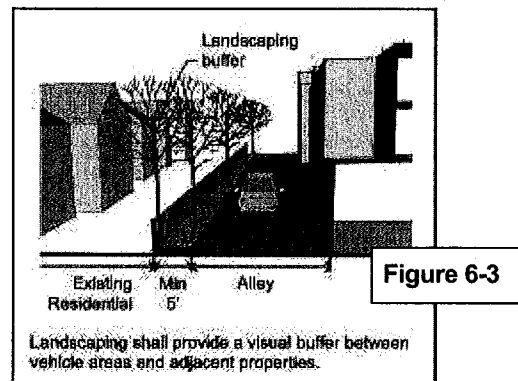
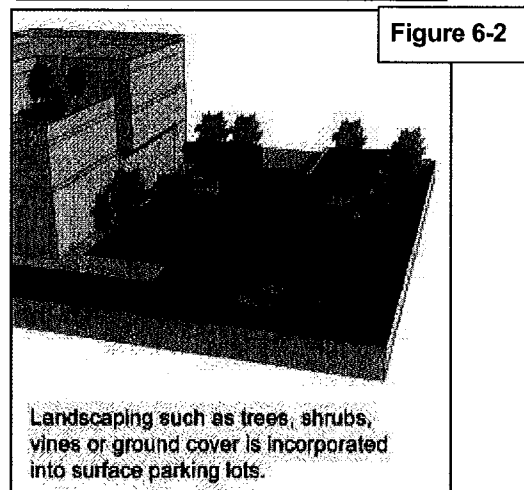
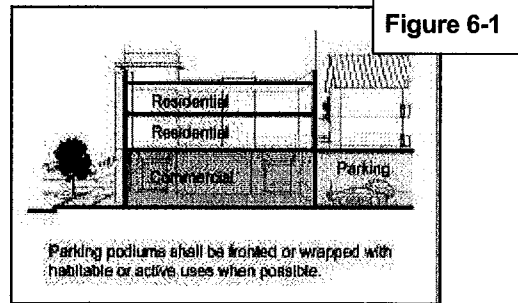
Figure 5-2

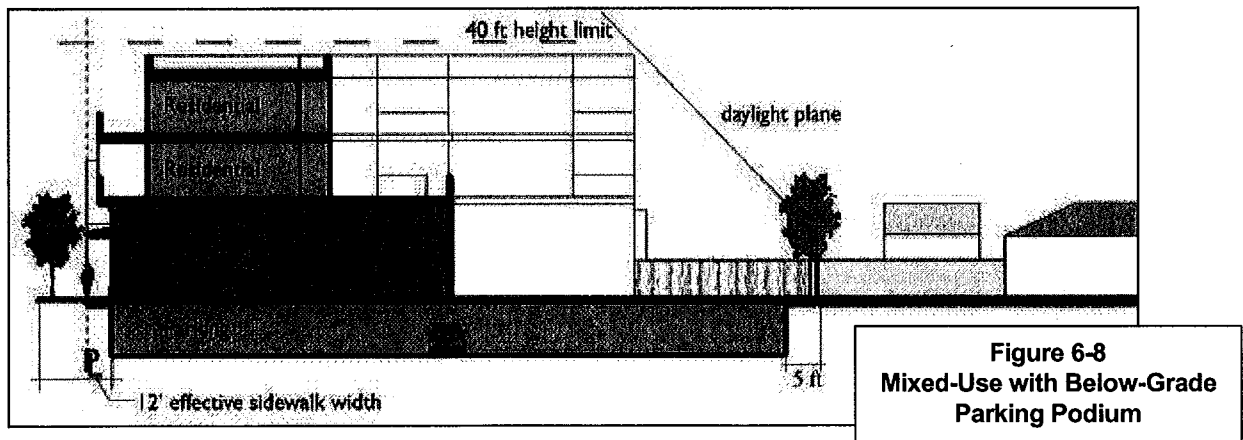
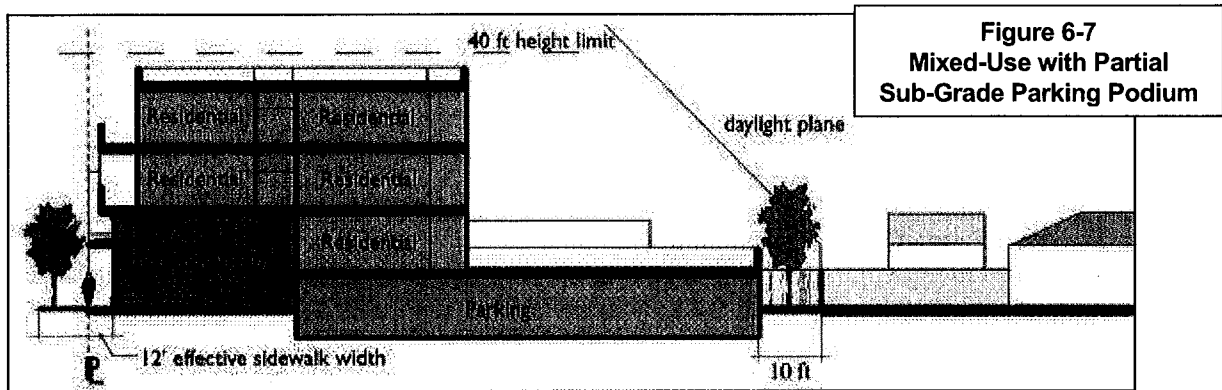
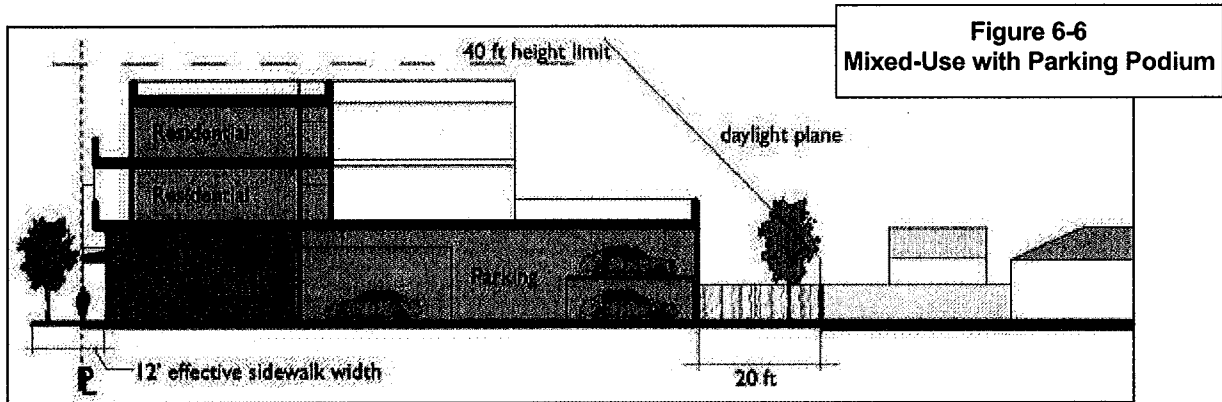
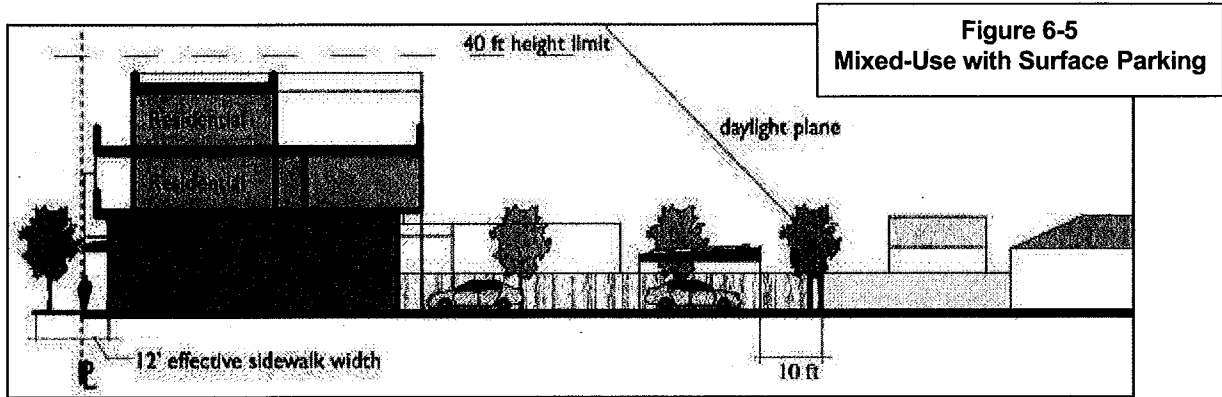


(6) Parking Design

Parking needs shall be accommodated but shall not be allowed to overwhelm the character of the project or detract from the pedestrian environment, such that:

- A. Parking is located behind buildings, below grade or, where those options are not feasible, screened by landscaping, low walls, etc.;
- B. Structured parking is fronted or wrapped with habitable uses when possible (Figure 6-1);
- C. Parking that is semi-depressed is screened with architectural elements that enhance the streetscape such as stoops, balcony overhangs, and/or art;
- D. Landscaping such as trees, shrubs, vines, or groundcover is incorporated into surface parking lots (Figure 6-2);
- E. For properties with parking access from the rear of the site (such as a rear alley or driveway) landscaping shall provide a visual buffer between vehicle circulation areas and abutting properties (Figure 6-3);
- F. Street parking is utilized for visitor or customer parking and is designed in a manner to enhance traffic calming;
- G. For properties with parking accessed from the front, minimize the amount of frontage used for parking access, no more than 25% of the site frontage facing a street should be devoted to garage openings, carports, or open/surface parking (on sites with less than 100 feet of frontage, no more than 25 feet);
- H. Where two parking lots abut and it is possible for a curb cut and driveway to serve several properties, owners are strongly encouraged to enter in to shared access agreements (Figure 6-4); and
- I. Parking is accessed from side streets or alleys when possible.

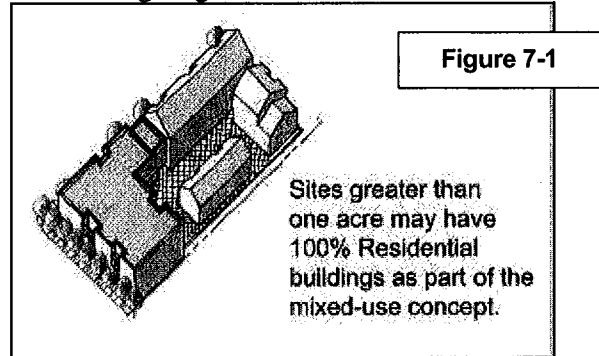




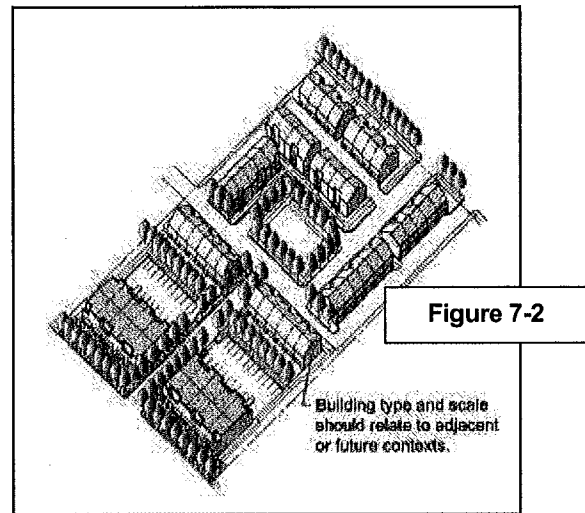
(7) Large (Multi-Acre) Sites

Large (in excess of one acre) sites shall be designed so that street, block, and building patterns are consistent with those of the surrounding neighborhood, and such that:

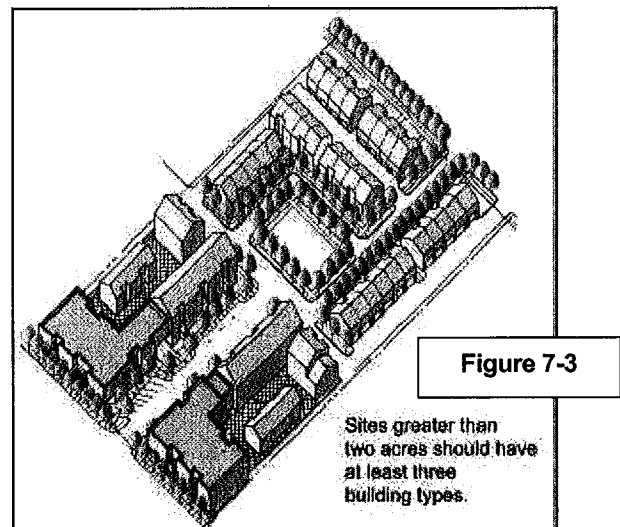
- A. New development of large sites maintains and enhances connectivity with a hierarchy of public streets, private streets, walks and bike paths (integrated with Palo Alto's Bicycle Master Plan, when applicable);



- B. The diversity of building types increases with increased lot size (e.g., <1 acre = minimum 1 building type; 1-2 acres = minimum 2 housing types; greater than 2 acres = minimum 3 housing types) (Figures 7-1 through 7-3); and



- C. Where a site includes more than one housing type, each building type should respond to its immediate context in terms of scale, massing, and design (e.g., Village Residential building types facing or abutting existing single-family residences) (Figures 7-2 and 7-3).



(8) Sustainability and Green Building Design

Project design and materials to achieve sustainability and green building design should be incorporated into the project. Green building design considers the environment during design and construction. Green building design aims for compatibility with the local environment: to protect, respect and benefit from it. In general, sustainable buildings are energy efficient, water conserving, durable and nontoxic, with high-quality spaces and high recycled content materials. The following considerations should be included in site and building design:

- A. Optimize building orientation for heat gain, shading, daylighting, and natural ventilation (Figure 8-1).
- B. Design landscaping to create comfortable micro-climates and reduce heat island effects.
- C. Design for easy pedestrian, bicycle, and transit access.
- D. Maximize onsite stormwater management through landscaping and permeable pavement (Figure 8-2).
- E. Use sustainable building materials.
- F. Design lighting, plumbing, and equipment for efficient energy and water use.
- G. Create healthy indoor environments.
- H. Use creativity and innovation to build more sustainable environments. One example is establishing gardens with edible fruits, vegetables or other plants to satisfy a portion of project open space requirements.
- I. Provide protection for creeks and riparian vegetation and integrate stormwater management measures and open space to minimize water quality and erosion impacts to the creek environment.
- J. Encourage installation of photovoltaic panels.

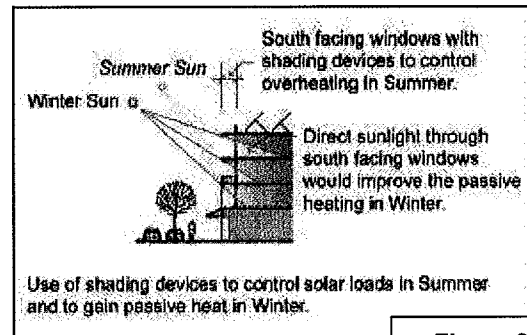


Figure 8-1

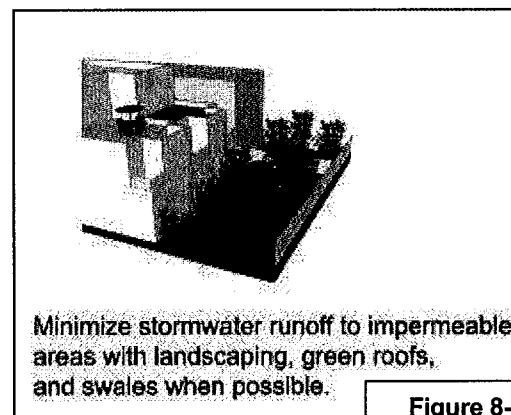


Figure 8-2

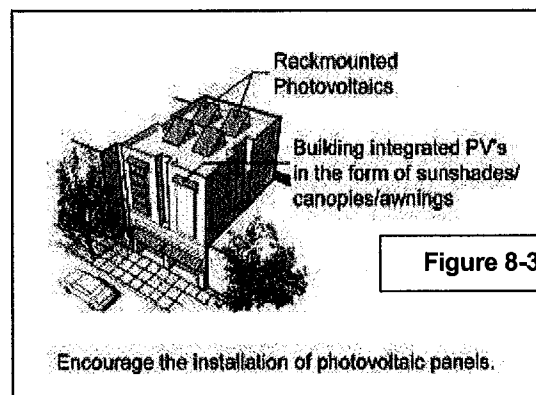


Figure 8-3

(Ord. 4923 § 3 (part), 2006; Ord. 4925 § 3 (part), 2006)

18.16.100 Grandfathered Uses**(a) CN District Office Uses**

In the CN district, all office uses existing as of August 1, 1989, which were lawful conforming permitted uses or conditional uses operating subject to a conditional use permit and which, as of such date, exceed 5,000 square feet in size or 25% of lot area, may remain as legal nonconforming uses and shall not require a conditional use permit or be subject to termination pursuant to Chapter 18.70, provided, however, that in the case of a conflict between the provisions of this section and the provisions of Chapter 18.70, this section shall control. Such uses shall be permitted to remodel, improve, or replace site improvements in accordance with current applicable site development regulations, provided that any such remodeling, improvement, or replacement shall not result in increased floor area devoted to such office uses.

(b) CS District Office Uses

In the CS district, medical, professional or general business or administrative office uses existing on August 1, 1989 and which, as of such date, were lawful conforming permitted uses or conditional uses operating subject to a conditional use permit may remain as legal nonconforming uses and shall not require a conditional use permit or be subject to termination pursuant to Chapter 18.70, provided, however, that in the case of a conflict between the provisions of this section and the provisions of Chapter 18.70, this section shall control. Such uses shall be permitted to remodel, improve, or replace site improvements in accordance with current applicable site development regulations, provided that any such remodeling, improvement, or replacement shall not result in increased floor area devoted to such office uses.

(Ord. 4923 § 3 (part), 2006; Ord. 4925 § 3 (part), 2006)

**DRAFT INITIAL STUDY AND MITIGATED NEGATIVE
DECLARATION
2995 MIDDLEFIELD ROAD
ZONE CHANGE**

**PUBLIC REVIEW AND COMMENT PERIOD
JANUARY 18 – FEBRUARY 7, 2008**

City of Palo Alto

Department of Planning and Community Environment
 250 Hamilton Avenue, 5th Floor
 Palo Alto, CA 94301
 (650) 329-2441 FAX (650) 329-2154
 www.cityofpaloalto.org



Notice of Intent to Adopt a Mitigated Negative Declaration

A notice, pursuant to the California Environmental Quality Act of 1970, as amended (Public Resources Code 21,000, et sec.) that the following project will not have a significant effect on the environment.

File Number	TAZ	APN(s)	Date
07PLN-00269		127-53-020	1-18-08
Project Name		Project Type	
Zone Change for 2995 Middlefield Road, Palo Alto		Zone Change	
Owner		Applicant	
Old Trace Middlefield		Old Trace Middlefield	
Project Location			
2995 Middlefield Rd. Palo Alto, CA			
Project Description			
The project involves the rezoning of one parcel from Planned Community (PC-3779) to Commercial Neighborhood District (CN), to allow a greater range of commercial uses. The applicant intends to submit an application for review of the removal of the gas station and development of a commercial building on the site. A subsequent CEQA review document would be prepared and circulated for any new development resulting from this rezoning.			
Purpose of Notice			
Notice is hereby given that a Draft Mitigated Negative Declaration has been prepared by the Palo Alto Department of Planning and Community Environment for the project listed above. In accordance with A.B. 866, this document will be available for review and comment during a minimum 20-day inspection period.			
Public Review Period:	Begins: January 18, 2008	Ends: February 7, 2008	
Public Comments regarding the correctness, completeness, or adequacy of this negative declaration are invited and must be received on or before the hearing date. Such comments should be based on specific environmental concerns. Written comments should be addressed to the City of Palo Alto. Oral comments may be made at the hearing. A file containing additional information on this project may be reviewed at the Planning Office under the file number appearing at the top of this form. For additional information regarding this project and the Mitigated Negative Declaration, please contact Elena Lee at (650) 617-3196			
The Mitigated Negative Declaration and Initial Study may be viewed at the following locations:			
(1) Palo Alto Planning Department at 250 Hamilton Avenue, Palo Alto, CA 94301			
(2) Palo Alto Development Center at 285 Hamilton Avenue, Palo Alto, CA 94301			
Responsible Agencies sent a copy of this document			
N/A			

Mitigation Measures included in the project to reduce potentially significant impacts to a less than significant level:

Mitigation Measure G-1:

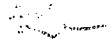
Prior to the issuance of approvals for any development proposals, the applicant shall be required to obtain written approval from either the Santa Clara County Department of Environmental Health and/or the Regional Water Quality Control Board that the proposed project shall not impact the contamination investigation/remediation activities and that the existing contamination will not adversely affect the proposed project, the construction workers or anyone that subsequently works or lives at the site.

Mitigation Measure H-1:

Prior to the issuance of approvals for any development proposals, the applicant shall be required to obtain written approval from either the Santa Clara County Department of Environmental Health and/or the Regional Water Quality Control Board that the deconstruction and development shall not result in polluted runoff from the site nor impact the contamination investigation/remediation activities.

A reporting or monitoring program must be adopted for measures to mitigate significant impacts at the time the Mitigated Negative Declaration is approved, in accord with the requirements of section 21081.6 of the Public Resources Code.

Prepared by:



Signature

1/17/08

Date

Approved by:



Signature

1/17/08

Date



City of Palo Alto
Department of Planning and Community Environment California
Environmental Quality Act
MITIGATED NEGATIVE DECLARATION

I. DESCRIPTION OF PROJECT

Date: January 18, 2008

Application Nos.: 07PLN-00269

Address of Project: 2995 Middlefield Rd.

Assessor's Parcel Number: 127-53-020

Applicant/Owner: Eric Corrigan
Old Trace Middlefield
1950 University Ave.
East Palo Alto, CA, 94303

Project Description and Location:

The project involves the rezoning of one parcel from Planned Community (PC-3779) to Commercial Neighborhood District (CN), to allow a greater range of commercial uses.

II. DETERMINATION

In accordance with the City of Palo Alto's procedures for compliance with the California Environmental Quality Act (CEQA), the City has conducted an Initial Study to determine whether the proposed project located at 3208, 3220, 3230 Alexis Dr. could have a significant effect on the environment. On the basis of that study, the City makes the following determination:

_____ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION is hereby adopted.

 X Although the project, as proposed, could have a significant effect on the environment, there will not be a significant effect on the environment in this case because mitigation measures for traffic impacts have been added to the project and, therefore, a MITIGATED NEGATIVE DECLARATION is hereby adopted.

The attached initial study incorporates all relevant information regarding the potential environmental effects of the project and confirms the determination that an EIR is not required for the project.

In addition, the following mitigation measures have been incorporated into the project:

Mitigation Measure G-1:

Prior to the issuance of approvals for any development proposals, the applicant shall be required to obtain written approval from either the Santa Clara County Department of Environmental Health and/or the Regional Water Quality Control Board that the proposed project shall not impact the contamination investigation/remediation activities and that the existing contamination will not adversely affect the proposed project, the construction workers or anyone that subsequently works or lives at the site.

Mitigation Measure H-1:

Prior to the issuance of approvals for any development proposals, the applicant shall be required to obtain written approval from either the Santa Clara County Department of Environmental Health and/or the Regional Water Quality Control Board that the deconstruction and development shall not result in polluted runoff from the site nor impact the contamination investigation/remediation activities.

Project Planner

Date

Director of Planning and Community Environment

Date

ENVIRONMENTAL CHECKLIST FORM
City of Palo Alto
Department of Planning and Community Environment

PROJECT DESCRIPTION: Request for a zone change from the existing Planned Community 3779 (PC-3779) district to Neighborhood Commercial (CN). Zone District: PC-3779

1. PROJECT TITLE

Zone Change for
2995 Middlefield Road
Palo Alto

2. LEAD AGENCY NAME AND ADDRESS

City of Palo Alto
Department of Planning and Community Environment
250 Hamilton Ave.
Palo Alto, CA 94303

3. CONTACT PERSON AND PHONE NUMBER

Elena Lee, Senior Planner
City of Palo Alto
650-617-3196

4. PROJECT SPONSOR'S NAME AND ADDRESS

Eric Corrigan
Old Trace Middlefield
1950 University Ave.
East Palo Alto, CA, 94303

5. APPLICATION NUMBER

07-PLN-00269

6. PROJECT LOCATION

2995 Middlefield Rd.
Palo Alto, CA 94303
Parcel Numbers: 127-53-020

The project site is located in the central section of the City of Palo Alto, in the northern part of Santa Clara County, west of U.S. Highway 101 and of State Route 82 (El Camino Real), as shown on Figure 1, *Regional Map*. It is located on the east side of Middlefield Rd. and at the

northerly terminus of Towle Way. The project site, consisting of one parcel of approximately 20,895 square feet, is approximately 65 feet southerly of Matadero Creek and is within the Midtown West area but not within the Midtown Commercial Center. The site is bounded by Middlefield Road to the south and City owned land to the east, north and west, as shown on Figure 2, *Vicinity Map*. The City owned lands are developed with a swim and tennis club and skating rink. Multi-family residences are located to the southwest across Middlefield Rd. The subject property was developed with a gas station. The gas station ceased operations on March 1, 2004. The site is fenced and inactive.

7. GENERAL PLAN DESIGNATION:

The General Plan designation is Neighborhood Commercial, per the Palo Alto 1998 - 2010 Comprehensive Plan. This land use designation allows shopping center with off-street parking or a cluster of storefront stores that serve the immediate neighborhood. Typical uses include supermarkets, bakeries, drugstores, variety stores, barber shops, restaurants, self-service laundries, dry cleaners, hardware stores. In specific locations, residential and mixed use developments may be appropriate. Non-residential floor area ratios will range up to 0.4.

8. ZONING

The subject site is zoned Planned Community, PC-3779. The site was zoned in 1984 to allow a previously nonconforming service station to continue operation. The specific regulations, development and performance standards are established by Ordinance 3779, in compliance with the Palo Alto Municipal Code. The applicant is proposing to rezone the site Commercial Neighborhood to allow commercial uses. No specific development project has been proposed at this time. The proposed zoning designation is consistent with the General Plan Designation.

9. PROJECT DESCRIPTION

The project involves the rezoning of one parcel from Planned Community (PC-3779) to Commercial Neighborhood District (CN), to allow a greater range of commercial uses. The applicant intends to submit an application for review of the removal of the gas station and development of a commercial building on the site. A subsequent CEQA review document would be prepared and circulated for any new development resulting from this rezoning.

SURROUNDING LAND USES AND SETTING

The project site is located on the east side of Middlefield Rd. and at the northerly terminus of Towle Way. The site is bounded by Middlefield Road to the south and City owned land to the east, north and west.

11. OTHER PUBLIC AGENCIES

- County of Santa Clara, Office of the County Clerk-Recorder
- County of Santa Clara, Department of Environmental Health

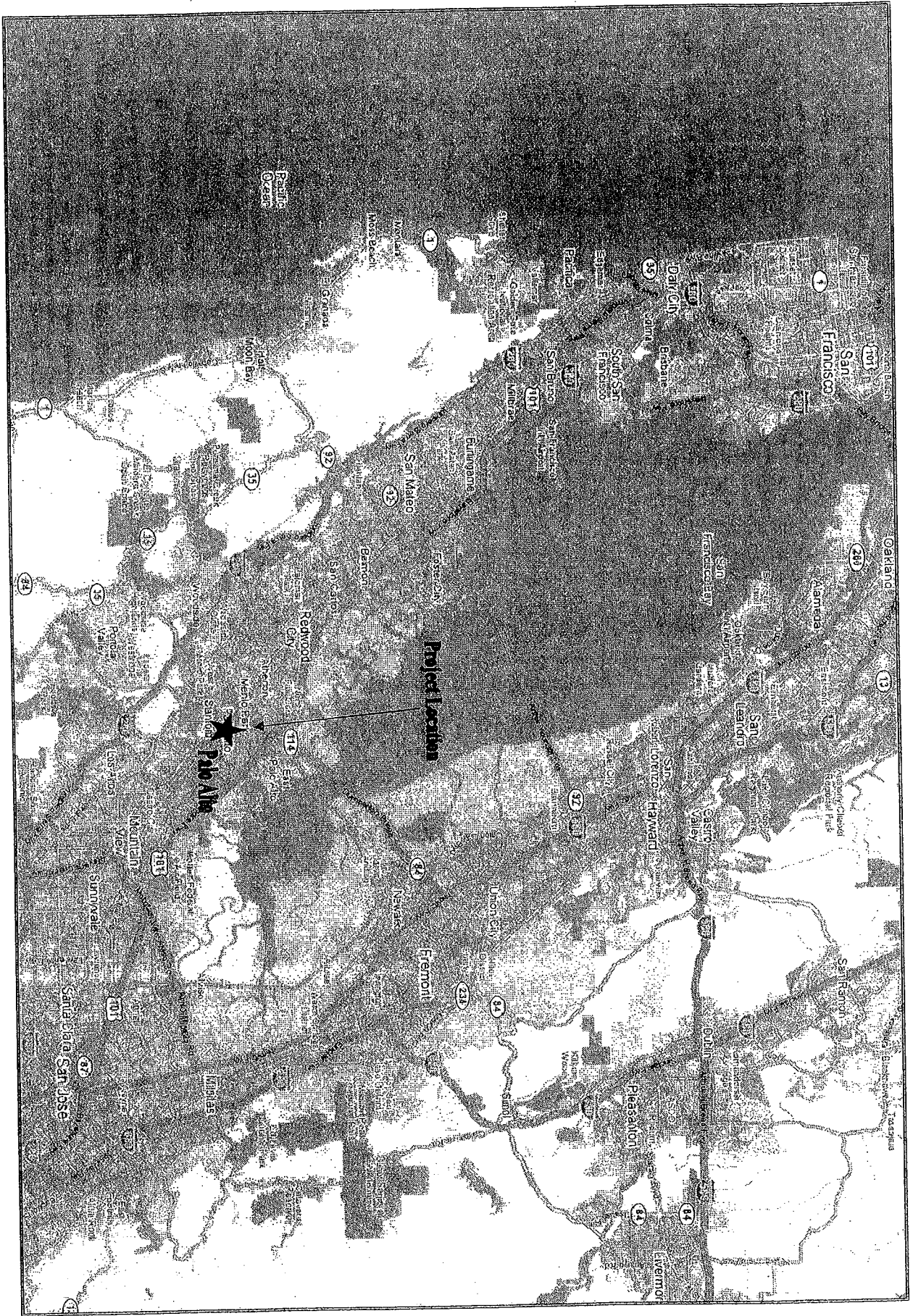
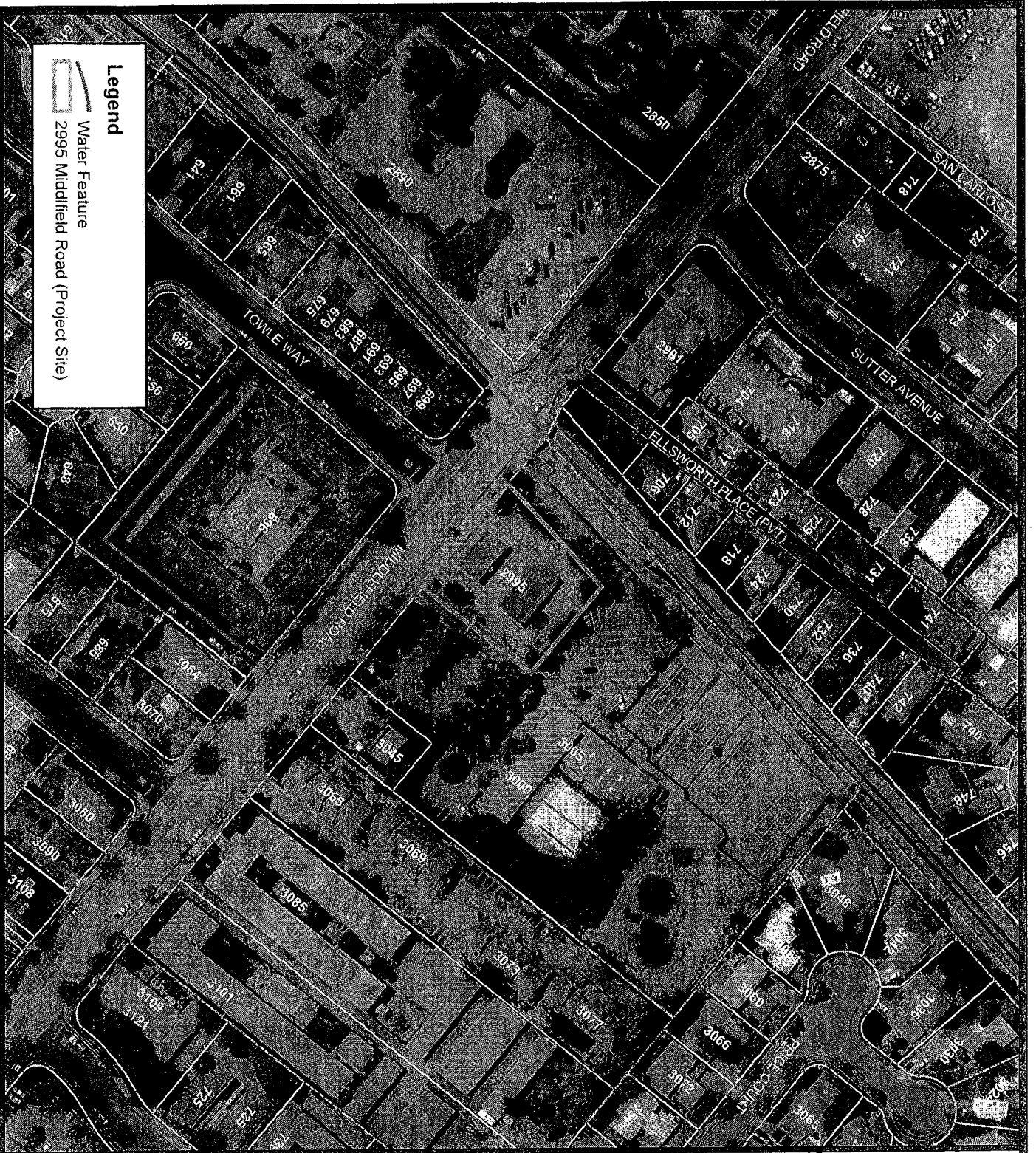


Figure 1 Regional Map



ENVIRONMENTAL CHECKLIST AND DISCUSSION OF IMPACTS

EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. **[A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e. g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e. g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).]**
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "(Mitigated) Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 17, "Earlier Analysis," may be cross-referenced).
- 5) Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (C)(3) (D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The explanation of each issue should identify:
- the significance criteria or threshold, if any, used to evaluate each question; and
 - the mitigation measure identified, if any, to reduce the impact to less than significance.

DISCUSSION OF IMPACTS

The following Environmental Checklist was used to identify environmental impacts, which could occur if the proposed project is implemented. The left-hand column in the checklist lists the source(s) for the answer to each question. The sources cited are identified at the end of the checklist. Discussions of the basis for each answer and a discussion of mitigation measures that are proposed to reduce potential significant impacts are included.

A. AESTHETICS

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially degrade the existing visual character or quality of the site and its surroundings?	1, 2, 3,				X
b) Have a substantial adverse effect on a public view or view corridor?	1, 2, 3, 5			X	
c) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	1, 2, 3,				X
d) Violate existing Comprehensive Plan policies regarding visual resources?	1, 2,				X
e) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	1, 2, 3,			X	
f) Substantially shadow public open space (other than public streets and adjacent sidewalks) between 9:00 a.m. and 3:00 p.m. from September 21 to March 21?	1, 2, 3				X

DISCUSSION:

The proposed zone change project does not include any specific development. The existing site is entirely developed with an automobile service/gas station, which the applicant intends to remove and replace with a commercial building on the site upon successful rezoning of the site, approval of a subsequent CEQA document and separate Architectural Review application, which would be submitted for Architectural Review Board review after Council adoption of the ordinance for the rezoning. Any new mixed-use (residential and non-residential) development that could be proposed as a result from this

rezoning, would be reviewed by the Architectural Review Board, Planning Commission and City Council via the Site and Design Review process. These review processes would ensure that the potential aesthetic impacts from development will be mitigated.

Mitigation Measures:

None

B. AGRICULTURAL RESOURCES

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	1, 2				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	1, 2				X
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	1, 2				X

DISCUSSION:

The site is not located in a “Prime Farmland”, “Unique Farmland”, or “Farmland of Statewide Importance” area, as shown on the maps prepared for the Farmland Mapping and Monitoring Program of the California Resources Agency. The site is not zoned for agricultural use, and is not regulated by the Williamson Act.

Mitigation Measures:

None

C. AIR QUALITY

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct with implementation of the applicable air quality plan (1982 Bay Area Air Quality Plan & 2000 Clean Air Plan)?	1, 2, 5				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation indicated by the following:	1, 2				X
i. Direct and/or indirect operational emissions that exceed the Bay Area Air Quality Management District (BAAQMD) criteria air pollutants of 80 pounds per day and/or 15 tons per year for nitrogen oxides (NO), reactive organic gases (ROG), and fine particulate matter of less than 10 microns in diameter (PM ₁₀);	1, 2				X
ii. Contribute to carbon monoxide (CO) concentrations exceeding the State Ambient Air Quality Standard of nine parts per million (ppm) averaged over eight hours or 20 ppm for one hour (as demonstrated by CALINE4 modeling, which would be performed when a) project CO emissions exceed 550 pounds per day or 100 tons per year; or b) project traffic would impact intersections or roadway links operating at Level of Service (LOS) D, E or F or would cause LOS to decline to D, E or F; or c) project would increase traffic volumes on nearby roadways by 10% or more)?	1, 2				X
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	1, 2				X
d) Expose sensitive receptors to substantial levels of toxic air contaminants?	1, 2			X	
i. Probability of contracting cancer for the Maximally Exposed Individual (MEI) exceeds 10 in one million	1, 2				X
ii. Ground-level concentrations of non-carcinogenic TACs would result in a hazard index greater than one (1) for the MEI	1, 2				X
e) Create objectionable odors affecting a substantial number of people?	1, 2			X	

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Not implement all applicable construction emission control measures recommended in the <i>Bay Area Air Quality Management District CEQA Guidelines</i> ?	1, 2			X	

DISCUSSION:

There is no specific development proposal as part of this project that could potentially affect air quality. The hazards section of this study describes existing conditions at the gas station. Due to the conditions of sale, which preclude development of a gas station and any grading in the vicinity of existing underground tanks, it is not likely that development proposed subsequent to this rezoning would violate BAAQMD guidelines for emission control, which would need to be followed as a part of any new development. Any development proposal would be subject to a subsequent environmental review, in compliance with CEQA requirements, and mitigation measures would be imposed as necessary to ensure air quality is maintained. Standard City conditions of approval would ensure that construction related impacts from dust and debris generated by future development will be limited to less than significant levels.

Mitigation Measures:

None

D. BIOLOGICAL RESOURCES

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	1, 2- MapN1, 5,				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, including federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	1,2- MapN1, 5,				X

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	1, 2-MapN1, 5,				X
d) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or as defined by the City of Palo Alto's Tree Preservation Ordinance (Municipal Code Section 8.10)?	1, 2, 3, 5				X
e) Conflict with any applicable Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	1,2,5				X

DISCUSSION:

There is no specific development proposal as part of this project. The completely developed site is in an urban area of the City, with very little landscaping on site. Future development proposals would be subject to a subsequent environmental review per CEQA requirements and will be required to comply with Palo Alto's Tree Preservation Ordinance, the Palo Alto Municipal Code and Comprehensive Plan.

Mitigation Measures:

None

E. CULTURAL RESOURCES

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Directly or indirectly destroy a local cultural resource that is recognized by City Council resolution?	1				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?	1, 2- MapL8				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	1,2- MapL8				X
d) Disturb any human remains, including those interred outside of formal cemeteries?	1,2- MapL8			X	
e) Adversely affect a historic resource listed or eligible for listing on the National and/or California Register, or listed on the City's Historic Inventory?	1,2- MapL7				X
f) Eliminate important examples of major periods of California history or prehistory?	1, 2				X

DISCUSSION:

The Comprehensive Plan indicates that the site is in a moderate archaeological resource sensitivity zone. Most of the City area east of Interstate 280 is designated in this zone. However, the site is already completely developed. Because there is no specific development associated with this project, no impact would be expected on potential cultural resources. Future development is anticipated, however, and any development application would be subject to a subsequent CEQA review and the City's standard conditions of approval, which will ensure that any cultural resources affected would be handled properly, in accordance to local, state and federal regulations.

Mitigation Measures:

None.

F. GEOLOGY, SOILS AND SEISMICITY

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	See below				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	2-MapN-5, 5			X	
ii) Strong seismic ground shaking?	2-MapN-10, 5			X	
iii) Seismic-related ground failure, including liquefaction?	2-MapN5, 5,				X
iv) Landslides?	2-MapN5, 5				X
b) Result in substantial soil erosion or the loss of topsoil?	1, 2, 5				X
c) Result in substantial siltation?	1, 2, 5				X
d) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	2-MapN5, 5			X	
e) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	2-MapN5, 5			X	
f) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	1, 5,				X
g) Expose people or property to major geologic hazards that cannot be mitigated through the use of standard engineering design and seismic safety techniques?	1, 4, 5,				X

DISCUSSION:

The entire state of California is in a seismically active area. According to the Comprehensive Plan the project site is not in an area that is subject to very strong ground shaking in the event of an earthquake or in an area subject to expansive soils, surface rupture, liquefaction, or earthquake induced landslides. The rezoning would allow the establishment of new uses in conjunction with approval of an application for demolition of the gas station and development. However, no specific development proposals are part of the subject project. Development of any future projects would be required to implement any recommendations of a geotechnical report and associated mitigation measures as may be imposed, and conform to all requirements in the Uniform Building Code, which includes provisions to ensure that the design and construction of all buildings includes provisions to resist damage from earthquakes to the extent feasible and acceptable. The potential onsite exposure to geological hazards will therefore be less than significant. No mitigation is required.

Mitigation Measures:

None

G. HAZARDS AND HAZARDOUS MATERIALS

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routing transport, use, or disposal of hazardous materials?	1, 5, 8		X		
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	1, 5, 8		X		
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	1, 5, 8		X		
d) Construct a school on a property that is subject to hazards from hazardous materials contamination, emissions or accidental release?					X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	1, 2-MapN9, 5, 8				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	1, 2, 8				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working the project area?	1, 2, 8				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	1,2-MapN7, 8				X
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	2-MapN7, 8				X
i) Create a significant hazard to the public or the environment from existing hazardous materials contamination by exposing future occupants or users of the site to contamination in excess of soil and ground water cleanup goals developed for the site?	1, 8				X

DISCUSSION:

The proposed rezoning does not include any specific development proposal but would enable the submittal of an application for development and uses allowable within the CN zone. Any future development would be subject to a subsequent CEQA review, the imposition of any mitigation measures and the City's conditions of approval to prevent any negative impacts regarding hazards and hazardous materials. The property is listed with the County of Santa Clara as an active fuel leak case with the Santa Clara County Environmental Health Department, due to previous leaking underground storage tanks (UST). The site is currently in the process of remediation with the County of Santa Clara to remove groundwater contamination. A Phase 1 Environmental Site Assessment was prepared and submitted by the property owner and reviewed by the City's Fire Marshall. Specific mitigation measures to implement any recommendations related to removal of the gas station and development of the site would be imposed as a part of the development project.

Mitigation Measure G-1:

Prior to the issuance of approvals for any development proposals, the applicant shall be required to obtain written approval from either the Santa Clara County Department of Environmental Health and/or the Regional Water Quality Control Board that the development project shall not impact the contamination investigation/remediation activities and that the existing contamination will not adversely affect the development project, the construction workers or anyone that subsequently works or lives at the site.

H. HYDROLOGY AND WATER QUALITY

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	1,2, 5				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	2-MapN2				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	1,2			X	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	1,2,5				X

e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	1,2,5,		X		
f) Otherwise substantially degrade water quality?	1,2				X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	1, 2, 5				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	2-MapN6				X
i) Expose people or structures to a significant risk of loss, injury or death involve flooding, including flooding as a result of the failure of a levee or dam or being located within a 100-year flood hazard area?	2-MapN6 N8				X
j) Inundation by seiche, tsunami, or mudflow?	2-MapN6, N8				X
k) Result in stream bank instability?	2-MapN6, N8				X

DISCUSSION:

The project site is located on a site with groundwater contamination due to leaking underground storage tanks associated with the service station. A clean up program is currently in process to remove contamination. The project site is not located in a 100-year flood hazard area and would not impede or redirect flood flows. The project site is not in an area that is subject to seiche, tsunami, or mudflow. This project does not include any specific development proposal and therefore would not impact hydrology or water quality. Should there be any future development proposals, those projects would be subject to a subsequent CEQA review and City's conditions of approval to prevent any negative impacts regarding hydrology and water quality. A Phase 1 Environmental Site Assessment was prepared and submitted by the property owner.

Mitigation Measure H-1:

Prior to the issuance of approvals for any development proposals, the applicant shall be required to obtain written approval from either the Santa Clara County Department of Environmental Health and/or the Regional Water Quality Control Board that the deconstruction and development shall not result in polluted runoff from the site nor impact the contamination investigation/remediation activities.

I. LAND USE AND PLANNING

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	1,2				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	1,2,3,5			X	
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	1,2				X
d) Substantially adversely change the type or intensity of existing or planned land use in the area?	1,2,5				X
e) Be incompatible with adjacent land uses or with the general character of the surrounding area, including density and building height?	1,2,3,5			X	
f) Conflict with established residential, recreational, educational, religious, or scientific uses of an area?	1,2,5			X	
g) Convert prime farmland, unique farmland, or farmland of statewide importance (farmland) to non-agricultural use?	1,2,5				X

DISCUSSION:

The proposed Commercial Neighborhood (CN) zoning designation is consistent with the site's General Plan designation of Neighborhood Commercial, per the Palo Alto 1998 - 2010 Comprehensive Plan. This land use designation allows shopping center with off-street parking or a cluster of storefront stores that serve the immediate neighborhood. Typical uses include supermarkets, bakeries, drugstores, variety stores, barber shops, restaurants, self-service laundries, dry cleaners, hardware stores. In specific locations, residential and mixed use developments may be appropriate. The project will comply with all plans for conservation of biological resources as mitigated, and would not impact farmland.

DISCUSSION:

The proposed Commercial Neighborhood (CN) zoning designation is consistent with the site's General Plan designation of Neighborhood Commercial, per the Palo Alto 1998 - 2010 Comprehensive Plan. This land use designation allows shopping center with off-street parking or a cluster of storefront stores that serve the immediate neighborhood. Typical uses include supermarkets, bakeries, drugstores, variety stores, barber shops, restaurants, self-service laundries, dry cleaners, hardware stores. In specific locations, residential and mixed use developments may be appropriate. The project will comply with all plans for conservation of biological resources as mitigated, and would not impact farmland.

The Commercial Neighborhood zone would allow a variety of commercial/retail uses and mixed residential/non-residential uses to be configured either vertically or horizontally on the property, subject to CEQA review and approval of planning and building permits. Commercial uses are restricted in size per Palo Alto Municipal Code (PAMC) Section 18.16.060(f). The maximum allowable residential density within a mixed use project on the site would be seven units. Any mixed use development of more than four residential units would be subject to the City's Site and Design Review process, with a Council decision required for approval, whereas projects of four or less units would be reviewed by the City's Architectural Review Board followed by the Planning Director's decision. PAMC chapters 18.16 and 18.23 would be applicable to new development, which would be evaluated under context-based design criteria of PAMC 18.16 and performance criteria of PAMC 18.23, including those for parking and late night uses and activities regulations. Since the sale of the parcel is conditioned so that underground tanks at the front portion of the site are to not be disturbed, future development may not fully meet the context based design criteria set forth in PAMC 18.16. Non-residential floor area ratios could have a floor area ratio of up to 0.4:1, for a maximum of approximately 8,358 square feet on the site. A mixed use project could have a floor area ratio up to 0.9:1, with the 0.5:1 additional area for residential units.

Mitigation Measures:

None.

J. MINERAL RESOURCES

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	1,2				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	1,2				X

DISCUSSION:

K. NOISE

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	1,2,5			X	
b) Exposure of persons to or generation of excessive ground borne vibrations or ground borne noise levels?	1,2,5,			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	1,2,5			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	1,2,5			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, would the project expose people residing or working in the project area to excessive noise levels?	1,2				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	1,2				X
g) Cause the average 24 hour noise level (Ldn) to increase by 5.0 decibels (dB) or more in an existing residential area, even if the Ldn would remain below 60 dB?	1,2,5				X
h) Cause the Ldn to increase by 3.0 dB or more in an existing residential area, thereby causing the Ldn in the area to exceed 60 dB?	1,2,5				X
i) Cause an increase of 3.0 dB or more in an existing residential area where the Ldn currently exceeds 60 dB?	1,2,5				X
j) Result in indoor noise levels for residential development to exceed an Ldn of 45 dB?	1,2,5			X	
k) Result in instantaneous noise levels of greater than 50 dB in bedrooms or 55 dB in other rooms in areas with an exterior Ldn of 60 dB or greater?	1,2,5			X	
l) Generate construction noise exceeding the daytime background Leq at sensitive receptors by 10 dBA or more?	1,2,5				X

DISCUSSION:

The project site is located within an area having an exterior noise level Ldn of 65dB. There is no specific development application submitted as part of this project; noise impacts associated with any development enabled by the rezoning of the site would be less than significant with the imposition of

mitigation measures and standard conditions of approval. No noise impacts are anticipated with approval of the rezoning. A noise report by a qualified professional would be required with any application for development. The project site is not located within an airport land use plan or within the vicinity of a private airstrip. Any future development proposal will be subject to environmental review and compliance with the Palo Alto Noise Ordinance. With the City's standard conditions of approval requiring implementation of the Palo Alto Noise Ordinance, and any recommendations of a noise report for new development, noise impacts from future development will not be significant.

Mitigation Measures:

None

L. POPULATION AND HOUSING

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	1,2,5			X	
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	1, 5				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	1, 5				X
d) Create a substantial imbalance between employed residents and jobs?	1,2			X	
e) Cumulatively exceed regional or local population projections?	1,2			X	

DISCUSSION:

The land use designation of the site will remain neighborhood commercial. The rezoning would allow for a limited amount of housing to be developed if the applicant were to request and receive approval for a mixed use project. The project is for rezoning the site and no specific development proposals are included. No additional population or housing impacts are anticipated directly from this project or from a non-residential development that may be proposed. Any future development proposal would be subject to environmental review to determine impacts on population and housing, but the population and housing impacts of any mixed use development with seven housing units would be individually less than significant. Any cumulative impacts of a mixed use project would be evaluated if such a project were proposed. The applicant has indicated interest in developing a non-residential project.

Mitigation Measures:

None.

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	1, 5				X

DISCUSSION:

The proposed project is for rezoning only and no specific development proposals are included. Therefore, it would not have any significant impact on existing parks, nor include or require construction of recreational facilities. Any future development at the project site would be subject to environmental review to determine any recreation impacts and compliance with City standards. Development of the site could result in increased use of the Winterlodge recreational facility on the adjacent, city-owned property, by customers of such new development, but this has not been evaluated for this rezoning project, as a specific use proposal has not been submitted.

Mitigation Measures:

No mitigation is required.

O. TRANSPORTATION AND TRAFFIC

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	1, 5				X
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	1, 5				X
c) Result in change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	1, 5				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	1,5				X

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Result in inadequate emergency access?	1,2				X
f) Result in inadequate parking capacity?	1,2,5				X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian, transit & bicycle facilities)?	1,2,5				X
h) Cause a local (City of Palo Alto) intersection to deteriorate below Level of Service (LOS) D and cause an increase in the average stopped delay for the critical movements by four seconds or more and the critical volume/capacity ratio (V/C) value to increase by 0.01 or more?	1,2,5				X
i) Cause a local intersection already operating at LOS E or F to deteriorate in the average stopped delay for the critical movements by four seconds or more?	1,2,5				X
j) Cause a regional intersection to deteriorate from an LOS E or better to LOS F or cause critical movement delay at such an intersection already operating at LOS F to increase by four seconds or more and the critical V/C value to increase by 0.01 or more?	1,2,5				X
k) Cause a freeway segment to operate at LOS F or contribute traffic in excess of 1% of segment capacity to a freeway segment already operating at LOS F?	1,2,5				X
l) Cause any change in traffic that would increase the Traffic Infusion on Residential Environment (TIRE) index by 0.1 or more?	1,2,5				X
m) Cause queuing impacts based on a comparative analysis between the design queue length and the available queue storage capacity? Queuing impacts include, but are not limited to, spillback queues at project access locations; queues at turn lanes at intersections that block through traffic; queues at lane drops; queues at one intersection that extend back to impact other intersections, and spillback queues on ramps.	1,2,5				X
n) Impede the development or function of planned pedestrian or bicycle facilities?	1,2, 5				X
o) Impede the operation of a transit system as a result of congestion?	1,2, 5				X
p) Create an operational safety hazard?	1,5				X

DISCUSSION:

The project is proposing a change from a zoning designation currently supporting a commercial use to one that supports a broader range of commercial uses on a fairly small site, and the applicant's intention is to develop a non-residential project. Based on a trip generation analysis for a 7000 sq. ft. for office and the trips from the existing gas station, a non-residential project would not increase the traffic impact. Therefore, it is not anticipated that there would be a traffic impact due to the rezoning. No specific development proposal is included in this project. Future development proposals would be subject to subsequent environmental review to determine any potential traffic impacts.

Mitigation Measures: No mitigation is required.

P. UTILITIES AND SERVICE SYSTEMS

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	1,2				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	1,2				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	1,2				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	1,2				X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	1				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	1				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?	1				X
h) Result in a substantial physical deterioration of a public facility due to increased use as a result of the project?	1				X

DISCUSSION:

The proposed site is completely developed in an urban area of the City, where utilities and other services are available. However, there is no specific development proposal associated with this project. Any future development of the site would be subject to both City review and environmental review to ensure that the proposed development would have a less than significant impact on the immediate environment.

Mitigation Measures:

None

Q. MANDATORY FINDINGS OF SIGNIFICANCE

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	1,2-Map L4,5				X
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	1,2,5			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	1,5,			X	

DISCUSSION:

As there is no specific proposal associated with this project, it is not expected that any of the mandatory findings of significance will be applicable, and the overall impacts from the rezoning are less than significant. Any future development at the site will be subject to both City departmental review and environmental review to ensure that any proposed development would have a less than significant impact on the immediate environment.

SOURCE REFERENCES

1. *Project Planner's knowledge of the site and the proposed project*
2. *Palo Alto Comprehensive Plan, 1998-2010*
3. *Palo Alto Municipal Code, Title 18 – Zoning Ordinance*
4. *Required compliance with the Uniform Building Code (UBC) Standards for Seismic Safety and Windload*
5. *Location Map,*
6. *Alquist-Priolo Earthquake Fault Zoning Map*
7. *Palo Alto Tree Technical Manual, Municipal Code Chapter 8.10.030, June 2001*
8. *Phase I Environmental Site Assessment 2995 Middlefield Road. Project OTP-02.1A, prepared by Toxichem Management Systems, Inc., November 14, 2007.*

PREPARED BY

Amy French, Manager of Current Planning
 Elena Lee, Senior Planner

DETERMINATION

On the basis of this initial evaluation:

<p>I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.</p>	
<p>I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.</p>	<p>X</p>
<p>I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.</p>	
<p>I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect: 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.</p>	

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Elena Lee
Project Planner

January 17, 2008

Date

Director of Planning and
Community Environment

Date

City of Palo Alto
Zoning Change Review

Attachment F

August 30th, 2007

Project Description Letter

To whom it may concern,

I am Erik Corrigan, a partner with Old Trace Middlefield. "Old Trace Middlefield, LLC" is a Corrigan family partnership formed with the intention to develop the property located at 2995 Middlefield Road, in Palo Alto. The property has been owned by BP/Arco, and used as a service station until the station closed a few years ago.

I have had an extensive negotiation process with BP/Arco, and the result is a purchase contract with the following conditions.

Restricted Building Area – Since the property was previously used as a service station, and has had ground water contamination, BP/Arco must have the ability to continue with a remediation process on the site. They have determined that the area where the gasoline storage tanks were located at the front of the property is sensitive, and have restricted any structures to be built at the back of the property. Please see the "Restricted Area Map", attached.

Zoning Change – Property is currently zoned for Service Station Use. BP/Arco has no intention of re-opening the property as a service station. The contract states that the new owner may not use it as a service/gas station. The property was previously zoned CN. When BP/Arco placed a service station here, a PC overlay allowed the Service Station use. **This application is intended to remove the PC designation, and return the zoning to CN.**

Our intention with the development of this property is to create a 6,000sf – 7,000sf retail/office building. We are anticipating that the final building plan would be approximately 60% retail, and 40% office on the 2nd floor. I have met with the Midtown Residents Association, and the immediate neighbors at Winter Lodge. Both groups are in favor of retail use with some neighborhood serving office.

To determine the appropriate size of the building, we have created a parking plan, please see attached. As we have not determined the exact retail/office mix, or a design for the building, this document is intended to show the approximate location of a building, and indicate a tentative amount of parking.

Other included documents:

- Property Photo – ground level photo
- Aerial Photo – 1 close up, and one showing Entire Midtown Area
- Area Zoning maps
- Parcel Map

NAIBT Commercial

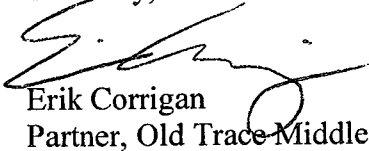
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fax 650 856 1098
www.naibtcommercial.com

I look forward to working with the city of Palo Alto to remove the existing gas station, and provide a building which the Midtown residents will appreciate.

Please feel free to contact me with any additional questions or comments.

Sincerely,



Erik Corrigan
Partner, Old Trace Middlefield LLC.