

APPROVAL NO. 2024-_____
RECORD OF THE COUNCIL OF THE CITY OF PALO ALTO LAND USE ACTION
FOR 810 LOS TRANCOS ROAD: SITE & DESIGN
[FILE NO. 23PLN-00147]

On June 3, 2024, the Council held a duly noticed public hearing and, after considering all of the evidence presented, approved the Site and Design application to allow the removal of an existing pool and construction of a new lap pool, removal of three (3) existing trees and planting of ten (10) new 24" box trees, and proposed site improvements such as new retaining walls, steps, firepit, hardscaping, and lighting. In approving the application, the Council make the following findings, determinations, and declarations:

SECTION 1. BACKGROUND. The City Council of the City of Palo Alto ("City Council") finds, determines, and declares as follows:

A. On June 14, 2023, Wenpei Wang on behalf of Shades of Green Landscape Architecture, applied for a Site and Design application to allow the removal of an existing pool and construction of a new lap pool, removal of three (3) existing trees and planting of ten (10) new 24-inch box trees, and proposed site improvements such as new retaining walls, steps, firepit, hardscaping, and lighting. ("The Project").

B. The Project was determined by Staff to meet the criteria, as stated in PAMC 18.28.070 (b)(2), to be placed directly on the Council Consent Calendar.

C. On June 3, 2024, the City Council held a duly noticed public meeting, at which all persons were afforded an opportunity to be heard in accordance with the Palo Alto Municipal Code and the Council's Policies and Procedures.

SECTION 2. ENVIRONMENTAL REVIEW. In conformance with the California Environmental Quality Act (CEQA) Class 3, pools are accessory (appurtenant) structures that have been determined to be Categorically Exempt per Section 15303 (New construction of small structures, including pools).

SECTION 3. SITE AND DESIGN OBJECTIVES. The design and architecture of the proposed improvements, as conditioned, complies with the Site and Design Objectives as required in Chapter 18.30.060(G) of the PAMC.

A. *To ensure construction and operation of the use in a manner that will be orderly, harmonious, and compatible with existing or potential uses of adjoining or nearby sites.*

The proposed construction is minor, and limited to a new lap pool, retaining walls, steps, firepit, hardscaping, and installation of ten (10) new 24-inch box trees. The proposed lap pool will replace an existing pool and provide additional screening landscaping which is in conformance with the existing residential use on the site and adjoining nearby sites.

B. *To ensure the desirability of investment, or the conduct of business, research, or*

educational activities, or other authorized occupations, in the same or adjacent areas.

The proposed lap pool and associated landscaping and hardscaping improvements are permitted accessory uses in the Open Space (OS) zoning district and will replace and improve an already existing pool and hardscaping without expanding paved areas or affecting the desirability of adjacent areas.

C. To ensure that sound principles of environmental design and ecological balance shall be observed.

The OS zoning district includes regulations to ensure that sound principles of environmental design and ecological balance shall be observed. As conditioned, the proposed design will need meet these regulations including:

- *Landscaping.* Maintaining existing vegetation and land formations as indicated on the Project plans. Three (3) existing trees will be removed and replaced with ten (10) new 24-inch box trees. All the existing trees in the project vicinity will have tree protection fencing installed during construction.
- *Building location.* The project takes advantage of an existing terraced and improved area of the site and of the natural contours of the site and landscaping. The proposed new pool is located within a flat, densely landscaped area that effectively blocks most of the proposed pool, retaining walls, and a fireplace from the direct line of sight. The new lap pool will not be visible from public roadways since the location is shielded by many mature trees.
- *Privacy.* The proposed pool, landscaping, and hardscaping improvements will not provide views to other residences which would create a privacy impact.
- *Architectural materials.* Proposed natural stone materials will match the type and color of the existing site materials and fit in the natural landscape, through earth-toned colors.
- *Wildlife protection measures.* The new pool will be located in almost the same area as the old pool, close to the existing primary home, with no further encroachment into the landscape areas. Existing perimeter fencing surrounding the property as well as the new pool cover will provide a barrier to protect wildlife from entering the pool area.

D. To ensure that the use will be in accord with the Palo Alto Comprehensive Plan.

This property is located within the Open Space district. The intention of this designation in this location is to protect, preserve, and permit the reasonable use of open space land. The new lap pool will replace an already existing pool on a relatively flat and already hardscaped portion of the site. No additional open space land is required to accommodate proposed landscaping and hardscaping improvements. The project proposes no changes in use that would affect its conformance with the Comprehensive Plan.

SECTION 4. OPEN SPACE REVIEW CRITERIA.

The following criteria shall be considered in the Site and Design review of all development of land in the OS district, as outlined in the Conservation Element of the Comprehensive Plan:

1. *The development should not be visually intrusive from public roadways and public parklands. As much as possible, development should be sited so it is hidden from view.*

The proposed improvements are located at the grade level in a naturally low, flat portion of the property. The development will be hidden from the view of the street by the existing mature landscaping.

2. *Development should be located away from hilltops and designed to not extend above the nearest ridgeline.*

The new lap pool and associated landscaping and hardscaping improvements are located next to the existing single-family home on a flatter portion of the site and will not extend above the nearest ridgeline.

3. *Site and structure design should take into consideration impacts on privacy and views of neighboring properties.*

The proposed pool will not impact privacy, as it is located at the grade level within an already established lower area of the site. Any potential views are shielded by the existing trees, and the large distances customary to the Open Space district.

4. *Development should be clustered, or closely grouped, in relation to the area surrounding it to make it less conspicuous, minimize access roads, and reduce fragmentation of natural habitats.*

The proposed lap pool and associated improvements are proposed within a small already developed hard-surfaced area of the overall 9.49 acres (413,195 sq. ft.) site.

5. *Built forms and landscape forms should mimic the natural topography. Building lines should follow the lines of the terrain, and trees and bushes should appear natural from a distance.*

The new pool, hardscaping, and landscaping improvements are isolated to the flatter portion of the site. The project proposes to remove three (3) existing trees and plant at least ten (10) new 24" box low water, California native trees to preserve and maintain the natural appearance of the site.

6. *Existing trees with a circumference of 37.5 inches, measured 4.5 feet above the ground level, should be preserved and integrated into the site design. Existing vegetation should be retained as much as possible.*

Three (3) existing California Bay Laurel trees #21, 22, and 23 (11.5, 9.7, and 10.5 inches in diameter) are in a poor/fair condition and are proposed to be removed to reduce the canopy touching situation, reduce fire risk, and reduce the risk of sudden oak death transmission. Ten (10) new 24" box low water trees will be planted to accommodate for the no net loss of canopy per the Tree Technical Manual.

7. *Cut is encouraged when it is necessary for geotechnical stability and to enable the development to blend into the natural topography. Fill is generally discouraged and should never be distributed within the driplines of existing trees. Locate development to minimize the need for grading.*

This project has minimized grading (less than 100 cubic yards). The existing pool will be filled with soil cut for the new pool. The remainder of the cut soil will be evenly distributed on a flat, low portion of the site behind the trench (1,234 sf area less than 2 feet in height) within no driplines of existing trees.

8. *To reduce the need for cut and fill and to reduce potential runoff, large, flat expanses of impervious*

surfaces should be avoided.

The new pool and associated site improvements have been designed to minimize the need for cut and fill with impervious areas limited to already existing impervious/hard-surfaced areas for the site.

9. Buildings should use natural materials and earth tone or subdued colors.

The proposed materials include stone and gravel that will match the type and color of the existing site materials and fit in the natural landscape, through earth-toned colors.

10. Landscaping should be native species that require little or no irrigation. Immediately adjacent to structures, fire retardant plants should be used as a fire prevention technique.

Most of the on-site landscaping is existing. Additional new landscaping including ten (10) new trees will be selected for water conservation and low-maintenance characteristics and for fire-resistive properties where adjacent to the home.

11. Exterior lighting should be low-intensity and shielded from view so it is not directly visible from off-site.

Exterior lighting will be limited to path lights, step lights, and wall lights to match the existing low-intensity lights (Color Temperature of 2700 Kelvin or less), extinguished at 11:00 PM (set to a timer), and will be shielded from view as to not be directly visible from the street and surrounding properties.

12. Access roads should be of a rural rather than urban character. (Standard curb, gutter, and concrete sidewalk are usually inconsistent with the foothills environment).

Not applicable, the existing access road is to remain with no changes.

13. For development in unincorporated areas, ground coverage should be in general conformance with Palo Alto's Open Space District regulations.

Not applicable, the project is within Palo Alto City limits.

SECTION 5. CONDITIONS OF APPROVAL.

PLANNING DIVISION

1. CONFORMANCE WITH PLANS. Construction and development shall conform to the approved plans entitled, "Brady Residence, 810 Los Trancos Rd, Portola Valley, California, APN# 182-36-029" stamped as received by the City on March 28, 2024, on file with the Planning Department, 250 Hamilton Avenue, Palo Alto, California except as modified by these conditions of approval.
2. BUILDING PERMIT. Apply for a building permit and meet any and all conditions of the Planning, Fire, Public Works, and Building Departments.
3. POOL COVER. Pool cover shall be installed to protect the wildlife from entering the pool.
4. PROJECT MODIFICATIONS. All modifications to the approved project shall be submitted for review and approval prior to construction. If during the Building Permit review and construction

phase, the project is modified by the applicant, it is the responsibility of the applicant to contact the Planning Division/project planner directly to obtain approval of the project modification. It is the applicant's responsibility to highlight any proposed changes to the project and to bring them to the project planner's attention.

5. SOILS PROTECTION. Excavated soils shall not be relocated to portions of the parcel that are not part of the immediate construction area for any reason.
6. NOISE PRODUCING EQUIPMENT. All noise producing equipment shall be located in accordance with Section 9.10.030. No person shall produce, suffer or allow to be produced by any machine, animal or device, or any combination of same, on residential property, a noise level more than six dB above the local ambient at any point outside of the property plane.
7. LIGHT AND GLARE. Exterior lighting shall be low-intensity and shielded from view so it is not directly visible from off-site.
 - a. To reduce interference with wildlife, outdoor lighting shall be limited to a Correlated Color Temperature of 2700 Kelvin or less.
 - b. No outdoor lighting shall be on after 11 pm and before sunrise, except to the minimum required for safety.
8. SUDDEN OAK DEATH PREVENTION. The project shall use best practices to prevent Sudden Oak Death. Tools shall be disinfected and equipment shall be cleaned prior to coming on site, and no materials shall be relocated to portions of the parcel that are not part of the construction area for any reason.
9. LANDSCAPE PLAN. Plantings shall be installed in accordance with the approved plan set and shall be permanently maintained and replaced as necessary.
10. ARBORIST FOLLOW UP. A follow-up arborist and/or landscape report shall be required five years after the final sign-off of the project completion. This report shall evaluate the health of existing trees and new landscape that were required for proposed tree removals. Replacement trees were designated as protected plantings on the approved plans for the project. Any subsequent owner(s) shall also be obligated to provide irrigation, protection and maintenance of all existing and proposed landscaping.
11. TREE PROTECTION FENCING. Tree protection fencing shall be required for all trees and shrubs proposed to be maintained as identified in the Arborist Report.
12. ESTIMATED IMPACT FEE. Given the new pool will replace the existing pool, no development impact fees are due.
13. PLANNING FINAL INSPECTION. A Planning Division Final inspection will be required to determine substantial compliance with the approved plans prior to the scheduling of a Building Division final. Any revisions during the building process must be approved by Planning, including but not limited to; materials and hard surface locations. Contact your Project Planner, at (650) 496-6945 or Kristina.Dobkevicius@CityofPaloAlto.org to schedule this inspection.

14. **PERMIT EXPIRATION.** The project approval shall be valid for a period of **two years** from the original date of approval. Application for a one year extension of this entitlement may be made prior to expiration, by emailing the Project Planner at Kristina.Dobkevicius@CityofPaloAlto.org. If a timely extension is not received, or the project has already received an extension and the applicant still wishes to pursue this project, they must first file for a new Planning application and pay the associated fees. This new application will be reviewed for conformance with the regulations in place at that time.
15. **INDEMNITY.** To the extent permitted by law, the Applicant shall indemnify and hold harmless the City, its City Council, its officers, employees and agents (the “indemnified parties”) from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside or void, any permit or approval authorized hereby for the Project, including (without limitation) reimbursing the City for its actual attorneys’ fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its own choice

URBAN FORESTRY

16. **PLANTING PLAN.** A planting plan must be submitted at the Building Permit phase which accounts for the number of required new tree replacements relative to the lost canopy of trees 21, 22, and 23. See link and page 44 of the tree technical manual for replacement ratios:
https://www.cityofpaloalto.org/files/assets/public/v/1/public-works/tree-section/ufmp/tree-technical-manual/cover-corecombined_cpa_ttm-2016-final-copy.pdf

PUBLIC WORKS ENGINEERING

17. **STORM WATER POLLUTION PREVENTION SHEET.** The City's full-sized "Pollution Prevention - It's Part of the Plan" sheet shall be included in the improvement plans. The sheet can be obtained from a staff member of Public Works Engineering Services or at the following link under “Public Works Plan Review Documents”:
<https://www.cityofpaloalto.org/Departments/Public-Works/Engineering-Services/Forms-and-Permits>
18. **EXCAVATION & GRADING PERMIT.** An Excavation and Grading Permit shall be obtained per PAMC Chapter 16.28 prior to building permit approval. The permit application and all required documents shall be submitted to Public Works Engineering. The application can be obtained from a member of Public Works Engineering Services or at the following link:
<https://www.cityofpaloalto.org/Departments/Public-Works/Engineering-Services/Forms-and-Permits>
19. **WET SEASON WORK.** Be advised that due to the extensive excavation and the hillside nature of this project, the project will be subject to PAMC 16.28.280 which requires approval from Public Works Engineering prior to commencing any land disturbing activities from October 1 to April 15.

20. EROSION CONTROL PLAN. Be advised that due to the extensive excavation and the hillside nature of this project, the project shall provide a plan that addresses erosion and sedimentation control measures during construction.

BUILDING DEPARTMENT

21. BUILDING PERMIT. A Building Permit is required. At time of permit please submit the following:
- a) The new outdoor equipment (i.e., pool equipment, fire pit) shall be all electric operated (no gas).
 - b) The building permit shall comply with the 2022 CBSC.
 - c) Refer to the pool submittal for building permit complete documentation.

FIRE DEPARTMENT

22. HAZARDOUS FIRE AREA. This project is located in the Hazardous Fire Area. Landscape vegetation type and location need to be evaluated by an Arborist for compliance with CAL Fire's requirement.

SECTION 6. TERM OF APPROVAL.

Site and Design Approval. The project approval shall be valid for a period of two years 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 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.

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Senior Assistant City Attorney

Director of Planning and

Development Services