



# City of Palo Alto

(ID # 6077)

## Architectural Review Board ARB Staff Report

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**Report Type: New Business**

**Meeting Date: 9/17/2015**

**Summary Title: 429 University Avenue**

**Title: 429 University Avenue [14PLN-00222] To Consider an Appeal of the Director of Planning and Community Environment's Architectural Review Approval of a 31,407 Square-Foot, Four Story, Mixed Use Building With Parking Facilities on Two Subterranean Levels on an 11,000 Square-Foot Site in the Downtown Commercial (CD-C (GF)(P)) Zone District located at 425-429 University Avenue; and the Approval of a Mitigated Negative Declaration. Environmental Assessment: A Mitigated Negative Declaration has been prepared.**

**From: Jonathan Lait**

**Lead Department: Architectural Review Board**

### **RECOMMENDATION**

Staff recommends that the Architectural Review Board (ARB) review the revised project, evaluate the additional studies, and make a recommendation to City Council based on their specific direction.

### **EXECUTIVE SUMMARY**

The proposed redevelopment project is located at 425-447 University Avenue on a 11,000 square feet (sf) parcel in the Downtown Commercial (CD-C (GF)(P)) zone district, which involves the construction of a new 31,407 square foot (sf), four story, mixed-use building with two levels of subterranean parking replacing two existing one-story commercial buildings (Attachment B – Project Location Map). Retail is proposed on the ground floor, office on the second floor, three residential units on the third floor, and office and one residential unit on the fourth floor.

The ARB recommended approval of the project after three public hearings. The Director of Planning and Community Environment tentatively approved the project and the environmental document with conditions on February 25, 2015.

An appeal was filed and the City Council considered the matter at the public hearing on May 4, 2015. Following testimony and deliberation, City Council voted to continue the appeal and

requested the applicant to redesign the project and that the ARB and Historic Resources Board (HRB) address a list of issues outlined in the following section.

Since the May 4, 2015 meeting, additional studies on the project's traffic circulation and shadow patterns have been prepared as per the Council motions (Attachment D and E). A supplemental Historic Resources Memorandum was also prepared to analyze the potential project impacts on existing offsite historic resources and their settings (Attachment C). The results of these additional studies reveal no new environmental impacts. The current project plans and studies were reviewed by the HRB on September 10, 2015<sup>1</sup>.

The applicant has made some design modifications to address Council's comments. In today's ARB meeting, staff requests the ARB review the revised project, evaluate the additional studies, and consider the applicant's response to Council comments.

## **BACKGROUND**

The ARB conducted a preliminary review of the proposed project on November 7, 2013. Following the submission of a formal application on June 19, 2014, the ARB conducted three public hearings on November 20, 2014, January 15, 2015 and February 19, 2015 to review the application. At the February 19 meeting, the ARB recommended approval of the application to the Director of Planning and Community Environment. The Director issued a letter of approval on February 25, 2015 (Attachment A)<sup>2</sup>.

An appeal was received with concerns pertaining to the project's compatibility with the neighborhood, including its historic character, safety, traffic and parking conflicts, and the loss of ground floor retail. At the May 4, 2015 public hearing, the City Council voted 5-4 to continue

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<sup>1</sup> The relevant HRB report, with all attachments, is viewable on the City's website.

- HRB September 10, 2015 report:  
<https://www.cityofpaloalto.org/civicax/filebank/documents/48887>

<sup>2</sup> The relevant ARB reports, with all attachments, initial study and appendices thereto, and project plans are viewable on the City's website at the links provided below:

- ARB November 7, 2013 Preliminary Review report:  
<http://www.cityofpaloalto.org/civicax/filebank/documents/37588>
- ARB November 20, 2014 report:  
<https://www.cityofpaloalto.org/civicax/filebank/documents/44755>
- ARB January 15, 2015 report:  
<https://www.cityofpaloalto.org/civicax/filebank/documents/45512>
- ARB February 19, 2015 report:  
<https://www.cityofpaloalto.org/civicax/filebank/documents/45974>
- Project plans recommended by the ARB and approved by the Director of Planning and Community Environment:  
<http://www.cityofpaloalto.org/civicax/filebank/documents/37684>

the appeal requesting the applicant redesign the project and that the ARB address the following issues in relation to the redesigned project<sup>3</sup>:

#### Council Direction to the Architectural Review Board

The project [shall] be re-submitted to the Architectural Review Board to address the following Council concerns regarding the required findings:

- a. The design shall be compatible with the immediate environment of the site– the building will be designed with articulation and setbacks that minimize massing.
- b. In areas considered by the board as having a unified design character or historical character, the design is compatible with such character
- c. The design is compatible with approved improvements both on and off the site.
- d. The design of roof lines, entries, setbacks, mass and scale with context based criteria.
- e. Street building facades – building to return with greater reinforcement of the relationship of the street with building mass. The upper floors need to have set backs to fit in with the context of the neighborhood. Specifically, the look and feel from the street should be of a look and feel compatible with adjacent buildings, with the option of a third or fourth floor provided they are visually compatible from the streets, requiring articulation or set-backs.
- f. To study shadow patterns.
- g. Study circulation analysis including on Lane 30.
- h. Direction that the project shall share design linkages with the overall pattern of buildings so that the visual unity of the streets are maintained.

## **PROJECT DESCRIPTION**

### Current Proposal

The proposed project replaces two existing one-story commercial buildings with a new 31,407 sf four-story mixed-use building that contains 20,407 sf of commercial floor area and 11,000 sf of residential floor area with two levels of subterranean parking of 40 parking spaces on an 11,000 sf parcel at 425-447 University Avenue. The revised project will maintain the same land use and parking program in conformance to the development standards of the CD-C (GF)(P) zoning district, but does include some project modifications.

## **DISCUSSION**

The Council articulated its challenge in meeting all of the ARB findings to approve the project. In particular, the Council was concerned with the project’s compatibility to nearby buildings and

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<sup>3</sup> The relevant Council reports, with all attachments, including the appeal letter, are viewable on the City’s website at the links provided below:

- Council April 6, 2015 report:  
<http://www.cityofpaloalto.org/civicax/filebank/documents/46619>
- Council May 4, 2015 report:  
<http://www.cityofpaloalto.org/civicax/filebank/documents/47015>

its relationship to the historic character and lower profile buildings in the area. In remanding the project back to the ARB, the Council directed the applicant to make changes to the project to make the project more compatible to the immediate environment, the streetscape and historic buildings in the area (see complete motion above in Background section).The Council's discussion is viewable at this link: <http://midpenmedia.org/city-council-35/>.

In response to these comments the applicant made a variety of changes, which are detailed in Attachment F<sup>4</sup>. The ARB is asked to review these changes in response to the Council's motion and to make a recommendation as to whether the revisions achieve the stated goal.

Some of the more notable revisions include the elimination of the overhang above the third floor and removal of vertical stone walls supporting that cantilevered terrace above. The applicant has also adjusted the setbacks along the University Avenue and Kipling Street frontages. Previously, the project included a modulated setback<sup>5</sup> from University Avenue that ranged from 4.5 feet to 18 feet and 28 to 41.5 feet at the third and fourth levels, respectively. The revised project from University Avenue is now a consistent 9 feet at the third level and 30 feet to 39.58 feet at the fourth floor. It is noted that some portions of the fourth floor near the adjacent building on University Avenue have moved closer to the street while the larger balance of that level has been pushed back in part to achieve a greater setback as viewed from Kipling Street.

From Kipling Street, the structure previously included a modulated setback from zero to 21 feet and 12 feet on the third and fourth floors, respectively. The new setbacks from Kipling Street range from zero to a consistent 7.5 feet setback and 12.75 feet on the third and fourth floors, respectively.

As viewed from Lane 30, the structure previously included a setback of 4 feet to 4.5 feet on the ground floor and the new setback is 4 feet. The setback also decreased slightly from 10.92 feet to 10 feet at the upper levels.

These and other modifications result in changes to the proposed building envelope and represent the applicant's efforts to address Council comments. The ARB in its review will want to consider whether the proposed changes achieve the expressed intent from Council and whether the modifications enhance the project generally. While greater setbacks are provided in some areas, some of these changes result in less building articulation. Additionally, it is unclear to staff how the proposed revisions respond to Council comments about the transition in scale or compatibility to adjacent structures as viewed from Kipling Street. In discussions with

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<sup>4</sup> The Attachment numerically lists changes made in response to the Council's comments. However, changes indicated with a reference to Rev. 5 in the Change No. column were changes that the City Council previously reviewed and are not additional changes in response to Council comments.

<sup>5</sup> The setback dimensions referenced in this section are measured from property lines to exterior walls of interior space. It does not include setbacks to outdoor spaces.

the applicant, modifications to the stair and elevator tower near Kipling Street were rejected due to the overall impact to their programmatic objectives and design planning efforts to date.

With respect to the project's compliance with the historic character, staff continues to support its initial conclusion that the project would not result in an environmental impact generally, and more specifically, would not negatively impact nearby historic structures under the California Environmental Quality Act (CEQA). However, the Historic Resources Board (HRB) in its review of the project on September 10<sup>th</sup> concluded that the proposed building was not compatible with nearby historic resources. The project was described as overwhelming and dominating nearby structures. The HRB comments will be forwarded to the City Council. The ARB is not being asked to comment on the historic compatibility as it relates to CEQA, but may consider the project as it relates to any perceived unified design character or historical character and comment on the proposed project's design compatibility with such character.

### Shadow Study

A shadow study was prepared for the proposed project by jt Architecture + Design to evaluate the projected changes in shadow lines relative to existing conditions. Shadow profiles are evaluated in four critical dates of the year: March 21, June 21, September 21, and December 21. As shown in the shadow study (Attachment E), the shadows at winter solstice (worst-case shadow) would cover a similar range under existing and proposed conditions when accounting for the shadows cast by existing trees along Kipling Street, which the project would replace. The shadows would cast mostly on utility areas, such as Lane 30, parking stalls at the alley, abutting buildings by the alley, streets, and rooftops. Most buildings abutting Lane 30 do not have windows to the alley that would be impacted by these shadows. The adjacent residential buildings would not be adversely impacted by shadows from the project. Due to the similarity of shadows from the existing building and the proposed building, shading from the project would differ minimally from existing conditions.

### Circulation Study

The City Council expressed concern about the increase in vehicular traffic on Lane 30 and turning movements from Lane 30 to Kipling Street. While a previous Transportation Impact Analysis was prepared and found no impacts under CEQA, a supplemental study was commissioned in response to Council comments. The updated report is provided as Attachment D. There are recommendations included in the report to help facilitate improved traffic flow, but these conclusions do not impact the project.

The project is expected to generate as many as 166 net new daily trips, with 17 inbound and 4 outbound net new trips occurring during the AM peak hour and 4 inbound and 17 outbound net new trips occurring during the PM peak hour. The project site is also located downtown with transit, bicycle and pedestrian access; the actual vehicle trip will likely be lower.

Lane 30 runs between Waverley Street and Kipling Street and is designed for one-way traffic, with vehicles entering from Waverley Street and driving eastbound to exit onto Kipling Street. Observations of traffic activity in the alley were conducted by Hexagon. Both pedestrians and vehicles used the alley to travel from one end to the other, as well as to access businesses located off of the alley for loading zones.

The entrance to the alley at Waverley Street has good visibility for vehicles turning off from Waverley. Parked cars along the southbound side of Kipling Street were the main factor limiting the visibility of vehicles exiting the alley. Two large street trees adjacent to the curb cut further obstructed drivers' views onto Kipling Street. The project includes the removal of the southern tree, to be replaced by a tree approximately 15 feet back from the property line and curb cut, eliminating the visual obstruction for drivers looking to their right as they exit the alley. The corner of the proposed building would improve the sight lines onto Kipling Street, as the building would obstruct less than the existing parking and street trees, and visibility of approaching vehicles would be very similar on both the driver's left and right. Drivers exiting the alley would be likely to be driving down the center of the alley, which gives them about 7 feet of clearance on each side. This clear space allows view of pedestrians on the sidewalk. Despite the sight distance challenges, under existing conditions, drivers appeared to have no difficulty turning out of the alley onto Kipling Street.

Vehicles entering right-angled parking spaces along the alley have ample space to turn, even with the dumpsters lining some portions of the alley. The proposed project would similarly have sufficient space for drivers to enter and exit the underground parking garage. The alley would be used by future building tenants accessing the underground parking garage in the same way that it is currently used. There is no potential impact from the proposed building on the operation of the alley, as it would continue to operate as it does currently.

## **ENVIRONMENTAL REVIEW**

The Initial Study and Mitigated Negative Declaration (MND) (Attachment G) has been updated to include the findings of additional analyses, including the historic resources memorandum, shadow study and the traffic operations study. The plan revisions did not result in any additional impacts nor require any additional mitigation measures. The original mitigation monitoring program is provided in Attachment H.

## **CORRESPONDENCE**

Comment letters received since the May 4, 2015 Council Meeting are included as Attachment I.

### **COURTSEY COPY:**

Elizabeth Wong, applicant

**Prepared by:** Christy Fong, Planner

**Reviewed by:** Jodie Gerhardt, AICP, Interim Current Planning Manager

Amy French, AICP, Chief Planning Official  
Jonathan Lait, Assistant Director

**Attachments:**

- Attachment A: Director's Tentative Decision Letter dated February 25, 2015 (PDF)
- Attachment B: Project Location Map (PDF)
- Attachment C: Historic Resources Memorandum dated August 14, 2015 (PDF)
- Attachment D: Traffic Operations Study dated August 5, 2015 (PDF)
- Attachment E: Shadow Study Report dated July 30, 2015 (PDF)
- Attachment F: Revised Project Description Letter dated August 21, 2015 (PDF)
- Attachment G: Revised Initial Study and Mitigated Negative Declaration dated August 2015 (PDF)
- Attachment H: Mitigation Monitoring Program (PDF)
- Attachment I: Public Comment Letters (PDF)
- Attachment J: Project Plans (ARB Members Only) (DOCX)

**CITY OF  
PALO  
ALTO****PLANNING & COMMUNITY ENVIRONMENT**250 Hamilton Avenue, 5th Floor  
Palo Alto, CA 94301  
650.329.2441

February 25, 2015

Hayes Group Architects, Inc.  
2657 Spring Street  
Redwood City, CA 94063  
Attn: Ken Hayes**Subject: 429 University Avenue [14PLN-00222]: Architectural Review**

Dear Mr. Hayes:

On February 19, 2015, the Architectural Review Board (ARB) recommended approval of the application referenced above, and the Director of Planning and Community Environment (Director) approved the project on February 25, 2015. The approval was based on the findings in Attachment A, and is subject to conditions of approval as noted in Attachment B. The approval also includes the adoption of a Mitigated Negative Declaration and a Mitigation Monitoring Program.

The approval will become effective 14 days from the postmark date of this letter, unless an appeal is filed in accordance with Title 18 of the Palo Alto Municipal Code, for Council consideration of the project, described as follows:

**429 University Avenue [14PLN-00222]:** Request by Ken Hayes Architects, Inc. on behalf of Kipling Post LP for Architectural Review of a proposal to demolish two existing one-story commercial/retail buildings with a total of 11,633 sf and a construct a 31,407 sf, four-story mixed use building with two levels of underground parking providing 40 on-site spaces on an 11,000 sf site in the Downtown Commercial (CD-C (GF)(P)) zoning district. Environmental Assessment: A Mitigated Negative Declaration was prepared and circulated for public review.

Unless an appeal is filed in accordance with Title 18 of the Palo Alto Municipal Code, the effective approval date is fourteen (14) days from the postmark date of this letter. This project approval shall be effective for one year following the effective approval date, within which time construction of the project shall have commenced. Application for extension may be made prior to the expiration to the expiration date. The time period for a project may be extended once for an additional year by the Director of Planning and shall be subject to appeal at that time. In the event the building permit is not secured for the project within the time limits specified above, the Architectural Review Board approval shall expire and be of no further force.





or effect.

The fees, dedications, reservations or other exactions imposed by the City in connection with your development project are described in your conditions of approval and included by reference in the approved development plans. Pursuant to Government Code Section 66020, you may initiate any protest of fees, dedications, reservations or exactions at the time the development project is approved or conditionally approved, or within ninety (90) days after the date they are imposed on the project. Additionally procedural requirements for protesting these development fees, dedications, reservations and exactions are set forth in Government Code Section 66020.

Should you have any questions regarding this ARB action, please do not hesitate to contact the project planner Christy Fong at (650) 838-2996.

Sincerely,



Jonathan Lait, AICP

Assistant Director of Planning and Community Environment

Attachments:

- A. ARB Findings
- B. Conditions of Approval

cc. Elizabeth Wong

Notice: Occupants and owners within 1,200 foot radius

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**ATTACHMENT A**  
**FINDINGS FOR APPROVAL**  
**ARCHITECTURAL REVIEW BOARD STANDARDS FOR REVIEW AND**  
**CONTEXT-BASED DESIGN CRITERIA**  
**429 University Avenue / File No. 14PLN-00222**

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**Architectural Review Findings**

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

- (1) *The design is consistent and compatible with applicable elements of the Palo Alto Comprehensive Plan.* This finding can be made in the affirmative in that the project complies with the policies and programs of the applicable elements in the Comprehensive Plan, as outlined in Attachment E of the February 19, 2015 Architectural Review Board staff report and appended at the end of this attachment. In addition to the policies and programs that were outlined in the Attachment, this project is also consistent with the Palo Alto Comprehensive Plan policies related to business and economics. The Comprehensive Plan encourages owners to upgrade or replace existing commercial properties so that these commercial areas are more competitive and better serve the community. The proposed project for a new mixed use building is consistent with the land use designation;
- (2) *The design is compatible with the immediate environment of the site.* This finding can be made in the affirmative in that the project is designed to take advantage of the available site area while staying within the limitations of the zoning. While the Downtown Urban Design Guide has not specified the desirable number of stories for this site, the project is compatible in the Downtown urban context where the immediate environment along University Avenue is comprised of buildings varying in heights ranging from two to four stories. The proposed building, with contextual consideration of massing and setbacks, respects the scale of abutting low density buildings on Kipling Street, west of the project site;
- (3) *The design is appropriate to the function of the project.* This finding can be made in the affirmative in that the new building would accommodate retail, office and residential uses. The proposed building would have ample storefront glass with canopies to create an inviting retail and pedestrian environment. The design is also consistent with the requirements and recommendations of the Context Based Design Criteria;
- (4) *In areas considered by the board as having a unified design character or historical character, the design is compatible with such character.* This finding can be made in the affirmative in that the project is consistent with the applicable guidelines in the Downtown Urban Design Guide, particularly when the project reinforces University Avenue as the retail core of Downtown Palo Alto by maintaining ground floor retail

uses, preserving the general pattern of storefronts, and continuing retail vitality onto Kipling Street;

- (5) *The design promotes harmonious transitions in scale and character in areas between different designated land uses.* This finding can be made in the affirmative in that the subject and adjacent properties have similar designated land uses and the proposed mixed use project includes the type of uses expected within the district. The building incorporates architectural features, step backs and modulation that provide a transition to adjacent buildings along University Avenue and Kipling Street;
- (6) *The design is compatible with approved improvements both on and off the site.* This finding can be made in the affirmative in that the project design is compatible with the surrounding commercial, office, mixed use, and residential buildings in the Downtown commercial area;
- (7) *The planning and siting of the various functions and buildings on the site create an internal sense of order and provide a desirable environment for occupants, visitors and the general community.* This finding can be made in the affirmative in that the new building is designed to have an active storefront along University Avenue, and a softer edge with landscaping to transition to the adjacent lower density neighborhood. Parking facilities are located underground with access from the alley. The façade is scaled proportionally to preserve the existing storefront rhythms. The upper floor massing is set back to respect the scale of nearby buildings. Ample outdoor balconies and terraces are proposed to meet the needs of the buildings users;
- (8) *The amount and arrangement of open space are appropriate to the design and the function of the structures.* This finding can be made in the affirmative in that the proposal provides open space with wider sidewalks, balconies and a roof-top terrace. An adequate amount of recesses is provided to fulfill the zoning requirements of the "P" overlay with the intent is to add interest at the ground floor for pedestrians. Additionally, the project provides sufficient open space for both residential and office tenants. The design of open space is appropriate to the function of the structure and the surrounding context;
- (9) *Sufficient ancillary functions are provided to support the main functions of the project and the same are compatible with the project's design concept.* This finding can be made in the affirmative in that project provides mechanic service, trash/recycle enclosures, employee showering, vehicular and bicycle parking to support the main functions of the project. The design and placement of these features are compatible with the project's design concept;
- (10) *Access to the property and circulation thereon are safe and convenient for pedestrians, cyclists and vehicles.* This finding can be made in the affirmative in that the project is easily approachable by all modes of transportation. The proposed vehicular circulation is safe and does not introduce significant changes to the adjacent street and sidewalk system;

- (11) *Natural features are appropriately preserved and integrated with the project. This finding can be made in the affirmative in that the project is situated in an existing developed and urbanized environment. There are few natural features requiring preservation. However, there are existing street trees along University Avenue that would be preserved. Four destructive trees along Kipling Street will be replaced by four new 36" box Golden Maidenhair trees that are complementary to existing natural environment;*
- (12) *The materials, textures, colors and details of construction and plant material are appropriate expression to the design and function. This finding can be made in the affirmative in that proposal includes smooth stone, glazing, metal and earth-tone colors that are common to contemporary commercial development in the Downtown environment and would fit in with the eclectic nature of the district. Proposed plant materials, as conditioned, are appropriate expression to the building design and function;*
- (13) *The landscape design concept for the site, as shown by the relationship of plant masses, open space, scale, plant forms and foliage textures and colors create a desirable and functional environment. This finding can be made in the affirmative in that the proposal includes landscape materials that are used to screen and soften the appearance of the building while also providing a pleasing color palette. Proposed plantings in the planter, at the corner of Lane 30 and Kipling Street, as conditioned, would be low in height to ensure visibility from the alley to the side street;*
- (14) *Plant material is suitable and adaptable to the site, capable of being properly maintained on the site, and is of a variety which would tend to be drought-resistant to reduce consumption of water in its installation and maintenance. This finding can be made in the affirmative in that the proposed landscape materials, as conditioned, are not extensive and would require relatively low maintenance within easy-to-maintain planters. In addition, the maintenance of proposed landscape materials would require to conform with the City's water efficiency standards;*
- (15) *The project exhibits green building and sustainable design that is energy efficient, water conserving, durable and nontoxic, with high-quality spaces and high recycled content materials. The following considerations should be included in site and building design:*
- *Optimize building orientation for heat gain, shading, daylighting, and natural ventilation;*
  - *Design landscaping to create comfortable micro-climates and reduce heat island effects;*
  - *Design for easy pedestrian, bicycle and transit access;*
  - *Maximize on site stormwater management through landscaping and permeable paving;*
  - *Use sustainable building materials;*
  - *Design lighting, plumbing and equipment for efficient energy and water use;*

- *Create healthy indoor environments; and*
- *Use creativity and innovation to build more sustainable environments.*

This finding can be made in the affirmative in that the project would comply with the City's green building ordinance, and the design includes overhangs, recesses, and other shading devices and techniques to reduce the solar heat gain and energy consumption related to the cooling of the building. The design is easy for pedestrian, bicycle and transit access. The project incorporates high efficiency LED light fixtures, low-flow plumbing fixtures and high efficiency HVAC equipment for efficiency energy and water use. Green building features will be incorporated to achieve CalGreen Tier 2 standards for the commercial portion and Green Point rated standards for the residential portion;

- (16) *The design is consistent and compatible with the purpose of architectural review as set forth in subsection 18.76.020(a) - Architectural Review.* This finding can be made in the affirmative in that the project design promotes visual environments that are of high aesthetic quality and variety.

#### **Context-Based Design Criteria Findings**

The design and architecture of the proposed project has been reviewed with respect to the Context-Based Design Criteria set forth in PAMC 18.18.110. Section 18.18.110 (a) notes that the project shall be:

- (A) Responsible to its context and compatible with adjacent development, and shall promote the establishment of pedestrian oriented design (where "responsible to context" is not a desire to replicate surroundings, but provide appropriate transitions to surroundings), and
- (B) Compatible with adjacent development, when apparent scale and mass 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 the visual unit of the street is maintained.

Generally, while it will be taller and have greater scale and mass than other buildings in the immediate vicinity, the proposed building includes features that provide appropriate transition to the immediate surroundings. The proposed building (1) creates a rhythmic pattern and façade treatment that is consistent with the pedestrian environment on University Avenue; (2) provides contextual consideration of massing and building step backs to respect the scale of the adjacent lower scale neighborhood on Kipling Street; and (3) improves the environment of Lane 30 through the treatment of landscaping. The project's compliance with the above "context and compatibility" criteria is further addressed in findings 1-4 below.

Pursuant to PAMC 18.18.110(b), the following additional findings have been made in the affirmative:

- (1) **Pedestrian and Bicycle Environment:** *The design of new projects shall promote pedestrian walkability, a bicycle friendly environment, and connectivity through design elements.* This finding can be made in the affirmative in that the project supports widened sidewalks with recessed entries on primary pedestrian routes, at-grade bicycle racks near the building entrances, and secured bicycle facility at ground level and within the underground parking

garage. The project also includes a showering facility in the garage to support the bicycle environment;

- (2) **Street Building Facades.** *Street facades shall be designed to provide a strong relationship with the sidewalk and the street(s), to create an environment that supports and encourages pedestrian activity through design elements.* This finding can be made in the affirmative in that the proposed street facades are designed to create an environment that supports and encourages pedestrian activity. The building façade facing University Avenue preserves the existing storefront pattern with distinguishing architectural elements to break up the building mass. Entries are clearly defined and have a scale that is in proportion to the building functions. Elements that signal habitation, such as entrances, stairs, and balconies, are visible to people on the street. The proposed placement and orientation of doorways, windows and landscape elements are appropriate to create strong and direct relationships with the streets. Upper floors are stepped back, the width of the overhang is reduced and the elevator shaft is oriented inward to reduce the building mass and fit in with the context of the neighborhood;
- (3) **Massing and Setbacks.** *Buildings shall be designed to minimize massing and conform to proper setbacks.* This finding can be made in the affirmative in that the project incorporates design with a series of recessed terraces and interchange in materials to proportionally scale the building massing and provide visual interest. Variation in massing and materials creates a façade with two distinctive frontages, which respect the existing storefront patterns and rhythms on University Avenue. The proposed design incorporates a columns framework and tall display windows to reinforce the street corner. With the intent to minimize massing and ensure greater setback, the current, revised design presents a reduced-in-height stairway tower and stepped back roofline for the upper floor terrace at the corner of Lane 30 and Kipling Street;
- (4) **Low-Density Residential Transitions.** *Where new projects are built abutting existing lower scale residential development, care shall be taken to respect the scale and privacy of neighboring properties.* Although the parcels abutting the project site along Kipling Street have a commercial zoning designation, most of the built forms have a low density residential appearance. While the height is taller than most of the buildings in the neighborhood, the proposed building height of 50 feet is compliant with the height limit in the Downtown Commercial District. The proposed design includes at least a 10 foot setback with open terraces at the upper stories to reduce the impact of the building height on the adjacent lower density neighborhood. Potential privacy impacts are minimized because the buildings behind the project site are mostly one-story with commercial/office uses and mature trees along Kipling Street would provide some degree of screening. The proposed design includes storefront glass on both frontages to introduce a daylight source on the ground level;
- (5) **Project Open Space.** *Private and public open space shall be provided so that it is usable for residents, visitors, and/or employees of the site.* This finding can be made in the affirmative in that the project provides open space with wider sidewalks, balconies, and a roof-top terrace. The balconies would be accessible by residents on the site and would be located on

four sides of the building to encourage 'eyes on the street'. The proposed roof-top terrace would have ample solar exposure and is designed for office tenants;

- (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.* This finding can be made in the affirmative in that the project's parking facilities would be located within the below-grade garage and would not detract from pedestrian environment. The project includes a well-integrated garage entry, a four foot setback from property lines, and mirrors that would aid traffic and visibility on the alley (Lane 30). In addition, the project incorporates a landscaping element to soften the exit of Lane 30. The intent is to enhance the character of pedestrian environment, while maintaining traffic visibility with low profile plant materials;
- (7) **Large (Multi-Acre) Sites.** *Large sites (over one acre) shall be designed so that street, block, and building patterns are consistent with those of the surrounding neighborhood.* This finding does not apply as the project site is 11,000 square feet;
- (8) **Sustainability and Green Building Design.** *Project design and materials to achieve sustainability and green building design should be incorporated into the project.* This finding can be made in the affirmative in that the project would comply with the City's green building ordinance, and the design includes overhangs, recesses, and other shading devices and techniques to reduce the solar heat gain and energy consumption related to the cooling of the building. The design is easy for pedestrian, bicycle and transit access. The project incorporates high efficiency LED light fixtures, low-flow plumbing fixtures and high efficiency HVAC equipment for efficiency energy and water use. Green building features will be incorporated to achieve CalGreen Tier 2 standards for the commercial portion and Green Point rated standards for the residential portion.

**EXCERPT OF THE ARCHITECTURAL REVIEW BOARD STAFF REPORT**

**FEBRUARY 29, 2015**

**ATTACHMENT E - COMPREHENSIVE PLAN TABLE**

429 University Avenue / File No. 14PLN-00222

<p><b>Program L-19:</b> Support implementation of the Downtown Urban Design Guide. The Downtown Urban Design Guide is not mandatory but provides useful ideas and direction for private development and public improvement in the Downtown area.</p>	<p>The project incorporates many of the goals of the Downtown Urban Design Guide including:</p> <ol style="list-style-type: none"><li>(1) Reinforce University Avenue as the retail core of Downtown Palo Alto by maintaining ground floor retail uses.</li><li>(2) Create ground floor architectural interest with windows and displays</li><li>(3) Continue retail vitality onto the side streets.</li></ol>
<p><b>Policy L-20</b> Encourage street frontages that contribute to retail vitality in all Centers. Reinforce street corners with buildings that come up to the sidewalk or that form corner plaza.</p>	<p>The project incorporates design to reinforce street corners and integrate with nearby sidewalks with great building frontage.</p>
<p><b>Policy L-23:</b> Maintain and enhance the University Avenue/Downtown area as the central business district of the City, with a mix of commercial, civic, cultural, recreational and residential uses. Promote quality design that recognizes the regional and historical importance of the area and reinforces its pedestrian character.</p>	<p>The project incorporates several design considerations contained in the Downtown Urban Design Guide in that the project design would: (1) provides pedestrian friendly amenities such as recessed entries, canopies, and new street trees, (2) includes attractive display windows at frequent intervals that invite shoppers, (3) promotes a mixed of uses including housing and commercial.</p>
<p><b>Policy L-24:</b> Ensure that University Avenue/Downtown is pedestrian-friendly and supports bicycle use. Use public art and other amenities to create an environment that is inviting to pedestrian.</p>	<p>The project incorporates pedestrian-friendly design and support bicycle use to complement the nearby Caltrain transit hub. Public art is proposed to be located on site to create an environment that is inviting to pedestrian and building tenants.</p>
<p><b>Policy L-48:</b> Promote high quality, creative design and site planning that is compatible with surrounding development and public spaces.</p>	<p>The project is designed to promote a strong relationship with the streets and create an environment that supports and encourages pedestrian activities. Site planning is appropriate with its context and is compatible with the retail pedestrian environment of the downtown commercial district.</p>



<p><b>Policy L-49:</b> Design buildings to revitalize streets and public spaces and to enhance a sense of community and personal safety. Provide an ordered variety of entries, porches, windows, bays and balconies along public ways where it is consistent with neighborhood character; avoid blank or solid walls at street level; and include human-scale details and massing.</p>	<p>The project is consistent with this policy in that the proposed building would incorporate clear glass windows to avoid blank or solid walls at street frontage. A variety of recessed entryways, glass canopies and balconies on both the University Avenue and Kipling Street frontages would promote 'eye-on-the-street'.</p>
<p><b>Policy H-4:</b> Encourage mixed use projects as a means of increasing the housing supply while promoting diversity and neighborhood vitality.</p>	<p>The proposed mixed use project provides four housing units.</p>

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**ATTACHMENT B**  
**CONDITIONS OF APPROVAL**  
**429 University Avenue / File No. 14PLN-00222**

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**PLANNING DIVISION**

1. The plans submitted for Building Permit shall be in substantial conformance with plans received on January 26, 2015, except as modified to incorporate the following conditions of approval and any additional conditions placed on the project by the Director of Planning and Community Environment, Architectural Review Board, or City Council in the event of an Appeal. The following conditions of approval shall be printed on the cover sheet of the plan set submitted with the Building Permit application.
2. The proposed project includes the use of 9,207 square feet of Transferable Development Rights (TDR). The identified sender sites are documented in the administrative record. Prior to the submittal of a building permit for construction, the applicant shall provide sufficient information so that the Director of Planning and Community Environment can issue written confirmation of the transfer, which identifies both the sender and receiver sites and the amount of TDRs which have been transferred. This confirmation shall be recorded in the office of the county recorder prior to the issuance of building permits and shall include the written consent or assignment by the owner(s) of the TDRs where such owner(s) are other than the applicant.
3. The current project includes the use of an one-time 200 square foot floor area bonus, as permitted per PAMC 18.18.070(a)(1). This bonus cannot be utilized again for any future development on the site. This note shall be added to the Building Permit plan set along with the standard project data required.
4. All noise producing equipment shall not exceed the allowance specified in Section 9.10 Noise of the Palo Alto Municipal Code.
5. New construction and alterations of the ground floor space shall be designed to accommodate retail use and shall comply with the provisions of the Pedestrian (P) combining district.
6. A Certificate of Occupancy is required for separate businesses occupying tenant spaces, and for residential buildings having three or more units. This project is subject to the use restrictions set forth in PAMC 18.30(C) with the provisions of the Ground Floor retail (GF) combining district.
7. The development impact fees for this project are estimated to be \$254,993.10. The development impact fees shall be paid prior to the issuance of the project's building permit. These fees are adjusted annually in August. Actual fees shall be calculated at the rate in effect at the time of building permit issuance.

8. The applicant shall prepare and submit a Transportation Demand Management Plan for the commercial (office and retail) uses. The Plan shall be approved by the Director of Planning and Community Environment prior to the issuance of building permits. The applicant shall comply with the approved Plan, which shall include proposed performance targets for parking and/or trip reduction and indicate the basis for such estimates, and shall designate a single entity to implement the proposed measure during building occupancy.
9. The use of the outdoor terrace spaces, associated with both residential and non-residential uses within the building, shall be limited. There shall be no smoking and use shall comply with the restrictions outlined in the City of Palo Alto Noise Ordinance at all time.
10. The proposed Floor Area Ratio (FAR) of 31,407 sq. ft., is near the maximum allowable FAR (32,200 sq. ft. which includes a one-time 200 sq. ft. floor area bonus) for this site. Additional FAR can only be requested through the Transfer of Development Rights. All transfers of floor area are subject to the restrictions and procedures set forth in PAMC 18.18.080 and the Architectural Review process. Any proposal for transfer of additional TDRs to the site would be subject to providing for the associated parking spaces.
11. Any exterior modifications to the building or property shall require Architectural Review, including outdoor furniture.
12. All future signage, public art placement, lighting of the art, glass selection for residential balconies, landscape plan shall be reviewed by Architectural Review Board subcommittee and staff.
13. The project shall be subject to the mandatory Green Building Ordinance.
14. The project shall be subject to the performance criteria outlined in PAMC 18.23.
15. Where the exterior light source is visible from outside the property boundaries, such lighting shall not exceed 0.5 foot-candle as measured at the abutting property line.
16. Timing devices should be considered for exterior and interior lights in order to minimize light glare at night without jeopardizing security of employees. Prior to issuance of a building permit, the project applicant must demonstrate how interior and exterior lighting sources will be reduced after operating hours or when the use of the facility is reduced.
17. A Parcel Map, to merge the two parcels into a single parcel, must be recorded with the County of Santa Clara prior to building permit issuance.
18. Mitigation Measure BIO-1: Prior to issuance of demolition, grading and building permit, as well as during demolition, exaction and construction, the following measures shall be implemented to reduce impacts to protected trees:
  - a. City of Palo Alto (City)-approved Modified Type III fencing shall be installed for the two street trees to be retained along University Avenue. City-approved tree protection signs shall be posted on all fencing.
  - b. Soil conditions for the four new trees to be planted along Kipling Street shall be improved by preparing a planting area at least 6 feet square for each tree and

- installing Silva Cells to reduce compaction. The Silva Cells shall be filled with proper soil amendments and growing medium as determined by the City Arborist.
- c. Unless otherwise approved, each new tree shall be provided with 1,200 cubic feet of root-able soil area, utilizing Standard Drawing #604/513. Root-able soil is defined as compaction less than 90% over the area, not including sidewalk base areas.
  - d. Two bubbler drip irrigation units shall be installed for each new tree to adequately water the new planting area.
  - e. New sidewalk shall be installed such that the final planting space opening is at least 5 feet by 5 feet for each new tree.
  - f. Kiva tree grates shall be used around each new tree.
  - g. Replacement tree size shall be a 36-inch box, properly structured nursery stock.
  - h. Based on growth habit and proven performance, Ginkgo biloba "Autumn Gold" is highly recommended for the replacement trees. Other tree species may be approved by the City Arborist.
  - i. All work within the Tree Protection Zone, including canopy pruning of protected trees, shall be supervised by a Certified Arborist approved by the City.
19. Mitigation Measure CUL-1: Prior to commencement of site clearing and project grading, the project applicant shall retain a qualified archaeologist to train construction personnel regarding how to recognize cultural resources (such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains) that could be encountered during construction activities. If artifacts or unusual amounts of shell or bone or other items indicative of buried archaeological resources or human remains are encountered during earth disturbance associated with the proposed project, the on-site contractor shall immediately notify the City of Palo Alto (City) and the Native American Heritage Commission as appropriate. All soil-disturbing work shall be halted within 100 feet of the discovery until a qualified archaeologist, as defined by the California Environmental Quality Act (CEQA) Guidelines (14 CCR 15000 et seq.) and the City, completes a significance evaluation of the finds pursuant to Section 106 of the National Historic Preservation Act. Any human remains unearthed shall be treated in accordance with California Health and Safety Code, Section 7050.5, and California Public Resources Code, Sections 5097.94, 5097.98, and 5097.99, which include requirements to notify the Santa Clara County Medical Examiner's office and consult with Native American representatives determined to be the Most Likely Descendants, as appointed by the Native American Heritage Commission. Identified cultural resources shall be recorded on State Department of Parks and Recreation Form 523 (archaeological sites). Mitigation measures prescribed by the Native American Heritage Commission, the Santa Clara County Medical Examiner's office, and any Native American representatives determined to be the Most Likely Descendants and required by the City shall be undertaken before construction activities are resumed. If disturbance of a project area cultural resource cannot be avoided, a mitigation program, including measures set forth in the City's Cultural Resources Management Program and in compliance with Sections 15064.5 and 15126.4 of the CEQA Guidelines, shall be implemented.
20. Mitigation Measure HAZ-1: Prior to issuance of building demolition and during demolition, the project applicant shall demonstrate to the satisfaction of the City of Palo Alto that a survey of the existing buildings has been conducted by a qualified environmental specialist who meets the requirements of the current U.S. Environmental

Protection Agency regulations for suspected lead-containing materials (LCMs), including lead-based paint/coatings; asbestos containing materials (ACMs); and the presence of polychlorinated biphenyls (PCBs). Any demolition activities likely to disturb LCMs or ACMs shall be carried out by a contractor trained and qualified to conduct lead- or asbestos-related construction work. If found, LCMs and ACMs shall be disposed of in accordance with state and federal regulations, including the EPA's Asbestos National Emissions Standards for Hazardous Air Pollutants, the Cal-OSHA Construction Lead Standard (CCR Title 8, Section 1432.1), and California Department of Toxic Substances Control and EPA requirements for disposal of hazardous waste. If PCBs are found, these materials shall be managed in accordance with the Metallic Discards Act of 1991 (California Public Resources Code, Sections 42160-42185) and other state and federal guidelines and regulations. Demolition plans and contract specifications shall incorporate any necessary abatement measures in compliance with the Metallic Discards Act, particularly Section 42175, Materials Requiring Special Handling, for the removal of mercury switches, PCB-containing ballasts, and refrigerants.

21. Mitigation Measure NOI-1: Prior to issuance of building permit, submittal materials shall include window and transmission ratings and interior noise levels verification from a qualified acoustical consultant. For residential portion: Window and exterior door assemblies with Sound Transmission Class (STC) rating shall be up to 45 and upgraded exterior walls shall be used to achieve the City's maximum instantaneous noise guideline for residential uses. For commercial portion: Window and exterior door assemblies shall have a minimum STC rating of 32 at the corner of University Avenue and Kipling Street, and a minimum STC of 28 at all other commercial locations within the building to comply with the State of California CalGreen noise standards (maximum interior noise level of 50 dB during the peak hour of traffic).
22. Mitigation Measure NOI-2: Prior to issuance of building permit, submittal material shall include details of the residential ventilation system to ensure a habitable interior environment when windows are closed.
23. Mitigation Measure NOI-3: Prior to issuance of building permit, noise levels from rooftop equipment shall be reduced to meet the City of Palo Alto Noise Ordinance requirements. An enclosure or other sound-attenuation measures at the exhaust fans shall be provided to reduce rooftop equipment noise is no greater than 8 dB above the existing ambient level at potential future neighboring buildings to meet the property plane noise limit. Use of quieter equipment than assumed in this analysis may support reduced mitigation, which shall be evaluated by a qualified acoustical consultant.
24. Mitigation Measure TRANS-1: Prior to issuance of building permit, building permit submittal materials shall include mirrors installation at the parking garage driveway to allow drivers to see when a pedestrian or vehicle is approaching in Lane 30.
25. Mitigation Measure-TRANS-2: Prior to issuance of building permit, building permit submittal materials shall include mirrors installation at each turn within the parking garage to provide adequate sight distance.

26. The project approval shall be valid for a period of one year from the original date of approval. In the event a building permit(s), if applicable, is not secured for the project within the time limit specified above, the ARB approval shall expire and be of no further force or effect. Application for extension of this entitlement may be made prior to the one year expiration.
27. Government Code Section 66020 provides that project applicant who desires to protest the fees, dedications, reservations, or other exactions imposed on a development project must initiate the protest at the time the development project is approved or conditionally approved or within ninety (90) days after the date that fees, dedications, reservations or exactions are imposed on the project. Additionally, procedural requirements for protesting these development fees, dedications, reservations and exactions are set forth in Government Code Section 66020. IF YOU FAIL TO INITIATE A PROTEST WITHIN THE 90-DAY PERIOD OR TO FOLLOW THE PROTEST PROCEDURES DESCRIBED IN GOVERNMENT CODE SECTION 66020, YOU WILL BE BARRED FROM CHALLENGING THE VALIDITY OR REASONABLENESS OF THE FEES, DEDICATIONS, RESERVATIONS, AND EXACTIONS. If these requirements constitute fees, taxes, assessments, dedications, reservations, or other exactions as specified in Government Code Sections 66020(a) or 66021, this is to provide notification that, as of the date of this notice, the 90-day period has begun in which you may protest these requirements.
28. This matter is subject to the Code of Civil Procedures (CCP) Section 1094.5, and the time by which judicial review must be sought is governed by CCP Section 1094.6.
29. Except as expressly specified herein, the site plan, floor plans, building elevations and any additional information or representations, submitted by the Applicant during the Staff review and public hearing process leading to the approval of this entitlement, whether oral or written, which indicated the proposed structure or manner of operation, are deemed conditions of approval.
30. The approved use and/or construction are subject to, and shall comply with, all applicable City ordinances and laws and regulations of other governmental agencies.
31. To the extent permitted by law, the Applicant shall indemnify and hold harmless the City, its City Council, its officers, employees and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside or void, any permit or approval authorized hereby for the Project, including (without limitation) reimbursing the City its actual attorneys' fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its own choice.
32. This project does not include any residential or commercial subdivision of property. Any future requests would require an amendment to this approval and compliance with applicable city requirements regarding subdivisions, including possible off-site improvements.

## **PUBLIC WORKS ENGINEERING**

### **PRIOR TO BUILDING PERMIT SUBMITTAL**

33. **CERTIFICATE OF COMPLIANCE:** The applicant has revised the project description to indicate that she is no longer pursuing the development of condominiums. Since the project site is located within two parcels 120-15-029 and 120-15-028 a certificate of compliance for a lot merger is required. Applicant shall apply for a certificate of compliance and provide the necessary documents. Certificate of Compliance shall be recorded prior to issuance of a building or grading and excavation permit.

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

34. **LOGISTICS PLAN:** The applicant and contractor shall submit a construction logistics plan to the Public Works Department that addresses all impacts to the City's right-of-way, including, but not limited to: pedestrian control, traffic control, truck routes, material deliveries, contractor's parking, on-site staging and storage areas, concrete pours, crane lifts, work hours, noise control, dust control, storm water pollution prevention, contractor's contact. The plan shall be prepared and submitted along the Rough Grading and Excavation Permit. It shall include notes as indicated on the approved Truck Route Map for construction traffic to and from the site. Plan shall also indicate if the bus stop will need to be relocated.
35. Applicant shall schedule a meeting with Public Works Engineering and Transportation Division to discuss the existing building demolition, excavation and building construction logistics. Construction fence shall be located at the building property line, travel lane closures will not be permitted. Applicant shall propose a logistics plan that shows how pedestrian access is maintained and eliminating the least number of parking spaces during construction.

### **PRIOR TO ISSUANCE OF EXCAVATION AND GRADING PERMIT:**

36. **GRADING PERMIT:** An Excavation and Grading Permit is required for grading activities on private property that fill, excavate, store or dispose of 100 cubic yards or more based on PAMC Section 16.28.060. Applicant shall prepare and submit an excavation and grading permit to Public Works separately from the building permit set. The permit application and instructions are available at the Development Center and on our website. [http://www.cityofpaloalto.org/gov/depts/pwd/forms\\_and\\_permits.asp](http://www.cityofpaloalto.org/gov/depts/pwd/forms_and_permits.asp)
37. **ROUGH GRADING:** provide a Rough Grading Plan for the work proposed as part of the Grading and Excavation Permit application. The Rough Grading Plans shall including the following: pad elevation, basement elevation, elevator pit elevation, ground monitoring wells, shoring for the proposed basement, limits of over excavation, stockpile area of material, overall earthwork volumes (cut and fill), temporary shoring for any existing facilities, ramps for the basement access, crane locations (if any), etc. Plans submitted for the Grading and Excavation Permit, shall be stand-alone, and therefore the plans shall include any conditions from other divisions that pertain to items encountered during rough grading for example if contaminated groundwater is encountered and dewatering is expected, provide notes on the plans based Water Quality's conditions of approval. Provide a note on the plans to direct the contractor to the approve City of Palo Alto Truck Route Map, which is available on the City's website.

38. **BASEMENT SHORING:** Provide shoring plans for the basement excavation, clearly including tiebacks (if any). Tieback shall not extend onto adjacent private property or into the City's right-of-way without having first obtained written permission from the private property owners and/or an encroachment permit from Public Works. During the ARB process and via email dated 9/25/14 the applicant indicated that the tiebacks will extend into the adjacent private property. As such provide a letter from the neighboring property owner to allow the encroachment of permanent tiebacks into their property. In addition the shoring plans shall clearly show the property line and the dimension between the outside edge of the soldier piles and the property line for City records. Also provide notes on the Shoring Plans for the "Contractor to cut-off the shoring 5-feet below the sidewalk elevation." AND "Contractor shall submit and obtain an permanent encroachment permit from Public Works for the tiebacks and shoring located within public right-of-way.
39. **DEWATERING:** Basement excavation may require dewatering during construction. Public Works only allows groundwater drawdown well dewatering. Open pit groundwater dewatering is not allowed. Dewatering is only allowed from April through October due to inadequate capacity in our storm drain system. The geotechnical report for this site must list the highest anticipated groundwater level. We recommend that a piezometer be installed in the soil boring. The contractor shall determine the depth to groundwater immediately prior to excavation by using a piezometer or by drilling an exploratory hole if the deepest excavation will be within 3 feet of the highest anticipated groundwater level. If groundwater is found within 2 feet of the deepest excavation, a drawdown well dewatering system must be used, or alternatively, the contractor can excavate for the basement and hope not to hit groundwater, but if he does, he must immediately stop all work and install a drawdown well system before he continues to excavate. Based on the determined groundwater depth and season the contractor may be required to dewater the site or stop all grading and excavation work. In addition Public Works may require that all groundwater be tested for contaminants prior to initial discharge and at intervals during dewatering. If testing is required, the contractor must retain an independent testing firm to test the discharge water for contaminants Public Works specifies and submit the results to Public Works.

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

40. **GEOTECHNICAL REPORT:** Shall clearly identify the highest projected groundwater level to be encountered in the area of the proposed basement in the future. Provide a note on the Rough Grading Plan that includes the comment above as a note.
41. **GAS METERS:** In-ground gas meters are not typically allowed by Public Works Utilities. If in-ground gas meters are not allowed, the above ground gas meter shall be located complete within private property. Plot and label the proposed location. If in-ground gas meters are permitted, applicant shall submit an email from Utilities that indicates in-ground gas meters are acceptable for this project.



## PRIOR TO ISSUANCE OF A BUILDING PERMIT

42. The project plans shall be updated to provide the following items:
- a. Explain how all of the site runoff will drain directly into the media filter. The media filter shall be located complete with the private property as shown on the approve ARB plans. The details provided indicate that the media filter is to be installed below ground and discharge would need to be pumped to the surface. However that is not reflected on the Utility Plan.
  - b. Plot and label the total the number of disconnected downspouts. The civil has indicated that the downspouts runoff will drain into the media filter, but it's not clear on the plans how this will be accomplished.
  - c. The site plan shall demonstrate how the runoff from the MFS flows by gravity into the gutter, provide pipe inverts and flow line grades. If a new separate structure is required to allow runoff to flow by gravity into the gutter or reduce the velocity, then the structure shall be located completely within the private property. The 4th and 5th resubmittal ARB plans show a junction box within the public right-of-way, this box shall be located completely within the private property.
  - d. The 5th submittal shows a planter box adjacent to the alley and the MFS has been relocated to be within this planter boxes. The plans submitted lack information, show how the roof runoff is directed into the mechanical treatment facility. Plot and label the pump, drain lines, downspouts. Show how all of the site runoff is treated by the proposed MFS.
  - e. It's not clear if the planter box is intended to provide C3 treatment. If LID treatment is proposed provide the surface drainage areas and calculations.
  - f. Resize the new planter box to allow the junction box to be within the private property and behind the Kipling Street sidewalk. The planter box and planting material shall have height clearance with a maximum of three feet within the 4-ft by 6-ft clear site distance (triangle). In addition the planter box shall be located 1-foot minimum away from the adjacent alley.
43. **GRADING AND DRAINAGE PLAN:** The plan set must include a grading & drainage plan prepared by a licensed professional that includes existing and proposed spot elevations, earthwork volumes, finished floor elevations at every at grade door entrance, area drain and bubbler locations, drainage flow arrows to demonstrate proper drainage of the site. See Palo Alto Municipal Code Section 16.28 Adjacent grades must slope away from the building foundation at minimum of 2% or 5% for 10-feet per 2013 CBC Section 1804.3. Downspouts and splash-blocks should be shown on this plan, as well as any site drainage features such as swales. Grading will not be allowed that increases drainage onto, or blocks existing drainage from, neighboring properties. Public Works generally does not allow rainwater to be collected and discharged into the street gutter or connected directly to the City's infrastructure, but encourages the developer to keep rainwater onsite as much as feasible by directing runoff to landscape and other pervious areas of the site. Plan shall also include a drainage system as required for all uncovered exterior basement-level spaces such as light well, stairwells or driveway ramps.

44. **BASEMENT DRAINAGE:** Due to high groundwater throughout much of the City and Public Works prohibiting the pumping and discharging of groundwater, perforated pipe drainage systems at the exterior of the basement walls or under the slab are not allowed for this site. A drainage system is, however, required for all exterior basement-level spaces, such as light wells, patios or stairwells. This system consists of a sump, a sump pump, a backflow preventer, and a closed pipe from the pump to a dissipation device onsite at least 10-feet from the property line, such as a bubbler box in a landscaped area, so that water can percolate into the soil and/or sheet flow across the site. The device must not allow stagnant water that could become mosquito habitat. Additionally, the plans must show that exterior basement-level spaces are at least 7-3/4" below any adjacent windowsills or doorsills to minimize the potential for flooding the basement. Public Works recommends a waterproofing consultant be retained to design and inspect the vapor barrier and waterproofing systems for the basement.
45. **IMPERVIOUS SURFACE AREA:** The project will be creating or replacing 500 square feet or more of impervious surface. Accordingly, the applicant shall provide calculations of the existing and proposed impervious surface areas with the building permit application. The Impervious Area Worksheet for Land Developments form and instructions are available at the Development Center or on the city's website.
46. **STORM WATER POLLUTION PREVENTION:** The City's full-sized "Pollution Prevention - It's Part of the Plan" sheet must be included in the plan set. The sheet is available here: <http://www.cityofpaloalto.org/civicax/filebank/documents/2732>
47. **STORM WATER TREATMENT:** This project shall comply with the storm water regulations contained in provision C.3 of the NPDES municipal storm water discharge permit issued by the San Francisco Bay Regional Water Quality Control Board (and incorporated into Palo Alto Municipal Code Chapter 16.11). These regulations apply to land development projects that create or replace 10,000 square feet or more of impervious surface, and restaurants, retail gasoline outlets, auto service facilities, and uncovered parking lots that create and/or replace 5,000 square feet or more of impervious surface. In order to address the potential permanent impacts of the project on storm water quality, the applicant shall incorporate into the project a set of permanent site design measures, source controls, and treatment controls that serve to protect storm water quality, subject to the approval of the Public Works Department. The applicant shall identify, size, design and incorporate permanent storm water pollution prevention measures (preferably landscape-based treatment controls such as bio-swales, filter strips, and permeable pavement rather than mechanical devices that require long-term maintenance) to treat the runoff from a "water quality storm" specified in PAMC Chapter 16.11 prior to discharge to the municipal storm drain system. Effective February 10, 2011, regulated projects, must contract with a qualified third-party reviewer during the building permit review process to certify that the proposed permanent storm water pollution prevention measures comply with the requirements of Palo Alto Municipal Code Chapter 16.11. The certification form, 2 copies of approved storm water treatment plan, and a description of Maintenance Task and Schedule must be received by the City from the third-party reviewer prior to approval of the building permit by the Public Works department. Within 45 days of the installation of the required storm water treatment measures and prior to the issuance of an occupancy permit for the building, third-party reviewer shall also submit to the City a certification for approval

48. **UTILITY PLAN:** shall be provided with the Building Permit that demonstrates how the site's drainage flows by gravity into the City's system and is not pumped. Public Works generally does not allow downspout rainwater to be collected, piped and discharged directly into the street gutter or connect directly to the City's infrastructure. The utility plan shall indicate that downspouts are disconnected, daylight at grade, and are directed to landscaped and other pervious areas onsite. Downspouts shall daylight away from the foundation.

If pumps are required, plot and label where the pumps will be located on-site, storm water runoff from pumped system shall daylight onto onsite landscaped areas and be allow to infiltrate and flow by gravity to the public storm drain line. Storm water runoff that is pumped shall not be directly piped into the public storm drain line.

49. **TRANSFORMER AND UTILITIES:** Applicant shall be aware that the project may trigger water line and meter upgrades or relocation, if upgrades or relocation are required, the building permit plan set shall plot and label utility changes. The backflow preventer, and above grade meters shall be located within private property and plotted on the plans. Similarly if a transformer upgrade or a grease interceptor is required it shall also be located within the private property.
50. **WORK IN THE RIGHT-OF-WAY:** The plans must clearly indicate any work that is proposed in the public right-of-way, such as sidewalk replacement, driveway approach, or utility laterals. The plans must include notes that the work must be done per City standards and that the contractor performing this work must first obtain a Street Work Permit from Public Works at the Development Center. This project may be required to replace the driveway approach the sidewalk associated with the existing driveway may be required to replace with a thickened (6" thick instead of the standard 4" thick) section.
51. **SIDEWALK ENCROACHMENT:** Add a note to the site plan that says, "The contractor using the city sidewalk to work on an adjacent private building must do so in a manner that is safe for pedestrians using the sidewalk. Pedestrian protection must be provided per the 2013 California Building Code Chapter 32 requirements. If the height of construction is 8 feet or less, the contractor must place construction railings sufficient to direct pedestrians around construction areas. If the height of construction is more than 8 feet, the contractor must obtain an encroachment permit\*from Public Works at the Development Center in order to provide a barrier and covered walkway. The contractor must apply to Public Works for an encroachment permit to close or occupy the sidewalk(s) or ally.
52. **SIDEWALK, CURB & GUTTER:** As part of this project, the applicant must replace all of the existing sidewalks, ramps, curbs, gutters or driveway approaches in the public right-of-way along the frontage(s) of the property. Applicant shall be responsible for replacing the two ramps immediately across the street from the project site. Applicant shall meet with Public Works and Transportation to discuss the potential for adding a bulb-out along the University Avenue side to widen the sidewalk. If construction of the new ramps and/or sidewalk results in a conflict with utilities or traffic signal than applicant will be responsible for adjusting to grade or relocating conflict and to bring the improvements to current designs standards. The site plan and grading and drainage plan submitted with the building permit plan set must show the extent of the replacement work. Provide references to the specific City's Standard Drawings and Specification. The plan must note that any

work in the right-of-way must be done per Public Works' standards by a licensed contractor who must first obtain a Street Work Permit from Public Works at the Development Center.

53. **RESURFACING:** The applicant is required to resurface (grind and overlay) the entire width of the street on University Avenue and Kipling Street frontages adjacent to the project. In addition this project is required to resurface the full width of the Lane along the project frontage. Note that the base material for these 3 streets varies. Thermoplastic striping of the street(s) will be required after resurfacing. Include an off-site plan that shows the existing signage and striping that is to be replaced as part of this project and for the contractor's use.
54. **DEMOLITION PLAN:** Place the following note adjacent to an affected tree on the Site Plan and Demolition Plan: "Excavation activities associated with the proposed scope of work shall occur no closer than 10-feet from the existing street tree, or as approved by the Urban Forestry Division contact 650-496-5953. Any changes shall be approved by the same".
55. **STREET TREES:** The applicant may be required to replace existing and/or add new street trees in the public right-of-way along the property's frontage(s). Call the Public Works' arborist at 650-496-5953 to arrange a site visit so he can determine what street tree work, if any, will be required for this project. The site plan submitted with the building permit plan set must show the street tree work that the arborist has determined, including the tree species, size, location, staking and irrigation requirements, or include a note that Public Works' arborist has determined no street tree work is required. The plan must note that in order to do street tree work, the applicant must first obtain a Permit for Street Tree Work in the Public Right-of-Way from Public Works' arborist (650-496-5953).
56. **BIKE RACKS:** Currently, there are 2 bike racks on University Avenue. It is not Public Works' responsibility to approve the relocation or installation of the bike racks near this location. If the applicant would like to request the installation of new or more bike racks along University Avenue, the applicant must obtain approval from the Transportation Division at 650-329-2520 to determine an appropriate location, type/model and quantity that can be installed per City Standards. The plan must note that in order to install or relocate any bike racks, the applicant must first obtain a Street Work Permit from Public Works.
57. **GARBAGE/TRASH RECEPTACLES:** The plans provided for preliminary review do not include the existing garbage/trash receptacle along University Avenue. This shall be shown on the plans and remain in its location for as long as possible during construction. If construction activities require the temporary removal of the receptacle, the contractor may remove during that construction activity but must place it back as soon as those activities have been completed. Prior to doing so, the contractor must notify the public works department to determine if Public Works Operations should pick it up for storage during that time.
58. **ADJACENT NEIGHBORS:** For any improvements that extend beyond the property lines such as tie-backs for the basement or construction access provide signed copies of the original agreements with the adjacent property owners. The agreements shall indicate that

the adjacent property owners have reviewed and approved the proposed improvements (such as soldier beams, tiebacks) that extend into their respective properties

59. "NO DUMPING" LOGO: The applicant is required to paint the "No Dumping/Flows to San Francisquito Creek" logo in blue color on a white background, adjacent to all onsite storm drain inlets. Stencils of the logo are available from the Public Works Environmental Compliance Division, which may be contacted at (650) 329-2598. A deposit may be required to secure the return of the stencil. Include the instruction to paint the logos on the construction grading and drainage plan. Similar medallions shall be installed near the catch basins that are proposed to be relocated. Provide notes on the plans to reference that medallions and stencils.
60. OIL/WATER SEPARATOR: Parking garage floor drains on interior levels shall be connected to an oil/water separator prior to discharging to the sanitary sewer system. The oil/water separator shall be located within private property.
61. GREASE INTERCEPTOR: If a commercial kitchen is proposed requiring the installation of a grease interceptor, the grease separator shall be installed and located within private property. In no case shall the City of Palo Alto allow the right-of-way (ROW) to be used to satisfy this requirement.

#### PRIOR TO BUILDING PERMIT FINAL

62. STORMWATER MAINTENANCE AGREEMENT: The applicant shall designate a party to maintain the control measures for the life of the improvements and must enter into a maintenance agreement with the City to guarantee the ongoing maintenance of the permanent C.3 storm water discharge compliance measures. The maintenance agreement shall be executed prior to the first building occupancy sign-off. The City will inspect the treatment measures yearly and charge an inspection fee. There is currently a \$381 (FY 2015) C.3 plan check fee that will be collected upon submittal for a grading or building permit.
63. Contractor and/or Applicant shall prepare and submit an electronic (pdf) copy of the Off-Site Improvements As-Built set of plans to Public Works for the City's records. The as-built set shall include all the improvements within the public road right-of-way and include items such as: shoring piles, tiebacks, public storm drain improvements, traffic signs, street trees, location of any vaults or boxes, and any other item that was installed as part of this project.
64. Contractor shall submit and obtain an Epcroachment permit for the permanent structures (shoring and tiebacks) that were installed within the public road right-of-way.
65. Additional comments and/or conditions may apply as the project is revised.

#### **ZERO WASTE/ SOLID WASTE**

#### PRIOR TO ISSUANCE OF A BUILDING PERMIT

66. Provide a garbage and recycling chute for the residential unit, with either an additional chute or a bin space, for compost-ables on the residential floor.

67. SERVICE LEVELS: Without a restaurant: the enclosure should be sized for 3-yard garbage bin, 4-yard recycling bin, 1-yard compost-ables bin; with a restaurant: 3-yard garbage bin, 4-yard recycling bin, 2-yard compost-ables bin.
68. TRASH DISPOSAL AND RECYCLING (PAMC 18.23.020): (A) Assure that development provides adequate and accessible interior areas or exterior enclosures for the storage of trash and recyclable materials in appropriate containers, and that trash disposal and recycling areas are located as far from abutting residences as is reasonably possible. (B) Requirements: (i) Trash disposal and recyclable areas shall be accessible to all residents or users of the property. (ii) Recycling facilities shall be located, sized, and designed to encourage and facilitate convenient use. (iii) Trash disposal and recyclable areas shall be screened from public view by masonry or other opaque and durable material, and shall be enclosed and covered. Gates or other controlled access shall be provided where feasible. Chain link enclosures are strongly discouraged. (iv) Trash disposal and recycling structures shall be architecturally compatible with the design of the project. (v) 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.
69. RECYCLING STORAGE DESIGN REQUIREMENTS (PAMC 5.20.120): The design of any new, substantially remodeled, or expanded building or other facility shall provide for proper storage, handling, and accessibility which will accommodate the solid waste and recyclable materials loading anticipated and which will allow for the efficient and safe collection. The design shall comply with the applicable provisions of Sections 18.22.100, 18.24.100, 18.26.100, 18.32.080, 18.37.080, 18.41.080, 18.43.080, 18.45.080, 18.49.140, 18.55.080, 18.60.080, and 18.68.170 of Title 18 of this code.
70. SERVICE REQUIREMENTS: (a) Collection vehicle access (vertical clearance, street width and turnaround space) and street parking are common issues pertaining to new developments. Adequate space must be provided for vehicle access. (b) Weight limit for all drivable areas to be accessed by the solid waste vehicles (roads, driveways, pads) must be rated to 60,000 lbs. This includes areas where permeable pavement is used. (c) Containers must be within 25 feet of service area or charges will apply. (d) Carts and bins must be able to roll without obstacles or curbs to reach service areas "no jumping curbs".
71. GARBAGE, RECYCLING, AND YARD WASTE/COMPOSTABLES CART/ BIN LOCATION AND SIZING:
- a. Office Building: The proposed commercial development must follow the requirements for recycling container space<sup>1</sup>. Project plans must show the placement of recycling containers, for example, within the details of the solid waste enclosures. Collection space should be provided for built-in recycling containers/storage on each floor/office or alcoves for the placement of recycling containers.
- i. Enclosure and access should be designed for equal access to all three waste streams – garbage, recycling, and compost-ables.

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<sup>1</sup> In accordance with the California Public Resources Code, Chapter 18, Articles 1 and 2

- ii. Collection cannot be performed in underground. Underground bins locations require a minimum of 77" of vertical clearance. Pull out charges will apply. In instances where push services are not available (e.g., hauler driver cannot push containers up or down ramps), the property owner will be responsible for placing solid waste containers in an accessible location for collection.
- iii. All service areas must have a clearance height of 20' for bin service.
- iv. New enclosures should consider rubber bumpers to reduce wear and tear on walls.

For questions regarding garbage, recycling, and compost-ables collection issues, contact Green Waste of Palo Alto (650) 493-4894.

- b. Restaurants and Food Service Establishments: Please contact Green Waste of Palo Alto (650) 493-4894 to maximize the collection of compost-ables in food preparation areas and customer areas.

For more information about compostable food service products, please contact City of Palo Alto Zero Waste at (650) 496-5910.

- c. Multi-family Residential: The proposed multi-family development must follow the requirements for recycling container space<sup>2</sup>. All residential developments, where central garbage, recycling, and compost-ables containers will serve five or more dwelling units, must have space for the storage and collection of recyclables and compost-ables. This includes the provision of recycling chutes where garbage chutes are provided. Project plans must show the placement of recycling and compost-ables containers, for example, within the details of the solid waste enclosures.
  - i. Enclosure and access should be designed for equal access to all three waste streams – garbage, recycling, and compost-ables.
  - ii. Collection cannot be performed in underground. Underground bins locations require a minimum of 77" of vertical clearance. Pull out charges will apply. In instances where push services are not available (e.g., hauler driver cannot push containers up or down ramps), the property owner will be responsible for placing solid waste containers in an accessible location for collection.
  - iii. All service areas must have a clearance height of 20' for bin service.
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For questions regarding garbage, recycling, and compost-ables collection issues, contact Green Waste of Palo Alto (650) 493-4894.

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<sup>2</sup> In accordance with the California Public Resources Code, Chapter 18, Articles 1 and 2

72. DUMPSTERS FOR NEW AND REMODELED FACILITIES (PAMC 16.09.180(b)(10)): New buildings and residential developments providing centralized solid waste collection, except for single-family and duplex residences, shall provide a covered area for a bin/dumpster. The area shall be adequately sized for all waste streams (garbage, recycling, and yard waste/compostables) and designed with grading or a berm system to prevent water runoff and runoff from the area.
73. COVERED DUMPSTERS, RECYCLING AND TALLOW BIN AREAS (PAMC 16.09.075(q)(2)):
- a. Newly constructed and remodeled Food Service Establishments (FSEs) shall include a covered area for all dumpsters, bins, carts or container used for the collection of trash, recycling, food scraps and waste cooking fats, oils and grease (FOG) or tallow.
  - b. The area shall be designed and shown on plans to prevent water run-on to the area and runoff from the area.
  - c. Drains that are installed within the enclosure for recycle and waste bins, dumpsters and tallow bins serving FSEs are optional. Any such drain installed shall be connected to a Grease Control Device (GCD).
  - d. If tallow is to be stored outside then an adequately sized, segregated space for a tallow bin shall be included in the covered area.
  - e. These requirements shall apply to remodeled or converted facilities to the extent that the portion of the facility being remodeled is related to the subject of the requirement.

It is frequently to the FSE's advantage to install the next size larger GCD to allow for more efficient grease discharge prevention and may allow for longer times between cleaning. There are many manufacturers of GCDs which are available in different shapes, sizes and materials (plastic, reinforced fiberglass, reinforced concrete and metal).

The requirements will assist FSEs with FOG discharge prevention to the sanitary sewer and storm drain pollution prevention. The FSE at all times shall comply with the Sewer Use Ordinance of the Palo Alto Municipal Code. The ordinances include requirements for GCDs, GCD maintenance, drainage fixtures, record keeping and construction projects.

74. CONSTRUCTION AND DEMOLITION DEBRIS (CDD) (PAMC 5.24.030):
- a. Covered projects shall comply with construction and demolition debris diversion rates and other requirements established in Chapter 16.14 (California Green Building Code). In addition, all debris generated by a covered project must haul 100 percent of the debris not salvaged for reuse to an approved facility as set forth in this chapter.



- b. Contact the City of Palo Alto's Green Building Coordinator for assistance on how to recycle construction and demolition debris from the project, including information on where to conveniently recycle the material.

## **PUBLIC WORKS WATER QUALITY CONTROL**

75. **DISCHARGE OF GROUNDWATER (PAMC 16.09.170, 16.09.040):** Prior approval shall be obtained from the city engineer or designee to discharge water pumped from construction sites to the storm drain. The city engineer or designee may require gravity settling and filtration upon a determination that either or both would improve the water quality of the discharge. Contaminated ground water or water that exceeds state or federal requirements for discharge to navigable waters may not be discharged to the storm drain. Such water may be discharged to the sewer, provided that the discharge limits contained in Palo Alto Municipal Code (16.09.040(m)) are not exceeded and the approval of the superintendent is obtained prior to discharge. The City shall be compensated for any costs it incurs in authorizing such discharge, at the rate set forth in the Municipal Fee Schedule.
76. **UNPOLLUTED WATER (PAMC 16.09.055):** Unpolluted water shall not be discharged through direct or indirect connection to the sanitary sewer system (e.g. uncovered ramp to garage area).
77. **COVERED PARKING (PAMC 16.09.180(b)(9)):** If installed, drain plumbing for parking garage floor drains must be connected to an oil/water separator with a minimum capacity of 100 gallons, and to the sanitary sewer system.
78. **DUMPSTERS FOR NEW AND REMODELED FACILITIES (PAMC 16.09.180(b)(10)):** New buildings and residential developments providing centralized solid waste collection, except for single-family and duplex residences, shall provide a covered area for a dumpster. The area shall be adequately sized for all waste streams and designed with grading or a berm system to prevent water run-on and runoff from the area.
- ARCHITECTURAL COPPER PAMC (16.09.180(b)(14)):** On and after January 1, 2003, copper metal roofing, copper metal gutters, copper metal down spouts, and copper granule containing asphalt shingles shall not be permitted for use on any residential, commercial or industrial building for which a building permit is required. Copper flashing for use under tiles or slates and small copper ornaments are exempt from this prohibition. Replacement roofing, gutters and downspouts on historic structures are exempt, provided that the roofing material used shall be pre-patinated at the factory. For the purposes of this exemption, the definition of "historic" shall be limited to structures designated as Category 1 or Category 2 buildings in the current edition of the Palo Alto Historical and Architectural Resources Report and Inventory.
79. **LOADING DOCKS (PAMC 16.09.175(k) (2)):** (i) Loading dock drains to the storm drain system may be allowed if equipped with a fail-safe valve or equivalent device that is kept closed during the non-rainy season and during periods of loading dock operation. (ii) Where chemicals, hazardous materials, grease, oil, or waste products are handled or used within the loading dock area, a drain to the storm drain system shall not be allowed. A drain to the sanitary sewer system may be allowed if equipped with a fail-safe valve or equivalent device that is kept closed during the non-rainy season and during periods of

loading dock operation. The area in which the drain is located shall be covered or protected from rainwater run-on by berms and/or grading. Appropriate wastewater treatment approved by the Superintendent shall be provided for all rainwater contacting the loading dock site.

80. CONDENSATE FROM HVAC (PAMC 16.09.180(b)(5)): Condensate lines shall not be connected or allowed to drain to the storm drain system.
81. SILVER PROCESSING (e.g. photo-processing retail) (PAMC 16.09.215): Facilities conducting silver processing (photographic or X-ray films) shall either submit a treatment application or waste hauler certification for all spent silver bearing solutions. 650-329-2421.
82. COPPER PIPING (PAMC 16.09.180(b)(b)): Copper, copper alloys, lead and lead alloys, including brass, shall not be used in sewer lines, connectors, or seals coming in contact with sewage except for domestic waste sink traps and short lengths of associated connecting pipes where alternate materials are not practical. The plans must specify that copper piping will not be used for wastewater plumbing.
83. MERCURY SWITCHES (PAMC 16.09.180(12)): Mercury switches shall not be installed in sewer or storm drain sumps.
84. COOLING SYSTEMS, POOLS, SPAS, FOUNTAINS, BOILERS AND HEAT EXCHANGERS (PAMC 16.09.205(a)): It shall be unlawful to discharge water from cooling systems, pools, spas, fountains boilers and heat exchangers to the storm drain system.
85. STORM DRAIN LABELING (PAMC 16.09.165(h)): Storm drain inlets shall be clearly marked with the words "No dumping - Flows to Bay," or equivalent.
86. UNDESIGNATED RETAIL SPACE (PAMC 16.09): Newly constructed or improved buildings with all or a portion of the space with undesignated tenants or future use will need to meet all requirements that would have been applicable during design and construction. If such undesignated retail space becomes a food service facility the following requirements must be met:

Designated Food Service Establishment (FSE) Project:

- a. Grease Control Device (GCD) Requirements, PAMC Section 16.09.075 & cited Building/Plumbing Codes
  - i. The plans shall specify the manufacturer details and installation details of all proposed GCDs. (CBC 1009.2)
  - ii. GCD(s) shall be sized in accordance with the 2007 California Plumbing Code.
  - iii. GCD(s) shall be installed with a minimum capacity of 500 gallons.
  - iv. GCD sizing calculations shall be included on the plans. See a sizing calculation example below.

- v. The size of all GCDs installed shall be equal to or larger than what is specified on the plans.
  - vi. GCDs larger than 50 gallons (100 pounds) shall not be installed in food preparation and storage areas. Santa Clara County Department of Environmental Health prefers GCDs to be installed outside. GCDs shall be installed such that all access points or manholes are readily accessible for inspection, cleaning and removal of all contents. GCDs located outdoors shall be installed in such a manner so as to exclude the entrance of surface and storm water. (CPC 1009.5)
  - vii. All large, in-ground interceptors shall have a minimum of three manholes to allow visibility of each inlet piping, baffle (divider) wall, baffle piping and outlet piping. The plans shall clearly indicate the number of proposed manholes on the GCD. The Environmental Compliance Division of Public Works Department may authorize variances which allow GCDs with less than three manholes due to manufacture available options or adequate visibility.
  - viii. Sample boxes shall be installed downstream of all GCDs.
  - ix. All GCDs shall be fitted with relief vent(s). (CPC 1002.2 & 1004)
  - x. GCD(s) installed in vehicle traffic areas shall be rated and indicated on plans.
- b. Drainage Fixture Requirements, PAMC Section 16.09.075 & cited Building/Plumbing Codes
- i. To ensure all FSE drainage fixtures are connected to the correct drain lines, each drainage fixture shall be clearly labeled on the plans. A list of all fixtures and their discharge connection, i.e. sanitary sewer or grease waste line, shall be included on the plans.
  - ii. A list indicating all connections to each proposed GCD shall be included on the plans. This can be incorporated into the sizing calculation.
  - iii. All grease generating drainage fixtures shall connect to a GCD. These include but are not limited to:
    1. Pre-rinse (scullery) sinks
    2. Three compartment sinks (pot sinks)
    3. Drainage fixtures in dishwashing room except for dishwashers shall connect to a GCD
    4. Examples: trough drains (small drains prior to entering a dishwasher), small drains on busing counters adjacent to pre-rinse sinks or silverware soaking sinks
    5. Floor drains in dishwashing area and kitchens
    6. Prep sinks
    7. Mop (janitor) sinks

8. Outside areas designated for equipment washing shall be covered and any drains contained therein shall connect to a GCD.
  9. Drains in trash/recycling enclosures
  10. Wok stoves, rotisserie ovens/broilers or other grease generating cooking equipment with drip lines
  11. Kettles and tilt/braising pans and associated floor drains/sinks
- iv. The connection of any high temperature discharge lines and non-grease generating drainage fixtures to a GCD is prohibited. The following shall not be connected to a GCD:
    1. Dishwashers
    2. Steamers
    3. Pasta cookers
    4. Hot lines from buffet counters and kitchens
    5. Hand sinks
    6. Ice machine drip lines
    7. Soda machine drip lines
    8. Drainage lines in bar areas
  - v. No garbage disposers (grinders) shall be installed in a FSE. (PAMC 16.09.075(d)).
  - vi. Plumbing lines shall not be installed above any cooking, food preparation and storage areas.
  - vii. Each drainage fixture discharging into a GCD shall be individually trapped and vented. (CPC 1014.5)
- c. Covered Dumpsters, Recycling and Tallow Bin Areas PAMC, 16.09.075(q)(2)
- i. Newly constructed and remodeled FSEs shall include a covered area for all dumpsters, bins, carts or container used for the collection of trash, recycling, food scraps and waste cooking fats, oils and grease (FOG) or tallow.
  - ii. The area shall be designed and shown on plans to prevent water run-on to the area and runoff from the area.
  - iii. Drains that are installed within the enclosure for recycle and waste bins, dumpsters and tallow bins serving FSEs are optional. Any such drain installed shall be connected to a GCD.
  - iv. If tallow is to be stored outside then an adequately sized, segregated space for a tallow bin shall be included in the covered area.
  - v. These requirements shall apply to remodeled or converted facilities to the extent that the portion of the facility being remodeled is related to the subject of the requirement.
- d. Large Item Cleaning Sink, PAMC 16.09.075(m)(2)(B)

- i. FSEs shall have a sink or other area drain which is connected to a GCD and large enough for cleaning the largest kitchen equipment such as floor mats, containers, carts, etc. Recommendation: Generally, sinks or cleaning areas larger than a typical mop/janitor sink are more useful.

e. GCD sizing criteria and an example of a GCD sizing calculation (2007 CPC)

<b>Sizing Criteria: Drain Fixtures</b>	<b>DFUs</b>	<b>GCD Sizing: Total DFUs</b>	<b>GCD Volume (gallons)</b>
Pre-rinse sink	4	8	500
3 compartment sink	3	21	750
2 compartment sink	3	35	1,000
Prep sink	3	90	1,250
Mop/Janitorial sink	3	172	1,500
Floor drain	2	216	2,000
Floor sink	2		

**Example GCD Sizing Calculation:**

Quantity	Drainage Fixture & Item Number	DFUs	Total
1	Pre-rinse sink, Item 1	4	4
1	3 compartment sink, Item 2	3	3
2	Prep sinks, Item 3 & Floor sink, Item 4	3	6
1	Mop sink, Item 5	3	3
1	Floor trough, Item 6 & tilt skillet, Item 7	2	2
1	Floor trough, Item 6 & steam kettle, Item 8	2	2
1	Floor sink, Item 4 & wok stove, Item 9	2	2
4	Floor drains	2	8
1,000 gallon GCD minimum sized		Total:	30

**Note:**

- All resubmitted plans to Building Department which include FSE projects shall be resubmitted to Water Quality.
- It is frequently to the FSE's advantage to install the next size larger GCD to allow for more efficient grease discharge prevention and may allow for longer times between cleaning. There are many manufacturers of GCDs which are available in different shapes, sizes and materials (plastic, reinforced fiberglass, reinforced concrete and metal)
- The requirements will assist FSEs with FOG discharge prevention to the sanitary sewer and storm drain pollution prevention. The FSE at all times shall comply with the Sewer Use Ordinance of the Palo Alto Municipal Code. The ordinances include requirements for GCDs, GCD maintenance, drainage fixtures, record keeping and construction projects.

**FIRE DEPARTMENT**

87. Fire sprinklers, fire standpipe and fire alarm systems required in accordance with NFPA 13, NFPA14, NFPA 24, NFPA 72 and State and local standards. Sprinkler, standpipe, fire alarm and underground fire supply installations require separate submittal to the Fire Prevention Bureau.
88. Sprinkler main drain must be coordinated with plumbing design so that the 200 gpm can be flowed for annual main drain testing for 90 seconds without overflowing the collection sump, and the Utilities Department approved ejector pumps will be the maximum flow rate to sanitary sewer.
89. Applicant shall work with Utilities Department to provide acceptable backflow prevention configuration.
90. All floor levels in multi-story buildings must be served by an elevator capable of accommodating a 24 x 84 inch gurney without lifting or manipulating the gurney.
91. All welding or other hot work during construction shall be under a permit obtained from the Palo Alto Fire Department with proper notification and documentation of procedures followed and work conducted.
92. Low-E glass and underground parking areas can interfere with portable radios used by emergency responders. Please provide an RF Engineering analysis to determine if additional devices or equipment will be needed to maintain operability of emergency responder portable radios throughout 97% of the building in accordance with the Fire Code Appendix J as adopted by the City of Palo Alto. A written report to the Fire Marshal shall be provided prior to final inspection.

#### **UTILITIES – ELECTRICAL ENGINEERING**

## GENERAL

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

## FOR SUBMITTALS TO ELECTRIC SERVICE

96. A completed Electric Load Sheet and a full set of plans must be included with all applications involving electrical work. The load sheet must be included with the preliminary submittal.
97. Industrial and large commercial customers must allow sufficient lead-time for Electric Utility Engineering and Operations (typically 8-12 weeks after advance engineering fees have been paid) to design and construct the electric service requested.
98. Only one electric service lateral is permitted per parcel. Utilities Rule & Regulation #18.
99. Applicant has selected the option of going with a submersible transformer. This installation will fall under "Special Facilities". Special Facilities will have additional costs for substructure work, annual cost of ownership plus one time replacement cost of submersible transformer. Vault and submersible transformer along with the required infrastructure will be installed by the City in the alley/public right of way or at a feasible location at applicant's expense. Note that submersible transformers are more susceptible to extended outages and potential cause for failures due to accumulation of dirt, debris and water in the vaults. . During servicing/maintenance or outage there will be no power to the building. The applicant will be responsible for maintaining the electric service to the building or to any critical equipment through a generator, if required. The City will not reimburse or compensate for anything (e.g. damages/lost production hours/labor cost etc.) during maintenance/outage or shut down time. The City will replace the transformer in the event of failure at no cost to the applicant.
100. Based on the electric loads the applicant has projected for the new building, the Utilities will consider installing a 500KVA, 120/208Y Volts transformer. However, if the load drops significantly below the rated capacity of the transformer for any continuous period of twelve (12) months, the City will notify the applicant about the fees and charges attributable to the reduced capacity. If the loads are added in the future and existing submersible transformer is found to be overloaded or exceeded its operational limitations then the City will require the applicant to accept the electric service to the building at

277/480Y Volts. At that time, in order to get the electric service to the building at new voltage; all the required modifications will be done by the applicant.

101. The customer shall install all electrical substructures (conduits, boxes and pads) required from the service point to the customer's switchgear. The design and installation shall be according to the City standards and shown on plans. Utilities Rule & Regulations #16 & #18.
102. Location of the electric panel/switchboard shall be installed outside the building and shall be easily accessible to Utilities meter readers and maintenance crews. Electric switchboard shall be NEMA 3R. All the substructure work done/installed for providing electric service to the new building shall be at applicant's expense. Detailed comments and final cost estimate shall be provided to the applicant when plans are submitted to the Building Department for review and approval.
103. Location of the electric panel/switchboard shall show on the site plan and approved by the Architectural Review Board and Utilities Department.
104. All utility meters, lines, transformers, switchboards, electric panels, backflow preventers, and any other required equipment shall be shown on the landscape and irrigation plans and shall show that no conflict will occur between the utilities and landscape materials. In addition, all aboveground equipment shall be screened in a manner that is consistent with the building design and setback requirements.
105. For services larger than 1600 amps, the customer will be required to provide a transition cabinet as the interconnection point between the utility's submersible transformer and the customer's main switchgear. The cabinet design drawings must be submitted to the Electric Utility Engineering Department for review and approval.
106. For underground services, no more than four (4) 750 MCM conductors per phase can be connected to the submersible transformer secondary terminals; otherwise, bus duct must be used for connections to transformers. If customer installs a bus duct directly between the transformer secondary terminals and the main switchgear, the installation of a transition cabinet will not be required.
107. The customer is responsible for sizing the service conductors and other required equipment according to the National Electric Code requirements and the City standards. Utilities Rule & Regulation #18.
108. If the customer's total load exceeds 2500 kVA, service shall be provided at the primary voltage of 12,470 volts and the customer shall provide the high voltage switchgear and transformers.
109. For primary services, the standard service protection is a submersible fault interrupter owned and maintained by the City, installed at the customer's expense. The customer must provide and install the pad and associated substructure required for the fault interrupter.
110. Any additional facilities and services requested by the Applicant that are beyond what the utility deems standard facilities will be subject to Special Facilities charges. The Special



Facilities charges include the cost of installing the additional facilities as well as the cost of ownership. Utilities Rule & Regulation #20.

111. Projects that require the extension of high voltage primary distribution lines or reinforcement of offsite electric facilities will be at the customer's expense and must be coordinated with the Electric Utility.

#### DURING CONSTRUCTION

112. Contractors and developers shall obtain permit from the Department of Public Works before digging in the street right-of-way. This includes sidewalks, driveways and planter strips.
113. At least 48 hours prior to starting any excavation, the customer must call Underground Service Alert (USA) at 1-800-227-2600 to have existing underground utilities located and marked. The areas to be check by USA shall be delineated with white paint. All USA markings shall be removed by the customer or contractor when construction is complete.
114. The customer is responsible for installing all on-site substructures (conduits, boxes and pads) required for the electric service. No more than 270 degrees of bends are allowed in a secondary conduit run. All conduits must be sized according to National Electric Code requirements and no 1/2 – inch size conduits are permitted. All off-site substructure work will be constructed by the City at the customer's expense. Where mutually agreed upon by the City and the Applicant, all or part of the off-site substructure work may be constructed by the Applicant.
115. All primary electric conduits shall be concrete encased with the top of the encasement at the depth of 30 inches. No more than 180 degrees of bends are allowed in a primary conduit run. Conduit runs over 500 feet in length require additional pull boxes.
116. All new underground conduits and substructures shall be installed per City standards and shall be inspected by the Electrical Underground Inspector before backfilling.
117. The customer is responsible for installing all underground electric service conductors, bus duct, transition cabinets, and other required equipment. The installation shall meet the National Electric Code and the City Standards.
118. Meter and switchboard requirements shall be in accordance with Electric Utility Service Equipment Requirements Committee (EUSERC), drawings accepted by Utility and CPA standards for meter installations.

119. Shop/factory drawings for switchboards (400A and greater) and associated hardware must be submitted for review and approval prior to installing the switchgear to:

Gopal Jagannath, P.E.  
Supervising Electric Project Engineer  
Utilities Engineering (Electrical)  
1007 Elwell Court  
Palo Alto, CA 94303

120. Catalog cut sheets may not be substituted for factory drawing submittal.
121. All new underground electric services shall be inspected and approved by both the Building Inspection Division and the Electrical Underground Inspector before energizing.

#### AFTER CONSTRUCTION & PRIOR TO FINALIZATION

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

#### PRIOR TO ISSUANCE OF BUILDING OCCUPANCY PERMIT

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

#### ADDITIONAL COMMENTS

The following conditions apply to three-phase service and any service over 400 amperes:

124. A pad-mount or submersible transformer is required.
125. The Utilities Director, or his/her designee, may authorize the installation of submersible or vault installed facilities if in their opinion, pad-mounted equipment would not be feasible or practical.
126. Submersible or vault installed facilities shall be considered Special Facilities as described in Rule and Regulation 20, and all costs associated with the installation, including continuing ownership and maintenance, will be borne by the applicant (see Rule and Regulation 3 for details).
127. The customer must provide adequate space for installation, or reimburse the Utility for additional costs to locate the transformer outside the property boundaries. All service

equipment must be located above grade level unless otherwise approved by Electric Engineering.

## **WATER - GAS - WASTEWATER ENGINEERING**

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

128. Prior to demolition, the applicant shall submit the existing water/wastewater fixture unit loads (and building as-built plans to verify the existing loads) to determine the capacity fee credit for the existing load. If the applicant does not submit loads and plans they may not receive credit for the existing water/wastewater fixtures.
129. The applicant shall submit a request to disconnect all utility services and/or meters including a signed affidavit of vacancy. Utilities will be disconnected or removed within 10 working days after receipt of request. The demolition permit will be issued by the building inspection division after all utility services and/or meters have been disconnected and removed.

### **FOR BUILDING PERMIT**

130. The applicant shall submit completed water-gas-wastewater service connection applications - load sheets for City of Palo Alto Utilities for each unit or place of business. The applicant must provide all the information requested for utility service demands (water in fixture units/g.p.m., gas in b.t.u.p.h, and sewer in fixture units/g.p.d.). The applicant shall provide the existing (prior) loads, the new loads, and the combined/total loads (the new loads plus any existing loads to remain).
131. The applicant shall submit improvement plans for utility construction. The plans must show the size and location of all underground utilities within the development and the public right of way including meters, backflow preventers, fire service requirements, sewer mains, sewer cleanouts, sewer lift stations and any other required utilities.
132. The applicant must show on the site plan the existence of any auxiliary water supply (i.e. water well, gray water, recycled water, rain catchment, water storage tank, etc).
133. The applicant shall be responsible for installing and upgrading the existing utility mains and/or services as necessary to handle anticipated peak loads. This responsibility includes all costs associated with the design and construction for the installation/upgrade of the utility mains and/or services.
134. The applicant's engineer shall submit flow calculations and system capacity study showing that the on-site and off-site water and sanitary sewer mains and services will provide the domestic, irrigation, fire flows, and wastewater capacity needed to service the development and adjacent properties during anticipated peak floor demands. Field testing may be required to determine current flows and water pressures on existing water main. Calculations must be signed and stamped by a registered civil engineer. The applicant is required to perform, at his/her expense, a flow monitoring study of the existing sewer main to determine the remaining capacity. The report must include existing peak flows or depth of flow based on a minimum monitoring period of seven continuous days or as determined by the senior wastewater engineer. The study shall meet the requirements and the approval

of the WGW engineering section. No downstream overloading of existing sewer main will be permitted.

135. For contractor installed water and wastewater mains or services, the applicant shall submit to the WGW engineering section of the Utilities Department **four** copies of the installation of public water, gas and wastewater utilities improvement plans (the portion to be owned and maintained by the City) in accordance with the utilities department design criteria. All utility work within the public right-of-way shall be clearly shown on the plans that are prepared, signed and stamped by a registered civil engineer. The contractor shall also submit a complete schedule of work, method of construction and the manufacturer's literature on the materials to be used for approval by the utilities engineering section. The applicant's contractor will not be allowed to begin work until the improvement plan and other submittals have been approved by the water, gas and wastewater engineering section. After the work is complete but prior to sign off, the applicant shall provide record drawings (as-builts) of the contractor installed water and wastewater mains and services per City of Palo Alto Utilities' record drawing procedures. For contractor installed services the contractor shall install 3M marker balls at each water or wastewater service tap to the main and at the City clean out for wastewater laterals.
136. An approved reduced pressure principle assembly (RPPA backflow preventer device) is required for all existing and new water connections from Palo Alto Utilities to comply with requirements of California administrative code, title 17, sections 7583 through 7605 inclusive. The RPPA shall be installed on the owner's property and directly behind the water meter within 5 feet of the property line. RPPA's for domestic service shall be lead free. **Show the location of the RPPA on the plans.**
137. An approved reduced pressure detector assembly is required for the existing or new water connection for the fire system to comply with requirements of California administrative code, title 17, sections 7583 through 7605 inclusive (a double detector assembly may be allowed for existing fire sprinkler systems upon the CPAU's approval). Reduced pressure detector assemblies shall be installed on the owner's property adjacent to the property line, within 5' of the property line. **Show the location of the reduced pressure detector assembly on the plans.**
138. All backflow preventer devices shall be approved by the WGW engineering division. Inspection by the utilities cross connection inspector is required for the supply pipe between the meter and the assembly.
139. Existing wastewater laterals that are not plastic (ABS, PVC, or PE) shall be replaced at the applicant's expense.
140. Existing wastewater main is 5.4" PE on Kipling Street. (sewer lateral to be 4")
141. Existing water services (including fire services) that are not a currently standard material shall be replaced at the applicant's expense.
142. The applicant shall pay the capacity fees and connection fees associated with new utility service/s or added demand on existing services. The approved relocation of services, meters, hydrants, or other facilities will be performed at the cost of the person/entity requesting the relocation.

143. Each unit or place of business shall have its own water and gas meter shown on the plans. Each parcel shall have its own water service, gas service and sewer lateral connection shown on the plans.
144. A separate water meter and backflow preventer is required to irrigate the approved landscape plan. Show the location of the irrigation meter on the plans. This meter shall be designated as an irrigation account and no other water service will be billed on the account. The irrigation and landscape plans submitted with the application for a grading or building permit shall conform to the City of Palo Alto water efficiency standards.
145. A new water service line installation for domestic usage is required. For service connection of 4-inch through 8-inch sizes, the applicant's contractor must provide and install a concrete vault with meter reading lid covers for water meter and other required control equipment in accordance with the utilities standard detail. Show the location of the new water service and meter on the plans.
146. A new water service line installation for irrigation usage may require. Show the location of the new water service and meter on the plans.
147. A new water service line installation for fire system usage is required. Show the location of the new water service on the plans. The applicant shall provide to the Engineering Department a copy of the plans for fire system including all Fire Department's requirements. Please see a fire/domestic combination service connection for your provide-see City of Palo Alto standard WD-11.
148. A new gas service line installation is required. Show the new gas meter location on the plans. The gas meter location must conform with utilities standard details. Gas meter to be installed above ground.
149. A new sewer lateral installation per lot is required. Show the location of the new sewer lateral on the plans.
150. All existing water and wastewater services that will not be reused shall be abandoned at the main per WGW utilities procedures.
151. Utility vaults, transformers, utility cabinets, concrete bases, or other structures cannot be placed over existing water, gas or wastewater mains/services. Maintain 1' horizontal clear separation from the vault/cabinet/concrete base to existing utilities as found in the field. If there is a conflict with existing utilities, Cabinets/vaults/bases shall be relocated from the plan location as needed to meet field conditions. Trees may not be planted within 10 feet of existing water, gas or wastewater mains/services or meters. New water, gas or wastewater services/meters may not be installed within 10' of existing trees. Maintain 10' between new trees and new water, gas and wastewater services/mains/meters.
152. To install new gas service by directional boring, the applicant is required to have a sewer cleanout at the front of the building. This cleanout is required so the sewer lateral can be videoed for verification of no damage after the gas service is installed by directional boring.

153. All utility installations shall be in accordance with the City of Palo Alto utility standards for water, gas & wastewater.
154. All WGW utilities work on University Avenue is 1.5 times the stated fee due to traffic; existing conditions require the work to be done outside of regular work hours.

## **BUILDING INSPECTION**

### **FOR BUILDING PERMIT SUBMITTAL**

155. The permit application shall be accompanied by all plans and related documents necessary to construct the complete project.
156. A demolition permit shall be required for the removal of the existing building on site.
157. The entire project is to be included under a single building permit and shall not be phased under multiple permits.
158. Separate submittals and permits are required for the following systems: E.V., P.V. and Solar Hot Water.
159. Design of building components that are not included in the plans submitted for building permit and are to be "deferred" shall be limited to as few items as possible. The list of deferred items shall be reviewed and approved prior to permit application.
160. The plans submitted for the building permit shall include an allowable floor area calculation that relates the mixed occupancies to type of construction.
161. The plans submitted for the building permit shall include allowable floor area calculations that relate the proposed occupancies to type of construction. This includes possible future installation of assembly occupancies such as large conference rooms or cafeterias, for example.
162. An acoustical analysis shall be submitted and the plans shall incorporate the report's recommendations needed to comply with the sound transmissions requirements in CBC Section 1207.

## **URBAN FORESTRY**

163. Any existing city street trees approved to remain shall be maintained and protected during construction per City of Palo Alto standard requirements.
164. All landscape material shall be well maintained for the life of the project and replaced if it fails.
165. Two regulated public trees (London Plane) on University Ave frontage are to be retained and protected. Protection shall consist of Modified Type III (see attached graphic) for the entire trunk and will include primary branches on the building side. For any branch clearance pruning for building or scaffolding, contractor shall coordinate with Urban

Forestry for direct supervision by staff of private tree contractor (submit written Tree Care Application to [Dorothy.dale@cityofpaloalto.org](mailto:Dorothy.dale@cityofpaloalto.org))

166. Kipling frontage-Trees. four trees in the RoW are approved for removal including stumps (two flowering pears, two carobs). Four replacement trees shall be installed, Ginkgo biloba 'Autumn Gold', Maidenhair, 36-inch box size, in 5'x5' Kiva tree grates, two irrigation bubblers per tree (PW Standard Detail # 603a and 513). A certified arborist for the applicant shall evaluate/select matching trees for quality. Contractor shall coordinate an Urban Forestry inspection of the new trees, before they are planted in the ground.
167. Sidewalk base medium (Kipling side only). As a root growing medium between the curb and building face, Silva Cell technology or approved equal, shall be designed as a suspended sidewalk element and provide low compaction area for long term root growth. A certified arborist for the applicant shall calculate how many cubic feet of soil and Silva cell material will be needed for each tree. The remaining soil between the engineered root growing areas.

## **GREEN BUILDING**

### 168. Green Building Ordinance:

- a. Commercial Portion - CALGreen Tier 2: The project must meet the California Green Building Code Tier 2 requirements. Due to the size of the project, the team must engage a commissioning agent and fulfil on the commissioning requirements. Additional information may be found at the following link [http://www.cityofpaloalto.org/gov/depts/ds/green\\_building/default.asp](http://www.cityofpaloalto.org/gov/depts/ds/green_building/default.asp). The new Energy California Energy Code contains significant changes and Palo Alto is currently enforcing code minimum for the energy code . The details can be found at the following link. <http://www.energy.ca.gov/title24/2013standards/>
  - b. Residential Portion- Green Point Rated: The project is required to achieve Green Point Rated Certification through Build It Green. The project team must engage a Green Point Rater. The required minimum points value is 70. The required prerequisite and points associated with exceeding the code shall be excused. Additional information may be found at the following link [http://www.cityofpaloalto.org/gov/depts/ds/green\\_building/default.asp](http://www.cityofpaloalto.org/gov/depts/ds/green_building/default.asp)
169. BASE Energy Services: The project may elect to engage the City of Palo Alto consultant, BASE Energy Inc, free of charge. BASE will assist the project in meeting and exceeding Title 24 Energy Code. Rebates may be available via working with Base. For more information, visit [cityofpaloalto.org/commercial](http://cityofpaloalto.org/commercial) program or call 650.329.2241. The applicant may also contact Ricardo Sfeir at BASE Energy at [rsfeir@baseco.com](mailto:rsfeir@baseco.com) to schedule a project kick-off.
  170. EV Parking Ordinance: The project is subject to meet the new Electric Vehicle Parking Ordinance. The press release provides an outline of the ordinance. The future ordinance language can be found within the staff report. There are multi-family and commercial provisions that apply. See the ordinance for all details.

- a. Multi-family: One EVSE Ready or EVSE Installed per unit. For guest parking, either conduit only, EVSE Ready or EVSE Installed shall be provided for 25% of the parking. A minimum of 1 EVSE Installed for multi-family guest parking shall be provided.
- b. Commercial: For commercial parking, either conduit only, EVSE Ready or EVSE Installed shall be provided for 25% of the parking. A minimum of 1 EVSE Installed for commercial parking shall be provided.

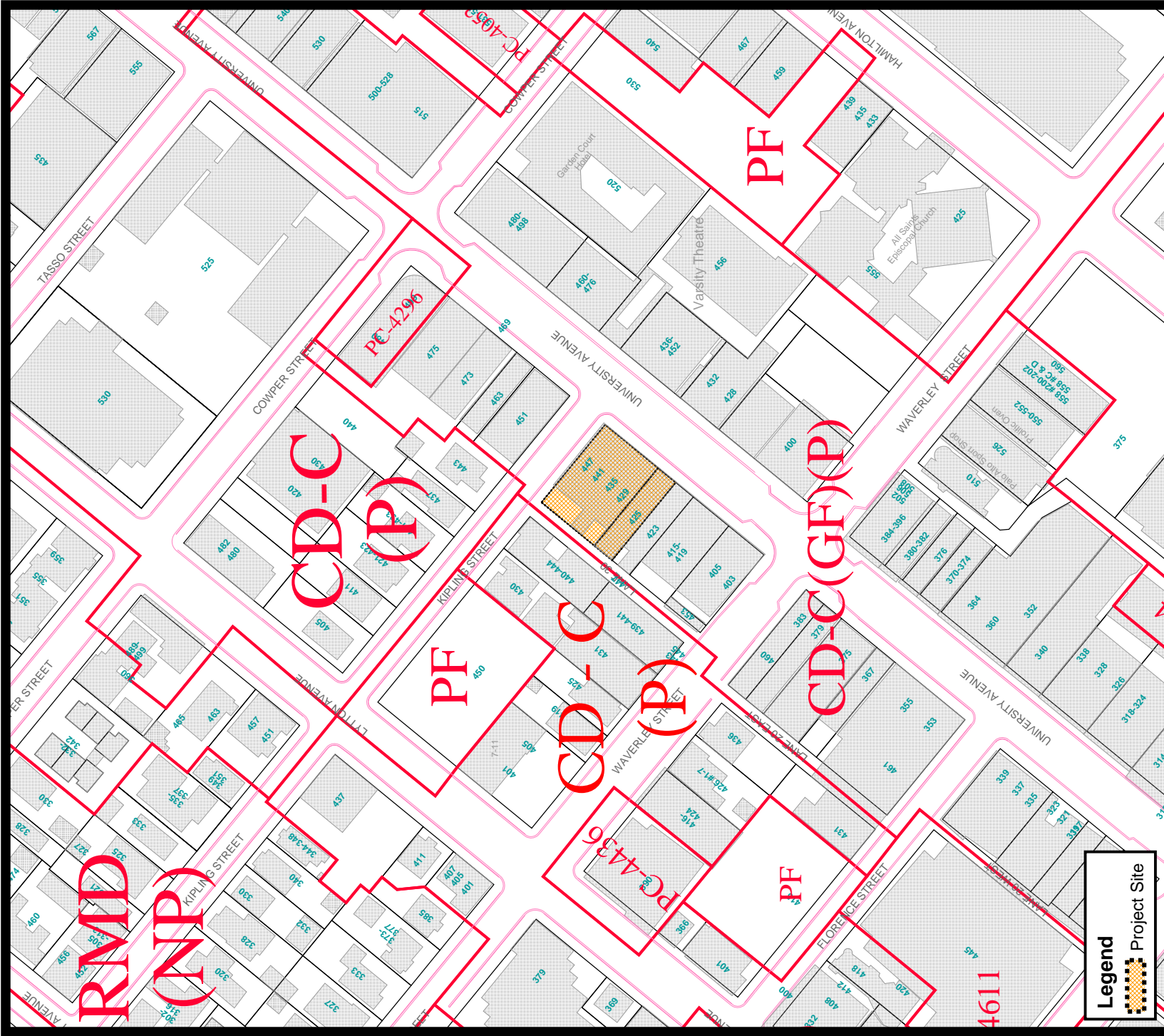
171. Other Incentives & rebates: The Utilities department has several rebates and incentives that would apply to the project. These rebates are most successfully obtained when planned into the project early in design. For the incentives available for the project, please see the information provided on the Utilities website <http://www.cityofpaloalto.org/gov/depts/uti/business/rebates/default.asp>

## **PUBLIC ART**



### **PRIOR TO ISSUANCE OF A BUILDING PERMIT**

172. This project must comply with the provisions outlined in PAMC 16.61. The project proposes to install on-site public art and must follow the processes and requirements under this section. Removal or relocation of proposed public art shall be reviewed by the Architectural Review Board and approved by the Palo Alto Public Art Commission. No building permit may be issued until the Public Art Commission issues the approval of the final artwork and placement required for the on-site public art.
173. For building permit submittal, the design and installation of public art must comply with all the building code requirements.
174. The Architectural Review Board (subcommittee) shall review the final placement of public art to ensure the artwork or associated lighting would not create adverse impacts of lighting and glare to adjacent neighbors.
175. In lieu of installation of on-site public art, the applicant may make a monetary contribution to the Palo Alto Public Arts Fund. The applicant must notify the Public Art Office of the intent to fulfill the public art requirement by payment of the in-lieu fee instead of commissioning art on site. The applicant is required to submit the amount equal to 1% of the estimated construction valuation into the Public Art Fund account and provide a copy of the receipt to the Public Art office prior to the issuance of building permit.






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

425 and 429-447  
University Ave  
Project Location Map

The City of  
**Palo Alto**

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August 14, 2015

Historic Resource Analysis  
429 University Avenue Mixed-Use Project  
Palo Alto, California

## **HISTORIC RESOURCES MEMORANDUM**

### **INTRODUCTION AND METHODOLOGY**

The City Council introduced the five items below for the historic resources analysis as part of the CEQA environmental review of a proposed project at the northwest corner of University Avenue and Kipling Street. Carey & Co. has reviewed the Initial Study for the project and the historic resources evaluation reports for 425 University Avenue and 429-447 University Avenue prepared by Preservation Architecture. We also reviewed the Evaluation Table associated with a historic resources survey undertaken by Dames & Moore, Palo Alto's Historic Inventory<sup>1</sup> and Downtown Urban Design guidelines. We also reviewed a plan set for the project.<sup>2</sup>

On July 10, 2015, Carey & Co. conducted a walking tour of University Avenue between Cowper Street and Waverley Street, and Kipling Street between University Avenue and Lytton Avenue. During the walking tour, Carey & Co. observed the project site, its relationship to surrounding properties, noted the types of buildings and their architecture, and verified the integrity of historic resources on University Avenue and Kipling Street. Please note that the walking tour took in an area greater than the proposed Area of Potential Effects (see Item B below).

The following memorandum addresses the Historic Resources Board (HRB) action items presented in the final City Council motion. Those five items are listed below.

- A. *The Preservation Architecture report focuses on whether there are criteria for a historic district. There is no need for existence of a district for there to be historic considerations. The HRB should determine whether there are other factors that should be considered.*
  
- B. *What is the applicable "area of potential effect" under CEQA analysis?*
  
- C. *There are a number of historic structures near (e.g. on Kipling), one next to the proposed project and several across the street. How will the project impact these structures?*

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<sup>1</sup> The inventory also identifies properties that are California Registered Historical Landmarks and those listed in the National Register of Historic Places.

<sup>2</sup> The plan set is dated August 3, 2015.

*D. Whether the mass, scale, and compatibility of the proposed project has an impact on the existing historic properties should be analyzed.*

*E. Whether the proposed building would change the setting under CEQA has an impact on the historic properties on Kipling or University.*

## **EXECUTIVE SUMMARY**

- Carey and Co. agrees with the Initial Study prepared by the City of Palo Alto (January 2015) which analyzed the proposed project's potential impacts on 425 and 429-447 University Avenue and concluded that no impacts to historic resources would occur since both properties were not eligible for listing on local, state or national registers.
- Carey and Co. recommends that a study area larger than the project site may be analyzed in order to evaluate potential direct and indirect impacts to nearby historic resources that are not part of the project site. A total of eight properties are included in the study area.
- Carey & Co. agrees that the proposed project would not have any direct impacts on three historic resources within the study area with the application of standard code regulations. The properties are 423 University Avenue, 436-452 University Avenue and 443 Kipling Street.
- Carey & Co. finds that through an evaluation of six of the seven aspects of integrity, the proposed project's design, mass, scale, and use of materials could not have an indirect impact on the integrity of historic resources. The seventh aspect, setting, is evaluated separately.
- Carey & Co. finds that the proposed project would not change the setting of historic properties on Kipling Street or University Avenue.

**ITEM A. THE PRESERVATION ARCHITECTURE REPORT FOCUSES ON WHETHER THERE ARE CRITERIA FOR A HISTORIC DISTRICT. THERE IS NO NEED FOR EXISTENCE OF A DISTRICT FOR THERE TO BE HISTORIC CONSIDERATIONS. THE HRB SHOULD DETERMINE WHETHER THERE ARE OTHER FACTORS THAT SHOULD BE CONSIDERED.**

University Avenue between Alma Street and Cowper Street is the center and retail core of downtown Palo Alto. Although a number of individual historical resources are located on the avenue, they do not form a historic district.<sup>3</sup> Buildings are typically two- to four-story high and have a 25-50 foot wide pattern of storefronts or similar sized structural bays. Most buildings do not have setbacks and rise to a parapet wall without a distinct roof. The architectural style of the buildings and retail fronts are mixed but recessed doors, window displays, and outdoor seating is typical of the Avenue. Presumably to accommodate outdoor seating, some storefronts have been recessed. This more recent feature contrasts with the smaller,

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<sup>3</sup> Preservation Architecture, *425 University Avenue, Palo Alto, Historic Architectural Evaluation*, September 22, 2014, 5-6 and *429-447 University Avenue, Palo Alto, Historic Architectural Evaluation*, September 22, 2014, 5-6.

recessed entries typically found on historic buildings. The Palo Alto Office Center, the Varsity Theater and the Stanford Theater are among the local landmarks.<sup>4</sup>

The blocks around the proposed project at 425 and 429-447 University Avenue have similar features as described above. Across University Avenue from the project site, the southern two-thirds of University Avenue between Cowper and Waverly Streets have Spanish Revival style buildings with ground floor retail uses. These buildings, including the Varsity Theater, are listed in the Palo Alto Historic Inventory.<sup>5</sup> The remaining one-third of the south side has two contemporary buildings: the four-story 428-432 University Avenue and the one-story 400 University Avenue, neither of which complements the architectural style and/or material use of the adjacent buildings. Most of the buildings on the northern 400 block of University Avenue (including the project site) are one or two stories high and have stucco cladding. On the north side, only 415-419 University Avenue and 423 University Avenue are listed on the Palo Alto Inventory as “contributing resources.” Although the buildings on the north side share some features, they are not exemplary of an architectural style and do not relate to the character of the historic buildings in the area. We feel that the overall historic character of these two blocks has been compromised by intrusions including incompatible materials, height, massing, and architectural features.

Kipling Street between University Avenue and Lytton Avenue is a more of a transitional area between the commercial downtown and the residential neighborhoods north of it. Directly east of the proposed building at the corner of University Avenue and Kipling Street is a two-story commercial building with no distinguishing style. Further north, the block has six single family houses, five of which are used for office and retail. These detached one and two-story buildings are set back from the street and have landscaped front yards. Five are listed in the Palo Alto Historic Inventory as “contributing buildings.”<sup>6</sup> The western side of the street is a mix of architectural styles and uses: a one-story contemporary commercial building (440 and 444 Kipling), a two-story vernacular building (430 Kipling, listed in the Inventory and converted to offices) and a parking lot at the western corner.

Kipling Street was defined as one of the “secondary districts” in the Palo Alto Downtown Urban Design document for having its own distinct characteristics: the development of the block was suggested to be promoted by retaining the single family houses and the architectural character they provide.<sup>7</sup> The redevelopment of the parking lot at the corner of Kipling and Lytton was also encouraged in the 1993 document, but has not happened at this time.

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<sup>4</sup> This paragraph was summarized from City of Palo Alto, “Historic Inventory Category Information,” last updated June 16, 2007, <http://www.cityofpaloalto.org/news/displaynews.asp?NewsID=539&TargetID=127> (accessed on July 13, 2015).

<sup>5</sup> Buildings on the Palo Alto Historic Inventory are 436- 452 University Avenue (Category 2), Varsity Theater at 456 University Avenue (Category 1), 460,-476 University Avenue (Category 2), and 480-498 University Avenue (Category 2).

<sup>6</sup> 405 Kipling Street, 411 Kipling Street, 421-423 Kipling Street, 430 Kipling Street, 431-433 Kipling Street, and 443 Kipling Street (City of Palo Alto, *Master List of Structures on the Historic Inventory*, 2012). 437 Kipling is listed on the Dames and Moore Survey as “NRHP eligible under criteria A and C” (City of Palo Alto, email correspondence, July 16, 2015).

<sup>7</sup> City of Palo Alto, *Downtown Urban Design*, October 1993, <http://www.cityofpaloalto.org/civicax/filebank/documents/6514> (accessed on July 14, 2015).

Lane 30E, the service alley that runs Kipling to Waverly Street, is used for parking and serves the buildings that front onto it. The *Urban Design Guide* defines these alleys as “shortcut alleys which should be encouraged to use by pedestrians on a regular basis while maintaining their service functions.”<sup>8</sup>

We see this block of Kipling Street as a transitional area with mixed uses, building types, and different architectural styles. It does not have the density or total commercial character of University Avenue, but neither does it present itself as an intact residential street.

#### **ITEM B. WHAT IS THE APPLICABLE “AREA OF POTENTIAL EFFECT” UNDER CEQA ANALYSIS?**

Item B calls for defining an “area of potential effect.” An Area of Potential Effects (APE) is a term used in Section 106 of the National Historic Preservation Act to define a geographic area within which a proposed project may cause changes to the character of historic properties<sup>9</sup>. For purposes of this memorandum, we will use the term “study area” instead of APE to avoid confusion between the two historic resource review processes.

The CEQA analysis prepared for the Initial Study considered the study area to be the site of the proposed project. Preservation Architecture evaluated the potential historic significance of the two properties that form the site of the proposed project and concluded that the properties did not possess historic significance. The Initial Study used those conclusions to determine that the project had a less than significant impact on the environment.

The City Council has asked what an appropriate study area would be for CEQA purposes. The study area is influenced by the scale and nature of a proposed project and its surroundings. In our opinion, an area larger than the project site may be analyzed in order to analyze potential direct and indirect impacts to nearby historic resources that are not part of the project site. Although a study area can be just the site of a project, say a farm property in a rural area, the proposed project is in a dense urban area with immediately adjacent buildings that could be affected by the proposed project. In this case, there are several historical resources adjacent to the proposed project, but no historic districts. We recommend that the study area may consist of the proposed project site and immediately adjacent properties which are 423 University Avenue, 428-432 University Avenue, 436-452 University Avenue, 451 University Avenue, 443 Kipling Street and 440-444 Kipling Street (See Figure 1). Only one of these properties is immediately adjacent to the proposed project, 423 University Avenue, and could be directly affected by the proposed project. The others are across University Avenue, Kipling Street and Lane 30E. These latter properties are included due the potential of indirect impacts. Since a study area is defined early in the CEQA review process, potential impacts are only speculative as no impact analysis has been undertaken at that point. Therefore properties are included that may or may not be affected by the proposed project.

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<sup>8</sup> City of Palo Alto, *Downtown Urban Design*, October 1993, page 16,

<http://www.cityofpaloalto.org/civicax/filebank/documents/6514> (accessed on July 14, 2015).

<sup>9</sup> Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of projects they carry out, approve or fund on historic properties. Since there is no federal involvement in the proposed project, a Section 106 review is not required.

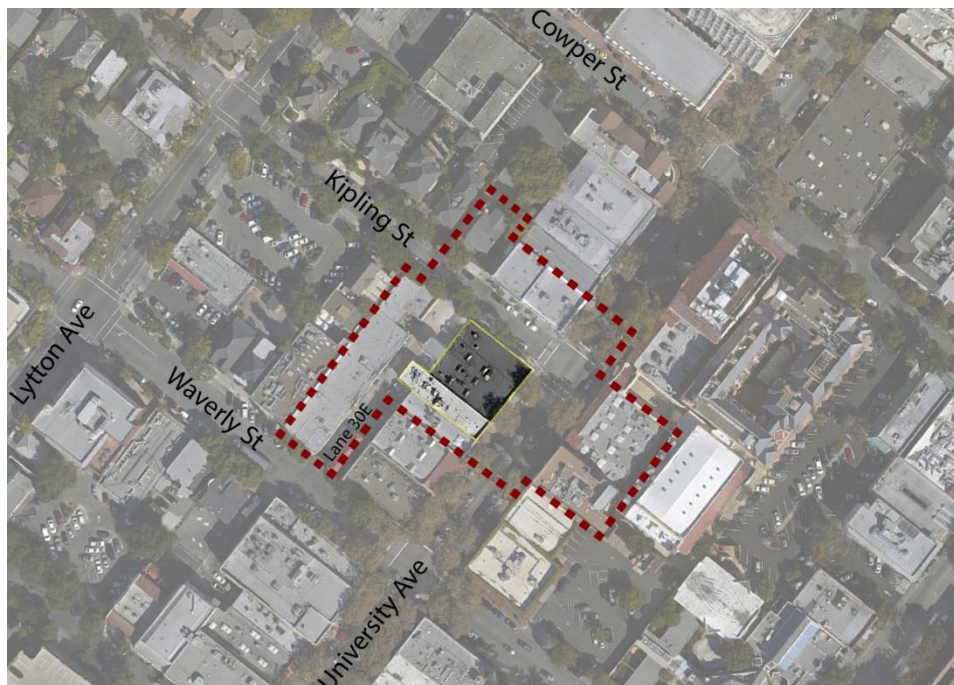


Figure 1. The recommended study area; the project site is outlined in yellow.

**ITEM C. THERE ARE A NUMBER OF HISTORIC STRUCTURES NEAR (E.G. ON KIPLING), ONE NEXT TO THE PROPOSED PROJECT AND SEVERAL ACROSS THE STREET. HOW WILL THE PROJECT IMPACT THESE STRUCTURES?**

Item C refers to historic resources on Kipling Street and University Avenue. Using the study area recommended in Item B, the previously identified historic resources within the boundaries of the study area include the following:

- 423 University Avenue: Palo Alto Inventory, Category 3 (contributing building); State Historic Preservation Office, Category 5S2 (individual property that is eligible for local listing or designation),
- 436-452 University Avenue: Palo Alto Inventory, Category 2 (major building); State Historic Preservation Office, Category 3S (appears eligible for the National Register as an individual property through survey evaluation),
- 443 Kipling Street: Palo Alto Inventory, Category 3 (contributing building); State Historic Preservation Office, Category 5S2 (individual property that is eligible for local listing or designation).<sup>10</sup>

<sup>10</sup> City of Palo Alto, *Master List of Structures on the Historic Inventory*, revised July 24, 2012, <http://www.cityofpaloalto.org/civicax/filebank/documents/3504> (accessed on July 13, 2015); Office of Historic Preservation, *Directory of Properties in the Historic Property Data File for Santa Clara County*, August 15, 2011; California State of Historic Preservation, "California Historical Resource Status Codes," updated December 8, 2003, <http://www.ohp.parks.ca.gov/pages/1069/files/chrstatus%20codes.pdf> (accessed on July 15, 2015).

None of these properties are listed on the National Register of Historic Places or the California Register of Historical Resources.

The evaluation of historical resources prepared for the Initial Study by Preservation Architecture found “no identified historical or cultural district, and no apparent collection of resources, thematically or architecturally, that may constitute an identifiable, future historic district or area.”<sup>11</sup>

The proposed project is not located in a designated historic district recognized by local, state or national historic registers. Based on our survey of the study area and beyond, Carey & Co. agrees with the Preservation Architecture’s conclusion above. This statement is also supported by the City Council Staff Report (dated April 6, 2015) and the City of Palo Alto’s historic inventory (which only includes National Register-listed Professorville Historic District and Ramona Street Architectural District).<sup>12</sup>

### **Potential Impacts of the Proposed Project**

The Initial Study found a Less than Significant Impact to local cultural resources that are recognized by City Council resolution. However, Item C asks for an analysis of the proposed project and its potential impact on historic resources.<sup>13</sup>

The Initial Study by the City of Palo Alto (January 2015) analyzed the proposed project’s potential impacts on 425 and 429-447 University Avenue and concluded that no impacts to historic resources would occur since both properties were not eligible for listing on local, state or national registers.<sup>14</sup> Carey & Co. agrees with this conclusion. We considered a total of eight properties located within the study area. Three are historical resources and were analyzed for potential impacts: 423 University Avenue, 436-452 University Avenue and 443 Kipling Street.

423 University Avenue (Palo Alto Inventory, Category 3) is adjacent to the project site and 436-452 University Avenue (Palo Alto Inventory, Category 2) is located across University Avenue. 443 Kipling Street (Palo Alto Inventory, Category 3) is located across Kipling diagonally from the proposed project site. The City Council Staff Report, dated April 6, 2015, states that:

“The proposed work, which is limited to the project site, would not have any physical or material effect on nearby individual historic structures, including the adjacent Category 3 structure. Standard conditions for construction activities would be applied to help ensure the project would not adversely affect the historical and architectural integrity of existing individual historic structures in the vicinity of the project site.”

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<sup>11</sup> Preservation Architecture, *425 University Avenue, Palo Alto, Historic Architectural Evaluation*, September 22, 2014, 5-6 and *429-447 University Avenue, Palo Alto, Historic Architectural Evaluation*, September 22, 2014, 5-6.

<sup>12</sup> City of Palo Alto, *Master List of Structures on the Historic Inventory*, revised July 24, 2012, <http://www.cityofpaloalto.org/civicax/filebank/documents/3504> (accessed on July 13, 2015).

<sup>13</sup> CEQA Guidelines Section 15064.5(b)(1) states: “Substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.” A project that demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register is one that may have a significant effect of the environment.

<sup>14</sup> City of Palo Alto, *429 University Avenue Project, Initial Study*, draft released November 2014, updated January 2015, 17.

Carey & Co. agrees that the proposed project would not have any impacts on 423 University Avenue with the application of standard code regulations. We also believe that the proposed project would not have any direct impacts on 436-452 University Avenue and 443 Kipling Street since the construction site is separated by the streets and all construction activity would take place on the north and west side of the streets.

Indirect impacts could affect these three properties. Although the method of construction is not identified in the project plans, we assume that vibration will not be an environmental impact such that it could affect the stability of either property.

**ITEM D. WHETHER THE MASS, SCALE, AND COMPATIBILITY OF THE PROPOSED PROJECT HAS AN IMPACT ON THE EXISTING HISTORIC PROPERTIES SHOULD BE ANALYZED.**

The proposed project's design, mass, scale, and use of materials could have an indirect impact on the integrity of historic resources. Integrity is the ability of a property to convey its historic significance through the retention of physical characteristics that justify its inclusion in local, state or national registers. There are seven aspects of integrity: location, design, setting, materials, workmanship, feeling and association.

**Location**

Location is the place where the historic property was constructed or the place where the historic event occurred. The relationship between the property and its location is often important to understanding why the property was created or why something happened. The actual location of a historic property, complemented by its setting, is particularly important in recapturing the sense of historic events and persons.

423 University Avenue, 436-452 University Avenue and 443 Kipling Street would remain where they are. The proposed project would not have an impact on the location of these properties.

**Design**

Design is the combination of elements that create the form, plan, space, structure, and style of a property. It results from conscious decisions made during the original conception and planning of a property (or its significant alteration) and applies to activities as diverse as community planning, engineering, architecture, and landscape architecture. Design includes such elements as organization of space, proportion, scale, technology, ornamentation, and materials.

The design of each property would remain and not be affected by the proposed project.

**Setting**

See Item E.

**Materials**

Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property. The choice and combination of



materials reveal the preferences of those who created the property and indicate the availability of particular types of materials and technologies. Indigenous materials are often the focus of regional building traditions and thereby help define an area's sense of time and place. A property must retain the key exterior materials dating from the period of its historic significance.

The materials associated with each property would not change or be affected by the proposed project.

### **Workmanship**

Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory. It is the evidence of artisans' labor and skill in constructing or altering a building, structure, object, or site. Workmanship can apply to the property as a whole or to its individual components. It can be expressed in vernacular methods of construction and plain finishes or in highly sophisticated configurations and ornamental detailing. It can be based on common traditions or innovative period techniques. Workmanship is important because it can furnish evidence of the technology of a craft, illustrate the aesthetic principles of a historic or prehistoric period, and reveal individual, local, regional, or national applications of both technological practices and aesthetic principles.

The workmanship evidenced in the buildings at 423 University Avenue, 436-452 University Avenue and 443 Kipling Street would remain embodied in the architectural elements and features of these buildings. The proposed project would not have an impact on the workmanship of the buildings.

### **Feeling**

Feeling is a property's expression of the aesthetic or historic sense of a particular period of time. It results from the presence of physical features that, taken together, convey the property's historic character.

The proposed project would not affect the physical features that convey the historic character of 423 University Avenue and 436-452 University Avenue. The same can be said of 443 Kipling Street. In both cases, the properties would continue to express their "aesthetic and historic sense."

### **Association**

Association is the direct link between an important historic event or person and a historic property. A property retains association if it is the place where the event or activity occurred and is sufficiently intact to convey that relationship to an observer. Like feeling, association requires the presence of physical features that convey a property's historic character.

The historic significance of 423 University Avenue and 436-452 University Avenue is related to the commercial development of downtown Palo Alto, especially along University Avenue. The proposed project will not affect this relationship. 443 Kipling Street maintains a different relationship – that to the development of a residential neighborhood backing up to the commercial properties on University. Although the setting of Kipling Street (see Item E) has changed over time with fewer residential buildings on the street, 443 Kipling Street would continue to retain its residential character and relationship to the earlier residential development that took place on Kipling Street.

**ITEM E. WHETHER THE PROPOSED BUILDING WOULD CHANGE THE SETTING UNDER CEQA HAS AN IMPACT ON THE HISTORIC PROPERTIES ON KIPLING OR UNIVERSITY.**

Item E asks whether the proposed building would change the setting of historic properties on Kipling Street and University Avenue under CEQA. Setting is one of the seven aspects of integrity (see above). In the evaluating the historic significance of a property, the property must retain enough integrity in order for it to convey its historic significance.

Setting is defined as the physical environment of a historic property:

“Whereas location refers to the specific place where a property was built or an event occurred, setting refers to the character of the place in which the property played its historical role. It involves how, not just where, the property is situated and its relationship to surrounding features and open space. Setting often reflects the basic physical conditions under which a property was built and the functions it was intended to serve. (...) The physical features that constitute the setting of a historic property can be either natural or manmade, including such elements as:

- Topographic features;
- Vegetation;
- Simple manmade features; and
- Relationships between buildings and other features or open space.”<sup>15</sup>

Several historic resources are located in and around the study area. These resources are listed in the City’s Inventory and some of them appear eligible for the National Register. However, there are not any previously designated or identified historic districts or there is no apparent collection of resources that may constitute an identifiable historic district. The 400 block of University Avenue has changed over time, including previous demolitions and alterations to older buildings, such that the demolition of the subject properties and addition of the proposed project would not change the existing character of the block.

Kipling Street serves as a transition between commercial University Avenue and northern residential neighborhoods of Palo Alto. The proposed project would not impact historic resources on Kipling Street directly since they are not immediately adjacent to the project site. However, potential indirect impacts to the setting of the historic properties on Kipling Street may be considered.

The overall setting of Kipling Street is defined by the properties on both sides of the street from the rear of the commercial buildings on University Avenue to Lytton Avenue. The setting of the historic properties has already been compromised in several ways. First, assuming that the street was once lined with residential structures on both the east and west sides of the street, only one altered residential structure remains on the west side.<sup>16</sup> Second, the existing parking lot is a major intrusion on the setting of the block having removed buildings and eliminated relationships that buildings on one side of the street

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<sup>15</sup> U.S. Department of the Interior, National Park Service, *How to Apply the National Register Criteria for Evaluation*, [http://www.nps.gov/nr/publications/bulletins/nrb15/nrb15\\_8.htm](http://www.nps.gov/nr/publications/bulletins/nrb15/nrb15_8.htm) (accessed on July 15, 2015).

<sup>16</sup> Carey & Co. was not tasked with conducting research on the history of Kipling Street.

had to others on the opposite side. Therefore, the larger setting of the Kipling Street properties has been previously compromised. Third, while the group of buildings on Kipling Street may impart character to the street, as described in the Downtown Urban Design Plan, they do not appear to constitute a potential historic district whose resource setting may be affected.

The proposed project will replace a commercial building and although larger in scale and height, it will not adversely impact the setting of the existing individual resources on Kipling, including 443 Kipling Street. Additionally, the proposed project will maintain the relationship between the commercial uses on University Avenue and the transitional state of Kipling Street.

As previously discussed in Item A University Avenue between Alma Street and Cowper Street is the center and retail core of downtown Palo Alto. Although a number of individual historical resources are located on the avenue, they do not form a historic district. Similar to Kipling Street, the proposed project will not substantially alter the physical environment of the individual historic resources on University such that their integrity would be compromised to the degree that they would lose their historic significance.



# HEXAGON TRANSPORTATION CONSULTANTS, INC.

## Memorandum

**Date:** August 05, 2015

**To:** Ms. Elizabeth Wong, Kipling Post LP, and Mr. Rafael Rius, City of Palo Alto

**From:** Gary Black

**Subject:** Traffic Operations Study for 429 University Mixed-Use Development in Palo Alto, California

Hexagon Transportation Consultants, Inc. has completed a review of traffic operations into and out of the alley adjacent to your proposed mixed-use project at 429 University Avenue in Palo Alto. At the request of the City of Palo Alto, we have conducted additional analysis of the circulation in the alley and the interface of the alley with Waverley Street and with Kipling Street. This analysis includes a discussion of the potential impacts of the proposed project on operations in the alley.

### Alley Configuration

The alley adjacent to the project site runs between Waverley Street and Kipling Street. The alley is designated for one-way traffic, with vehicles entering from Waverley Street and driving eastbound to exit onto Kipling Street. There is a loading zone along a portion of the northern side of the alley near Waverley Street and 18 total parking spaces along the southern side, of which the two spaces for 425 University Avenue are gated. There are also two parking spaces on the northern side of the alley that had been blocked by the yoga studio, Yoga Works, and were not available for parking. Just recently the parking spaces have been reopened. The available parking is used primarily by employees at the businesses with doors onto the alley. In addition to the marked loading zone, the northern side of the alley has a few dumpsters for the adjacent businesses. The dumpsters still leave at least 15 feet for a traveled way. The alley has a marked no parking zone near Kipling Street. The total clear space in the alley varies in width from 20 feet building to building near Waverley, to approximately 40 feet along 415-423 University Avenue. The alley is 20 feet wide from the property line of the proposed project to the existing building on the northern side of the alley. Figure 1 shows the location of all major features and the surrounding streets.

### Project Description

The proposed project consists of a 4-story mixed use building, which will replace the existing buildings. Two levels of underground parking, accessed via the alley, would provide 40 parking spaces, replacing the eight open parking spaces behind the existing 429-447 University Avenue building and two gated parking spaces at 425 University Avenue. A site plan dated August 27, 2015 is shown in Figure 2. As discussed in more detail in our previously completed traffic impact analysis, the project is expected to generate as many as 166 net new daily trips, with 17 inbound and 4 outbound net new trips occurring during the AM peak hour and 4 inbound and 17 outbound net new trips occurring during the PM peak hour. Due to the downtown location and robust transit, bicycle, and pedestrian access, the actual vehicle trips will likely be lower. As previously stated in the Hexagon Transportation Impact Analysis Report, the traffic at signalized and unsignalized intersections would continue to operate adequately with the proposed project.

## Traffic Counts and Observations

Observations of alley activity were conducted on Thursday, June 11, 2015, and traffic counts were conducted on Thursday, June 18, 2015. The counts showed that the alley carried 68 cars and light trucks, 7 heavy trucks, 16 bicycles, and 108 total pedestrian trips between the hours of 6 AM and 8 PM (daylight hours). Field observations looked at the makeup and operations of traffic in the alley during a typical day. Observations showed that between the hours of 9 AM and 4 PM, pedestrians accounted for 56% of trips into and out of the alley, passenger vehicles accounted for 31%, and delivery vehicles accounted for 10%, including both delivery vans and large trucks. 20% of pedestrians and 11% of passenger vehicles used the alley as a shortcut, i.e., traveled from one end to the other. The single largest portion of pedestrian trips were people walking to or from Yoga Works, accounting for 28% of pedestrians walking in and out of the alley. Although Yoga Works has an entrance on Kipling Avenue, many customers currently use the alley entrance where two parking spaces have been blocked and made unavailable for parking. The single largest portion of vehicle trips were people parking behind the building that contains 429-447 University Avenue, accounting for 30% of vehicles driving in and out, most of which performed at least one illegal operation as described below.

As expected, the alley experienced a significant amount of loading activity. The florist on Waverley Street did most of their loading and deliveries during the morning hours, utilizing the nearby loading zone. This involved workers repeatedly moving back and forth across the alley entrance, between delivery vehicles in the loading zone and the florist shop. During the rest of the observation period, several delivery trucks and vans entered the alley and double parked to make their deliveries. A significant proportion of these vehicles stopped in the No Parking zone near Kipling Street, or blocked other traffic by stopping next to 425 University Avenue. Vehicles parked in the No Parking zone generally cut the available width of the alley in half, from 20 feet to 10 feet.

There were also numerous pedestrians entering and exiting the alley, with at least 20% walking through the length of the alley rather than entering or leaving alley buildings. As noted above, 28% of the total pedestrian activity observed was related to the yoga studio.

As shown in Figure 1, the alley contains 18 usable parking spaces, plus two spaces adjacent to the yoga studio. Most of the vehicles using these spaces entered from Waverley Street and left via Kipling Street. However, all but two of the vehicles parking behind the 429-447 University Avenue building entered the alley from Kipling Street, against a One Way sign. Most of the vehicles entering the wrong direction approached the alley from southbound Kipling Street (coming from Lytton Avenue). Coming from that direction, the signage indicating that the alley is one way is not prominent. Among the vehicles that stopped or parked in the No Parking zone near Kipling, one was a delivery van that was simply parked there for over an hour, and another was a passenger vehicle that was later re-parked behind 429 University Avenue.

## Discussion

### Kipling Street Operations

Kipling Street is approximately 30 feet wide, curb to curb, with two-way traffic and on-street parking along both sides of the street. Although left turns off of eastbound University Avenue are not allowed, right turns off of westbound University Avenue are allowed. Northbound vehicles on Kipling Street that had turned off of University Avenue were observed to weave around and between southbound vehicles and parked cars, indicating that the street is only marginally wide enough to theoretically support two-way traffic. In practice, vehicles travelling in opposite directions appeared to experience significant difficulty negotiating the narrow street and avoiding parked cars. The

recommendation below to remove one or two parking spaces would help with maneuverability on Kipling Street.

Parked cars along the southbound side of Kipling Street were also the main factor limiting the visibility of vehicles exiting the alley. Two large street trees adjacent to the curb cut added to the visual obstructions drivers experienced. The proposed project includes removal of the southern tree, to be replaced by a narrower tree approximately 15 feet back from the property line and curb cut, eliminating the visual obstruction for drivers looking to their right as they exit the alley. However, the northern tree in front of the neighboring property is expected to remain. From a traffic safety standpoint, it would be desirable to remove the northern tree and eliminate one parking space along the southbound side of Kipling Avenue. This recommendation is independent of the proposed project at 429 University Avenue. There are currently 9 parking spaces on the southbound side of Kipling Street, between the public parking lot and University Avenue. Hexagon understands that parking is valuable in downtown Palo Alto and that the loss of parking must be weighed against the traffic safety concerns.

### **Sight Lines and Turning Radii**

Unlike the exit onto Kipling Street, the alley entrance at Waverley Street has good visibility for vehicles turning off of Waverley, and the street is wide enough to allow drivers to turn more easily. Waverley Street is approximately 47 feet curb to curb, with parallel street parking on the southbound side and angled street parking on the northbound side near the alley. Sight lines for both northbound and southbound vehicles on Waverly Street turning off of Waverley Street into the alley are excellent.

As discussed above, vehicles turning out of the alley onto Kipling Street have marginally adequate sight lines, restricted primarily by vehicles parked very close to the curb cut and by the presence of very wide street trees near both sides of the curb cut. The corner of the proposed building would improve the sight lines onto Kipling Street as it obstructs less than the existing street parking and street trees, and visibility of approaching vehicles would be very similar on both the driver's left and right. Drivers exiting the alley would be likely to be driving down the center of the alley, which gives them about 7 feet of clearance on each side. This clear space allows a view of pedestrians on the sidewalk. Despite the sight distance challenges, under existing conditions drivers appeared to have no difficulty safely turning out of the alley onto Kipling Street.

Vehicles entering right-angled parking spaces along the alley have ample space to turn, even with the dumpsters lining some portions of the alley. The proposed project would similarly have ample space for drivers to enter and exit the underground parking garage. The project already proposes to add mirrors at this exit to increase visibility. The proposed project would minimize the vehicle conflicts caused by backing of parked vehicles into alley by allowing vehicles to pull forward on to the alley from the proposed parking garage.

### **Hazards and Conflicts**

Potential operational hazards in the alley include both conflicts with pedestrians and the number of illegal operations observed. A significant number of pedestrians walked into, out of, or through the alley during the observation period, including a large proportion walking to or from the yoga studio. The florist on Waverley Street did a large amount of loading and delivery during the morning hours, with workers repeatedly moving back and forth across the alley entrance. The City should consider relocating the loading zone adjacent to the florist building, in order to reduce the number of pedestrian conflicts during their morning delivery period. This recommendation is independent of the proposed project at 429 University Avenue. This would not significantly affect the visibility of vehicles turning into the alley from Waverley Street.

During the observation period, several delivery vehicles and at least one passenger vehicle were observed to park in the marked “No Parking” zone on the north side of the alley near Kipling Street, or to double park in the middle of the block where they obstructed at least one parking space at a time and prevented traffic from moving through the alley. In addition, all but two of the vehicles parking behind 429 University Avenue entered the alley from Kipling Street (possibly because the One Way signage is not sufficiently prominent for drivers on southbound Kipling as they approach the alley), and one of the remaining two was initially illegally parked in the marked “No Parking” zone nearby and later moved into an available space.

## Recommendations and Conclusions







Hexagon’s field observations and the traffic counts conducted for this study indicate that the alley has a low volume of traffic travelling at low speeds and that drivers appear to have no difficulty safely turning out of the alley onto Kipling Street. Hexagon has the following recommendations regarding the alley as it is currently used. These recommendations are independent of the proposed building at 429 University Avenue.

- Hexagon recommends adding arrows on the pavement at the entrance and exit of the alley to clarify the permitted one-way traffic flow, and altering the signage that exists at Kipling Avenue to be clearly visible to drivers approaching the alley from either direction.
- The City should consider removing the one on-street parking space and nearest street tree on southbound Kipling Street just north of the alley in order to improve sight lines for exiting drivers.
- The City should consider relocating the loading zone near Waverley Street to the opposite side of the alley, in order to reduce pedestrian conflicts at the alley entrance.

The alley would be used by future building tenants accessing the underground parking garage in the same way that it is currently used. There is no potential impact from the proposed building on the operation of the alley as it will continue to operate as it currently does. The project applicant should make it clear to future building tenants that the alley may not be entered from Kipling Street. The project applicant should also make an effort to ensure that tenants and visitors do not park in the marked “No Parking” zone in the alley.



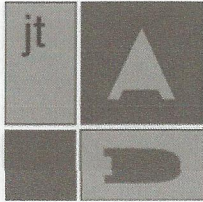
**LEGEND**

-  = Project Site
-  = Loading Zone
-  = No Parking
-  = Parking Space - Not Currently Available for Parking
-  = Parking Space - Available
-  = Occupied by Dumpsters

**Figure 1**  
**Alley Configuration**







July 30, 2015

Ms. Hillary Gitelman  
Director of Planning and Community Environment  
250 Hamilton Avenue  
Palo Alto, CA 94301

The purpose of this shadow study is to take the data of the proposed building and the surrounding existing physical conditions and provide comparison of the projected changes in shadow lines throughout the course of the year with the existing shadow lines produced by the current conditions.

As has been well documented, the proposed mixed-use building at 429 University was originally approved (revision 5) but is now being reevaluated with this latest set of revisions (recorded as revision 6) being used for this shadow study. We have decided not to show the previous versions of the proposed building because the shadow lines produced were found to be virtually the same. The SketchUp model being used includes the proposed building in the immediate neighborhood, fronting University at the corner of University and Kipling. The alleyway at the rear of the property connects the streets Waverley and Kipling while also providing an open space buffer between the commercial properties facing University and the properties facing Waverley and Kipling. The proposed building is also setback 4 feet from the property line at the alley. While the existing buildings at 429 University have trees lining both University and Kipling, the proposed building will be replacing the existing trees on Kipling Street with new trees as shown in the model.

The following summary of findings refers to the attached data taken from using the models for the proposed building and the current conditions. The data shows the shadow profiles for all four critical dates of the year, Mar 21<sup>st</sup>, June 21<sup>st</sup>, Sept. 21<sup>st</sup> & Dec 21<sup>st</sup>. Both the spring (Mar. 21<sup>st</sup>) and fall (Sept. 21<sup>st</sup>) equinoxes are included separately even though they essentially show the same results. We have also created a separate set of shadow profiles that show the shadows exclusively for the project site and the current conditions with existing trees. In this way, both the overall shadow lines and the shadows produced by the site exclusively can be properly evaluated.

Please note the shadows for this study are the dark monotone gray overlay in the images and the background image of the neighborhood has shadows which are faded and not part of the study. We have not added anymore dates than the four listed because the winter solstice on Dec. 21<sup>st</sup> is understood to produce the longest shadows of the year while the longest day of the year on the summer solstice, June 21<sup>st</sup>, has some of the shortest shadows. The shadow profiles are shown in the attached document.

Here are our conclusions based on our findings:

1. The shadows at spring/fall and summer are smaller relative to the winter solstice and cause no significant impact.
2. As with any shadow study, the winter solstice cast the longest shadows. However, these shadows are long even for the existing building. The incremental shadows at winter solstice are not significant when comparing the existing building to the proposed building. Also note that with the existing trees on Kipling, the combined shadow with the existing building covers a similar range to the proposed building over Kipling in the afternoon hours.
3. The shadows are cast mostly on the alley, parking stalls at the alley, buildings abutting the alley, streets and rooftops. All these areas are mostly utility areas as opposed to gardens or residential rooms. Furthermore, the buildings at the alley have their main ingress/egress at Waverley and Kipling streets and most do not have windows to the alley.
4. In none of the scenarios do the shadows have significant impact on the residential-type buildings on both the east and west sides of Kipling Street. The greatest impact is on the winter solstice which is also the shortest day of the year. Also, note that on the winter solstice and on the

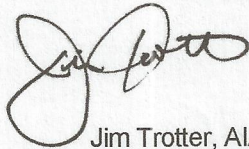
equinox dates, there is an equal or greater impact on the residential-type buildings by the neighboring properties opposite Kipling and facing University as well as the existing trees lining Kipling that remain.

5. The worst case shadow day, the day on which the net new shadow is longest is estimated to be between on Dec. 21<sup>st</sup> & Dec. 28<sup>th</sup> and therefore, the winter solstice can be noted as the worst case shadow day. The net shadow is bigger for the proposed building than it is for the existing building but all the extended shadows are cast over the neighboring commercial properties to the rear of 429 University and across Kipling to the front yards of the residential-type buildings. The existing building's shadows along with the existing trees lining the existing building cast a shadow over the same walkable areas adjacent to the property. Therefore, the impact of the net shadow is minimal because the extended shadows do not adversely affect the walkable adjacent areas any more than the existing building on the worst case shadow day.
6. Although this is mentioned earlier, it is worth noting separately that the existing building is surrounded by large trees that themselves cast shadows on the alley, parking stalls at the alley, buildings abutting the alley, streets, and rooftops. With the new trees proposed, these shadows will not be as significant nor have an adverse net effect on the neighboring properties.

In summary, the architectural drawings & analysis using the SketchUp models of the proposed and existing buildings indicate that the proposed building's shadows do not have a significant shadow impact to the immediate vicinity of the subject site relative to the shadow impact of the current conditions.

If you have any further questions regarding this shadow study analysis, please contact my office at 415-934-1955 and we will gladly clarify and answer additional questions.

Sincerely,



Jim Trotter, AIA, NCARB  
jt Architecture+Design  
Principal/Owner  
CA Lic. #C26179

**EXISTING  
BUILDINGS**

**March 21  
Spring  
Equinox**



**9 AM**



**12 N**



**3 PM**

**PROPOSED  
BUILDING**

**March 21  
Spring  
Equinox**



**9 AM**



**12 N**



**3 PM**

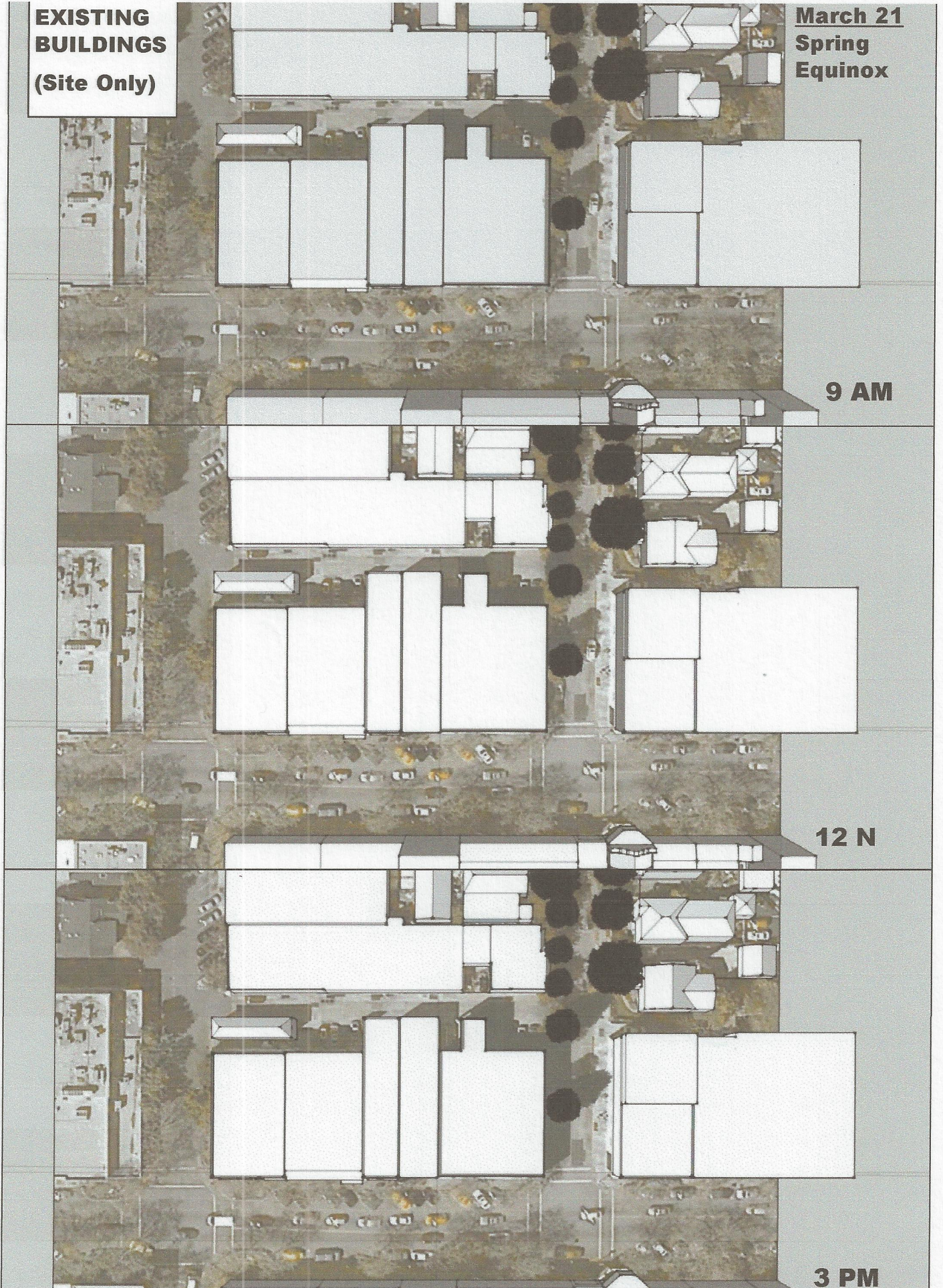
**EXISTING  
BUILDINGS  
(Site Only)**

**March 21  
Spring  
Equinox**

**9 AM**

**12 N**

**3 PM**



**PROPOSED  
BUILDING  
(Site Only)**

**March 21  
Spring  
Equinox**



**9 AM**

**12 N**

**3 PM**

**EXISTING  
BUILDINGS**

**June 21  
Summer  
Solstice**



**9 AM**



**12 N**

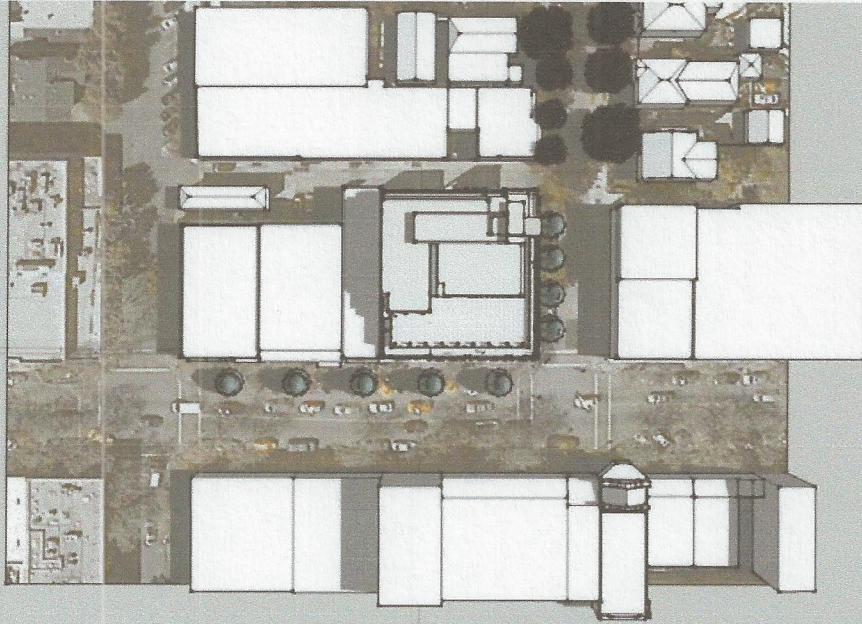


**3 PM**



**PROPOSED  
BUILDING**

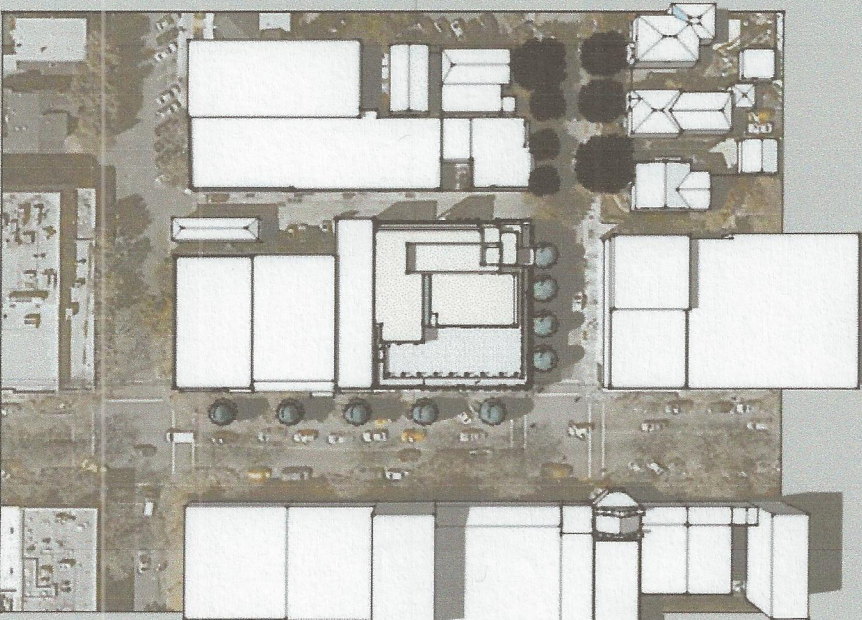
**June 21  
Summer  
Solstice**



**9 AM**



**12 N**



**3 PM**

**EXISTING  
BUILDINGS  
(Site Only)**

**June 21  
Summer  
Solstice**

**9 AM**

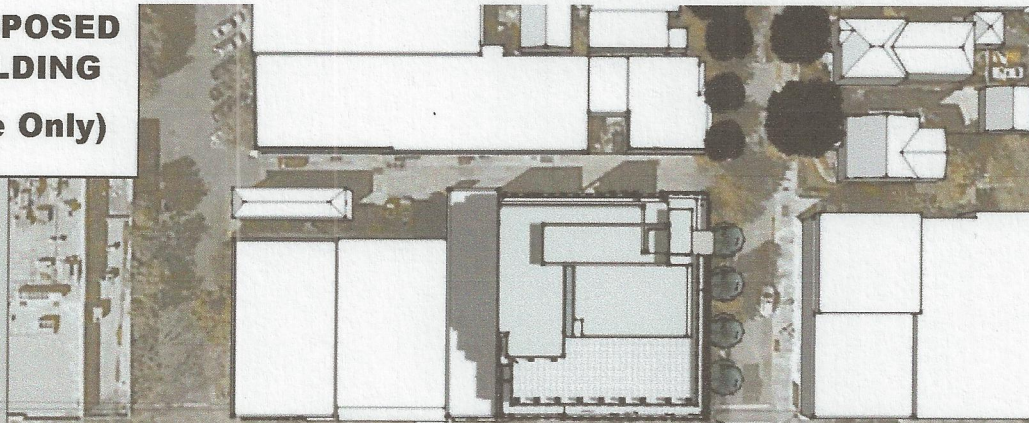
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**PROPOSED  
BUILDING  
(Site Only)**

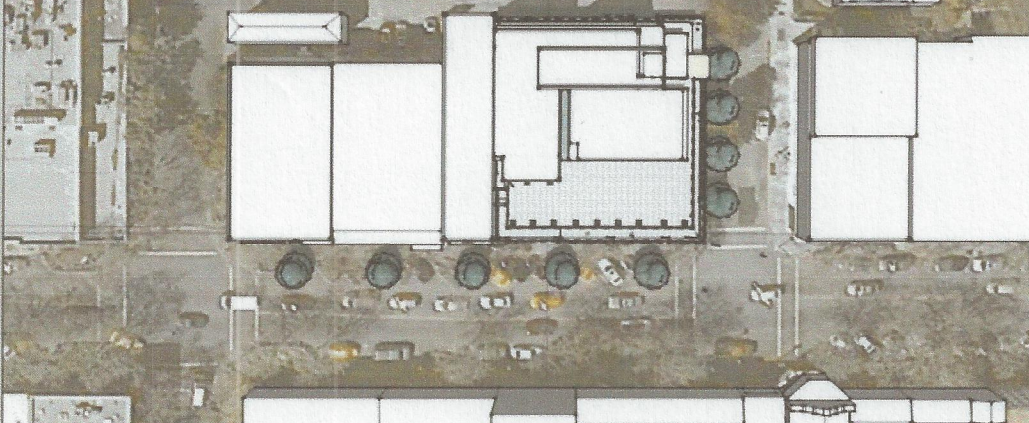
**June 21  
Summer  
Solstice**



**9 AM**



**12 N**



**3 PM**

**EXISTING  
BUILDINGS**

**Sept 21  
Fall  
Equinox**



**9 AM**



**12 N**



**3 PM**

**PROPOSED  
BUILDING**

**Sept 21  
Fall  
Equinox**



**9 AM**



**12 N**



**3 PM**

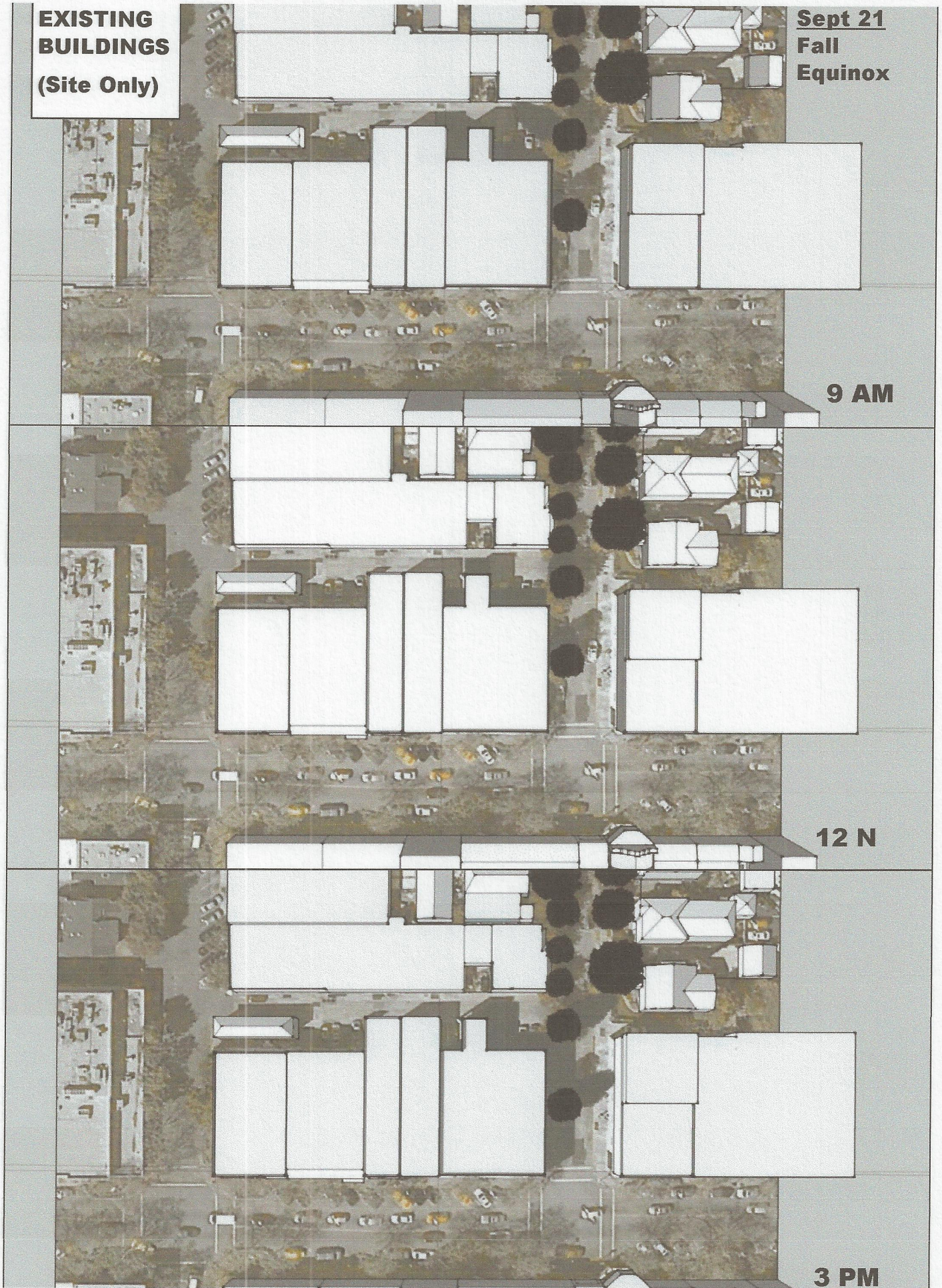
**EXISTING  
BUILDINGS  
(Site Only)**

**Sept 21  
Fall  
Equinox**

**9 AM**

**12 N**

**3 PM**



**PROPOSED  
BUILDING  
(Site Only)**

**Sept 21  
Fall  
Equinox**

**9 AM**

**12 N**

**3 PM**



**EXISTING  
BUILDINGS**

**Dec 21  
Winter  
Solstice**



**9 AM**



**12 N**



**3 PM**



**PROPOSED  
BUILDING**

**Dec 21  
Winter  
Solstice**



**9 AM**



**12 N**



**3 PM**

**EXISTING  
BUILDINGS  
(Site Only)**

**Dec 21  
Winter  
Solstice**

**9 AM**

**12 N**

**3 PM**



**PROPOSED  
BUILDING  
(Site Only)**

**Dec 21  
Winter  
Solstice**

**9 AM**

**12 N**

**3 PM**



KIPLING POST LP

P. O. BOX 204  
PALO ALTO, CA 94302

August 27, 2015

To: James Keene, City of Palo Alto Manager  
Molly Stump, City Attorney  
Hillary Gitelman, Jonathan Lait, Dept of Planning and Community Environment  
Members of the Historic Resources Board  
Members of the Architectural Review Board  
City Council Members  
Fellow Palo Altans

Re: Project Description Letter - 429 University (Revision 6)

429 University is a beautiful mixed-use building that responds to the needs of the modern retailer, office user and downtown resident. This building will be in some aspects similar to the Apple building at 340 University Ave., a development in which we participated. Like the Apple building, we anticipate that 429 University Ave. will bring substantial sales tax revenues to the City of Palo Alto and will contribute to the landscape of Palo Alto's primary downtown.

As you know, I have done other beautiful buildings in Palo Alto that I am extremely proud of, and whose quality is unsurpassed. 429 University will be no different. It has crystallized opaque white glass panels juxtaposed with customized cast pearl white cement panels at the first and second floor façade. The retail entrance doors are in chrome. The building states quality, simplicity and elegance; it will showcase almost any type of merchandise.

In this submittal, Revision 6, we address the MASSING and other concerns voiced by Council at its hearing on May 4, 2015. The University Ave. façade presents a two-story building to pedestrians walking at its side since its third floor has been setback considerably from the Avenue and from Kipling Street. The fourth floor is practically invisible from the Avenue.

Pedestrians walking South on Kipling Street will first see a serene planter, possibly containing a water sculpture art surrounded by vegetation. A transparent glass lobby, a possible site for thoughtful and beautiful art, will be the backdrop totally visible to pedestrians. The walk at Kipling Street is pedestrian friendly and also provides a comfortable transition to University Avenue.

It was 1962 when I arrived alone in the United States in search of the American dream. It took six years before I was able save enough for my plane fare to go back to Argentina to see my family again. As I approach my 68th birthday next month, I want to offer my community and my family a legacy of quality in the buildings I have done. I submit to you that 429 University will be part of this legacy, an enhancement to the quality of Downtown Palo Alto, which will contribute to the community and to the City.

I ask fellow Palo Altans for your support. I have worked diligently to comply with all City requirements and at every step of the process I have kept the City's interests in mind. Below are details on the project.

### 1. EXISTING CONDITIONS

The site is located at the northwest corner of University Avenue and Kipling Street. It comprises two existing parcels, 425 University and 429 University. 425 University Ave. is a 4,425 SF, one-story commercial/retail building with mezzanine, while 429 University Ave. is a 7,208 SF, one-story commercial/retail building. Both are served by a 20-foot wide alley, Lane 30, at the rear of the site.

The property is surrounded by commercial buildings on all street frontages as well as across the alley, Lane 30. Across University Avenue are the Varsity Theater, a historic resource, and the modern Lululemon Athletica/Accel Partners retail/office, 4-story building.

### 2. PROPOSED PROJECT

We propose to demolish and recycle, in accordance with Palo Alto's waste and recycling requirements, both of the existing buildings and combine the two parcels to form one 11,000 SF parcel. In its place, we plan to erect a new four-story commercial, retail and residential mixed-use building. The retail/commercial component, which was 11,633 SF, will be replaced by 20,407 SF (1.86 FAR) with the use of TDR acquired from separate properties. The 11,000 SF residential component comprises 1:1 FAR as allowed in the zoning code.

The proposed project provides multiple entries at the University Ave. and Kipling Street frontages with articulations and pedestrian overlay, as required, and will be set back 4 ft. from the property boundary at the alley. On the fourth side, the project will abut a neighboring building. A previous building design (marked Revision 5) was approved for entitlements by the City's ARB and the Planning Staff but was remanded for redesign by City Council on appeal. This redesigned project (marked Revision 6) addresses the issues raised in the City Council motion.

### 3. REDESIGN FOR REVISION 6

The ground floor for the proposed project is dedicated entirely to retail except for those components that are required infrastructure for the project, such as lobby space, access for stairs and elevator, ramp to underground parking, trash and recycling enclosures, bicycle parking and utilities. Access to the retail space is provided by four entrances on University Ave. and one along Kipling Street. For Revision 6, the fourth retail entrance was added on University Ave. nearest the corner of Kipling Street to enhance retail along University Ave. and to continue the rhythm of retail entries that exists along this portion of University Ave. Also, the retail entrance farther down on Kipling Street was changed from a double door to a single door so as not to overwhelm the secondary side with pedestrian traffic. The façade will be frameless glass that is intended to maximize visibility for the retail experience and enhance street-side interest for pedestrians along both streets.

The entry lobby for the upper floor professional office and residential space remains at the northern end of the property on Kipling Street to provide maximum retail exposure along the street frontages. The lobby is a clean and modern look, reflecting the style of the rest of the building and markedly different from the blank building corner with street level parking that exists there today. Although the concrete stairwell sits nearly flush with the property boundary on Kipling Street, it is already nearly 20 ft. from the property boundary at the alley, and the height is only 42 ft. where 50 ft. is permitted. The elevator structure has a large setback of nearly 12 ft. from the Kipling Street and Lane 30 property lines.

The rear of the building, set back 4 ft. from the property boundary, will provide access to the ramp for the underground parking garage, emergency exit for the secondary stairwell, and access to utilities and the trash and recycling facilities. Bicycle parking lockers will also be located here. There will be freestanding landscaping planters located along this side, along with a planter that will surround the corner of the lobby at Kipling Street. The voluntary 4 ft. setback represents a 20% addition to the width of the alley, which is a significant consideration that helps in the transition from the Kipling Street streetscape, provides for easier and safer vehicular movement, and, together with the corner planter and glass enclosed lobby space, makes for a friendly visual experience for the pedestrian.

The second story office space will follow the footprint of the ground floor. Along University Avenue and Kipling Street, for Revision 6, the glass windows will be surrounded by a limestone-like cast masonry framework, which has been converted and lowered to a 2-story high framework to de-emphasize the height and massing of the building. Above this masonry framework sits the frosted glass railing for the residences on the third floor. As well, several vertical elements that surrounded windows on the second and third floors were removed to lower the apparent height of the building. The walls of the third floor residences have been set back 9 ft. from University Avenue and 7 ft. 6 in. from Kipling Street such that they will not be visible from the adjacent sidewalks, giving the impression of a 2-story building and creating relief, depth and visual interest. The fourth floor contains residential and commercial space and an open terrace. From University Avenue, the walls are set back 30 ft. at the closest approach, and 39 ft. 7 in. for most of the fourth floor., and 12 ft. 9 in. from Kipling Street for most of that frontage.

It is worth mentioning that, in order to keep as much ground floor retail space as possible, it continues to be necessary to locate the infrastructure elements to the rear of the project. In addition, much of the seismic strength necessary for the building will derive from structural and shear elements provided by the two modules containing the stairs and elevator; support columns that stack through the garage, retail, office and residential floors; as well as a pair of reinforced concrete shear walls at the rear and near the front of the building, and the reinforced concrete wall abutting the neighboring property. These shear elements are already at minimum dimensions to meet code requirements (see attached letter from Hohbach-Lewin, Inc.). Also, in order to provide the significant setbacks on the third and fourth floors and still have a seismically viable building, it was necessary to cantilever parts of the third floor, compromising its interior architectural design.

The street-side wall of the Kipling St. stair module and/or the landscape planter at the corner of Kipling St. and Lane 30 will provide a prominent location to display the public art that is required by recent ordinance.

#### 4. PARKING AND BICYCLE SPACES

After the use of 4,207 parked TDR and 5,000 TDR that is exempt from parking which had been purchased prior to the existing TDR revised ordinance, and after application of the Existing Assessment District Credit which the owners have been paying into for many years, the proposed project will still require 34 on-site parking spaces. The building will provide two levels of below-grade parking with a total of 40 spaces, 6 more than required. Longer-term bicycle storage and short-term bicycle parking will be provided in the garage and along the alley, as well as along the street frontages.

#### 5. TRASH AND RECYCLING

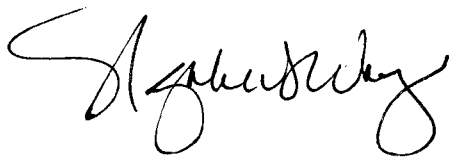
Trash and recycling facilities serving the needs of the commercial area are located in the building and accessible for the removal service from the alley. A separate facility is provided for the residences and is also accessible from the alley.

6. GREEN BUILDING

In accordance with the city's Green Building Ordinance, this project will comply with California Green Building Code (CalGreen, Tier 2) and Green Point rater (for the residential portion) with Local Amendments. The building seeks to use both conventional as well as sustainable materials, including a concrete frame, high-efficiency glazing systems, cut stone, glass tile, plaster finishes, abundant day-lighting and sun-shading systems as well as an energy efficient cool roof. Provisions have been made for car pool/clean air vehicles and electric vehicle charging stations.

We look forward to a staff review and scheduling of HRB and ARB meetings as requested by Council so that we can proceed with the development of this project. Attached is a table highlighting the changes made for Revision 6, and indicating how the changes relate to the requirements from Council.

Sincerely,

A handwritten signature in black ink, appearing to read "Elizabeth Wong", written in a cursive style.

Elizabeth Wong, Manager

Attachments: Revision 6 Design Changes (3 pages)  
Letter from Hohbach-Lewin, Inc., August 6, 2015

**429 UNIVERSITY**  
**REVISION 6 DESIGN CHANGES AND REVISION 5 HIGHLIGHTS**  
**8.27.15**

CHANGE NO.	DRAWING NO.	FLOOR NO.	DESCRIPTION	SEE LEGEND
1	A 2.3	1	REVISED FAÇADE AT STREET LEVEL: ADDED FOURTH RETAIL ENTRANCE ON UNIVERSITY AVE. NEAR KIPLING ST. TO ENHANCE PEDESTRIAN AND RETAIL EXPERIENCES AND ECHO THE RHYTHM OF RETAIL ARTICULATION ALONG THAT BLOCK.	A, B, C, F
2	A 2.3	1	REPLACED DOUBLE RETAIL DOOR ON KIPLING ST. WITH SINGLE DOOR TO DE-EMPHASIZE THE KIPLING ST. RETAIL ENTRANCE AND REDUCE ACTIVITY ON THE SECONDARY STREET AND MINIMIZE PEDESTRIAN TRAFFIC TO KIPLING NEIGHBORS.	A, B, C, F
Rev. 5		1, 2, 3, 4	ALLEY SETBACKS: - 4 FT. BUILDING SETBACK FROM PROPERTY LINE - 10 FT. SETBACK FROM PROPERTY LINE ON UPPER FLOORS	A, B, D, E
Rev. 5	A 2.3	1	LOBBY AT CORNER OF KIPLING ST. AND ALLEY DESIGN IS SEE-THROUGH GLASS TO PROVIDE VISIBILITY AND REDUCE MASSING. WHILE NEIGHBORING PROPERTIES HAVE NO SETBACKS, THE PROPOSED LOBBY HAS THE FOLLOWING SETBACKS: - 6 FT. - 10 IN. FROM ALLEY - 3 FT. FROM KIPLING ST.	A, B, C, F
Rev. 5	A 2.3	1	KEPT LANDSCAPED PLANTER AT CORNER OF KIPLING ST. AND ALLEY TO SOFTEN CORNER AND TO MAKE CORNER PEDESTRIAN AND TRAFFIC FRIENDLY.	A, B, C, F
3	A 2.4	2	REPLACED VERTICAL STONE ELEMENT NEAR JUNCTION OF 425 AND 429 UNIVERSITY AVE. ON SECOND FLOOR AT UNIVERSITY AVE. WITH WINDOW TO DE-EMPHASIZE MASS, VERTICALITY, AND HEIGHT OF BUILDING.	A, B, C, D
4		2	CHANGED MATERIALS OF 2ND FLOOR FAÇADE TO A LIGHTER STONE/CAST CONCRETE TO REDUCE THE APPEARANCE OF MASSING ON UNIVERSITY AVE. AND KIPLING ST.	B, C, D
5	A 2.5	3	REMOVED STONE WALL NEAR JUNCTION OF 425 AND 429 UNIVERSITY AVE. ON THIRD FLOOR AT UNIVERSITY AVE. TO DE-EMPHASIZE MASS, VERTICALITY, HEIGHT OF BUILDING.	A, C, E, F
6		3	ELIMINATED OVERHANG ABOVE THIRD FLOOR BALCONY ALONG UNIVERSITY AVE. AND KIPLING ST. TO REDUCE MASSING AND IMPROVE COMPATIBILITY WITH NEIGHBORING STRUCTURES.	A, B, C, D, E, F



**429 UNIVERSITY**  
**REVISION 6 DESIGN CHANGES AND REVISION 5 HIGHLIGHTS**  
**8.27.15**

CHANGE NO.	DRAWING NO.	FLOOR NO.	DESCRIPTION	SEE LEGEND
7		3	LOWERED STONE FAÇADE FROM THIRD FLOOR TO SECOND FLOOR AT BOTH UNIVERSITY AVE. AND KIPLING ST. TO REDUCE MASSING AND IMPROVE COMPATIBILITY WITH ADJACENT STRUCTURES.	A, B, C, D, E, F
8		3	AT THIRD FLOOR, REMOVED TWO VERTICAL MASONRY ELEMENTS ON UNIVERSITY AVE. AND TWO ON KIPLING ST. TO REDUCE MASSING AND VISUALLY LOWER BUILDING HEIGHT.	A, C, E, F
9	A 2.5	3	INCREASED THIRD FLOOR SETBACKS AS REQUESTED BY COUNCIL TO DE-EMPHASIZE UPPER FLOORS AND ENHANCE VISUAL COMPATIBILITY WITH ADJACENT BUILDINGS. SETBACKS ARE AS FOLLOWS: - 9 FT. FROM UNIVERSITY AVE. - 7 FT. - 6 IN. FROM KIPLING ST. - 10 FT. FROM ALLEY (REV 5).	A, B, C, D, E, F
Rev. 5		2, 3, 4	ELEVATOR STRUCTURE IN ALL UPPER FLOORS IS GENEROUSLY SET BACK AS FOLLOWS: - 11 FT. - 9 IN. FROM KIPLING ST. - 11 FT. - 9 IN. FROM ALLEY.	A, B, C, D, E
10	A 2.6	4	INCREASED SETBACKS AT FOURTH FLOOR TO MAKE IT INVISIBLE FROM UNIVERSITY AVE. AND LESS VISIBLE FROM KIPLING ST. SETBACKS ARE AS FOLLOWS: - 39 FT. - 7 IN. FROM UNIVERSITY AVE. - 12 FT. - 9 IN. FROM KIPLING ST. - 10 FT. FROM ALLEY (REV 5).	A, B, C, D, E, F
11	A 3.1/1	4	AT ALLEY ELEVATION, HALVED THE HEIGHT OF MASONRY BAND AND REPLACED WITH GLAZING TO VISUALLY LIGHTEN THE TOP FLOOR.	A, B, C
12	A 3.1/2	1, 2, 3, 4	MADE STAIRWELL/ELEVATOR MASONRY FORM DARKER FOR ACCENT AND TO POSSIBLY SERVE AS DRAMATIC BACKDROP FOR REQUIRED PUBLIC ART	

429 UNIVERSITY  
REVISION 6 DESIGN CHANGES AND REVISION 5 HIGHLIGHTS  
8.27.15

LEGEND: CITY COUNCIL COMMENTS MAY 4, 2015

- A REDESIGNED WITH ARTICULATION AND SETBACKS THAT MINIMIZE MASSING
- B ROOF LINES, ENTRIES, SETBACKS, MASS AND SCALE WITH CONTEXT BASED CRITERIA
- C GREATER REINFORCEMENT OF THE RELATIONSHIP OF THE SREET WITH BUILDING MASS
- D UPPER FLOORS WITH SETBACKS TO FIT IN WITH THE CONTEXT OF THE NEIGHBORHOOD BUILDINGS
- E THIRD AND FOURTH FLOORS VISUALLY COMPATIBLE FROM THE STREETS, REQUIRING ARTICULATION OR SETBACKS
- F DESIGN LINKAGES WITH THE OVERALL PATTERN OF BUILDINGS SO THAT THE VISUAL UNITY OF THE STREETS ARE MAINTAINED



**HOHBACH-LEWIN, INC. STRUCTURAL & CIVIL ENGINEERS**

*"Timely Solutions Based On Timeless Principles"*

August 6, 2015

Ms. Elizabeth Wong  
Palo Alto, CA

Project: 429 University Avenue Schematic Structural Design  
Palo Alto, CA  
Hohbach-Lewin, Inc. Project No. 9283B

Subject: Proposal to provide structural engineering services

Dear Elizabeth,

The purpose of this letter is to remind you that the current design for 429 University has pushed the seismic design to the edge of code compliance. The walls in the transverse direction parallel to University Avenue and on the Kipling street side of the building are all at basically minimum lengths to meet code requirements. Also, it is important that these walls be continuous from the first level up to their highest levels for efficacy in seismic force resisting capability.

**PRINCIPALS:**

DOUGLAS HOHBACH S.E.  
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**CE DEPT. MANAGER:**

BILL HENN

**AUTOCAD MANAGER:**

GIL RABANG

**REVI MANAGER:**

MARISA NOLASCO P.E.

Sincerely,

Doug Hohbach, S.E.  
Principal

# 429 UNIVERSITY AVENUE PROJECT

## Initial Study



CITY OF  
**PALO  
ALTO**

DRAFT RELEASED **NOVEMBER 2014**  
UPDATED ~~JANUARY~~ **AUGUST 2015**



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- 2 Vicinity Map
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- 4 Site Plan
- 5 Elevations
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## **PREFACE TO THE INITIAL STUDY**

This Initial Study is an informational document intended to disclose the environmental consequences of approving and implementing the proposed 429 University Avenue Project. The draft Initial Study was circulated for public review beginning on November 17, 2014 and ending on December 12, 2014. The draft Initial Study was considered at a public hearing by the Architectural Review Board on November 2014 to solicit public comments during the public review period. The Architectural Review Board and the public provided input on the proposed project and the project applicant subsequently made revisions to the project plans to address comments received. The Initial Study was also updated to reflect the revised project plans and was brought back to the Architectural Review Board on January 15, 2015. The Architectural Review Board recommended approval of the project and the Initial Study/Mitigated Negative Declaration on February 19, 2015. The project was tentatively approved on February 25, 2015; however, it was appealed to the City Council prior to formal approval and filing of the Notice of Determination. The project was presented at the May 4, 2015 City Council hearing and the City Council requested additional changes to the project plans, as well as clarification to be added to the Initial Study.

This Initial Study includes revisions to the text based on comments received from City Council on May 4, 2015. These changes are identified in strikethrough (indicating a deletion) or underlined text (indicating an addition). The City of Palo Alto determined that based on the California Environmental Quality Act (CEQA) Guidelines, Section 15073.5, that the Initial Study need not be recirculated for public review because no substantial revisions were made to the Initial Study. This conclusion is based on the fact that no new, avoidable significant effects have been identified as a result of the text and project changes, no new mitigation measures were added, and revisions to the Initial Study do not raise important new issues about significant effects on the environment.

**I. PROJECT SUMMARY**

**1. PROJECT TITLE**

429 University Avenue

**2. LEAD AGENCY NAME AND ADDRESS**

City of Palo Alto  
Department of Planning and Community Environment  
250 Hamilton Avenue  
Palo Alto, California 94303

**3. CONTACT PERSON AND PHONE NUMBER**

Christy Fong, Planner  
City of Palo Alto  
650.838.2996

**4. PROJECT SPONSOR'S NAME AND ADDRESS**

Kipling Post LP  
Contact: Elizabeth Wong  
PO Box 204  
Palo Alto, California 94302  
650.323.5295

**5. APPLICATION NUMBER**

14PLN-00222

**6. PROJECT LOCATION**

429 University Avenue  
Palo Alto, California  
Assessor's Parcel Numbers (APNs): 120-15-029 and 120-15-028

The 0.25-acre project site is located in the northern section of the City of Palo Alto (City), in the northern part of Santa Clara County, east of State Route 82 (El Camino Real) and west of U.S. Highway 101 (Figure 1, Regional Map). The project site is located on the northwestern corner of University Avenue and Kipling Street, as shown on Figure 2, Vicinity Map, and Figure 3, Aerial Map. All figures are provided at the end of this document.



## 7. GENERAL PLAN DESIGNATION

The General Plan designation of the project site is Regional/Community Commercial, per the Palo Alto 1998–2010 Comprehensive Plan (Comprehensive Plan; City of Palo Alto 2007). This land use designation includes larger shopping centers and districts that have a wider variety of goods and services than the neighborhood shopping areas. They rely on larger trade areas and include such uses as department stores, bookstores, furniture stores, toy stores, apparel shops, restaurants, theaters, and non-retail services such as offices and banks. Non-residential floor area ratios (FAR) range from 0.35 to 2.0. The project site is part of a Regional/Community Commercial district that extends from Alma Avenue on the south to Webster Street on the north and between Lytton Avenue on the west and Hamilton and Forest Avenues on the east.

## 8. ZONING

The Zoning designation of the project site is Downtown Commercial (CD-C(P)(GF)). This zone's regulations are set forth in the Palo Alto Municipal Code (PAMC) Chapter 18.18. The CD district provides for a wide range of commercial uses serving city-wide and regional business and service needs, as well as residential uses and neighborhood service needs. The CD-C (community) subdistrict is intended to modify the site development regulations to allow specific variations to the uses and development requirements of the CD district. The project site is also within the pedestrian shopping (P) and ground floor (GF) combining districts. The pedestrian shopping combining district is intended to modify the regulations of the CD in locations where it is deemed essential to foster the continuity of retail stores and display windows and to avoid a monotonous pedestrian environment in order to establish and maintain an economically healthy retail district. The ground floor combining district is intended to modify the uses allowed in the CD district to allow only retail, eating and drinking, and other service-oriented commercial development uses on the ground floor.

## 9. PROJECT DESCRIPTION

This Initial Study has been modified subsequent to public review of the Initial Study and Proposed Mitigated Negative Declaration to reflect revisions made to the project plans [in January 2015 in response to issues raised by Architectural Review Board and again in August 2015 in response to issues raised by the City Council at the May 4, 2015 City Council meeting](#). These revisions provide clarifying information regarding the proposed project but none of the revisions to the Initial Study or project plans result in any new or increased environmental effects. The revisions to this Initial Study do not constitute “significant new information” that would require recirculation of the Initial Study and Proposed Mitigated Negative Declaration.

The proposed project involves demolition of two one-story retail buildings located at 425 University Avenue (APN 120-15-029) and 429 University Avenue (APN 120-15-028) totaling 11,633 square feet (4,425 square feet and 7,208 square feet, respectively) on separate parcels, and construction of a new four-story mixed-use building with two levels of underground parking (Figure 4, Site Plan). The two parcels would be combined to create a single 11,000-square-foot parcel. The new building is proposed to be 31,407 square feet in gross floor area and would cover ~~9,478~~[9,581](#) square feet of the site in approximately the same location as the existing buildings. The total increase in gross floor area would be 19,774 square feet. The proposed building would provide 20,407 square feet of commercial space (an increase of 8,774 square feet) and 11,000 square feet of residential land uses. A total of four residential apartment units would be provided, for a residential density of 16 units per acre. The proposed building plans are provided in Appendix A.

The maximum proposed building height is 50 feet and the FAR would be 2.86 (Figure 5, Elevations). The base FAR in the CD-C district is 1.0; however, the FAR may be increased with transfers of development

rights (TDRs) and/or bonuses for seismic and historic rehabilitation upgrades, not to exceed a total site FAR of 3.0. The proposed project FAR will be achieved through the transfer of 9,207 square feet of development rights from separate properties, of which 4,207 square feet require parking and 5,000 square feet are exempt from parking requirements. The project is also eligible for a one-time 200-square-foot bonus, which is subject to the City's parking requirements. Together, these TDRs and bonuses would allow the project to achieve the proposed 2.86 FAR.

Building design would include stone, cast concrete, and crystalized glass panels around the University Avenue/Kipling Street corner. The stone framework would be divided into segments that reflect the pattern of facades along the street. The third and fourth floors would be stepped back from the façade to create depth and visual interest, while also providing terraces for residents and guests of the building. The project proposes retail entrances along University Avenue and Kipling Street. The entry lobby for the residential and office uses would be located on Kipling Street. The building would be set back approximately 4 to 6 feet from Lane 30 to allow for pedestrian accessibility in the rear of the building and a raised planter would be located at the corner of the alley to provide a transition to the landscaped frontages along Kipling Street.

The proposed project would require ~~82~~ 81.6 parking spaces for 20,407 square feet of commercial use and ~~10-9.4~~ parking spaces for 4 residential units, for a total of ~~92~~ 91 parking spaces. However, the property was previously assessed and paid in lieu fees for 37 parking spaces in the University Avenue Parking Assessment District and is eligible to receive 5,000 square feet of TDRs exempted from parking (equivalent to 20 parking spaces). Based on these adjustments, the project is required to provide a total of ~~35~~ 34 vehicle parking spaces. The project proposes to include a total of 40 parking spaces, exceeding the parking requirement by ~~five~~ six spaces. The 40 parking spaces would be provided in the two-level underground parking garage. Seven long-term bicycle parking spaces would also be provided within the underground parking garage, and six short-term bicycle parking spaces would be located near the building entrances on University Avenue and Kipling Street, for a total of 13 bicycle parking spaces.

The proposed project is designed in accordance with the City's Green Building Ordinance, which requires compliance with California Green Building Code Tier 1 and Green Point rater (for the residential portion) with Local Amendments. The project would use both conventional and sustainable building materials, including a concrete frame, high-efficiency glazing systems, cut stone, glass tile, plaster finishes, abundant day-lighting and sun-shading systems, and an energy-efficient cool roof. The project would also include facilities for carpool/clean air vehicles and electric vehicle charging stations.

The proposed project would involve the removal of four existing street trees on Kipling Street, and the replacement of these trees with four new street trees on Kipling Street. Both of the two existing street trees on University Avenue would be retained.

## 10. SURROUNDING LAND USES AND SETTING

As shown on Figures 2 and 3, the project site is located on University Avenue in Downtown Palo Alto. The project site is surrounded by primarily two-story buildings with ground floor retail and restaurant spaces on University Avenue and a mix of small-scale commercial/office as well as residential uses on Kipling Street. Located directly across University Avenue from the site is a modern four-story mixed-use office and retail building, with ground floor retail and upper story offices. Larger mixed-use and office buildings are located farther east along University Avenue, including a six-story building and a three-story building on the corner of University Avenue and Cowper Street. The surrounding uses on Kipling Street serve as a transition between the primarily commercial University Avenue and the primarily residential neighborhoods to the north. Lower-intensity commercial/office uses and single-family residential line both sides of Kipling Street. A yoga studio is located behind the project site, accessed

from an alley off Kipling Street (the alley is referred to as Lane 30 E). A public surface parking lot is located on Kipling Street, less than a block north of University Avenue, which provides parking for nearby uses. Another public surface parking lot is located on Cowper Street, between University and Hamilton Avenues.

## **II. 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:*
  - a) *the significance criteria or threshold, if any, used to evaluate each question; and*
  - b) *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 second 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			<b>X</b>	
b) Have a substantial adverse effect on a public view or view corridor?	1, 3 (Map L4)			<b>X</b>	
c) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	1, 3 (Map L4)				<b>X</b>
d) Violate existing Comprehensive Plan policies regarding visual resources?	1, 2, 3			<b>X</b>	
e) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	1, 2			<b>X</b>	
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				<b>X</b>

**DISCUSSION**

The proposed project includes replacing two existing one-story retail buildings with a new four-story mixed-use building. While the proposed project would result in a change in the existing visual character of the site, the project design will be reviewed by the City’s Architectural Review Board to ensure that compatibility concerns are addressed and it does not degrade the existing visual character or quality of the site and its surroundings.

The project site is surrounded by primarily mixed-use and commercial buildings along University Avenue, ranging in height from one to six stories. As shown on Figure 5, Elevations, and Figure 6, Perspective Renderings, the proposed building would be larger in scale and mass than some of the adjacent buildings; however, the project would be similar in scale and mass to other buildings in the vicinity along University Avenue in the Downtown area. The use of lighter stone and cast concrete in the building façade and substantial setbacks on the third and fourth floors would help to reduce the apparent massing of the building and improve compatibility with neighboring structures. In addition, the project would not exceed the allowable height (50 feet) for the site.

The design of the building’s Kipling Street façade would reflect the smaller scale of the existing development along Kipling Street. The façade would be divided into 25-foot sections consisting of the solid stair element; and the glass entry element with recessed residential terrace, ~~and the secondary grid inside the main building form.~~ The third and fourth floors of the building would set back from the alley property line and the Kipling Street property line resulting in a street façade that would appear as a two- to three-story building. The proposed stair element would be located east of the alley and would be buffered from the alley by a landscaped area near the ground-floor entrance adjacent to the alley.

The University Avenue façade is designed to respond not only to the buildings immediately adjacent and west of the subject property but to the taller, higher density development of the University Avenue Commercial District, including the four-story Lululemon Athletica/Accel Partners building located directly across University Avenue. The University Avenue façade would appear to be three stories tall. The fourth floor would be set back ~~30~~39 feet, 7 inches from the

front of the building creating a terrace for use by building occupants and guests. The ~~fourth floor terrace~~ main three-story building block would extend along the length of the building ~~as would the main three-story building block~~, giving definition to the street edge and presence to the building when seen in the context of the street. The fourth floor terrace would extend just short of the length of the building, but would be set back in order to reduce visibility from the street.

The main rectangular mass of the building would be elevated so the bottom aligns with the first floor openings of the adjacent buildings along University Avenue. Frameless glass would create display windows and entries that would activate the sidewalk through visual and physical connections. Retention of existing trees along the project site's University Avenue frontage and the planting of new trees along the Kipling Street frontage would soften the views of the new building from public roadways and adjacent uses.

The building would be built within the buildable area of the property and no public views or view corridors would be affected by the proposed building.

The project site is located in a developed area of the City, is not within a state scenic highway; therefore, it would not damage any scenic resources within a state scenic highway.

The Land Use and Community Design Element of the City's Comprehensive Plan includes several policies related to visual resources, including the following:

- Policy L-5: Maintain the scale and character of the City. Avoid land uses that are overwhelming and unacceptable due to their size and scale.
- Policy L-6: Where possible, avoid abrupt changes in scale and density between residential and non-residential areas and between residential areas of different densities. To promote compatibility and gradual transitions between land uses, place zoning district boundaries at mid-block locations rather than along streets wherever possible.
- Policy L-20: Encourage street frontages that contribute to retail vitality in all Centers. Reinforce street corners with buildings that come up to the sidewalk or that form corner plazas.
- Policy L-23: Maintain and enhance the University Avenue/Downtown area as the central business district of the City, with a mix of commercial, civic, cultural, recreational and residential uses. Promote quality design that recognizes the regional and historical importance of the area and reinforces its pedestrian character.
- Policy L-48: Promote high quality, creative design and site planning that is compatible with surrounding development and public spaces.
- Policy L-49: Design buildings to revitalize streets and public spaces and to enhance a sense of community and personal safety. Provide an ordered variety of entries, porches, windows, bays and balconies along public ways where it is consistent with neighborhood character; avoid blank or solid walls at street level; and include human-scale details and massing.

As described above, the proposed project would comply with the height and setback requirements for the project site. In addition, the project has been designed to blend into the existing development on both Kipling Street and University Avenue. The proposed building design recognizes that the uses along Kipling Street are smaller in scale and lower in intensity than those on University Avenue, and the project design responds to the adjacent uses by minimizing the appearance of an abrupt change in scale between the two areas. The University Avenue frontage would create an inviting retail environment and provide a pleasant pedestrian experience, thereby enhancing the University Avenue/Downtown area as the City's central business district. In addition, as described above, the proposed building design would activate the sidewalk through the use of human-scale architectural details and frameless glass windows on the ground floor.

The project site is currently developed with retail uses, which include sources of light and glare. Uses associated with the proposed structure would not create a substantial amount of additional lighting and glare. Glare is defined as a light source in the field of vision that is brighter than the eye can comfortably accept. Squinting or turning away from a light source is an indication of glare. Glare can result from sunlight or from artificial light reflecting off building exteriors, such as glass windows or other highly reflective surface materials. Glare is particularly associated with high light intensity. It can be reduced by design features that block direct line of sight to the light source and that direct light downward, with little or no light emitted at high (near horizontal) angles, since this light would travel long distances. Cutoff-type light fixtures minimize glare because they emit relatively low-intensity light at these angles. Glare resulting from sunlight reflecting off building exteriors can be reduced with design features that use low-reflective glass and exterior materials and colors that absorb rather than reflect light.

The proposed building would increase the number and surface area of windows compared to the existing building. The Kipling Street frontage faces northeast and has limited direct sunlight exposure, while the University Avenue frontage faces southeast and receives more sunlight exposure. At the street level along these frontages, the project proposes a series of storefront system windows with canopies over the entrances. On the second floor, windows would also be provided on these frontages and would be shaded by canopies to reduce glare. The third floor would be set back from the building façade on the University Avenue frontage and Lane 30 E, creating a large overhang that would shade windows along this side. The fourth floor would be set back even farther along University Avenue, such that glare from windows would not be visible from the street. The Kipling Street frontage would receive less sunlight exposure and the windows on this side of the building are not anticipated to create substantial glare.

The primary use of exterior building lighting would be to ensure safety at building entrances. Exterior building lighting is proposed at the rear entrance of the building on Lane 30, as well as within the ramp to the underground parking level. This lighting would be controlled to minimize spillover beyond the project site property lines. The project is also required to meet the City's lighting standards, including PAMC Section 18.23.030, which establishes that "Exterior lighting in parking areas, pathways and common open space shall be designed to achieve the following: (1) provide for safe and secure access on the site, (2) achieve maximum energy efficiency, and (3) reduce impacts or visual intrusions on abutting or nearby properties from spillover and architectural lighting that projects upward." PAMC Section 18.23.030 also requires that "lighting of the building exterior, parking areas and pedestrian ways should be of the lowest intensity and energy use adequate for its purpose, and be designed to focus illumination downward to avoid excessive illumination above the light fixture."

Although the project would result in increased building height compared to the existing buildings, which could increase shading, there are no adjacent public spaces other than streets and sidewalks that would be affected by additional shadows. Specifically, the proposed building would increase shading on Kipling Street and Lane 30 E, which are public streets. A shadow study was prepared for the proposed project by jt Architecture + Design in order to evaluate the projected changes in shadow lines relative to existing conditions (see Appendix J). Shadow profiles were determined for the four critical dates of the year: March 21, June 21, September 21, and December 21. As shown in the shadow study, the shadows at winter solstice (worst-case shadow) would cover a similar range under existing and proposed conditions when accounting for the shadows cast by existing trees along Kipling Street, which the project would replace. The shadows would be cast mostly on the alley, parking stalls at the alley, buildings abutting the alley, streets, and rooftops. All of these areas are mostly utility areas as opposed to gardens or residential rooms. In addition, most buildings on the alley do not have windows to the alley that would be impacted by these shadows. Under no scenario would residential buildings be adversely impacted by shadows from the proposed project. Due to the similarity of shadows from the existing building and the proposed building, shading from the project would differ minimally from existing conditions.

The project is subject to design review and approval by the City through the Architectural Review process, which ensures compliance with City standards to promote visual environments that are of high aesthetic quality and variety

and which, at the same time, are considerate of each other. Therefore, for the reasons described above, aesthetic impacts would be less than significant.

**Mitigation Measures**

None required.



**B. AGRICULTURAL RESOURCES**

*In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland.*

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, 3				<b>X</b>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	1, 3 (Map L9), 4				<b>X</b>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g) <sup>1</sup> ) or timberland (as defined in Public Resources Code section 4526 <sup>2</sup> )?	1, 4				<b>X</b>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	1				<b>X</b>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	1				<b>X</b> <b>X</b>

**DISCUSSION**

As reflected in the Comprehensive Plan, the project site is located in a developed urban area in Downtown Palo Alto and does not contain and land designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the Santa Clara County Important Farmland map prepared for the Farmland Mapping and Monitoring Program of the California Department of Conservation (2011). The site is not zoned for agricultural use, and is not subject to any Williamson Act contracts. The project site is within a fully developed urban area and does not support forest or timberland. No impacts to agricultural and forestry resources would occur.

**Mitigation Measures**

None required.

<sup>1</sup> California Public Resources Code 12220(g): “Forest land” is land that can support 10% native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.

<sup>2</sup> California Public Resources Code 4526: “Timberland” means land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees. Commercial species shall be determined by the board on a district basis after consultation with the district committees and others.

**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?	1, 2, 6				<b>X</b>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation indicated by the following:					
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 <sub>10</sub> )?	1, 2, 6			<b>X</b>	
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, 6, 17			<b>X</b>	
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, 6			<b>X</b>	
d) Expose sensitive receptors to substantial levels of toxic air contaminants?	1, 2				<b>X</b>
i. Probability of contracting cancer for the Maximally Exposed Individual (MEI) exceeds 10 in one million?	1, 2				<b>X</b>
ii. Ground-level concentrations of non-carcinogenic TACs would result in a hazard index greater than one (1) for the MEI?	1, 2				<b>X</b>

Issues and Supporting Information Resources  Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Create objectionable odors affecting a substantial number of people?	1, 2				<b>X</b>
f) Not implement all applicable construction emission control measures recommended in the <i>Bay Area Air Quality Management District CEQA Guidelines</i> ?	1, 2			<b>X</b>	

**DISCUSSION**

The project site is located in the Santa Clara Valley, which is part of the San Francisco Bay Area Air Basin. The Bay Area Air Quality Management District (BAAQMD) has the primary responsibility for ensuring that the San Francisco Bay Area Air Basin attains and maintains compliance with federal and state ambient air quality standards. The BAAQMD regulates air quality through its permit authority over most types of stationary emissions sources and through its planning and review process. The California ambient air quality standards are generally more stringent than federal standards.

The federal and state Clean Air Acts define allowable concentrations of six air pollutants, which are referred to as “criteria air pollutants.” When monitoring indicates that a region regularly experiences air pollutant concentrations that exceed those limits, the region is designated as nonattainment and is required to develop an air quality plan that describes air pollution control strategies to be implemented to reduce air pollutant emissions and concentrations.

The San Francisco Bay Area Air Basin is designated nonattainment for the federal 8-hour ozone (O<sub>3</sub>) standard. The area is in attainment or unclassified for all other federal standards. The area is designated nonattainment for state standards for 1-hour and 8-hour O<sub>3</sub>, 24-hour coarse particulate matter (PM<sub>10</sub>), annual PM<sub>10</sub>, and annual fine particulate matter (PM<sub>2.5</sub>). To address the region’s nonattainment status, the BAAQMD adopted the *Bay Area 2005 Ozone Strategy* (BAAQMD 2006) and the *Bay Area 2010 Clean Air Plan* (BAAQMD 2010a), which is an update to the 2005 document and provides “an integrated, multi-pollutant strategy to improve air quality, protect public health, and protect the climate.” The 2010 plan addresses O<sub>3</sub>, PM<sub>2.5</sub> and PM<sub>10</sub>, air toxics, and greenhouse gases (GHGs). The 2010 plan identifies a number of control measures to be adopted or implemented to reduce emissions of these pollutants. As the proposed project is consistent with the land use and zoning designations for the project site, it is consistent with the *Bay Area 2010 Clean Air Plan*.

The BAAQMD has adopted California Environmental Quality Act (CEQA) air quality guidelines (2010 BAAQMD Guidelines; BAAQMD 2010b) that establish air pollutant emission thresholds that identify whether a project would violate any applicable air quality standards or contribute substantially to an existing or projected air quality violation. Compared with the previous set of guidelines adopted in 1999, the 2010 BAAQMD Guidelines lower the level of pollutant emissions and health risk impacts that are considered a significant environmental impact. The BAAQMD’s adoption of the thresholds has been challenged in court. However, the litigation is procedural in nature and does not assert that the BAAQMD failed to provide substantial evidence to support its adoption of these thresholds. Because the 2010 thresholds are more conservative than the BAAQMD’s prior thresholds, this impact analysis is based on the 2010 BAAQMD Guidelines.

The 2010 BAAQMD Guidelines also establish screening criteria based on the size of a project to determine whether detailed modeling to estimate air pollutant emissions is necessary. Table 1 lists several examples of screening levels set by the 2010 BAAQMD Guidelines.

**Table 1**  
**BAAQMD Screening Criteria**

Land Use Type	Construction Related Screening Size	Operational Criteria Air Pollutant Emissions Screening Size*
General office building	277,000 sf (ROG)	346,000 sf (NO <sub>x</sub> )
Office park	277,000 sf (ROG)	323,000 sf (NO <sub>x</sub> )
Regional shopping center or strip mall	277,000 sf (ROG)	99,000 sf (NO <sub>x</sub> )
Quality restaurant	277,000 sf (ROG)	47,000 sf (NO <sub>x</sub> )
Single-family residential	114 du (ROG)	325 du (ROG)
Apartment, low-rise, or condo/townhouse, general	240 du (ROG)	451 du (ROG)
City park	67 acres (PM <sub>10</sub> )	2,613 acres (ROG)
Daycare center	277,000 sf (ROG)	53,000 sf (NO <sub>x</sub> )

**Source:** BAAQMD 2010b, Table 3-1.

**Notes:** sf = square feet; ROG = reactive organic gas; NO<sub>x</sub> = oxides of nitrogen; PM<sub>10</sub> = coarse particulate matter; du = dwelling units.

\* If the project size is less than the screening size, the project would have less than significant impacts. If the project size is greater than the screening size, detailed project-specific modeling is required.

**Construction Emissions**

The project would result in a net increase of 8,774 square feet of commercial and office space and four new dwelling units; this is substantially below the screening thresholds of 277,000 square feet (office or regional shopping center/strip mall space) and 240 dwelling units (apartment, low-rise or condo/townhouse, general) for construction emissions. While the project size is less than the screening criteria size for construction, the project would require demolition of existing buildings. The BAAQMD 2010 Guidelines recommend that the screening criteria should not be applied to projects that include demolition. Therefore, project-specific modeling of construction emissions has been completed using the California Emissions Estimator Model (CalEEMod) Version 2013.2.2. Table 2 presents the estimated air pollutant emissions for each construction phase; the CalEEMod output results are included as Appendix B.

As shown in Table 2, emissions during each construction phase would remain below the BAAQMD threshold, which is 54 pounds per day. Further, the project would implement all of the construction emission control measures as identified in Table 8-2 of the BAAQMD 2010 Guidelines recommended for all proposed projects, as required by the City of Palo Alto standard conditions of approval. Therefore, impacts would be less than significant.

**Table 2**  
**Proposed Project Construction Emissions by Phase**

Phase	ROG	NO <sub>x</sub>	CO	PM <sub>10</sub>	PM <sub>2.5</sub>
	<i>(maximum pounds per day)</i>				
Demolition	1.62	14.21	10.98	2.56	1.94
Excavation	2.95	35.30	23.50	3.15	1.86
Building construction	1.62	15.25	10.26	1.22	0.99
Parking structure paving	1.29	11.64	8.50	0.90	0.72
Architectural coatings	28.48	2.59	2.11	0.25	0.22

**Source:** Air Quality Modeling Results (see Appendix B).

**Notes:** ROG = reactive organic gas; NO<sub>x</sub> = oxides of nitrogen; CO = carbon monoxide; PM<sub>10</sub> = coarse particulate matter; PM<sub>2.5</sub> = fine particulate matter.

**Operational Emissions**

The project would result in a total of 20,407 square feet of retail and office space, which is a net increase of 8,774 square feet compared to the existing conditions. In addition, four new dwelling units would be constructed. This total increase in development is substantially below the screening thresholds of 346,000 square feet (office space), 99,000 square feet (regional shopping center or strip mall), and 451 dwelling units (apartment, low rise or condo/townhouse, general) for operational emissions (see Table 1). As the project is substantially smaller than the screening criteria size, emissions of criteria air pollutants associated with operation of the proposed project would remain below the BAAQMD thresholds. Project operation would not result in emissions that violate any applicable air quality standards, contribute substantially to an existing or projected air quality violation, or conflict with the air quality plan; impacts would remain less than significant.

**Cumulative Impacts**

As discussed above, the San Francisco Bay Area Air Basin is currently designated as a nonattainment area for state and national O<sub>3</sub> standards and state PM<sub>10</sub> and PM<sub>2.5</sub> ambient air quality standards. The San Francisco Bay Area Air Basin’s nonattainment status is attributed to the region’s development history. Past, present, and future development projects contribute to the region’s adverse air quality impacts on a cumulative basis. As described in the BAAQMD 2010 Guidelines, “by its very nature, air pollution is largely a cumulative impact. No single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. Instead, a project’s individual emissions contribute to existing cumulatively significant adverse air quality impacts. If a project’s contribution to the cumulative impact is considerable, then the project’s impact on air quality would be considered significant” (BAAQMD 2010b). Because operation of the proposed project would not result in emissions that violate any applicable air quality standards or contribute substantially to an existing or projected air quality violation, the project would result in a less than significant cumulative impact.

**Mitigation Measures**

None required.

**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, 3 (Map N1), 11				<b>X</b>
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, 3 (Map N1)				<b>X</b>
c) Interfere substantially with the movement of any native resident or migratory fish or	1, 2				<b>X</b>

Issues and Supporting Information Resources  Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?					
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		<b>X</b>		
e) Conflict with any applicable Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	1				<b>X</b>

**DISCUSSION**

The proposed project is located on a parcel that is almost entirely developed with existing buildings and paved parking, which would be removed to accommodate the project. Due to its developed nature, the site does not support sensitive habitats and has a very low potential to support candidate, sensitive, and special-status species. The site is not subject to any habitat conservation plans.

The project site supports trees protected by Palo Alto’s Tree Preservation and Management Regulations. The PAMC regulates specific types of trees on public and private property for the purpose of avoiding their removal or disfigurement without first being reviewed and permitted by the City. Three categories within the status of regulated trees include protected trees, street trees, and designated trees. As documented in the Tree Survey Report prepared for the site by Davey Resource Group (provided in Appendix A), the site includes six street trees, two in bulb-outs into the parking area along University Avenue and four in the sidewalk along Kipling Street. These trees were determined to be in poor to fair condition. The proposed project includes the retention of the two existing street trees on University Avenue (London plane trees (*Platanus x acerifolia*)), removal of four existing street trees on Kipling Street (two ornamental pears (*Pyrus calleryana*) and two carob trees (*Ceratonia siliqua*)), and the replacement of these trees with four new street trees. Construction of the project could impact the two trees to be retained on University Avenue if the trees are not properly protected. In addition, removal of the four street trees on Kipling Street would result in a significant impact if not completed in accordance with requirements for tree removal and replacement; therefore, mitigation is provided to ensure that these potential impacts remain below a level of significance.

**Mitigation Measures**

**Mitigation Measure BIO-1:** The following measures shall be implemented to reduce impacts to protected trees:

- City of Palo Alto (City)-approved Modified Type III fencing shall be installed for the two street trees to be retained along University Avenue. City-approved tree protection signs shall be posted on all fencing.
- Soil conditions for the four new trees to be planted along Kipling Street shall be improved by preparing a planting area at least 6 feet square for each tree and installing Silva Cells to reduce compaction. The Silva Cells shall be filled with proper soil amendments and growing medium as determined by the City Arborist.
- Unless otherwise approved, each new tree shall be provided with 1,200 cubic feet of rootable soil area, utilizing Standard Drawing #604/513. Rootable soil is defined as compaction less than 90% over the area, not including sidewalk base areas.

- Two bubbler drip irrigation units shall be installed for each new tree to adequately water the new planting area.
- New sidewalk shall be installed such that the final planting space opening is at least 5 feet by 5 feet for each new tree.
- Kiva tree grates shall be used around each new tree.
- Replacement tree size shall be a 36-inch box, properly structured nursery stock.
- Based on growth habit and proven performance, *Ginkgo biloba* “Autumn Gold” is highly recommended for the replacement trees. Other tree species may be approved by the City Arborist.
- All work within the Tree Protection Zone, including canopy pruning of protected trees, shall be supervised by a Certified Arborist approved by the City.

**Significance after Mitigation**

Less than significant.

**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, 7			<b>X</b>	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?	1, 3 (Map L8), 7		<b>X</b>		
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	1, 3 (Map L8)				<b>X</b>
d) Disturb any human remains, including those interred outside of formal cemeteries?	1, 3 (Map L8), 7		<b>X</b>		
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, 3 (Map L7), 8			<b>X</b>	<b>X</b>
f) Eliminate important examples of major periods of California history or prehistory?	1, 7, 8				<b>X</b>

**DISCUSSION**

The proposed project involves excavation and construction activities within a fully developed and previously disturbed site. The Palo Alto Comprehensive Plan map of archaeologically sensitive areas (Figure L-8, Archaeological Resource Areas) indicates that the project site falls within an area of "Moderate Sensitivity" based on topographic setting, including proximity to major drainages, and potential to encounter undocumented subsurface archaeological deposits. A Northwest Information Center (NWIC) records search was conducted by Dudek on September 25, 2014 and found that no cultural resources have been recorded in the project site (see Appendix C). The only archaeological site identified within the 0.5-mile radius of the project site as a result of the records search is CA-SCL-598. This site was first identified in 1922 and was described as a

“mine” of bones encountered 10 feet below the surface, including the skeleton of one adult human. Because no associated artifacts were reported and no additional details about the find were reported, the context of the find is not clear. An extended history of past disturbance suggests that there is a very low potential for encountering intact subsurface cultural deposits. Based on these findings, potential for the inadvertent discovery of subsurface archaeological or historical resources at the project site is very low. However, there is the potential to discover unknown cultural resources during site excavation. In the event any archaeological or human remains are discovered on the site, impacts would be potentially significant. Implementation of Mitigation Measure CUL-1 would ensure that impacts remain less than significant by ensuring appropriate evaluation, recordation, and protection procedures are undertaken.

Historical architectural evaluations were prepared by Preservation Architecture for the existing buildings located on the project site to determine the potential for listing on the California Register of Historical Resources (CRHR) (see Appendix D). The existing building at 429 University Avenue, which was built in 1927, has not been identified as a potential historical resource by the City or the state, nor is the building included in a historic district. Moreover, no architect, engineer, designer or builder of the original building has been identified. The exterior of the building has been extensively altered over time, such that the original façade and storefronts are entirely lost, and the architectural building form has lost its characteristic design and material integrity. The historical evaluation determined that the building does not have historical architectural or historical resource potential and is therefore not eligible for listing on the CRHR.

The existing building at 425 University Avenue was constructed circa 1937 and has since been used for office and commercial uses. The original architects of the building at 425 University Avenue, Birge M. Clark and David B. Clark of Palo Alto, are recognized as local masters. However, the exterior of the building has been extensively altered over time, including the complete loss of the original façade and storefront. The building was evaluated for historical resource eligibility and although the building has the potential for significance under the CRHR, the loss of integrity of the structure renders it ineligible for listing on the CRHR.

In addition to the historical architectural evaluations prepared by Preservation Architecture, a supplemental review of historic resources was completed by Carey & Co. Inc. Architecture (Appendix D). Carey & Co. responded to the City Council motion from May 4, 2015, which included several clarifying questions regarding historic resources and the proposed project’s potential effects on historic resources. On July 10, 2015, Carey & Co. conducted a walking tour of University Avenue between Cowper Street and Waverley Street, and Kipling Street between University Avenue and Lytton Avenue. During the walking tour, Carey & Co. observed the project site, its relationship to surrounding properties, noted the types of buildings and their architecture, and verified the integrity of historic resources on University Avenue and Kipling Street.

Carey & Co. confirmed that the proposed project is not located in a designated historic district recognized by local, state or national historic registers. This statement is supported by the City Council Staff Report (dated April 6, 2015) and the City of Palo Alto’s historic inventory (which only includes National Register-listed Professorville Historic District and Ramona Street Architectural District).

Carey and Co. found that a study area larger than the project site may be analyzed in order to evaluate potential direct and indirect impacts to nearby historic resources that are not part of the project site. A total of eight properties are included in the study area. Three historical resources were analyzed by Carey & Co. for potential impacts as a result of the proposed project: 423 University Avenue, 436-452 University Avenue and 443 Kipling Street. 423 University Avenue (Palo Alto Inventory, Category 3) is adjacent to the project site and 436-452 University Avenue (Palo Alto Inventory, Category 2) is located across University Avenue from the project site. 443 Kipling Street (Palo Alto Inventory, Category 3) is located across Kipling Street diagonally from the project site. Carey & Co. found that the proposed project would not have any impacts on 423 University Avenue with the application of standard code regulations for construction activities. Carey & Co. also found that the proposed project would not have any direct impacts on 436-452 University Avenue and 443 Kipling Street since the construction site is separated by streets and all construction activity would take place on the north and west side of the streets, away from these buildings.



The proposed project's design, mass, scale, and use of materials could have an indirect impact on the integrity of historic resources. Integrity is the ability of a property to convey its historic significance through the retention of physical characteristics that justify its inclusion in local, state or national registers. There are seven aspects of integrity discussed in detail below: location, design, setting, materials, workmanship, feeling and association.

### **Location**

Location is the place where the historic property was constructed or the place where the historic event occurred. The relationship between the property and its location is often important to understanding why the property was created or why something happened. The actual location of a historic property, complemented by its setting, is particularly important in recapturing the sense of historic events and persons.

423 University Avenue, 436-452 University Avenue and 443 Kipling Street would remain in their current locations. The proposed project would not have an impact on the location of these properties.

### **Design**

Design is the combination of elements that create the form, plan, space, structure, and style of a property. It results from conscious decisions made during the original conception and planning of a property (or its significant alteration) and applies to activities as diverse as community planning, engineering, architecture, and landscape architecture. Design includes such elements as organization of space, proportion, scale, technology, ornamentation, and materials.

The design of each property would not be affected by the proposed project.

### **Setting**

Setting is defined as the physical environment of a historic property.

The 400 block of University Avenue has changed over time, including previous demolitions and alterations to older buildings, such that the demolition of the subject properties and addition of the proposed project would not change the existing character of the block. University Avenue between Alma Street and Cowper Street is the center and retail core of downtown Palo Alto. Although a number of individual historical resources are located on the avenue, they do not form a historic district. Similar to Kipling Street, the proposed project would not substantially alter the physical environment of the individual historic resources on University Avenue such that their integrity would be compromised to the degree that they would lose their historic significance.

Kipling Street serves as a transition between commercial University Avenue and northern residential neighborhoods of Palo Alto. The proposed project would not impact historic resources on Kipling Street directly since they are not immediately adjacent to the project site. However, potential indirect impacts to the setting of the historic properties on Kipling Street are discussed below.

The overall setting of Kipling Street is defined by the properties on both sides of the street from the rear of the commercial buildings on University Avenue to Lytton Avenue. The setting of the historic properties has already been compromised in several ways. First, assuming that the street was once lined with residential structures on both the east and west sides of the street, only one altered residential structure remains on the west side. Second, the existing parking lot is a major intrusion on the setting of the block having removed buildings and eliminated relationships that buildings on one side of the street had to others on the opposite side. Therefore, the larger setting of the Kipling Street properties has been previously compromised. Third, while the group of buildings on Kipling Street may impart character to the street, as described in the Downtown Urban Design Plan, they do not appear to constitute a potential historic district whose resource setting may be affected by the proposed project.

The proposed project would replace an existing commercial building and although larger in scale and height, it would not adversely impact the setting of the existing individual resources on Kipling, including 443 Kipling Street. Additionally, the proposed project would maintain the relationship between the commercial uses on University Avenue and the transitional state of Kipling Street.

### **Materials**

Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property. The choice and combination of materials reveal the preferences of those who created the property and indicate the availability of particular types of materials and technologies. Indigenous materials are often the focus of regional building traditions and thereby help define an area's sense of time and place. A property must retain the key exterior materials dating from the period of its historic significance.

The materials associated with each property would not change or be affected by the proposed project.

### **Workmanship**

Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory. It is the evidence of artisans' labor and skill in constructing or altering a building, structure, object, or site. Workmanship can apply to the property as a whole or to its individual components. It can be expressed in vernacular methods of construction and plain finishes or in highly sophisticated configurations and ornamental detailing. It can be based on common traditions or innovative period techniques. Workmanship is important because it can furnish evidence of the technology of a craft, illustrate the aesthetic principles of a historic or prehistoric period, and reveal individual, local, regional, or national applications of both technological practices and aesthetic principles.

The workmanship evidenced in the buildings at 423 University Avenue, 436-452 University Avenue and 443 Kipling Street would remain embodied in the architectural elements and features of these buildings. The proposed project would not have an impact on the workmanship of the buildings.

### **Feeling**

Feeling is a property's expression of the aesthetic or historic sense of a particular period of time. It results from the presence of physical features that, taken together, convey the property's historic character.

The proposed project would not affect the physical features that convey the historic character of 423 University Avenue and 436-452 University Avenue. The same can be said of 443 Kipling Street. In both cases, the properties would continue to express their "aesthetic and historic sense."

### **Association**

Association is the direct link between an important historic event or person and a historic property. A property retains association if it is the place where the event or activity occurred and is sufficiently intact to convey that relationship to an observer. Like feeling, association requires the presence of physical features that convey a property's historic character.

The historic significance of 423 University Avenue and 436-452 University Avenue is related to the commercial development of downtown Palo Alto, especially along University Avenue. The proposed project will not affect this relationship. 443 Kipling Street maintains a different relationship – that to the development of a residential neighborhood backing up to the commercial properties on University. Although the setting of Kipling Street has changed over time with fewer residential buildings on the street, 443 Kipling Street would continue to retain its residential character and relationship to the earlier residential development that took place on Kipling Street.

Since the project site does not include any eligible historical resources or examples of major periods of California history or prehistory, ~~no~~ impacts to historical resources would be less than significant ~~occur~~.

**Mitigation Measures**

**Mitigation Measure CUL-1:** Prior to commencement of site clearing and project grading, the project applicant shall retain a qualified archaeologist to train construction personnel regarding how to recognize cultural resources (such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains) that could be encountered during construction activities. If artifacts or unusual amounts of shell or bone or other items indicative of buried archaeological resources or human remains are encountered during earth disturbance associated with the proposed project, the on-site contractor shall immediately notify the City of Palo Alto (City) and the Native American Heritage Commission as appropriate. All soil-disturbing work shall be halted within 100 feet of the discovery until a qualified archaeologist, as defined by the California Environmental Quality Act (CEQA) Guidelines (14 CCR 15000 et seq.) and the City, completes a significance evaluation of the finds pursuant to Section 106 of the National Historic Preservation Act. Any human remains unearthed shall be treated in accordance with California Health and Safety Code, Section 7050.5, and California Public Resources Code, Sections 5097.94, 5097.98, and 5097.99, which include requirements to notify the Santa Clara County Medical Examiner’s office and consult with Native American representatives determined to be the Most Likely Descendants, as appointed by the Native American Heritage Commission. Identified cultural resources shall be recorded on State Department of Parks and Recreation Form 523 (archaeological sites). Mitigation measures prescribed by the Native American Heritage Commission, the Santa Clara County Medical Examiner’s office, and any Native American representatives determined to be the Most Likely Descendants and required by the City shall be undertaken before construction activities are resumed. If disturbance of a project area cultural resource cannot be avoided, a mitigation program, including measures set forth in the City’s Cultural Resources Management Program and in compliance with Sections 15064.5 and 15126.4 of the CEQA Guidelines, shall be implemented.

**Significance after Mitigation**

Less than significant.

**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
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
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?	9				<b>X</b>
ii) Strong seismic ground shaking?	3 (Map N-10), 9			<b>X</b>	
iii) Seismic-related ground failure, including liquefaction?	3 (Map N5), 12				<b>X</b>
iv) Landslides?	3 (Map N5)				<b>X</b>

Issues and Supporting Information Resources  Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Result in substantial soil erosion or the loss of topsoil?	1, 9			<b>X</b>	
c) Result in substantial siltation?	1				<b>X</b>
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?	3 (Map N5), 9				<b>X</b>
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?	3 (Map N5), 9				<b>X</b>
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				<b>X</b>
g) Expose people or property to major geologic hazards that cannot be mitigated through the use of standard engineering design and seismic safety techniques?	2, 9				<b>X</b>

## DISCUSSION

Murray Engineers Inc. (Murray Engineers) prepared a geotechnical investigation report for the project site in September 2013 (see Appendix E). The geotechnical report identifies potential geologic hazards that may affect the project site and presents recommendations for design and construction of the project. Given the project site's location in a seismically active area, there is potential for severe ground shaking during an earthquake. High levels of ground shaking during potential future earthquakes and soil conditions that may be unsuitable to support construction-related excavations and site improvements are typical issues of concern related to development in seismically active areas. These issues are routinely encountered in California, and there is no evidence that unique or unusual geologic hazards are present on site (e.g., mapped landslide, collapsible soils, lateral spread) that would require additional mitigation beyond what is already required as part of the City's standard development approval processes.

Seismic ground shaking and the presence of adverse soil conditions would be addressed through required compliance with the California Building Code (and local amendments) as well as incorporation of geotechnical recommendations into the project's construction and design plans. The geotechnical report indicates the project site is located in an area where there have been historical occurrences of earthquake-induced liquefaction and there is the potential for "permanent earthquake-induced ground displacement." The Association of Bay Area Governments indicates the site is in an area with a moderate chance of liquefaction. However, there are no active or potentially active faults that cross the project site, and the project site is not located within an Alquist-Priolo Fault Zone (USGS 2013). The closest active fault is the San Andreas Fault, which is located approximately 5.7 miles southwest of the site. It is the opinion of Murray Engineers that the potential for fault rupture at the site is very low. The project site is flat and is not located in an area susceptible to landslides. The

geotechnical report did not indicate that there are expansive soils, corrosive soils, and/or soils subject to settlement present.

Soils found on the project site consist of layers of fine- and coarse-grained alluvium to a depth of 45 feet. The upper approximately 5 to 8 feet consist of very stiff to hard surficial silty clay, underlain by 4 to 6 feet of medium dense to very dense gravelly to silty sand, and then underlain by 20 to 25 feet of very stiff silty clay. The clay is underlain by medium dense to very dense clayey to silty sand to a depth of 45 feet. Murray Engineers conducted additional soil testing to determine the likelihood of liquefaction occurring. Based on their analysis, the silty sand was determined to be very dense and therefore likely too dense to be considered liquefiable. In addition, the report concluded the “site should have a sufficiently thick and relatively dense, non-liquefiable layer above the groundwater table capping the potentially liquefiable layers at greater depths to mitigate the potential for sand boils or surface venting during an earthquake.”

All new construction is subject to the earthquake design parameters contained in Chapter 16, Section 1613, of the 2013 California Building Code, directed at minimizing seismic risk and preventing loss of life and property in the event of an earthquake. In addition, the City’s standard conditions of approval will ensure that potential impacts on erosion and soil remain less than significant. These conditions require the applicant to submit a final grading and drainage plan subject to review by the Department of Public Works prior to issuance of any grading and building permits. Requirements and standards of adequacy for the grading and drainage plans are contained in the PAMC.

The project site would be connected to the City’s sewer system and would not involve use of septic tanks. Impacts to geologic resources and soils and impacts associated with geologic hazards would be less than significant.

**Mitigation Measures**

None required.

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**G. GREENHOUSE GAS EMISSIONS**

Issues and Supporting Information Resources  Would the project:	Sources	Potentially Significant Impacts	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	2, 6			X	
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	2, 6			X	

**DISCUSSION**

In 2006, the State of California enacted Assembly Bill (AB) 32, the Global Warming Solutions Act. AB 32 requires reducing statewide GHG emissions to 1990 levels by 2020. The state’s plan for meeting the reduction target is outlined in the California Air Resources Board (CARB) *Climate Change Scoping Plan* (2008 Scoping Plan; CARB 2008).

CARB’s 2008 Scoping Plan fact sheet states, “This plan calls for an ambitious but achievable reduction in California’s carbon footprint—toward a clean energy future. Reducing greenhouse gas emissions to 1990 levels means cutting approximately 30% from business-as-usual emissions levels projected for 2020, or about 15% from today’s levels. On a per-capita basis, that means reducing annual emissions of 14 tons of carbon dioxide for every man, woman and child in California down to about 10 tons per person by 2020.” CARB’s GHG emissions

inventory report found the total statewide GHG emissions in 2011 were equivalent to 448.1 million tons of CO<sub>2</sub> (CARB 2013). Compared with the emissions in 2001, this is a 6% decrease.

As described in Section C, Air Quality, the BAAQMD adopted the BAAQMD 2010 Guidelines, which establish screening criteria based on the size of a project to determine whether detailed modeling to estimate GHG emissions is necessary (BAAQMD 2010b). Projects that are smaller than the GHG screening criteria size are considered to have less than significant GHG emissions and would not conflict with existing California legislation adopted to reduce statewide GHG emissions. Table 3 presents GHG screening level examples taken from the BAAQMD 2010 Guidelines.

**Table 3  
BAAQMD Operational GHG Screening Criteria**

Land Use Type	Operational GHG Screening Size*
Single-family residential	56 du
Apartment, low-rise or condo/townhouse, general	78 du
Apartment, mid-rise	87 du
Condo/townhouse, general	78 du
Regional shopping center	19 ksf
Strip mall	19 ksf
Hardware/paint store	16 ksf
Daycare center	11,000 sf
General office building	53,000 sf
Medical office building	22,000 sf
Office park	50,000 sf
Quality restaurant	9,000 sf

**Source:** BAAQMD 2010b, Table 3-1, Operational-Related Criteria Air Pollutant and Precursor Screening Level Sizes.

Notes: GHG = greenhouse gas; du = dwelling unit; sf = square feet.

\* If the project size is less than the screening size, the project would have less than significant impacts. If the project is greater than the screening size, detailed project-specific modeling is required.

The project would result in a net increase of 8,774 square feet of commercial and office space along with four new dwelling units; this is substantially below the BAAQMD screening thresholds of 53,000 square feet (office space), 19,000 square feet (commercial space) and 78 dwelling units (condo/townhouse) for operational GHG emissions. As the project is substantially smaller than the screening criteria size, GHG emissions associated with operation of the proposed project would remain below the BAAQMD thresholds. In addition, the project would comply with the green building requirements identified in Chapter 16.14 of the PAMC, including attainment of a minimum Build It Green score of 70 for the residential portion of the project. Project operation would not result in GHG emissions that would significantly affect the environment or conflict with applicable plans, policies, or regulations adopted for the purpose of reducing GHG emissions. The project would have less than significant impacts related to GHG emissions.

**Mitigation Measures**

None required.

## H. HAZARDS AND HAZARDOUS MATERIALS

*Note: Some of the thresholds can also be dealt with under a topic heading of **Public Health and Safety** if the primary issues are related to a subject other than hazardous material use.*

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, 2, 10, 11, 12		<b>X</b>		
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, 2, 10, 11, 12		<b>X</b>		
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, 2				<b>X</b>
d) Construct a school on a property that is subject to hazards from hazardous materials contamination, emissions or accidental release?	1				<b>X</b>
e) 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, 10, 11, 12				<b>X</b>
f) 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				<b>X</b>
g) 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				<b>X</b>
h) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	1, 3 (Map N7)				<b>X</b>
i) 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?	3 (Map N7)				<b>X</b>

Issues and Supporting Information Resources  Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
j) 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, 2, 10, 11, 12				<b>X</b>

**DISCUSSION**

Phase I environmental site assessments (ESAs) were prepared for the project site and include a general assessment of the nature and extent of past activities, if any, on the site that could have used hazardous materials, and whether the site appears to have evidence of soils or groundwater contamination. A Phase I ESA was prepared for the commercial buildings located at 429, 435, 441, and 447 University Avenue by Professional Service Industries Inc. in August 1999. In June 2010 an environmental transaction screen (ETS) for buildings located at 429–447 University Avenue was prepared by AEI to identify any potential environmental issues associated with past and present activities in the handling, storage, or disposal of hazardous materials. In addition, a follow-up Phase I ESA was prepared for 425 University Avenue and 450 Kipling Street<sup>3</sup> by Transaction Management Corporation (TMC) in April 2014. The Phase I ESAs and ETS are included in Appendix F. Both of the Phase I ESAs and the ETS report indicate that due to the age of the buildings there is the potential for asbestos-containing materials (ACMs) and lead-based paint to be present. TMC recommends preparation of an operations and maintenance plan for ACMs given the potential for occurrence in the 425 University Avenue building. The 2014 Phase I ESA indicates that the property at 425 University Avenue is not on any state or federal list of potentially hazardous sites. In addition, the 2010 ETS and the 1999 Phase I ESA indicate that the project site does not contain a recognized environmental condition, as defined by the American Society for Testing and Materials (ASTM). Both reports conclude there also is no evidence of a recognized environmental condition off site that could impact the project site. In addition, the project site is not listed on the Spills, Leaks, Investigations, and Cleanups database and there was no evidence of soil or groundwater contamination.

The project involves the demolition of two buildings and construction of a new building. Demolition activities could release hazardous building materials into the air. Construction equipment accessing the site would use hazardous and/or flammable materials including diesel fuel, gasoline, and other oils and lubricants. During project construction, there is the potential for the short-term use of hazardous materials/fuels; however, the use, storage, transport, and disposal of these materials would be required to comply with all existing local, state, and federal regulations. Operation of the proposed project would not include any uses that would require the transport, handling, or disposal of hazardous materials, other than typical household and landscaping materials. The types and quantities of these common household chemicals would not be substantial and would not pose a health risk to residents of the project or any adjacent uses.

Groundwater was identified in the geotechnical investigation at depth of approximately 33.5 to 35 feet below existing grade level. It is not anticipated that construction of the subsurface garage would require dewatering due to the depth of groundwater; however, if required, the project applicant would comply with standard conditions of the City’s architectural review process, which require special procedures for dewatering. Specifically, the City’s Public Works Department, Water Quality Control Plan section, would require that prior to discharge of any water from construction dewatering, the water be tested for volatile organic compounds (VOCs; including ROGs) using U.S. Environmental Protection Agency Method 601/602. The analytical results of the VOC testing shall be transmitted to the San Francisco Bay Regional Water Quality Control Board (RWQCB). If the concentration of any VOC exceeds 5 micrograms per liter (5 parts per billion), the water may not be discharged to the storm drain system and an

<sup>3</sup> 450 Kipling Street is not part of the project.



Exceptional Discharge Permit for discharge to the sanitary sewer must be obtained from the RWQCB prior to discharge. Additionally, any water discharged to the storm drain system is required to be free of sediment.

Based on the construction date of the existing buildings (1927), it appears that the buildings may contain ACMs and may contain lead-based paints. Lead-based paints could also be present and the light ballasts may be a source of polychlorinated biphenyls (PCBs). Therefore, demolition of the existing buildings could result in hazards related to the release or disposal of these hazardous materials. Mitigation Measure HAZ-1 would require surveys and proper disposal methods to ensure that impacts remain less than significant.

There are no existing or proposed schools within one-quarter mile of the project site. The nearest school, Addison Elementary School, is located approximately 0.7 mile southwest of the project site. Therefore, no impacts to schools associated with hazardous materials at the project site would occur.

There are no airports within 2 miles of the project site. The nearest airport is the Palo Alto Airport, which is located approximately 3.3 miles northeast of the site. Therefore, no impact related to safety hazards associated with aircraft would occur.

The proposed project would not impair or interfere with the City's Emergency Operations Plan. The nearest evacuation route to the project site is University Avenue. The project would not result in any changes to this evacuation route, would not substantially increase traffic or roadway congestion such that use of the evacuation route would be hindered, and would not otherwise impair implementation of the City's Emergency Operations Plan. Therefore, no impact related to emergency response or evacuation would occur.

The project site is located in a developed urban area that is not identified as a high or medium fire hazard area in the City's Comprehensive Plan. Therefore, no impact related to fire risks would occur.

#### **Mitigation Measures**

**Mitigation Measure HAZ-1:** Prior to building demolition, the project applicant shall demonstrate to the satisfaction of the City of Palo Alto that a survey of the existing buildings has been conducted by a qualified environmental specialist who meets the requirements of the current U.S. Environmental Protection Agency regulations for suspected lead-containing materials (LCMs), including lead-based paint/coatings; asbestos containing materials (ACMs); and the presence of polychlorinated biphenyls (PCBs). Any demolition activities likely to disturb LCMs or ACMs shall be carried out by a contractor trained and qualified to conduct lead- or asbestos-related construction work. If found, LCMs and ACMs shall be disposed of in accordance with state and federal regulations, including the EPA's Asbestos National Emissions Standards for Hazardous Air Pollutants, the Cal-OSHA Construction Lead Standard (CCR Title 8, Section 1432.1), and California Department of Toxic Substances Control and EPA requirements for disposal of hazardous waste. If PCBs are found, these materials shall be managed in accordance with the Metallic Discards Act of 1991 (California Public Resources Code, Sections 42160–42185) and other state and federal guidelines and regulations. Demolition plans and contract specifications shall incorporate any necessary abatement measures in compliance with the Metallic Discards Act, particularly Section 42175, Materials Requiring Special Handling, for the removal of mercury switches, PCB-containing ballasts, and refrigerants.

#### **Level of Significance after Mitigation**

Less than significant.

**I. 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, 3, 13, 14			<b>X</b>	
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)?	1, 2, 3 (Map N2), 13, 14			<b>X</b>	
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, 13, 14			<b>X</b>	
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, 13, 14			<b>X</b>	
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, 13, 14			<b>X</b>	
f) Otherwise substantially degrade water quality?	1, 2, 13, 14			<b>X</b>	
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, 3 (Map N6)				<b>X</b>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	1, 3 (Map N6)				<b>X</b>
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?	1, 3 (Map N8)				<b>X</b>
j) Inundation by seiche, tsunami, or mudflow?	1, 3 (Map N6)				<b>X</b>
k) Result in stream bank instability?	1, 2				<b>X</b>

**DISCUSSION**

The project site is fully developed, and the proposed project would not substantially change the amount of impervious surface area on the project site, nor would the project rely on groundwater for its water supply. With

the exception of some street trees on University Avenue and Kipling Street, the existing site is composed of buildings and paved surface parking lots and thus is largely impervious. According to the Impervious Area Worksheet for Land Developments (included as Appendix G to this document) prepared for the project, the project site currently contains 11,000 square feet of impervious surface with the existing buildings and parking lot area. The project is proposing to maintain the same development footprint (0.252 acre). The project would not alter existing grades in the area and would not change drainage patterns or lead to increased erosion or sedimentation of nearby waterways. Groundwater was identified at a depth of approximately 33.5 to 35 feet below existing grade level.

In addition, stormwater runoff water quality is regulated by the National Pollutant Discharge Elimination System (NPDES) Program to control and reduce pollutants to water bodies from surface water discharge. Locally, the NPDES project is administered by the Bay Area Regional Water Quality Control Board (RWQCB). The RWQCB worked with cities and counties throughout the region to prepare and adopt a Regional Municipal Stormwater Permit. This Regional Permit identifies minimum standards and provisions that the City of Palo Alto, as a permittee, must require of new development and redevelopment projects within the city limits. Compliance with the NPDES Permit is mandated by state and federal statutes. The proposed project would be required to comply with all city, state, and federal standards pertaining to stormwater run-off and water quality.

Under the Regional Municipal Stormwater Permit, the San Francisco Bay RWQCB generally requires new development projects to implement Low Impact Design (LID) techniques to treat stormwater runoff. However, the regional permit also allows LID treatment reduction credits for three categories of “smart growth” projects – urban infill, high-density, and transit oriented development projects. These are called “Special Projects” in the regional permit, and are approved for reductions in the requirements for LID treatment in recognition of the fact that smart growth development projects can either reduce existing impervious surfaces or create less “accessory” impervious areas and automobile-related pollutant impacts. The RWQCB recognizes that these types of projects have inherent water quality and other environmental benefits. The project applicant has applied for and obtained a *C.3 Special Project Category A* determination based on the following: the project would preserve or enhance a pedestrian-oriented type of urban design, would be located in a Commercial downtown zone, would replace less than 0.5 acre of impervious surface area, would have minimal surface parking, and more than 85% of the site would be covered by the proposed building. Due to the small project site and its location in a developed urban commercial corridor, it would not be feasible to construct grassy swales or other LID features to treat stormwater. There is not sufficient space to accommodate biotreatment facilities or to route runoff to an appropriate discharge point.

Since the project meets the criteria listed above, the project would receive 100% LID treatment reduction credit and be allowed to treat 100% of the amount of storm water runoff with non-LID treatment measures. Stormwater runoff from the site would be collected and piped to a mechanical device (manufactured by Contech Stormwater Solutions) which is an accepted storm filter treatment facility. The mechanical device would be located onsite and stormwater runoff would be treated prior to flowing by gravity into the street and ultimately into the City’s storm drain system. The applicant would also be required to enter into a maintenance agreement with the City to guarantee that the project provide the required maintenance and/or replacement of the device for the life of the project. By providing approved and appropriate stormwater runoff collection and conveyance, and ensuring long-term maintenance of the collection and conveyance infrastructure, the project would have less than significant impacts related to violating water quality standards or contributing substantial additional sources of polluted runoff.

The proposed project includes a subsurface garage with a maximum depth of 27 feet below grade. Reducing the number of exposed parking spaces also reduces the potential for stormwater to carry pollutants such as litter and/or leaking motor fluids. Due to the depth of groundwater, dewatering is not anticipated; however, due to fluctuations in groundwater it is possible that construction activities could encounter groundwater. Since the garage would be designed to be watertight and no permanent dewatering system would be required, it is expected that the impact to groundwater flow would be less than significant.

The nearest surface water in the vicinity of the project site is San Francisquito Creek, located approximately 0.5 mile west of the site. Stormwater runoff is directed toward storm drain grates located in one covered parking space and in the adjacent alleyway that parallels the northwest boundary of the project site.

The project site is located within Zone X on the Flood Insurance Rate Map Panel No. 06085C0010H (FEMA 2009). This indicates that the project site is not in a zone expected to be subject to inundation in a 100-year flood event. Additionally, the project site is not located within an area identified as a dam failure inundation area as shown on maps available from the Association of Bay Area Governments (ABAG 2003). The project site is not subject to flooding or inundation and construction of the project would result in no impacts associated with exposure of people to flood-related hazards.

The project site is located in Downtown Palo Alto on relatively flat ground and is not near an open body of water or near a hillside; therefore, there is no risk for seiche, tsunami, or mudflow hazards. No impacts related to these hazards would result from implementation of the proposed project. Additionally, there are no streams within or adjacent to the site, and the project would have no impacts related to streambank stability.

**Mitigation Measures**

None required.

**J. 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				<b>X</b>
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, 4				<b>X</b>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	1, 2				<b>X</b>
d) Substantially adversely change the type or intensity of existing or planned land use in the area?	1, 2, 3, 4				<b>X</b>
e) Be incompatible with adjacent land uses or with the general character of the surrounding area, including density and building height?	1, 2			<b>X</b>	
f) Conflict with established residential, recreational, educational, religious, or scientific uses of an area?	1, 2				<b>X</b>
g) Convert prime farmland, unique farmland, or farmland of statewide importance (farmland) to non-agricultural use?	1, 3				<b>X</b>

**DISCUSSION**

The proposed project, a 31,407-square-foot, four-story commercial, office, and residential building, is an allowed use as regulated by the City's Zoning Ordinance and Comprehensive Plan (PAMC; City of Palo Alto 2007). The

project would replace two single-story buildings currently used for retail with the proposed mixed-use building. The increase from one story to four stories on the site would change the existing scale; however, buildings in the surrounding area include a modern four-story mixed-use office and retail building across the street, with ground floor retail and upper story offices. Larger mixed-use and office buildings are located farther east along University Avenue, including a six-story building and a three-story building on the corner of University Avenue and Cowper Street.

The project would increase the existing retail, office, and residential land uses in the immediate vicinity and would not introduce any incompatible land uses. The Comprehensive Plan land use designation of the project site is Regional/Community Commercial, per the Comprehensive Plan. The Comprehensive Plan encourages mixed-use development in the project area through the following policies:

- Policy L-4: Maintain Palo Alto's varied residential neighborhoods while sustaining the vitality of its commercial areas and public facilities. Use the Zoning Ordinance as a tool to enhance Palo Alto's desirable qualities.
- Policy L-9: Enhance desirable characteristics in mixed use areas. Use the planning and zoning process to create opportunities for new mixed use development.
- Policy L-19: Encourage a mix of land uses in all Centers, including housing and an appropriate mix of small-scale local businesses.
- Policy L-23: Maintain and enhance the University Avenue/Downtown area as the central business district of the City, with a mix of commercial, civic, cultural, recreational and residential uses. Promote quality design that recognizes the regional and historical importance of the area and reinforces its pedestrian character.

Since the project proposes a mixed-use development in an area where mixed-uses are encouraged and the project design reflects a pedestrian scale, the project would be consistent with the policies listed above.

The zoning designation is Downtown Commercial with Pedestrian and Ground Floor Combining Districts (CD-C(P)(GF)). This zone's regulations are set forth in PAMC Chapters 18.18 and 18.30. The CD district provides for a wide range of commercial uses serving City-wide and regional business and service needs, as well as residential uses and neighborhood service needs. The project would also include construction of two levels of underground parking and installation of new landscaping. The project is in compliance with the applicable CD-C (community) subdistrict zoning and parking regulations. The maximum proposed building height is 50 feet and the FAR would be 2.86. The maximum building height in this district is 50 feet. The base FAR in the CD-C district is 1.0; however, the FAR may be increased with TDRs and/or bonuses for seismic and historical rehabilitation upgrades, not to exceed a total site FAR of 3.0. The proposed project includes TDRs and bonuses to achieve the maximum allowable FAR of 2.86. The project would not conflict with existing zoning. In addition, the Pedestrian Shopping (P) and Ground Floor (GF) combining district regulations that apply to this site are intended to enhance the pedestrian environment through the continuity of retail stores and design windows in retail districts and allow only service-oriented commercial uses on the ground floor. The proposed project is designed to comply with the combining district regulations with ground-floor retail and façade details to enhance the pedestrian experience. In addition, the project would be consistent with the Context-Based Design Criteria for development in a commercial district, which promotes pedestrian oriented design that is compatible with adjacent development.

The project site is surrounded by primarily mixed-use and commercial buildings along University Avenue, ranging in height from one to six stories. As described in Section A., Aesthetics, the proposed building would be larger in scale and mass than some of the adjacent buildings along Kipling Street; however, the project would be similar in scale and mass to other buildings in the vicinity along University Avenue in the Downtown area. In addition, the design of the building's Kipling Street façade would reflect the smaller scale of the existing development along Kipling Street. The third floor of the building would be set back 10 feet from the alley property line and 7 feet, 6 inches from Kipling Street, resulting in a scale more visually compatible with

surrounding buildings. The fourth floor of the building would be set back 10 feet from the alley property line and ~~7 feet,~~ 12 feet, 9 inches from the Kipling Street property line, and 39 feet, 7 inches from the University Avenue property line, resulting in a street façade that would appear as a three-story building. The University Avenue façade is designed to respond not only to the buildings immediately adjacent and west of the subject property but to the taller, higher density development of the University Avenue Commercial District. The design of the proposed building is intended to minimize the potential for incompatibility with surrounding uses. In addition, as described in Section A., Aesthetics, the project design will be reviewed by the City’s Architectural Review Board to ensure that compatibility concerns are addressed and it does not degrade the existing visual character or quality of the site and its surroundings.

The project would comply with all plans for conservation of biological resources, and would not impact farmland. See Sections B and D for further discussion of these topics.

**Mitigation Measures**  
None required.

**K. 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, 3				<b>X</b>
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, 3				<b>X</b>

**DISCUSSION**

The City has been classified by the California Department of Conservation, Division of Mines and Geology, as a Mineral Resource Zone 1 (MRZ-1). This designation signifies that there are no aggregate resources in the area. The Division of Mines and Geology has not classified the City for other resources. There is no indication in the Comprehensive Plan that there are locally or regionally valuable mineral resources within the City. Therefore, construction and operation of the proposed mixed-use building on the currently developed project site would result in no impacts related to mineral resources.

**Mitigation Measures**  
None required.

**L. 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, 3, 15		<b>X</b>		

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Issues and Supporting Information Resources  Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Exposure of persons to or generation of excessive ground-borne vibrations or ground-borne noise levels?	1, 2, 15			<b>X</b>	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	1, 2, 15			<b>X</b>	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	1, 15			<b>X</b>	
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				<b>X</b>
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				<b>X</b>
g) Cause the average 24-hour noise level ( $L_{dn}$ ) to increase by 5.0 decibels (dB) or more in an existing residential area, even if the $L_{dn}$ would remain below 60 dB?	1, 2, 15				<b>X</b>
h) Cause the $L_{dn}$ to increase by 3.0 dB or more in an existing residential area, thereby causing the $L_{dn}$ in the area to exceed 60 dB?	1, 2, 15				<b>X</b>
i) Cause an increase of 3.0 dB or more in an existing residential area where the $L_{dn}$ currently exceeds 60 dB?	1, 2, 15			<b>X</b>	
j) Result in indoor noise levels for residential development to exceed an $L_{dn}$ of 45 dB?	1, 2, 15		<b>X</b>		
k) Result in instantaneous noise levels of greater than 50 dB in bedrooms or 55 dB in other rooms in areas with an exterior $L_{dn}$ of 60 dB or greater?	1, 2, 15		<b>X</b>		
l) Generate construction noise exceeding the daytime background $L_{eq}$ at sensitive receptors by 10 dBA or more?	1, 2			<b>X</b>	

## DISCUSSION

Noise would be generated during the proposed demolition of the existing building and construction of the proposed mixed-use project. The magnitude of the construction noise would depend on the type of construction activity, the noise level generated by various pieces of construction equipment, site geometry (i.e., shielding from intervening structures), and the distance between the noise source and receiver. Construction noise levels are based on a U.S. Environmental Protection Agency study (EPA 1971), which measured average noise levels during construction stages for a variety of typical projects.

Sound is measured in decibels (dB), with 0 dB corresponding roughly to the threshold of hearing and 60 dB corresponding roughly to the noise level of a typical conversation. Typically, a weighting system is applied to sound levels to more closely correlate sound levels with human perception, recognizing that humans are less

sensitive to sounds in frequency ranges below 1,000 hertz (Hz) and above 5,000 Hz. This system is called the A-weighted sound level, and is abbreviated as dBA.

As shown in Table 4, average noise levels generated on a construction site could be as high as 89 dBA  $L_{eq}$  at a distance of 50 feet during the loudest phases of construction. Typically, construction noise is cyclical in nature and noise levels vary throughout the day.

All development in the City, including the proposed construction activities, must comply with the City’s Noise Ordinance (PAMC Chapter 9.10), which restricts the timing and overall noise levels associated with construction activity. Short-term temporary construction that complies with the Noise Ordinance would result in less-than-significant impacts to nearby land uses and sensitive receptors. The project is located in a busy commercial district with an active train station in the vicinity. Although there are residential uses in the project vicinity, the existing noise conditions are not quiet and the temporary construction activities will not create any new significant noise impacts.

**Table 4**  
**Typical Noise Levels from Construction Activities**

Construction Activity	Average Sound Level at 50 feet (dBA $L_{eq}$ ) <sup>1</sup>	Standard Deviation (dB)
Ground Clearing	84	7
Excavation	89	6
Foundations	78	3
Erection	87	6
Finishing	89	7

Source: EPA 1971

<sup>1</sup> Sound level with all pertinent equipment operating.

The proposed project would be located on a site that is currently developed with two one-story retail buildings and is surrounded by primarily two-story buildings with ground floor retail and restaurant spaces on University Avenue and a mix of small-scale commercial/office as well as residential uses on Kipling Street. Residential land uses are located approximately 60 feet to the north and northwest. The proposed office building is not anticipated to result in significant levels of on-site noise or traffic noise because of the nature of the proposed land use and the relatively small size (which would generate a less than significant increase in traffic as discussed in Section P., below).

The *Environmental Noise Study* for the project was prepared by Charles M. Salter Associates Inc. (Appendix H). This assessment found that existing noise levels in the project area range from 64 dB to 70 dB during the peak traffic hours and between 63 dB and 73 dB when measured as a day-night-level (DNL), which assigns a penalty to noises generated during nighttime hours to reflect heightened sensitivity to noise in those hours.

Policy N-39 of the Palo Alto Comprehensive Plan requires that the average interior noise level in multi-family dwellings be limited to DNL 45 dB. However, the City also states that residences exposed to a DNL of 60 dB or greater should limit maximum instantaneous noise levels to 50 dB in bedrooms and 55 dB in other rooms. Since the existing noise levels in the project area exceed 60 dB, architectural upgrades (as detailed in Mitigation Measures NOI-1 and NOI-2) would be required to meet interior noise standards. Additionally, rooftop mechanical equipment noise from exhaust fans was analyzed, as shown in Table 5, to assess whether the equipment noise would comply with Section 9.19.040 of the City’s Noise Ordinance, which states:



*“No person shall produce, suffer, or allow to be produced by any machine or device, or any combination of same, on commercial or industrial property, a noise level more than eight decibels above the local ambient at any point outside of the property plane.”*

**Table 5  
Predicted Mechanical Equipment Noise Levels**

Property Line	Predicted Noise Level (dB)		Criteria (dB)
	At Nearest Receiver	At Property Plane	
North	49	65	57
East	47	58	56
South	48	69	54
West	49	68	54

Currently there are no adjacent receivers at or near the property plane that are 50 feet in height; therefore, adjacent receivers would not be exposed to noise levels in excess of the City’s standard due to rooftop mechanical equipment noise, as shown in Table 5. However, as shown in Table 5, noise levels at the property plane would be above the criteria; therefore, Mitigation Measure NOI-3 is required to reduce this potential impact to below a level of significance.

Potential project-related noise effects from traffic were analyzed by comparing existing, future (existing plus cumulative growth), and estimated project-related traffic volumes, as provided by the traffic impact analysis prepared for the project by Hexagon Transportation Consultants (Appendix I). It was determined that the “future with project” traffic noise levels would increase by approximately 1 dBA along University Avenue and 2 dBA along Kipling Street. Based on the Federal Transit Administration noise impact criteria, a 2 dB increase in noise levels due to a project would result in a significant noise impact where the ambient noise levels without the project are in excess of 76 dB. Where noise levels are less than 76 dB, a project-generated noise level increase of more than 2 dB is required for a finding of significant noise impact. Since the ambient noise levels in the project area are less than 76 dB without the project, the maximum noise increase of 2 dBA would result in a less-than-significant impact to noise levels as a result of project generated traffic.

The project site is not located within an airport land use plan or in the vicinity of a private airstrip. The closest airport is the Palo Alto Airport, which is located approximately 3.3 miles northeast of the site. There would be no impact associated with noise from planes.

**Mitigation Measures**

**Mitigation Measure NOI-1:** *Residential Uses:* Window and exterior door assemblies with Sound Transmission Class (STC) rating up to 45 and upgraded exterior walls shall be used in the residential portion of the proposed building to achieve the City’s maximum instantaneous noise guideline for residential uses. The City of Palo Alto shall ensure that these standards are met through review of building plans as a condition of project approval.

*Commercial Uses:* Window and exterior door assemblies for the commercial portions of the building shall have a minimum STC rating of 32 at the corner of University Avenue and Kipling Street, and a minimum STC of 28 at all other commercial locations within the proposed building to comply with the State of California CalGreen noise standards (maximum interior noise level of 50 dB during the peak hour of traffic). The City of Palo Alto shall ensure that these standards are met through review of building plans as a condition of project approval.

**Mitigation Measure NOI-2:** The residential portion of the proposed building shall have a ventilation or air-conditioning system to provide a habitable interior environment when windows are closed.

**Mitigation Measure NOI-3:** Noise levels from rooftop equipment shall be reduced to meet the City of Palo Alto Noise Ordinance requirements. An enclosure or other sound-attenuation measures at the exhaust fans shall be provided to reduce rooftop equipment noise is no greater than 8 dB above the existing ambient level at potential future neighboring buildings to meet the property plane noise limit. Use of quieter equipment than assumed in this analysis may support reduced mitigation, which shall be evaluated by a qualified acoustical consultant.

**Significance after Mitigation**

Less than significant.

**M. 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, 3			<b>X</b>	
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	1, 2				<b>X</b>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	1, 2				<b>X</b>
d) Create a substantial imbalance between employed residents and jobs?	1, 2				<b>X</b>
e) Cumulatively exceed regional or local population projections?	1, 2				<b>X</b>

**DISCUSSION**

The project would replace two existing one-story retail buildings with a four-story mixed-use building that would include a net increase of 8,774 square feet of commercial and office space and four residential dwelling units. The increase of four residential units would not add substantial population, nor is the increased commercial or office space expected to induce substantial population growth. The addition of four dwelling units in the University Avenue/Downtown area would provide a small amount of housing in the Downtown area, thereby improving the jobs-housing balance in this employment center.

The project would not displace any housing or people. Standard conditions of approval require fees to cover any increased need for housing. The City addresses the community’s cumulative affordable housing needs through the Affordable Housing Fund, which is a local housing trust fund that provides financial assistance for the development of housing affordable to very low, low, and moderate-income households within the City. The Affordable Housing Fund is made up primarily of two sub-funds composed of local sources of housing monies: the Commercial Housing Fund and the Residential Housing Fund. The Commercial Housing Fund is funded through fees paid under the requirements of Chapter 16.47 of the PAMC. Under this requirement, the project applicant would be required to pay into the City’s Affordable Housing Fund at the time that building permits are issued. This fee is currently set at \$18.44 per square foot for nonresidential development and would be applied only to the new gross square footage of commercial space proposed to be constructed at the site.

The Residential Housing Fund is funded through the City’s Below-Market-Rate (BMR) Program, as expressed in Policy H-36 of the Housing Element and Chapter 18.14 of the PAMC. The BMR Program is intended to meet the City’s goal of retaining an economically balanced community. Specifically, residential projects with four or fewer dwelling units are exempt from the City’s BMR Program ordinance based on the City’s determination that construction of four or fewer units would not have a significant effect on affordable housing in the City, even in a cumulative context. As the project proposes construction of four residential units, it is exempt from the BMR program.

With compliance with the PAMC and standard conditions of approval regarding payment of the Affordable Housing Fee, impacts would be less than significant and no mitigation is required.

**Mitigation Measures**

None required.

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**N. PUBLIC SERVICES**

Issues and Supporting Information Resources  Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
Fire protection?	1, 2				<b>X</b>
Police protection?	1, 2				<b>X</b>
Schools?	1, 2				<b>X</b>
Parks?	1, 2				<b>X</b>
Other public facilities?	1, 2				<b>X</b>

**DISCUSSION**

The proposed project is located in an urban area that is currently served by the City Police and Fire Departments and the four proposed residential units would not cause a substantial increase in population that would demand additional services. In addition, the conditions of approval for the project contain requirements to address all fire prevention measures. Standard conditions of approval require fees to address any increased need for community facilities, schools, and housing. With payment of development impact fees for community facilities, schools, libraries, and parks, the project’s impact would be less than significant and no mitigation is required.

**Mitigation Measures**

None required.

**O. RECREATION**

Issues and Supporting Information Resources  Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	1, 2				<b>X</b>
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, 2				<b>X</b>

**DISCUSSION**

The proposed project would construct a new mixed-use building with commercial and office space and four residential units replacing two existing retail buildings. The 8,774-square-foot increase in commercial and office space and the addition of four residential units are not expected to have a significant effect on existing recreational facilities. Development impact fees for parks and community facilities for the increase in floor area and residential units are required per City ordinance. Therefore, no impact would occur and no mitigation is required.

**Mitigation Measures**

None required.

**P. 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, 2, 17			<b>X</b>	
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	1, 2, 17				<b>X</b>
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, 2				<b>X</b>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	1, 2		<b>X</b>		

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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				<b>X</b>
f) Result in inadequate parking capacity?	1, 2				<b>X</b>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian, transit & bicycle facilities)?	1, 2, 3				<b>X</b>
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, 17			<b>X</b>	
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, 17				<b>X</b>
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, 17				<b>X</b>
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, 17				<b>X</b>
l) Cause any change in traffic that would increase the Traffic Infusion on Residential Environment (TIRE) index by 0.1 or more?	1, 2, 17				<b>X</b>
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, 17			<b>X</b>	
n) Impede the development or function of planned pedestrian or bicycle facilities?	1, 2, 3				<b>X</b>
o) Impede the operation of a transit system as a result of congestion?	1, 2, 17				<b>X</b>
p) Create an operational safety hazard?	1, 2				<b>X</b>

**DISCUSSION**

Hexagon Transportation Consultants, Inc. prepared the *Transportation Impact Analysis for 429 University Avenue Mixed-Use* (Transportation Impact Analysis; Hexagon 2014, included in Appendix I). The analysis was completed in a manner consistent with other transportation impact studies in the City of Palo Alto and the Santa Clara Valley Transportation Authority (VTA) Traffic Impact Analysis guidelines. This includes use of the level of service (LOS) methodology described in Chapter 16 of the *2000 Highway Capacity Manual* (2000 HCM; TRB 2000) for signalized intersections, use of the LOS methodology described in Chapter 17 of the 2000 HCM for unsignalized intersections, and use of the methodologies and standards described in the VTA *2013 Congestion Management Plan* (CMP) for intersections included in the CMP (VTA 2013).

The magnitude of traffic generated by the proposed project was estimated by Hexagon by applying applicable trip generation rates to the existing and proposed building. These calculations (see Table 6) are based on the trip generation rates published in the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, ninth edition (ITE 2012). The project would replace existing retail/restaurant space of the same size; therefore, trip generation from the first floor retail/restaurant space is excluded from the analysis. In addition, the rooftop office/lunchroom is intended for use by office employees and it therefore included in the office space calculation for trip generation purposes only. The trip generation estimates do not reflect potential reductions from the robust transit, bicycle, and pedestrian access at the project location. In this respect, the project trip generation estimates are conservative.

**Table 6  
Project Trip Generation**

Land Use Type	Size	Daily Rate	Daily Trips	AM Peak Hour				PM Peak Hour			
				Rate <sup>1</sup>	In	Out	Total	Rate <sup>1</sup>	In	Out	Total
General Office	12.603 ksf	6.65	139	1.56	17	2	20	1.49	3	16	19
Apartment	4 du	11.03	27	0.51	0	2	2	0.62	1	1	2
<b>Net Project Trips</b>			<b>166</b>		<b>17</b>	<b>4</b>	<b>22</b>		<b>4</b>	<b>17</b>	<b>21</b>

Source: Hexagon 2014.

<sup>1</sup> Trip rates based on ITE 2012, Office (710), Apartment (230).

ksf = 1,000 square feet; du = dwelling units

The proposed project is calculated to cause 22 new AM peak hour trips and 21 new PM peak hour trips. Hexagon applied the project's trip generation and trip distribution estimates to each of the study intersections to determine whether the project would result in a significant change in LOS at any location. The Transportation Impact Analysis evaluated the following five intersections:

1. University Avenue and Kipling Street
2. Lytton Avenue and Kipling Street
3. University Avenue and Middlefield Road
4. Lytton Avenue and Middlefield Road
5. Lytton Avenue and Alma Street

The project would create a significant adverse impact on traffic conditions at a signalized intersection in the City of Palo Alto if for either peak hour:

1. The level of service at the intersection degrades from an acceptable LOS D or better under no project conditions to an unacceptable LOS E or F under project conditions, or

2. The level of service at the intersection is an unacceptable LOS E or F under no project conditions and the addition of project trips causes both the critical-movement delay at the intersection to increase by 4 seconds or more and the critical-movement volume-to-capacity ratio (V/C) to increase by .01 or more.

An exception to this rule applies when the addition of project traffic reduces the amount of average delay for critical movements (i.e. the change in average delay for critical movements is negative). In this case, the threshold of significance is an increase in the critical V/C value by .01 or more. The results of the LOS analysis are shown in Table 7.

**Table 7  
Project Effects on LOS and Delay**

Intersection (control)	Peak Hour	Average Delay (in seconds) and LOS							
		Existing	Existing Plus Project	$\Delta$ Critical Delay	$\Delta$ Critical V/C	Cumulative No Project	Cumulative Plus Project	$\Delta$ Critical Delay	$\Delta$ Critical V/C
1. University Avenue and Kipling Street (Signal)	AM	9.5 A	9.7 A	0.1	0.003	10.6 B	10.7 B	0.2	0.004
	PM	9.9 A	10.6 B	0.1	0.006	10.7 B	11.4 B	0.2	0.008
2. Lytton Avenue and Kipling Street (TWSC)	AM	17.6 C	17.7 C	--	--	22.9 C	23.0 C	--	--
	PM	15.0 B	15.1 C	--	--	18.6 C	19.1 C	--	--
3. University Avenue and Middlefield Road (Signal)	AM	28.2 C	28.2 C	0.0	0.001	28.6 C	28.6 C	0.0	0.001
	PM	31.3 C	31.3 C	0.0	0.000	<b>260.5</b> <b>F</b>	<b>260.3</b> <b>F</b>	0.0	0.000
4. Lytton Avenue and Middlefield Road (Signal)	AM	30.6 C	30.6 C	0.0	0.001	36.1 D	36.1 D	0.1	0.001
	PM	37.0 D	37.0 D	0.0	0.001	<b>158.5</b> <b>F</b>	<b>158.8</b> <b>F</b>	0.1	0.001
5. Lytton Avenue and Alma Street (Signal)	AM	18.0 B	18.1 B	0.2	0.002	18.6 B	18.7 B	0.2	0.003
	PM	20.9 C	21.0 C	0.2	0.002	23.6 C	23.8 C	0.2	0.002

TWSC = two-way stop control

**Bold** indicates a substandard level of service.

The results in Table 7 show that all of the intersections would continue to operate at acceptable levels of service (LOS D or better) during both the AM and PM peak hours of traffic under existing plus project conditions.

The results in Table 7 also show that two of the signalized study intersections (University Avenue & Kipling Street and Lytton Avenue & Alma Street) would continue to operate adequately (LOS D or better) under cumulative plus project conditions. Two other signalized intersections (University Avenue & Middlefield Road and Lytton Avenue & Middlefield Road) are expected to operate at unacceptable levels of service (LOS F) under cumulative conditions both with and without the project. The project traffic would not cause a significant impact on the operation of these intersections, based on the significance criteria described above. As shown in Table 7, project traffic would only increase the critical delay by 0.1 second and the critical V/C value by 0.001, which are less than the significance thresholds of 4 seconds and 0.01, respectively.

### Pedestrian, Bicycle, and Transit Facilities

The Transportation Impact Analysis conducted by Hexagon also considered impacts to pedestrian, bicycle, and transit facilities. The project location is approximately 0.5 miles from the Caltrain station and transit center and in a pedestrian and bicycle friendly downtown area, and the underground parking garage is proposed to include bike lockers and a shower room for employees. It is reasonable to assume that some employees would utilize transit or bicycles. Due to the project size, it is unlikely to produce significant bicycle trips or pedestrian trips or impact the nearby trains and buses. It is expected that these additional trips could easily be accommodated by the existing bicycle, pedestrian, and transit facilities.

### Site Access and Onsite Circulation

Access to the alley adjacent to the site (Lane 30) would be assisted by breaks in traffic on Waverly Street created by the nearby traffic signals at Lytton Avenue and University Avenue. In the event that a vehicle making a right turn out of the alley onto Kipling Street encountered a significant queue, the driver might choose to make a left turn onto Kipling Street and then onto Lytton Avenue to circle around the block. Such maneuvers are common in downtown settings during commute periods. Based on the estimated traffic generated during the peak periods, it is anticipated that the project's garage access to and from Lane 30 at Waverly and Kipling Streets, respectively, would operate acceptably and would be typical of a development in an urban setting with underground parking. To ensure safety for vehicles using the parking garage, Mitigation Measure TRANS-1 requires that mirrors and/or a warning light be installed at garage entrance/exit.

Truck access and loading would be provided adjacent to the project site via the alley (Lane 30). The alley is 20 feet in width and truck loading requires a width of 10 feet, which leaves the remaining 10 feet available for vehicles to pass in this one-way alley. The alley currently provides adequate truck access for other adjacent businesses, and it is expected that it would provide adequate access for the proposed project as well since the width of the alley would remain the same.

Adequate corner sight distance is required at the exit of the alley to ensure that drivers can see approaching vehicles on Kipling Street. Sight distance is typically measured approximately 10 feet back from the traveled way. The proposed project would provide a 4 foot setback from the edge of the alley. The project would also replace the large street tree nearest this corner which would improve the visibility of the roadway. The combination of the setback and the tree removal is expected to provide adequate visibility of other vehicles and pedestrians. Hexagon also prepared a review of traffic operations into and out of the alley adjacent to the site (Lane 30), which is included in Appendix I. Lane 30 runs between Waverley Street and Kipling Street and is designed for one-way traffic, with vehicles entering from Waverley Street and driving eastbound to exit onto Kipling Street. There is a loading zone along a portion of the northern side of the alley near Waverley Street and 18 total parking spaces along the southern side. The available parking is used primarily by employees at the businesses with doors onto the alley. The northern side of the alley has a few dumpsters for the adjacent businesses; these dumpsters still leave at least 15 feet for a traveled way. The total clearspace in the alley varies in width from 20 feet building-to-building near Waverley, to approximately 40 feet along 415-423 University Avenue.

Observations of traffic activity in the alley were conducted by Hexagon on Thursday, June 11, 2015 and traffic counts were conducted on Thursday, June 18, 2015. The counts showed that the alley carried 68 cars and light trucks, 7 heavy trucks, 16 bicycles, and 108 pedestrian trips between the hours of 6 AM and 8 PM (daylight hours). Observations showed that between the hours of 9 AM and 4 PM, pedestrians accounted for 56% of trips into and out of the alley, passenger vehicles accounted for 31%, and delivery vehicles accounted for 10%. Both pedestrians and vehicles used the alley as a shortcut (i.e., traveled from one end to the other) as well as to access businesses located off of the alley. While some delivery trucks were observed using the loading zone, several



double parked to make their deliveries or stopped in the No Parking zone near Kipling Street. Vehicles parked in the No Parking zone generally cut the available width of the alley in half, from 20 feet to 10 feet.

While most of the vehicles using the parking spaces along the southern side of the alley entered from Waverley Street and left via Kipling Street, most of the vehicles parking behind the 429-447 University Avenue building entered the alley from Kipling Street, against a One Way sign. Most of the vehicles entering the wrong direction approached the alley from southbound Kipling Street. Coming from that direction, the signage indicating that the alley is one way is not prominent.

The entrance to the alley at Waverley Street has good visibility for vehicles turning off of Waverley. Parked cars along the southbound side of Kipling Street were the main factor limiting the visibility of vehicles exiting the alley. Two large street trees adjacent to the curb cut further obstructed drivers' views onto Kipling Street. The proposed project would include removal of the southern tree, to be replaced by a narrower tree approximately 15 feet back from the property line and curb cut, eliminating the visual obstruction for drivers looking to their right as they exit the alley. The corner of the proposed building would improve the sight lines onto Kipling Street, as the building would obstruct less than the existing street parking and street trees, and visibility of approaching vehicles would be very similar on both the driver's left and right. Drivers exiting the alley would be likely to be driving down the center of the alley, which gives them about 7 feet of clearance on each side. This clear space allows view of pedestrians on the sidewalk. Despite the sight distance challenges, under existing conditions, drivers appeared to have no difficulty safely turning out of the alley onto Kipling Street.

Vehicles entering right-angled parking spaces along the alley have ample space to turn, even with the dumpsters lining some portions of the alley. The proposed project would similarly have ample space for drivers to enter and exit the underground parking garage. The alley would be used by future building tenants accessing the underground parking garage in the same way that it is currently used. There is no potential impact from the proposed building on the operation of the alley, as it would continue to operate as it does currently.

The onsite circulation was reviewed in accordance with generally accepted traffic engineering standards. Generally, the proposed plan would provide one main drive aisle that would lead to an underground parking structure. Parking is shown at 90 degrees to the main drive aisle. This drive aisle makes several 90 degree turns to spiral down to the farthest parking spaces. The City parking facility design standards specify a minimum width of 16 feet for two-way underground ramps; 25 feet for two-way drive aisles lined with 8.5 foot wide, 90 degree spaces; and maximum slope of 2% adjacent to accessible parking spaces. Additionally, bike lockers require a five foot aisle in front of the door openings. The proposed parking plan meets these minimum specifications, as well as providing the minimum dimensions for standard, accessible, and van-accessible spaces. However, due to the limited footprint of the underground parking, vehicles are required to navigate tight 90 degree turns near the ends of both ramps and the middle of the lower ramp, where sight lines may be restricted. To ensure safety for vehicles using the parking garage, Mitigation Measure TRANS-2 requires that mirrors be installed in the parking garage to provide adequate site distance.

### Parking

The project was also found to meet the applicable parking requirements of the PAMC. Specifically, the PAMC requires that the project provide one parking space for every 250 square feet of new commercial space and two spaces for each of the residential units plus guest spaces (one space plus 10%). The proposed project would require ~~82~~ 81.6 parking spaces for 20,407 square feet of commercial use and ~~10~~ 9.4 parking spaces for four residential units, for a total of ~~92~~ 91 parking spaces. However, the property was previously assessed and paid in-lieu fees for 37 parking spaces in the University Avenue Parking Assessment District and is eligible to receive 5,000 square feet of TDRs exempted from parking (equivalent to 20 parking spaces). Based on these adjustments, the project is required to provide a total of ~~35~~ 34 vehicle parking spaces. The project proposes to include a total of

40 parking spaces, exceeding the parking requirement by ~~five~~ six spaces. The 40 parking spaces would be provided in the two-level underground parking garage.

The project would also meet the applicable bicycle parking requirements. PAMC Section 18.52.040 requires 1 bicycle space per 2,500 square feet of gross floor area, with a mix of 80% for long-term parking and 20% for short-term parking. In addition, 4 long-term bicycle spaces (1 per unit) are required for the residential units. The project is required to provide 13 total bicycle parking spaces. As reflected in the site plans, the project proposes to provide 7 long-term bicycle parking spaces within the underground parking garage and 6 short-term bicycle parking spaces near the entrances of the building on University Avenue and Kipling Street. The bicycle parking spaces provided on the project site meet the requirements of Ordinance 18.52.040 and follow layout requirements of PAMC Section 18.54.060.

While this project does not include an explicit transportation demand management (TDM) plan, several elements common to TDM are present. Most importantly, the project is located in a transit-rich and pedestrian friendly location. Second, the project proposes to include both bicycle lockers and a restroom with a shower. Both of these features should result in some reduction in automobile trips generated by the project and reduce the amount of parking needed by employees. In addition, the project is in a good location for transit-related TDM strategies that may be implemented by future tenants, such as Caltrain and VTA Go Passes or reimbursement of transit fares. However, due to the small project trip generation, a TDM plan is not necessary to reduce peak hour trips.

**Mitigation Measures**

**Mitigation Measure-TRANS-1:** Mirrors shall be installed at the parking garage driveway to allow drivers to see when a pedestrian or vehicle is approaching in Lane 30.

**Mitigation Measure-TRANS-2:** Mirrors shall be installed at each turn within the parking garage to provide adequate sight distance.

**Significance after Mitigation**

Less than significant.

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**Q. 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				<b>X</b>
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				<b>X</b>
c) Require or result in the construction of new	1, 2			<b>X</b>	

Issues and Supporting Information Resources  Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?					
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	1, 2				<b>X</b>
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, 2				<b>X</b>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	1, 2				<b>X</b>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	1, 2				<b>X</b>
h) Result in a substantial physical deterioration of a public facility due to increased use as a result of the project?	1, 2				<b>X</b>

**DISCUSSION**

The proposed project would not significantly increase the demand on existing utilities and service systems, or use resources in a wasteful or inefficient manner. Standard conditions of approval require the applicant to submit calculations by a registered civil engineer to show that the on-site and off-site water, sewer, and fire systems are capable of serving the needs of the development and adjacent properties during peak flow demands. The project would tie into the City's existing water, wastewater, and storm drain infrastructure and would not require the construction of new water or wastewater treatment facilities. In addition, the project would comply with the green building requirements set forth in the California Green Building Code and the City's Build It Green program. This would ensure that water conservation and solid waste reduction measures are included in the project to reduce demands for utility services. The project's impacts on utility services would be less than significant and no mitigation is required.

**Mitigation Measures**

None required.

**R. 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

Environmental Checklist  
City of Palo Alto

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			<b>X</b>	
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			<b>X</b>	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	1, 2		<b>X</b>		

**DISCUSSION**

The proposed project would not have an impact on fish or wildlife habitat, nor would it impact cultural or historic resources with mitigation as described in Sections D and E. As described in Section A, Aesthetics, the proposed use is appropriate for the site and although the project would alter the visual character of the site, the building has been designed to ensure that it does not result in an adverse visual impact. The project’s impacts would all be reduced to below a level of significance through implementation of the mitigation measures described in the previous sections. The project would therefore not result in any cumulatively considerable impacts. There is nothing in the nature of the proposed development and property improvements that would have a substantial adverse effect on human beings, or other life or environmental impacts once mitigation is implemented to reduce potential impacts from hazardous materials and noise as described in Sections H and L.

### III SOURCE REFERENCES

#### SOURCES (CHECKLIST KEY)

1. Project Planner's knowledge of the site and the proposed project.
2. Project Plans, updated 2015 (Appendix A)
3. Palo Alto Comprehensive Plan 1998–2010 (City of Palo Alto 2007)
4. Palo Alto Municipal Code, Title 18, Zoning Ordinance
5. Palo Alto Municipal Code, Section 8.10.030, Tree Technical Manual
6. Air Quality Modeling Results, 2014 (Appendix B)
7. Cultural Resources Memorandum (Appendix C)
8. Historic Architectural Evaluations, 2014, updated 2015 (Appendix D)
9. Geotechnical Investigation, 2013 (Appendix E)
10. Phase I ESA 425 University Avenue and 450 Kipling Street, 2014 (Appendix F)
11. Phase I ESA for the Commercial Buildings, 1999 (Appendix F)
12. Environmental Transaction Screen, 429–447 University Avenue, 2010 (Appendix F)
13. Impervious Area Worksheet for Land Developments, 2014 (Appendix G)
14. Special Projects Worksheet, 2014 (Appendix G)
15. Environmental Noise Study, 2014 (Appendix H)
16. Palo Alto Municipal Code, Section 9.10, Noise Ordinance
17. Traffic Impact Analysis, 2014, updated 2015 (Appendix I)
- ~~17.~~ 18. Shadow Study, 2015 (Appendix J)

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- California Public Resources Code, Chapter 8, Z’Berg-Nejedly Forest Practice Act of 1973, Article 2, Definitions, Section 4526, “Timberland.”
- California Public Resources Code, Article 3, Definitions, Section 12220(g), “Forest land.”
- California Public Resources Code, Sections 42160–42185. Metallic Discards Act of 1991.

- CARB (California Air Resources Board). 2008. *Climate Change Scoping Plan: A Framework for Change*. December 2008. <http://www.arb.ca.gov/cc/scopingplan/document/scopingplandocument.htm>.
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- FEMA (Federal Emergency Management Agency). 2009. Flood Insurance Rate Map, Santa Clara County, California. Map Number 06085C0010H. May 18, 2009.
- PAMC (Palo Alto Municipal Code). <http://www.cityofpaloalto.org/gov/depts/clk/municode.asp>.
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## REPORT PREPARERS

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Katherine Waugh, AICP  
Christine Kronenberg, AICP  
[Christine Wolfe](#)

**IV DETERMINATION**

On the basis of this initial evaluation:

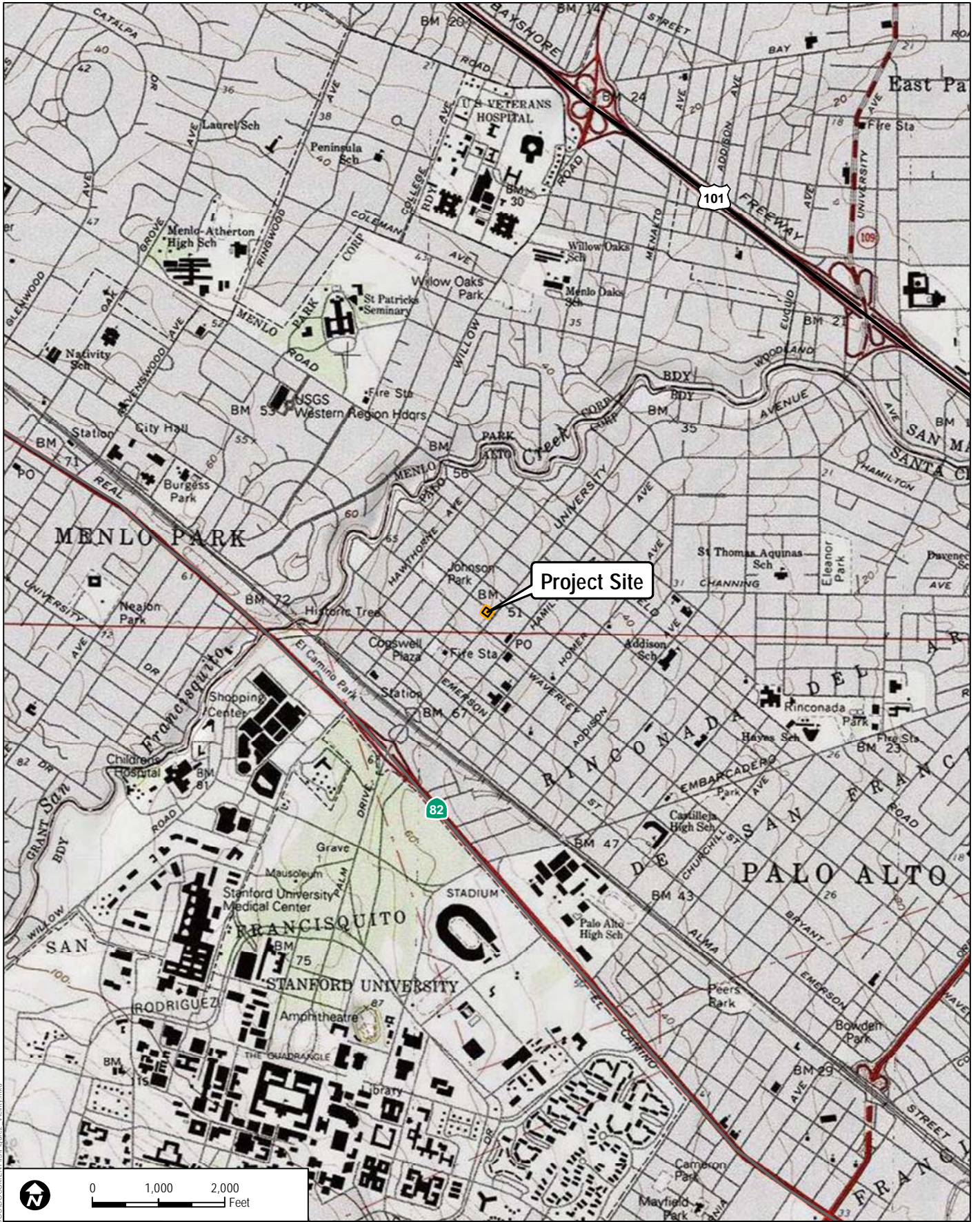
<p><b>I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.</b></p>	
<p><b>I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.</b></p>	<p><b>X</b></p>
<p><b>I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.</b></p>	
<p><b>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.</b></p>	
<p><b>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.</b></p>	

\_\_\_\_\_  
Project Planner

\_\_\_\_\_  
Date







0 1,000 2,000  
Feet

**DUDEK**

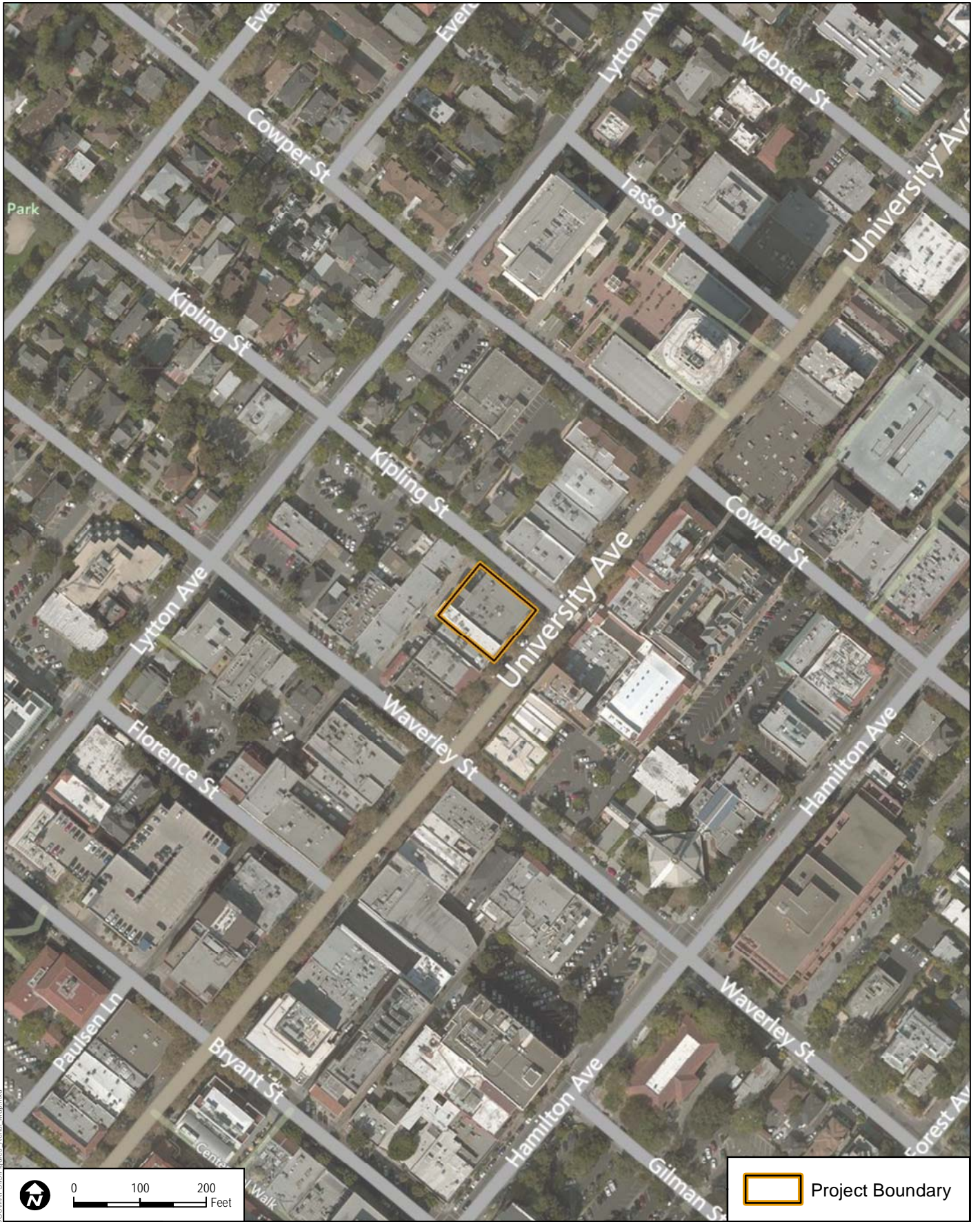
SOURCE: USGS 7.5-Minute Series Palo Alto Quadrangle.

8576

429 UNIVERSITY AVENUE INITIAL STUDY

**FIGURE 2**  
**Vicinity Map**

Path: Z:\Projects\8576\1\MapDocs\DOCUMENTS\VicinityMap2\_Vicinity.mxd



Path: Z:\Projects\819401\MAPDOC\MAPS\FIGURE3\_Aerial\_Map.mxd



0 100 200  
Feet



Project Boundary

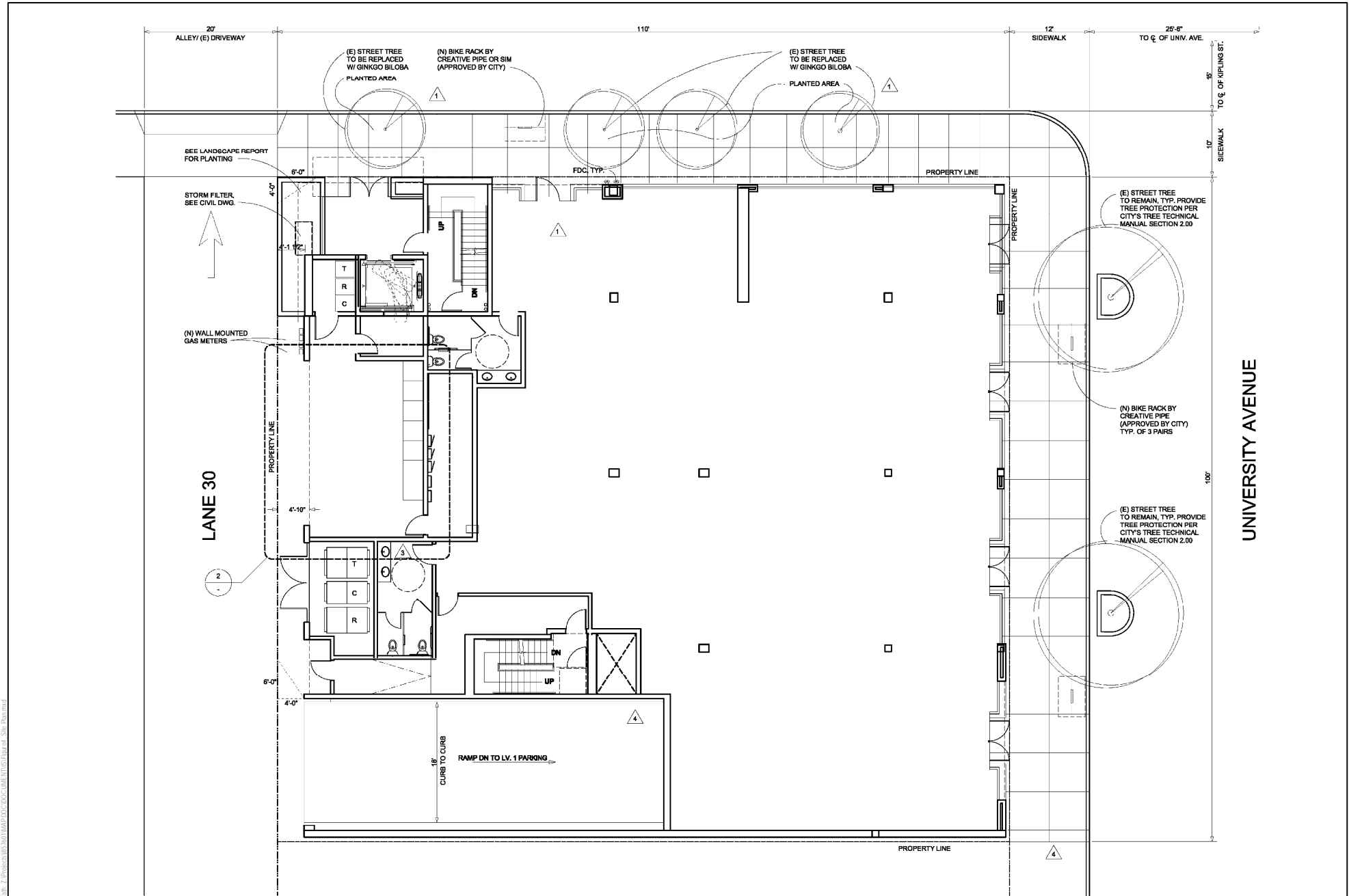
**DUDEK**

SOURCE: BING 2014

**FIGURE 3**  
**Aerial Map**

8576

429 UNIVERSITY AVENUE INITIAL STUDY



SOURCE: Kipling Post LP 2015



429 University Avenue Initial Study

**FIGURE 4**  
Site Plan

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

## I. DESCRIPTION OF PROJECT

**Date:** November 21, 2014, updated on August 31, 2015

**Project Name:** 429 University Avenue

**Project Location:** The 0.25-acre project site is located in the northern section of the City of Palo Alto, in the northern part of Santa Clara County, east of State Route 82 (El Camino Real) and west of U.S. Highway 101. The project site is located on the northwestern corner of University Avenue and Kipling Street.

**Project Proponent:** Elizabeth Wong for Kipling Post LP

**City Contact:** Christy Fong  
 Planner, Department of Planning and Community Environment  
 City of Palo Alto  
 250 Hamilton Avenue  
 Palo Alto, CA 94301

### Project Description:

The proposed project involves demolition of two one-story retail buildings located at 425 University Avenue (APN 120-15-029) and 429 University Avenue (APN 120-15-028) totaling 11,633 square feet (4,425 square feet and 7,208 square feet, respectively) on separate parcels, and construction of a new four-story mixed-use building with two levels of underground parking (Figure 4, Site Plan). The two parcels would be combined to create a single 11,000-square-foot parcel. The new building is proposed to be 31,407 square feet in gross floor area and would cover 9,478 square feet of the site in approximately the same location as the existing buildings. The total increase in gross floor area would be 19,774 square feet. The proposed building would provide 20,407 square feet of commercial space (an increase of 8,774 square feet) and 11,000 square feet of residential land uses. A total of four residential apartment units would be provided, for a residential density of 16 units per acre.

The maximum proposed building height is 50 feet and the FAR would be 2.86. The base FAR in the CD-C district is 1.0; however, the FAR may be increased with transfers of development rights (TDRs) and/or bonuses for seismic and historic rehabilitation upgrades, not to exceed a total site FAR of 3.0. The proposed project FAR is achieved through the transfer of 4,207 square feet that requires parking, 5,000 square feet that is exempt from parking, TDR from separate properties, and a one-time 200-square-foot parked bonus for the project.

Building design would include stone and crystalized glass panels around the University Avenue/Kipling Street corner. The stone framework would be divided into segments that reflect the pattern of facades along the street. The third and fourth floors would be stepped back from the façade to create depth and visual interest, while also providing terraces for residents and guests of the building. The project proposes retail entrances along University Avenue and Kipling Street. The entry lobby for the residential and office

uses would be located on Kipling Street. The building would be set back approximately 4 to 6 feet from Lane 30 to allow for pedestrian accessibility in the rear of the building and a raised planter would be located at the corner of the alley to provide a transition to the landscaped frontages along Kipling Street.

The proposed project would require 81.6 parking spaces for 20,407 square feet of commercial use and 9.4 parking spaces for 4 residential units, for a total of 91 parking spaces. However, the property was previously assessed and paid in lieu fees for 37 parking spaces in the University Avenue Parking Assessment District and is eligible to receive 5,000 square feet of TDRs exempted from parking (equivalent to 20 parking spaces). Based on these adjustments, the project is required to provide a total of 34 vehicle parking spaces. The project proposes to include a total of 40 parking spaces, exceeding the parking requirement by six spaces. The 40 parking spaces would be provided in the two-level underground parking garage. Seven long-term bicycle parking spaces would also be provided within the underground parking garage, and six short-term bicycle parking spaces would be located near the building entrances on University Avenue and Kipling Street, for a total of 13 bicycle parking spaces.

The proposed project is designed in accordance with the City's Green Building Ordinance, which requires compliance with California Green Building Code Tier 1 and Green Point rater (for the residential portion) with Local Amendments. The project would use both conventional and sustainable building materials, including a concrete frame, high-efficiency glazing systems, cut stone, glass tile, plaster finishes, abundant day-lighting and sun-shading systems, and an energy-efficient cool roof. The project would also include facilities for carpool/clean air vehicles and electric vehicle charging stations.

The proposed project would involve the removal of four existing street trees on Kipling Street, and the replacement of these trees with four new street trees on Kipling Street. Both of the two existing street trees on University Avenue would be retained.

## 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 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 have been added to the project and, therefore, a **MITIGATED NEGATIVE DECLARATION** is hereby adopted.

The attached initial study prepared for this project 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 BIO-1:** The following measures shall be implemented to reduce impacts to protected trees:

- City of Palo Alto (City)-approved Modified Type III fencing shall be installed for the two street trees to be retained along University Avenue. City-approved tree protection signs shall be posted on all fencing.
- Soil conditions for the four new trees to be planted along Kipling Street shall be improved by preparing a planting area at least 6 feet square for each tree and installing Silva Cells to reduce compaction. The Silva Cells shall be filled with proper soil amendments and growing medium as determined by the City Arborist.
- Unless otherwise approved, each new tree shall be provided with 1,200 cubic feet of rootable soil area, utilizing Standard Drawing #604/513. Rootable soil is defined as compaction less than 90% over the area, not including sidewalk base areas.
- Two bubbler drip irrigation units shall be installed for each new tree to adequately water the new planting area.
- New sidewalk shall be installed such that the final planting space opening is at least 5 feet by 5 feet for each new tree.
- Kiva tree grates shall be used around each new tree.
- Replacement tree size shall be a 36-inch box, properly structured nursery stock.
- Based on growth habit and proven performance, *Ginkgo biloba* "Autumn Gold" is highly recommended for the replacement trees. Other tree species may be approved by the City Arborist.
- All work within the Tree Protection Zone, including canopy pruning of protected trees, shall be supervised by a Certified Arborist approved by the City.

**Mitigation Measure CUL-1:** Prior to commencement of site clearing and project grading, the project applicant shall retain a qualified archaeologist to train construction personnel regarding how to recognize cultural resources (such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains) that could be encountered during construction activities. If artifacts or unusual amounts of shell or bone or other items indicative of buried archaeological resources or human remains are encountered during earth disturbance associated with the proposed project, the on-site contractor shall immediately notify the City of Palo Alto (City) and the Native American Heritage Commission as appropriate. All soil-disturbing work shall be halted within 100 feet of the discovery until a qualified archaeologist, as defined by the California Environmental Quality Act (CEQA) Guidelines (14 CCR 15000 et seq.) and the City, completes a significance evaluation of the finds pursuant to Section 106 of the National Historic Preservation Act. Any human remains unearthed shall be treated in accordance with California Health and Safety Code, Section 7050.5, and California Public Resources Code, Sections 5097.94, 5097.98, and 5097.99, which include requirements to notify the Santa Clara County Medical Examiner's office and consult with Native American representatives determined to be the Most Likely Descendants, as appointed by the Native American Heritage Commission. Identified cultural resources shall be recorded on State Department of Parks and Recreation Form 523 (archaeological sites). Mitigation measures prescribed by the Native American Heritage Commission, the Santa Clara County Medical Examiner's office, and any Native American representatives determined to be the Most Likely Descendants and required by the City shall be undertaken before construction activities are resumed. If disturbance of a project area cultural resource cannot be avoided, a mitigation program, including measures set forth in the City's Cultural Resources Management Program and in compliance with Sections 15064.5 and 15126.4 of the CEQA Guidelines, shall be implemented.

**Mitigation Measure HAZ-1:** Prior to building demolition, the project applicant shall demonstrate to the satisfaction of the City of Palo Alto that a survey of the existing buildings has been conducted by a qualified environmental specialist who meets the requirements of the current U.S. Environmental Protection Agency regulations for suspected lead-containing materials (LCMs), including lead-based paint/coatings; asbestos containing materials (ACMs); and the presence of polychlorinated biphenyls



(PCBs). Any demolition activities likely to disturb LCMs or ACMs shall be carried out by a contractor trained and qualified to conduct lead- or asbestos-related construction work. If found, LCMs and ACMs shall be disposed of in accordance with state and federal regulations, including the EPA's Asbestos National Emissions Standards for Hazardous Air Pollutants, the Cal-OSHA Construction Lead Standard (CCR Title 8, Section 1432.1), and California Department of Toxic Substances Control and EPA requirements for disposal of hazardous waste. If PCBs are found, these materials shall be managed in accordance with the Metallic Discards Act of 1991 (California Public Resources Code, Sections 42160–42185) and other state and federal guidelines and regulations. Demolition plans and contract specifications shall incorporate any necessary abatement measures in compliance with the Metallic Discards Act, particularly Section 42175, Materials Requiring Special Handling, for the removal of mercury switches, PCB-containing ballasts, and refrigerants.

**Mitigation Measure NOI-1: Residential Uses:** Window and exterior door assemblies with Sound Transmission Class (STC) rating up to 45 and upgraded exterior walls shall be used in the residential portion of the proposed building to achieve the City's maximum instantaneous noise guideline for residential uses. The City of Palo Alto shall ensure that these standards are met through review of building plans as a condition of project approval.

*Commercial Uses:* Window and exterior door assemblies for the commercial portions of the building shall have a minimum STC rating of 32 at the corner of University Avenue and Kipling Street, and a minimum STC of 28 at all other commercial locations within the proposed building to comply with the State of California CalGreen noise standards (maximum interior noise level of 50 dB during the peak hour of traffic). The City of Palo Alto shall ensure that these standards are met through review of building plans as a condition of project approval.

**Mitigation Measure NOI-2:** The residential portion of the proposed building shall have a ventilation or air-conditioning system to provide a habitable interior environment when windows are closed.

**Mitigation Measure NOI-3:** Noise levels from rooftop equipment shall be reduced to meet the City of Palo Alto Noise Ordinance requirements. An enclosure or other sound-attenuation measures at the exhaust fans shall be provided to reduce rooftop equipment noise is no greater than 8 dB above the existing ambient level at potential future neighboring buildings to meet the property plane noise limit. Use of quieter equipment than assumed in this analysis may support reduced mitigation, which shall be evaluated by a qualified acoustical consultant.

**Mitigation Measure-TRANS-1:** Mirrors shall be installed at the parking garage driveway to allow drivers to see when a pedestrian or vehicle is approaching in Lane 30.

**Mitigation Measure-TRANS-2:** Mirrors shall be installed at each turn within the parking garage to provide adequate sight distance.

  
\_\_\_\_\_  
**Prepared by Project Planner**

8/31/2015  
**Date**

\_\_\_\_\_  
**Adopted by**  
**Director of Planning and Community Environment**  
*Signed after the Mitigated Negative Declaration has been approved*

\_\_\_\_\_  
**Date**

WE, THE UNDERSIGNED, HEREBY ATTEST THAT WE HAVE REVIEWED THE INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION FOR THE PROJECT DESCRIBED ABOVE AND AGREE TO IMPLEMENT ALL MITIGATION MEASURES CONTAINED THEREIN.

\_\_\_\_\_  
**Project Applicant's Signature**

\_\_\_\_\_  
**Date**

# 429 University Avenue Project Mitigation Monitoring Program

## INTRODUCTION

Section 15097 of the Guidelines for the California Environmental Quality Act (CEQA) requires that, whenever a public agency approves a project based on a Mitigated Negative Declaration (MND) or an Environmental Impact Report (EIR), the public agency shall establish a mitigation monitoring or reporting program to ensure that all adopted mitigation measures are implemented.

This Mitigation Monitoring Program (MMP) is intended to satisfy this requirement of the CEQA Guidelines as it relates to the 429 University Avenue project. This MMP would be used by City staff and mitigation monitoring personnel to ensure compliance with mitigation measures during project implementation. Mitigation measures identified in this MMP were developed in the Initial Study prepared for the proposed project.

As noted above, the intent of the MMP is to ensure the effective implementation and enforcement of all adopted mitigation measures. The MMP will provide for monitoring of construction activities, as necessary, and in the field identification and resolution of environmental concerns.

## MITIGATION MONITORING PROGRAM DESCRIPTION

The City of Palo Alto will coordinate monitoring activities and ensure appropriate documentation of mitigation measure implementation. The table below identifies each mitigation measure for the 429 University Avenue Project and the associated implementation, monitoring, timing and performance requirements.

The MMP table presented on the following pages identifies:

1. the full text of each applicable mitigation measure;
2. the party or parties responsible for implementation and monitoring of each measure;
3. the timing of implementation of each mitigation measure including any ongoing monitoring requirements; and
4. performance criteria by which to ensure mitigation requirements have been met.

Following completion of the monitoring and documentation process, the final monitoring results will be recorded and incorporated into the project file maintained by the City's Department of Planning and Community Environment.

It is noted that the mitigation measure numbering reflects the numbering used in the Initial Study prepared for the 429 University Avenue Project (Dudek 2014).

## 429 University Avenue Project Mitigation Monitoring Program

No mitigation measures are required for the following resources:		
<ul style="list-style-type: none"> <li>▪ Aesthetics</li> <li>▪ Agricultural Resources</li> <li>▪ Air Quality</li> <li>▪ Geology, Soils, and Seismicity</li> </ul>	<ul style="list-style-type: none"> <li>▪ Greenhouse Gas Emissions</li> <li>▪ Hydrology and Water Quality</li> <li>▪ Land Use and Planning</li> <li>▪ Mineral Resources</li> </ul>	<ul style="list-style-type: none"> <li>▪ Population and Housing</li> <li>▪ Public Services</li> <li>▪ Recreation</li> <li>▪ Utilities and Service Systems</li> </ul>

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing	Performance Evaluation Criteria
<b>BIOLOGICAL RESOURCES</b>				
<p><b>Mitigation Measure BIO-1:</b> The following measures shall be implemented to reduce impacts to protected trees:</p> <ul style="list-style-type: none"> <li>• City of Palo Alto (City)-approved Modified Type III fencing shall be installed for the two street trees to be retained along University Avenue. City-approved tree protection signs shall be posted on all fencing.</li> <li>• Soil conditions for the four new trees to be planted along Kipling Street shall be improved by preparing a planting area at least 6 feet square for each tree and installing Silva Cells to reduce compaction. The Silva Cells shall be filled with proper soil amendments and growing medium as determined by the City Arborist.</li> <li>• Unless otherwise approved, each new tree shall be provided with 1,200 cubic feet of rootable soil area, utilizing Standard Drawing #604/513. Rootable soil is defined as compaction less than 90% over the area, not including sidewalk base areas.</li> <li>• Two bubbler drip irrigation units shall be installed for each new tree to adequately water the new planting area.</li> <li>• New sidewalk shall be installed such that the final planting space opening is at least 5 feet by 5 feet for each new tree.</li> </ul>	Applicant	City of Palo Alto Urban Forestry Group/Planning Division Arborist	<ul style="list-style-type: none"> <li>• Prior to issuance of demolition, grading, and building permits</li> <li>• During demolition, excavation, and construction</li> </ul>	<ul style="list-style-type: none"> <li>• Approved site plans reflect applicable conditions</li> <li>• Field inspections conducted to verify adherence to conditions</li> </ul>

## 429 University Avenue Project Mitigation Monitoring Program

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing	Performance Evaluation Criteria
<ul style="list-style-type: none"> <li>• Kiva tree grates shall be used around each new tree.</li> <li>• Replacement tree size shall be a 36-inch box, properly structured nursery stock.</li> <li>• Based on growth habit and proven performance, <i>Ginkgo biloba</i> "Autumn Gold" is highly recommended for the replacement trees. Other tree species may be approved by the City Arborist.</li> <li>• All work within the Tree Protection Zone, including canopy pruning of protected trees, shall be supervised by a Certified Arborist approved by the City.</li> </ul>				
<b>CULTURAL RESOURCES</b>				
<p><b>Mitigation Measure CUL-1:</b> Prior to commencement of site clearing and project grading, the project applicant shall retain a qualified archaeologist to train construction personnel regarding how to recognize cultural resources (such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains) that could be encountered during construction activities. If artifacts or unusual amounts of shell or bone or other items indicative of buried archaeological resources or human remains are encountered during earth disturbance associated with the proposed project, the on-site contractor shall immediately notify the City of Palo Alto (City) and the Native American Heritage Commission as appropriate. All soil-disturbing work shall be halted within 100 feet of the discovery until a qualified archaeologist, as defined by the California Environmental Quality Act (CEQA) Guidelines (14 CCR 15000 et seq.) and the City, completes a significance evaluation of the finds pursuant to Section 106 of the National Historic Preservation Act. Any human remains unearthed shall be treated in accordance with California Health and Safety Code, Section 7050.5, and California Public Resources Code, Sections 5097.94, 5097.98, and 5097.99, which include requirements to</p>	Applicant	City of Palo Alto	Prior to and during earth disturbance	<ul style="list-style-type: none"> <li>• Training materials provided to construction contractors</li> <li>• Field inspections conducted to verify compliance</li> </ul>

## 429 University Avenue Project Mitigation Monitoring Program

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing	Performance Evaluation Criteria
<p>notify the Santa Clara County Medical Examiner's office and consult with Native American representatives determined to be the Most Likely Descendants, as appointed by the Native American Heritage Commission. Identified cultural resources shall be recorded on State Department of Parks and Recreation Form 523 (archaeological sites). Mitigation measures prescribed by the Native American Heritage Commission, the Santa Clara County Medical Examiner's office, and any Native American representatives determined to be the Most Likely Descendants and required by the City shall be undertaken before construction activities are resumed. If disturbance of a project area cultural resource cannot be avoided, a mitigation program, including measures set forth in the City's Cultural Resources Management Program and in compliance with Sections 15064.5 and 15126.4 of the CEQA Guidelines, shall be implemented.</p>				
<b>HAZARDS AND HAZARDOUS MATERIALS</b>				
<p><b>Mitigation Measure HAZ-1:</b> Prior to building demolition, the project applicant shall demonstrate to the satisfaction of the City of Palo Alto that a survey of the existing buildings has been conducted by a qualified environmental specialist who meets the requirements of the current U.S. Environmental Protection Agency regulations for suspected lead-containing materials (LCMs), including lead-based paint/coatings; asbestos containing materials (ACMs); and the presence of polychlorinated biphenyls (PCBs). Any demolition activities likely to disturb LCMs or ACMs shall be carried out by a contractor trained and qualified to conduct lead- or asbestos-related construction work. If found, LCMs and ACMs shall be disposed of in accordance with state and federal regulations, including the EPA's Asbestos National Emissions Standards for Hazardous Air Pollutants, the Cal-OSHA Construction Lead Standard (CCR Title 8, Section 1432.1), and California Department of Toxic Substances Control and EPA</p>	Applicant	City of Palo Alto Department of Planning and Community Environment	Prior to issuance of demolition permit and during demolition	Building survey report submitted LCMs and ACMs handled by qualified contractor and disposed of in accordance with the U.S. Environmental Protection Agency's (EPA) Asbestos National Emissions Standards for Hazardous Air Pollutants, the California Occupational Health and Safety's

## 429 University Avenue Project Mitigation Monitoring Program

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing	Performance Evaluation Criteria
<p>requirements for disposal of hazardous waste. If PCBs are found, these materials shall be managed in accordance with the Metallic Discards Act of 1991 (California Public Resources Code, Sections 42160–42185) and other state and federal guidelines and regulations. Demolition plans and contract specifications shall incorporate any necessary abatement measures in compliance with the Metallic Discards Act, particularly Section 42175, Materials Requiring Special Handling, for the removal of mercury switches, PCB-containing ballasts, and refrigerants.</p>				<p>Construction Lead Standard (CCR Title 8, Section 1432.1), and California Department of Toxic Substances Control and EPA requirements for disposal of hazardous waste.</p> <p>PCBs, mercury and other hazardous building materials handled by qualified contractor and disposed of in accordance with applicable regulations as identified.</p>
<b>NOISE</b>				
<p><b>Mitigation Measure NOI-1:</b> Residential Uses: Window and exterior door assemblies with Sound Transmission Class (STC) rating up to 45 and upgraded exterior walls shall be used in the residential portion of the proposed building to achieve the City's maximum instantaneous noise guideline for residential uses. The City of Palo Alto shall ensure that these standards are met through review of building plans as a condition of project approval.</p> <p>Commercial Uses: Window and exterior door assemblies for the commercial portions of the building shall have a minimum STC rating of 32 at the corner of University Avenue and Kipling Street, and a minimum STC of 28 at all other commercial</p>	Applicant	City of Palo Alto Department of Planning and Community Environment	Prior to issuance of building permit	<p>Approved building plans shall include window sound transmission ratings and interior noise levels verification from a qualified acoustical consultant.</p>

## 429 University Avenue Project Mitigation Monitoring Program

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing	Performance Evaluation Criteria
locations within the proposed building to comply with the State of California CalGreen noise standards (maximum interior noise level of 50 dB during the peak hour of traffic). The City of Palo Alto shall ensure that these standards are met through review of building plans as a condition of project approval.				
<b>Mitigation Measure NOI-2:</b> The residential portion of the proposed building shall have a ventilation or air-conditioning system to provide a habitable interior environment when windows are closed.	Applicant	City of Palo Alto Department of Planning and Community Environment	Prior to issuance of building permit	Approved building plans shall include details of the residential ventilation system.
<b>Mitigation Measure NOI-3:</b> Noise levels from rooftop equipment shall be reduced to meet the City of Palo Alto Noise Ordinance requirements. An enclosure or other sound-attenuation measures at the exhaust fans shall be provided to reduce rooftop equipment noise is no greater than 8 dB above the existing ambient level at potential future neighboring buildings to meet the property plane noise limit. Use of quieter equipment than assumed in this analysis may support reduced mitigation, which shall be evaluated by a qualified acoustical consultant.	Applicant	City of Palo Alto Department of Planning and Community Environment	Prior to issuance of building permit	Approved building plans shall include garage exhaust fan manufacturer's information regarding equipment noise levels and noise attenuation details
<b>TRANSPORTATION AND TRAFFIC</b>				
<b>Mitigation Measure TRANS-1:</b> Mirrors shall be installed at the parking garage driveway to allow drivers to see when a pedestrian or vehicle is approaching in Lane 30.	Applicant	City of Palo Alto Department of Planning and Community Environment	Prior to issuance of building permit	Approved building plans shall include parking garage mirrors
<b>Mitigation Measure-TRANS-2:</b> Mirrors shall be installed at each turn within the parking garage to provide adequate sight distance.	Applicant	City of Palo Alto Department of Planning and Community Environment	Prior to issuance of building permit	Approved building plans shall include parking garage mirrors



# 429 University Avenue Project Mitigation Monitoring Program

**429 UNIVERSITY AVENUE  
LIST OF SUPPORTERS  
UPDATED AUGUST 6, 2015**

	Name	Address	Email
1	Adam M. Tomi	685 High St, Palo Alto	
2	Alan Gladman	1720 Middlefield Rd, Palo Alto	
3	Andrea Vargas	539 Alma St, Palo Alto	
4	Andrew Barnes	539 Alma St, Palo Alto	
5	Andrew Gold	425 University Ave, Palo Alto	
6	Angela Zampieri	3289 Beryessa St, Palo Alto	
7	Anne Vermeil	1970 Webster St, Palo Alto	
8	Avo Izmirlian	539 Ramona St, Palo Alto	<a href="mailto:avo.izmirlian@prprop.com">avo.izmirlian@prprop.com</a>
9	Bahman Koohestani	1875 Wrbster St, Palo Alto	
10	Beverly Fields	539 Alma St, Palo Alto	<a href="mailto:beverly.fields@prprop.com">beverly.fields@prprop.com</a>
11	Brad Ehikian	539 Alma St, Palo Alto	
12	Brett Caviness	502 Waverley St, Palo Alto	<a href="mailto:Brett@LevettProperties.com">Brett@LevettProperties.com</a>
13	Brian Bulkowski	Palo Alto	<a href="mailto:brian@bulkowski.org">brian@bulkowski.org</a>
14	Brian Kelley	1435 Tasso St, Palo Alto	
15	Carlee Carndiff	621 High St, Palo Alto	
16	Cecilia Lee	475 Oregon St, Palo Alto	
17	Chris Taylor	777 San Antonio Rd, Palo Alto	
18	Clint Severson	955 Laurel Glen, Palo Alto	
19	Connett G Ahart	955 Laurel Glen, Palo Alto	
20	Connie West	933 Laurel Glen, Palo Alto	
21	David Kleiman	333 High St, Palo Alto	<a href="mailto:dkleiman@d2realty.com">dkleiman@d2realty.com</a>
22	Deborah Crouch	1800 Webster St, Palo Alto	
23	Denny LeVett	405 Kipling St, Palo Alto	
24	Diane Bottoms	3101 Alexis Drive, Palo Alto	
25	Dmitry Kota	97 Erstwild Ct, Palo Alto	
26	Don Vermeil	1970 Webster St, Palo Alto	
27	Doris Suh	4206 Suzanne Dr., Palo Alto	
28	Elizabeth Lasky	Waverley St, Palo Alto	<a href="mailto:laskyea@gmail.com">laskyea@gmail.com</a>
29	Ella Hiraoka	475 Oregon St, Palo Alto	
30	Eoina Escobar	539 Alma St, Palo Alto	

**429 UNIVERSITY AVENUE  
LIST OF SUPPORTERS  
UPDATED AUGUST 6, 2015**

	Name	Address	Email
31	Filipe Fortes	crescent park, Palo Alto	
32	Gayle Carol Brugler	2041 Webster St, Palo Alto	
33	Genece Wadley	2741 South Court, Palo Alto	
34	Gerson Bers	Louis Rd, Palo Alto	<a href="mailto:gbers@abbae.com">gbers@abbae.com</a>
35	Giltae Song	3639 Ross Road, Palo Alto	
36	Gordon Freedman	425 University Ave, Palo Alto	
37	James Lin	675 Greer Rd, Palo Alto	<a href="mailto:james@betterchinese.com">james@betterchinese.com</a>
38	James Tam	560 Waverley St, Palo Alto	
39	James West	933 Laurel Glen, Palo Alto	
40	Janice Yee	539 Alma St, Palo Alto	
41	Jeannie Lee	560 Waverley St, Palo Alto	
42	Jeff Svoboda	North Palo Alto	<a href="mailto:doctorjeffs@aol.com">doctorjeffs@aol.com</a>
43	Joel Kaminsky	534 Ramona St, Palo Alto	
44	John Crouch	1800 Webster St, Palo Alto	
45	John Kurz	935 Addison Ave, Palo Alto	
46	John M Smith	554 Patricia Lane, Palo Alto	
47	John P Hanna	525 University Ave, Palo Alto	<a href="mailto:jhanna@hanvan.com">jhanna@hanvan.com</a>
48	John Suh	4206 Suzanne Dr., Palo Alto	
49	Jon Goldman	539 Alma St, Palo Alto	
50	Jordan N Smith	544 Patricia Lane, Palo Alto	
51	Joyce Kim	954 Laurel Glen Dr., Palo Alto	
52	Julia T Garcia	78 Barnes Ct, Stanford	
53	Karen Peng	2320 Middlefield Rd, Palo Alto	
54	Katherine Spillane	671 Seale Ave, Palo Alto	
55	Kenneth Fong	400 Hamilton Ave, Palo Alto	<a href="mailto:ksfongdna@yahoo.com">ksfongdna@yahoo.com</a>
56	Kimberley Periat	539 Alma St, Palo Alto	
57	Kimika Scibona	441 University Ave, Palo Alto	
58	Kumiko Yoshinari	downtown north, Palo Alto	<a href="mailto:yoshinari@princetonenergy.net">yoshinari@princetonenergy.net</a>
59	Kyle Else	505 Hamilton Ave, Palo Alto	
60	L W Pepple	465 Oregon St, Palo Alto	

**429 UNIVERSITY AVENUE  
LIST OF SUPPORTERS  
UPDATED AUGUST 6, 2015**

	Name	Address	Email
61	M M Pepple	465 Oregon St, Palo Alto	
62	Marisa Marr	539 Alma St, Palo Alto	
63	Massimo Brenbilla	3289 Berryessa St, Palo Alto	
64	Michael Hiraoka	475 Oregon St, Palo Alto	
65	Michelle Shin	4211 McKellar Ln #E, Palo Alto	
66	Mike Greenfield	321 Kipling St, Palo Alto	<a href="mailto:mike@mikegreenfield.com">mike@mikegreenfield.com</a>
67	Mildred Owens	595 Seale Ave, Palo Alto	
68	Nancy Levy	365 Forest Ave 5A, Palo Alto	<a href="mailto:NancyLevy@AOL.com">NancyLevy@AOL.com</a>
69	Nicholas Miller	485 Oregon St, Palo Alto	
70	Nicolas Theme	121 Campus Drive, Stanford	
71	Nicolette Kellenberger	441 University Ave, Palo Alto	
72	Paola Moreno-Roman	47 Olmstead Rd, Stanford	
73	Patrick J Gold	425 University Ave, Palo Alto	
74	Paul Kim	954 Laurel Glen Dr., Palo Alto	
75	Paul McCarthy	3265 Kipling St, Palo Alto	
76	Paul Peng	2320 Middlefield Rd, Palo Alto	
77	Paula Shaviv	501 El Capitan Pl, Palo Alto	
78	Peter Anderson	2080 Tasso St, Palo Alto	
79	Peter Baltay	450 Kipling St, Palo Alto	
80	Riccardo Bassiri	1010 Emerson St, Palo Alto	
81	Rita Deierlein	2171 El Camino Real, Palo Alto	
82	Roderick Thorne	625 Lowell Ave, Palo Alto	
83	Ross Taylor	671 Seale Ave, Palo Alto	
84	Sam Arsan		<a href="mailto:sam@arsanrealty.com">sam@arsanrealty.com</a>
85	Serena Garcia	534 Ramona St, Palo Alto	
86	Stephanie Lue	821 Altaire Walk, Palo Alto	
87	Stephen Levy	Forest Ave, Palo Alto	<a href="mailto:Slevy@ccsce.com">Slevy@ccsce.com</a>
88	Stephen Pahl	1845 El Camino Real, Palo Alto	<a href="mailto:stephen@pahl-ccay.com">stephen@pahl-ccay.com</a>
89	Steve Bottcher	539 Alma St, Palo Alto	
90	Steve Niethammer	1941 Webster St, Palo Alto	

**429 UNIVERSITY AVENUE  
LIST OF SUPPORTERS  
UPDATED AUGUST 6, 2015**

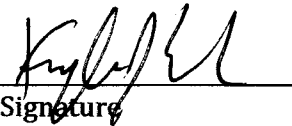
	Name	Address	Email
91	Steve Pierce	209 Cowper St, Palo Alto	
92	Steve Reller	downtown Palo Alto	<a href="mailto:sreller@randmproperties.com">sreller@randmproperties.com</a>
93	Steven Manus	2171 El Camino Real, Palo Alto	
94	Therese Sze	602 N. California St, Palo Alto	
95	Timur Bilir	South Palo Alto	<a href="mailto:timurb@gmail.com">timurb@gmail.com</a>
96	Tony Kozy	1845 El Camino Real, Palo Alto	<a href="mailto:tkozy@aol.com">tkozy@aol.com</a>
97	Vernon Altman	928 Laurel Glen, Palo Alto	
98	Vicky Huang	658 Lowell Ave, Palo Alto	
99	W R Bottoms	3101 Alexis Drive, Palo Alto	
100	Wanda W Smith	544 Patricia Lane, Palo Alto	
101	Wynne Ntabe	544 Patricia Lane, Palo Alto	
102	Zachary Little	821 Altaire Walk, Palo Alto	
103	Zachery Jadrich	429 University Ave, Palo Alto	

+ other prominent and/or reticent Palo Altans who do not wish public visibility.

City Council Members  
City of Palo Alto  
Email: city.council@cityofpaloalto.org

Subject: 429 University Avenue Appeal

We urge you to stop the appeal of 429 University Avenue, Palo Alto, and to approve the project.

1.	 _____ Signature	Kyle Else _____ Name	505 Hamilton Ave _____ Palo Alto Address
2.	_____ Signature	_____ Name	_____ Palo Alto Address
3.	_____ Signature	_____ Name	_____ Palo Alto Address
4.	_____ Signature	_____ Name	_____ Palo Alto Address
5.	_____ Signature	_____ Name	_____ Palo Alto Address
6.	_____ Signature	_____ Name	_____ Palo Alto Address
7.	_____ Signature	_____ Name	_____ Palo Alto Address
8.	_____ Signature	_____ Name	_____ Palo Alto Address
9.	_____ Signature	_____ Name	_____ Palo Alto Address
10.	_____ Signature	_____ Name	_____ Palo Alto Address

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Subject: 429 University Avenue Appeal


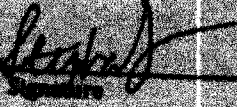

We urge you to stop the appeal of 429 University Avenue, Palo Alto, and to approve the project.

1. Paul Kim      Paul S. Kim      954 Laurel Glen Dr. PA 94304  
Signature      Name      Palo Alto Address
2. [Signature]      Joyce Kimi      954 Laurel Glen Dr. PA 94304  
Signature      Name      Palo Alto Address
3. [Signature]      Michelle Shin      4211 McKellar Ln #2 Palo Alto 94306  
Signature      Name      Palo Alto Address
4. [Signature]      DORIS SUH      4206 SUSANNE DR. PA 94306  
Signature      Name      Palo Alto Address
5. [Signature]      John Suh      4206 Suzanne Dr. Palo Alto CA 94306  
Signature      Name      Palo Alto Address
6. \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_  
Signature      Name      Palo Alto Address
7. \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_  
Signature      Name      Palo Alto Address
8. \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_  
Signature      Name      Palo Alto Address
9. \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_  
Signature      Name      Palo Alto Address
10. \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_  
Signature      Name      Palo Alto Address

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Subject: 429 University Avenue Appeal

We urge you to stop the appeal of 429 University Avenue, Palo Alto, and to approve the project.

- |     |  |                               |  |
|-----|--|-------------------------------|--|
| 1.  | <br>Signature | <u>W. R. Botzova</u><br>Name  | <u>3101 Alexis Drive</u><br>Palo Alto Address                                |
| 2.  | <br>Signature | <u>Stephanie Lue</u><br>Name  | <u>821 Altaire Walk,</u><br>Palo Alto Address <i>stephanie.lue@gmail.com</i> |
| 3.  | <br>Signature | <u>Zachary Little</u><br>Name | <u>821 Altaire Walk</u><br>Palo Alto Address                                 |
| 4.  | _____<br>Signature   | _____<br>Name                 | _____<br>Palo Alto Address   |
| 5.  | _____<br>Signature   | _____<br>Name                 | _____<br>Palo Alto Address   |
| 6.  | _____<br>Signature   | _____<br>Name                 | _____<br>Palo Alto Address   |
| 7.  | _____<br>Signature   | _____<br>Name                 | _____<br>Palo Alto Address   |
| 8.  | _____<br>Signature   | _____<br>Name                 | _____<br>Palo Alto Address   |
| 9.  | _____<br>Signature   | _____<br>Name                 | _____<br>Palo Alto Address   |
| 10. | _____<br>Signature   | _____<br>Name                 | _____<br>Palo Alto Address   |



**Attachment J: Project Plans – delivered to ARB Board Members only**

Also available online at: <http://www.cityofpaloalto.org/civicax/filebank/documents/48519>