

Attachment C

APPROVAL NO. XX-XXXX

**RECORD OF THE COUNCIL OF THE CITY OF PALO ALTO LAND USE ACTION
FOR 575 LOS TRANCOS ROAD: SITE & DESIGN
[FILE NO. 21PLN-00196]**

On November 13, 2023, the City Council approved certification of the Mitigated Negative Declaration (IS/MND) and Approval of the Site and Design to Allow a new 7,110 sf single-family residence with a new 895 sf Accessory Dwelling Unit and associated site improvements, including a swimming pool, on a 5.38-acre site located at 575 Los Trancos Road, making the following findings, determination and declarations:

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

- A. On July 13, 2021, Leonard Ng (LNAI Architecture) on behalf of Innovative Homes, LLC applied for a Site and Design application to allow a new 7,245 sf single-family residence with a new 895 sf Accessory Dwelling Unit and associated site improvements, including a swimming pool.
- B. Staff has determined that the proposed project is in compliance with the applicable OS development standards.
- C. The City prepared an Initial Study and Mitigated Negative Declaration (ISMND), see Section 2. Environmental Review
- D. Following staff review, the Planning and Transportation Commission (Commission) reviewed the project design and the IS/MND on August 31, 2022, and recommended approval.
- E. On January 23, 2022, the City Council reviewed the project design and the IS/MND. After hearing public testimony, the Council voted to return the project to the Commission and recommended several design changes
- F. Following staff review of the revised project, the Commission reviewed the project design and the Final IS/MND on August 9, 2023, and recommended approval.
- G. On November 13, 2023, the City Council reviewed the project design and the IS/MND. After hearing public testimony, the Council voted to approve the project subject to the conditions set forth in Section 4 of this Record of Land Use Action.

SECTION 2. ENVIRONMENTAL REVIEW. In conformance with the California Environmental Quality Act (CEQA), an Initial Study and Mitigated Negative Declaration was certified by the City Council on November 13, 2023. The document (State Clearinghouse No. 2022080380) concluded that the proposed project(s) would not have a significant effect on the environment with mitigation as proposed. The ISMND is available for review on the City's website: <https://www.cityofpaloalto.org/Departments/Planning-Development-Services/Current->

[Planning/Projects/575-Los-Trancos](#). All mitigation measures as stated in the approved Mitigation Monitoring and Reporting Program (MMRP) have been incorporated into the conditions of approval.

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. Objective (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 use is a single-family house and accessory dwelling unit (ADU) in the Open Space (OS) zoning district, on a property adjacent to other single-family uses. The proposed construction will meet all city requirements for noise, parking, etc. The proposed use is compatible with nearby existing uses.

B. Objective (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 uses, a single family residence and ADU, are permitted uses in the OS zoning district, and will not affect the desirability of adjacent areas.

C. Objective (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. The proposed design will meet these regulations including:

- *Landscaping.* Maintaining existing vegetation and land formations to the maximum extent possible. The arborist report surveyed 82 trees in the project vicinity. 5 trees (including 1 protected Coast Live Oak) were identified as dead and will be removed. 10 replacement trees will be planted on site. All other trees in the project vicinity will have tree protection fencing during construction.
- *Building location.* The proposed development is in a relatively flat area away from adjacent hills or slopes. The house is not expected to be visible from public roadways and is shielded by many mature trees.
- *Privacy.* The proposed house and ADU will not have views to other residences which would create a privacy impact.
- *Architectural materials.* Proposed materials fit in the natural landscape, through earth-toned colors and wood and plaster siding.

D. Objective (d): To ensure that the use will be in accord with the Palo Alto Comprehensive Plan.

This property is located in the Streamside Open Space designation. The intention of this designation, in this location is to protect Los Trancos Creek. As stated in the Mitigated Negative Declaration, no direct impacts to the creek would occur as a result of this project. Indirect impacts including runoff and erosion

will be addressed through mitigation measures (see Mitigation Measure BIO-3). While this designation does not explicitly allow housing, single-family houses and accessory dwelling units have regularly been built there.

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 structures are located in a naturally low, flat portion of the property. The development will be hidden from view of the street by both elevation and mature trees.

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

The new home and Accessory Dwelling Unit are not located near a hilltop 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 structure will not impact privacy, as it is located at a lower elevation than neighboring properties. Any potential views from the second story are also 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 development is proposed for a small section of the overall 5.38 acre site. One driveway/access road will provide access to the two dwelling units.

- 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 building and related patios and landscaping are isolated to the flat portion of the site. The project proposes to maintain all of the existing protected trees, preserving 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.*

All existing trees are proposed to remain, three dead trees have already been removed for safety reasons.

- 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, the majority of the grading is associated with installing a

swimming pool.

8. To reduce the need for cut and fill and to reduce potential runoff, large, flat expanses of impervious surfaces should be avoided.

The design of the home and site landscaping have been designed to minimize the need for cut and fill. The entire driveway is designed to be DG and permeable, with impervious areas limited primarily to the building and patios off the building.

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

The proposed materials include: horizontal wood siding and slat screens with warm, earth-gray smooth-finished cement plaster, a solid dark gray flat roof, and dark wood toned windows and doors.

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.

The majority of the on site landscaping is existing. Additional planting in the patio areas will use plant materials 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 shall be low-intensity (Color Temperature of 2700 Kelvin or less), extinguished at 11:00 PM, 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).

The proposed access road is in the existing location, which follows the natural topography, and the proposed decomposed granite material is consistent with a rural character.

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

N/A, 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, "575 Los Trancos Road, Palo Alto, California, 94304, Private Residence" uploaded to the Palo Alto Online Permitting Services Citizen Portal on October 5, 2021, as modified by these conditions of approval.
2. BUILDING PERMIT. Apply for a building permit and meet any and all conditions of the Planning, Fire, Public Works, and Building Departments.

3. **BUILDING PERMIT PLAN SET.** A copy of this cover letter and conditions of approval shall be printed on the second page of the plans submitted for building permit. Project plans submitted for Building permits shall incorporate the following changes:
 - a. Geotechnical Report shall be updated to reflect the updated site plan
4. **MITIGATION MONITORING AND REPORTING PROGRAM.** The Mitigation Monitoring and Reporting Program (MMRP) associated with the project and attached here as Exhibit A is incorporated by reference and all mitigation measures shall be implemented as described in said document. Prior to requesting issuance of any related demolition and/or construction permits, the applicant shall meet with the Project Planner to review and ensure compliance with the MMRP, subject to the satisfaction of the Director of Planning and Development Services.
5. **PROJECT MODIFICATIONS:** All modifications to the approved project shall be submitted for review and approval prior to construction. If during the Building Permit review and construction phase, the project is modified by the applicant, it is the responsibility of the applicant to contact the Planning Division/project planner directly to obtain approval of the project modification. It is the applicant's responsibility to highlight any proposed changes to the project and to bring it to the project planner's attention.
 - a. Any new fencing beyond what is proposed on the plans shall require Staff-level Site and Design review, per PAMC 18.28.070(b). Any new fencing shall not impede wildlife migration.
6. **UTILITY LOCATIONS:** In no case shall utilities be placed in a location that requires equipment and/or bollards to encroach into a required parking space. In no case shall a pipeline be placed within 10 feet of a proposed tree and/or tree designated to remain.
7. **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.
8. **SOILS PROTECTION:** Ensure that any excavated soils are not relocated to portions of the parcel that are not part of construction for any reason. There shall be no storage in the riparian setback for any reason.
9. **NOISE PRODUCING EQUIPMENT:** All noise producing equipment shall be located outside of required setbacks, except they may project 6 feet into the required street side setbacks. 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.
10. **LIGHT AND GLARE.** Exterior lighting shall be low-intensity and shielded from view so it is not directly visible from off-site. The light emitted from skylights shall be minimal during the night hours. Utilizing treatments such as translucent glass, shading systems, and interior light placement can reduce the night glare. Skylights shall not use white glass.

- a. To reduce interference with wildlife, outdoor lighting shall be limited to Correlated Color Temperature of 2700 Kelvin or less
 - b. No outdoor lighting shall be on after 11pm, except to the minimum required for safety.
- 11. PROJECT ARBORIST. The property owner shall hire a certified arborist to ensure the project conforms to all Planning and Urban Forestry conditions related to landscaping/trees.
- 12. LANDSCAPE PLAN. Plantings shall be installed in accordance with the approved plan set and shall be permanently maintained and replaced as necessary.
- 13. 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 trees and significant landscape that were required for screen planting or and/or were designated as protected plantings on the approved plans for the project. Any subsequent owner(s) shall also be obligated to replace any trees that die with trees of the same size and species stated on the approved planning and building permit plans.
- 14. TREE PROTECTION FENCING. Tree protection fencing shall be required for all trees and shrubs proposed to be maintained as identified in the Arborist Report.
- 15. ESTIMATED IMPACT FEE: Development Impact Fees, currently estimated in the amount of \$85,977.14, per PAMC 16.61.040, shall be paid prior to the issuance of the related building permit.
- 16. IMPACT FEE 90-DAY PROTEST PERIOD. California Government Code Section 66020 provides that a project applicant who desires to protest the fees, dedications, reservations, or other exactions imposed on a development project must initiate the protest at the time the development project is approved or conditionally approved or within ninety (90) days after the date that fees, dedications, reservations or exactions are imposed on the Project. Additionally, procedural requirements for protesting these development fees, dedications, reservations and exactions are set forth in Government Code Section 66020. IF YOU FAIL TO INITIATE A PROTEST WITHIN THE 90-DAY PERIOD OR FOLLOW THE PROTEST PROCEDURES DESCRIBED IN GOVERNMENT CODE SECTION 66020, YOU WILL BE BARRED FROM CHALLENGING THE VALIDITY OR REASONABLENESS OF THE FEES, DEDICATIONS, RESERVATIONS, AND EXACTIONS. If these requirements constitute fees, taxes, assessments, dedications, reservations, or other exactions as specified in Government Code Sections 66020(a) or 66021, this is to provide notification that, as of the date of this notice, the 90-day period has begun in which you may protest these requirements. This matter is subject to the California Code of Civil Procedures (CCP) Section 1094.5; the time by which judicial review must be sought is governed by CCP Section 1094.6.
- 17. 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, fenestration and hard surface locations. Contact your Project Planner, Emily Kallas, at Emily.Kallas@cityofpaloalto.org.
 - a. This inspection shall include verification that the outdoor lighting is installed in compliance with Condition #10.

18. **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 Current Planning Support Staff (Veronica Dao – Veronica.Dao@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.
19. **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.

BUILDING DIVISION

20. This project is located West of 280 and shall comply with Wildland Urban Interface requirements per 2019 CA Residential Code.
21. This project is subjected to all electrification per PAMC.
22. Please contact the Building Department for building permit submittal requirements.

PUBLIC WORKS ENGINEERING DIVISION

23. **GRADING PERMIT:** Separate Excavation and Grading Permit will be 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 on our website: Application: <https://www.cityofpaloalto.org/files/assets/public/public-works/engineering-services/webpages/forms-and-permits/grading-permit-application.pdf>
24. **GRADING & DRAINAGE PLAN:** The plan set must include a grading & drainage plan prepared by a licensed professional See the Grading & Drainage Plan Guidelines for New Single Family Residences on the City’s website. <https://www.cityofpaloalto.org/files/assets/public/public-works/engineering-services/webpages/forms-and-permits/grading-drainage-residential-guidelines.pdf>
25. **IMPERVIOUS SURFACE AREA:** The Impervious Area Worksheet for Land Developments form shall be completed and submitted with the building permit submittal. The worksheet and instructions are available on our website:
<https://www.cityofpaloalto.org/files/assets/public/public-works/engineering-services/webpages/forms-and-permits/impervious-area-worksheet-for-land-developments-2021.pdf>
26. **PUBLIC WORKS STANDARDS CONDITIONS:** The City's full-sized "Standard Conditions" sheet must be included in the plan set. Copies are available from Public Works on our website:

<https://www.cityofpaloalto.org/files/assets/public/public-works/engineering-services/webpages/forms-and-permits/pw-conditions-sheet-alternative-update-8.7.18.pdf>

27. 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. Copies are available from Public Works on our website: https://www.cityofpaloalto.org/files/assets/public/public-works/engineering-services/webpages/forms-and-permits/rwq_stormwater_plansheet_final_bw.pdf

This project triggers the California Regional Water Quality Control Board's revised provision C.3 for storm water regulations (incorporated into the Palo Alto Municipal Code, Section 16.11) that apply to residential land development projects that create or replace between 2,500 and 10,000 square feet of impervious surface area. The applicant must implement one or more of the following site design measures on the grading and drainage plan:

- Direct roof runoff into cisterns or rain barrels for reuse.
- Direct roof runoff onto vegetated areas.
- Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas.
- Direct runoff from driveways and/or uncovered parking lots onto vegetated areas.
- Construct sidewalks, walkways, and/or patios with permeable surfaces.
- Construct driveways, and/or uncovered parking lots with permeable surfaces

28. SIDEWALK, CURB & GUTTER: As part of this project, the applicant shall replace portions of the existing sidewalk, curbs, gutters or driveway approaches in the public right-of-way along the frontage(s) of the property as required. Contact the Public Works Inspector at 650-496-6929 to arrange a site visit so that the inspector can discuss the extent of replacement work in the public right-of-way. The site plan submitted with the building permit plan set must show the extent of the replacement work. Include a scan copy of the Site Inspection Directive obtained from the Public Works Inspector in the building plan set.

WATERSHED PROTECTION DIVISION

29. Do not use chemicals fertilizers, pesticides, herbicides or commercial soil amendment. Use Organic Materials Review Institute (OMRI) materials and compost. Refer to the Bay-Friendly Landscape Guidelines: <http://www.stopwaste.org/resource/brochures/bay-friendly-landscape-guidelines-sustainable-practices-landscape-professional> for guidance. Add this bullet as a note to the building plans.
30. Avoid compacting soil in areas that will be unpaved. Add this bullet as a note to the building plans.

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

EXHIBIT A
MITIGATION MONITORING AND REPORTING PROGRAM



MITIGATION MONITORING + REPORTING PROGRAM

PROJECT NAME

575 Los Trancos Road Residential Project

APPLICATION NUMBER

21PLN-00196

APPROVED BY

Emily Foley, City of Palo Alto

APPLICANT/OWNER

Innovative Homes LLC
John Suppes
412 Olive Avenue, Palo Alto, CA 94306
john@clarum.com

The Final Initial Study Mitigated Negative Declaration (IS-MND) for the 575 Los Trancos Road Residential Project identifies the mitigation measures that must be implemented to reduce the impacts associated with the project. The California Environmental Quality Act (CEQA) was amended in 1989 to add Section 21081.6, which requires a public agency to adopt a monitoring and reporting program for assessing and ensuring compliance with any required mitigation measures applied to proposed development. As stated in section 21081.6(a)(1) of the Public Resources Code:

... the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.

Section 21081.6 also provides general guidelines for implementing mitigation monitoring programs and indicates that specific reporting and/or monitoring requirements, to be enforced during project implementation, shall be defined as part of adopting an IS-MND.

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



MITIGATION MONITORING + REPORTING PROGRAM

Environmental Impact	Mitigation Measure	Responsible for Implementation	Timing of Compliance	Oversight of Implementation
AIR QUALITY				
AQ-1	<p>BAAQMD Basic Construction Mitigation. The property owner or their designee shall implement the following measures during project construction to reduce dust fall-out emissions:</p> <ul style="list-style-type: none">▪ All exposed surfaces (e.g., parking areas, staging areas, soil piles, and graded areas) shall be watered two times per day.▪ All haul trucks transporting soil, sand, or other loose material off-site shall be covered or maintain at least 2 feet of freeboard.▪ All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.▪ Enclose, cover, water daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.)▪ All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.▪ Install sandbags or other erosion control measures to prevent silt runoff to public roadways.▪ Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure CCR Title 13, Section 2485). Clear signage shall be	Project Applicant/verified in the field by the Development Services Department Building Division	Prior to issuance of grading permit and periodically during construction	City of Palo Alto Development Services Department Building Division

Environmental Impact	Mitigation Measure	Responsible for Implementation	Timing of Compliance	Oversight of Implementation
	<p>provided for construction workers at all access points.</p> <ul style="list-style-type: none"> ▪ All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. ▪ Post a publicly visible sign with the telephone number and person to contact at the City of Palo Alto or construction contractor regarding dust complaints. This person shall respond and take corrective action within 48 hours. The air district's phone number shall also be visible to ensure compliance with applicable regulations. 			

BIOLOGICAL RESOURCES

BIO-1	<p>Worker Environmental Awareness Program (WEAP). Prior to initiation of construction activities (including staging and mobilization) all personnel associated with project construction shall attend a Worker Environmental Awareness Program (WEAP) training, conducted by a qualified biologist, to aid workers in recognizing special-status resources that may occur in the construction area. The specifics of this program shall include identification of the sensitive species and habitats, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and measures required to reduce impacts to biological resources within the work area. A qualified biologist shall prepare a fact sheet conveying this information for distribution to all contractors, their employers, and other personnel involved with construction. All employees shall sign a form provided by the trainer indicating they have attended the WEAP and understand the information presented to them. The forms from all trainings shall be available to the City upon request to document compliance.</p>	Project Applicant/verified in the field by the Development Services Department Building Division	Prior to initiation of construction activities	City of Palo Alto Development Services Department Building Division
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Environmental Impact	Mitigation Measure	Responsible for Implementation	Timing of Compliance	Oversight of Implementation
BIO-2	<p>Special-Status Plant Species Botanical Surveys. A qualified biologist shall conduct a protocol level botanical survey, including a site visit during the blooming period of the target species in March through July. If the CRPR 1 rank plant is found, the plants shall be avoided by installing protective fencing and warning construction personnel of their presence through the WEAP training. If special-status plants species cannot be avoided, impacts shall be mitigated at a minimum ratio of 1:1 (number of acres or individuals restored to number of acres or individuals impacted). A restoration plan shall be prepared and submitted to the City for review and approval and to CDFW for review. The restoration plan shall include, at a minimum, the type and area of habitat to be established, restored, enhanced, and/or preserved; goals and objectives of the mitigation project; a monitoring plan including performance standards and success criteria; and maintenance activities to occur during monitoring. The applicant shall implement the measures prior to commencement of ground disturbance, tree removal or construction.</p>	Project Applicant/ verified by the Development Services Department Building Division	Prior to initiation of construction activities; during restoration if required	City of Palo Alto Development Services Department
BIO-3	<p>Best Management Practices for Protection of Steelhead and Aquatic Habitat. No vegetation removal, ground disturbance or construction shall occur within the creek or the 20-foot creek setback zone, which shall be demarcated with high visibility orange construction fencing to ensure avoidance of impacts to the aquatic habitat. Best management practices (BMPs) shall be developed and implemented during all grading and construction activities to prevent erosion and sedimentation into the creek and to prevent the spill of contaminants in or around the creek. The following BMPs shall be included and implemented on-site during construction to prevent any indirect impacts to aquatic habitat, as well as jurisdictional waters and wetlands:</p> <ul style="list-style-type: none"> ▪ Vehicles and equipment shall be checked at least daily for leaks and maintained in good working 	Project Applicant/ verified in the field by the Development Services Department Building Division	Prior to initiation of construction activities and periodically during construction	City of Palo Alto Development Services Department Building Division

Environmental Impact	Mitigation Measure	Responsible for Implementation	Timing of Compliance	Oversight of Implementation
	<p>order. Spill kits shall be available on-site at all times and a spill response plan shall be developed and implemented.</p> <ul style="list-style-type: none"> ▪ Sediment and erosion control measures (e.g., sand or gravel bags, hay bales, check dams) shall be implemented and maintained throughout the project site to prevent the entry of sediment and/or pollutants into any waterways or jurisdictional areas. No monofilament plastic may be used for erosion control materials. 			
BIO-4	<p>Preconstruction Surveys for California Giant Salamander, Santa Cruz Black Salamander, Western Pond Turtle, California Red-Legged Frog, and San Francisco Garter Snake. A qualified biologist shall conduct a pre-construction survey within 24 hours of the initiation of project activities. If California Giant Salamander, Santa Cruz Black Salamander, and/or Western Pond Turtle are observed the animal shall be allowed to leave the site on its own. If California Red-Legged Frog, and/or San Francisco garter snake is found, USFWS shall be notified immediately to determine the correct course of action and the proposed project shall not begin until approved by USFWS.</p> <p>Prior to ground disturbance, a temporary wildlife exclusion barrier shall be installed along the limits of disturbance. A qualified biologist shall inspect the area prior to barrier installation. The barrier shall be designed to prevent the target species from entering the project area and will remain in place until all development activities have been completed. This barrier shall be inspected daily by a qualified biologist and maintained and repaired as necessary to ensure that it is functional and is not a hazard to the target species on the outer side of the barrier.</p> <p>A qualified biologist shall be present during all grading and initial ground disturbing activities. Vegetation disturbance shall be the minimum necessary to achieve</p>	Project Applicant/ verified by the Development Services Department	Prior to initiation of construction activities; during grading and initial ground disturbing activities; during construction if required	City of Palo Alto Development Services Department

Environmental Impact	Mitigation Measure	Responsible for Implementation	Timing of Compliance	Oversight of Implementation
	<p>the goals of the project. Immediately prior to initial ground disturbance and vegetation removal, a qualified biologist shall conduct a visual clearance survey. Vegetation shall be cut to 6 inches in height using hand tools (including string trimmers or chainsaw for brush). Once the ground is visible, a second visual survey for target species shall be conducted by the biologist prior to additional ground disturbance.</p> <p>Should California Giant Salamander, Santa Cruz Black Salamander, or Western Pond Turtle be observed within the project site, construction shall be halted in the vicinity until either the animal exits the site on its own or until a qualified biologist relocates the animal to suitable habitat in the immediate vicinity. Should California Red-Legged Frog, and/or San Francisco garter snake be observed within the project site, the USFWS shall be notified immediately and construction shall be halted until either the animal exits the site on its own or until a qualified biologist with the appropriate USFWS Recovery Permit relocates the animal.</p> <p>No work shall occur during a rain event over 0.25.” If a rain event occurs, a qualified biologist shall inspect the site again prior to resuming work. All holes and trenches shall be covered at the end of the day or ramped to avoid entrapment</p>			
BIO-5	<p>Focused Surveys for Special-Status Bat Species and Roosting Bat Protection Plan. Prior to tree removal, a qualified biologist shall conduct a focused survey of all trees to be removed or impacted by construction activities to determine whether active roosts of special-status bats are present on site. If tree removal is planned for the fall, it is recommended the survey be conducted in September to ensure tree removal would have adequate time to occur during seasonal periods of bat activity, as described below. If tree removal is planned for the spring, it is recommended the survey be conducted during the earliest possible time in March, to</p>	Project Applicant/ verified by the Development Services Department	Prior to tree removal and during tree removal if bats found	City of Palo Alto Development Services Department

Environmental Impact	Mitigation Measure	Responsible for Implementation	Timing of Compliance	Oversight of Implementation
	<p>allow for suitable conditions for both the detection of bats and subsequent tree removal. Trees containing suitable potential bat roost habitat features shall be clearly marked or identified.</p> <p>If day roosts are found to be potentially present, the biologist shall prepare a site-specific roosting bat protection plan to be implemented by the contractor following the City of Palo Alto's approval. The plan shall incorporate the following guidance as appropriate:</p> <ul style="list-style-type: none"> ▪ To the extent possible, trees identified as suitable roosting habitat shall be removed during seasonal periods of bat activity, including the following, but not during maternity season: <ul style="list-style-type: none"> ○ Between September 1 and about October 15, or before evening temperatures fall below 45 degrees Fahrenheit and/or more than 0.5 inch of rainfall within 24 hours occurs. ○ Between March 1 and April 15, or after evening temperatures rise above 45 degrees Fahrenheit and/or no more than 0.5 inch of rainfall within 24 hours occurs. ▪ If a tree must be removed during the maternity/breeding season and is identified as potentially containing a colonial maternity roost, then a qualified biologist shall conduct acoustic emergence surveys or implement other appropriate methods to further evaluate if the roost is an active maternity roost. Under the biologist's guidance, the contractor shall implement measures similar to or better than the following: <ul style="list-style-type: none"> ○ If it is determined that the roost is not an active maternity roost, then the roost may be removed in accordance with the other requirements of this recommendation. ○ If it is found that an active maternity roost of a colonial roosting species is present, the 			

Environmental Impact	Mitigation Measure	Responsible for Implementation	Timing of Compliance	Oversight of Implementation
	<p>roost shall not be disturbed during the breeding season (April 15 to August 31).</p> <ul style="list-style-type: none"> Potential colonial hibernation roosts may only be removed during seasonal periods of bat activity. Potential non-colonial roosts that cannot be avoided shall be removed on warm days in late morning to afternoon when any bats present are likely to be warm and able to fly. Appropriate methods shall be used to minimize the potential harm to bats during tree removal. Such methods may include using a two-step tree removal process. This method is conducted over two consecutive days and works by creating noise and vibration by cutting non-habitat branches and limbs from habitat trees using chainsaws only (no excavators or other heavy machinery) on day one. The noise and vibration disturbance, together with the visible alteration of the tree, is very effective in causing bats that emerge nightly to feed to not return to the roost that night. The remainder of the tree is removed on day two. 			
BIO-6	<p>Preconstruction Surveys for San Francisco Dusky-Footed Woodrat. A qualified biologist shall conduct a pre-construction survey for woodrats no more than 14 days prior to construction. Nests within 50 feet of project activity that would not be directly impacted by project activity shall be demarcated with a 10-foot avoidance buffer and left intact. If a nest(s) that cannot be avoided are found during the pre-construction survey, an approved biologist shall dismantle the nest and relocate it to suitable habitat outside the work area no more than 50 feet away with the goal of ensuring the individuals are allowed to leave the work area(s) unharmed before on site activities begin. Nest relocation shall occur within 48 hours of construction activities to ensure that nests are not reestablished.</p>	Project Applicant/ verified by the Development Services Department	No more than 14 days prior to initiation of construction activities	City of Palo Alto Development Services Department
BIO-7	<p>Preconstruction Surveys for Nesting Birds. A general pre-construction nesting bird survey shall be conducted</p>	Project Applicant/ verified by the	Within 14 days prior to the	City of Palo Alto Development

Environmental Impact	Mitigation Measure	Responsible for Implementation	Timing of Compliance	Oversight of Implementation
	<p>by a qualified biologist within 14 days prior to the initiation of construction activities. If construction is stopped for more than 14 days during the nesting season, a pre-construction survey shall be conducted prior to the re-start of construction activities. Surveys shall include the disturbance area plus a 50-foot buffer for passerine species, and a 500-foot buffer for raptors.</p> <p>If active nests are located, an appropriate avoidance buffer shall be established within which no work activity would be allowed that would impact these nests. The avoidance buffer shall be established by the qualified biologist on a case-by-case basis based on the species and site conditions. Larger buffers may be required depending upon the status of the nest and the construction activities occurring in the vicinity of the nest. The buffer area(s) shall be closed to all construction personnel and equipment until juveniles have fledged and/or the nest is inactive. A qualified biologist shall confirm that breeding/nesting is complete, and the nest is no longer active prior to removal of the buffer. If work within a buffer area cannot be avoided, then a qualified biologist shall be present to monitor all project activities that occur within the buffer. The biological monitor shall evaluate the nesting avian species for signs of disturbance and shall have the ability to stop work.</p>	Development Services Department	initiation of construction activities	Services Department
BIO-8	<p>Protection of Retained Trees. The project applicant shall adhere to recommendations as described in the arborist report prepared by Kielty Arborist Services (Kielty Arborist Services 2021) regarding protection of retained trees. Recommendations include landscape buffers, tree pruning, root cutting, trenching and excavation, irrigation, grading, and inspections.</p>	Project Applicant/verified by the Development Services Department	Prior to issuance of grading permit and during site preparation	City of Palo Alto Development Services Department
CULTURAL RESOURCES				
CR-1	<p>Worker's Environmental Awareness Program (WEAP). Prior to project ground disturbance, all construction personnel and contractors responsible for overseeing and operating ground-disturbing activities shall be</p>	Project Applicant/verified by the Development	Prior to ground disturbance	City of Palo Alto Development

Environmental Impact	Mitigation Measure	Responsible for Implementation	Timing of Compliance	Oversight of Implementation
	required to receive cultural awareness and sensitivity training. The purpose of this training is to educate construction personnel regarding the legal obligations of the project, the types of archaeological deposits that may be encountered during construction, and the appropriate procedures required in the event of a discovery of archaeological resources, paleontological resources, or human remains. The WEAP shall also provide cultural sensitivity training to ensure respectful and appropriate behaviors in the vicinity of archaeological deposits and human remains. The WEAP shall be implemented by a qualified archaeologist that meets or exceeds the Secretary of the Interior's Professional Qualifications Standards in archaeology.	Services Department		Services Department
CR-2	<p>Archaeological and Native American Monitoring. A qualified archaeologist shall conduct archaeological monitoring for all project-related ground disturbing activities. Archaeological monitoring shall be performed under the direction of an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeology (National Park Service 1983). Locally affiliated Native American tribes shall be given the opportunity to conduct Native American monitoring. In the event that Native American monitoring occurs, a locally affiliated tribal member shall monitor all project-related ground disturbing activities. The monitor(s) will have the authority to halt and redirect work should any archaeological resources be identified during monitoring. If archaeological resources are encountered during ground-disturbing activities, work in the immediate area must halt and the find evaluated for listing in the CRHR. Archaeological monitoring may be reduced to spot-checking or eliminated at the discretion of the monitors, in consultation with the lead agency, as warranted by conditions such as encountering bedrock, sediments being excavated are fill, or negative findings during the first 60 percent of rough grading. If monitoring is reduced to spot-checking, spot-checking shall occur</p>	Project Applicant/verified by the Development Services Department	During ground disturbing activities	City of Palo Alto Development Services Department

Environmental Impact	Mitigation Measure	Responsible for Implementation	Timing of Compliance	Oversight of Implementation
CR-3	<p>when ground-disturbance moves to a new location within the project area and when ground disturbance will extend to depths not previously reached (unless those depths are within bedrock).</p> <p>Unanticipated Discovery of Cultural or Tribal Cultural Resources. In the event that archaeological resources are unexpectedly encountered during ground-disturbing activities, work in the immediate area shall be halted and an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archeology (National Park Service 1983) shall be contacted immediately to evaluate the find. If the find is Native American in origin, then a Native American representative shall also be contacted to participate in the evaluation of the find. The qualified archaeologist, and, if applicable, the Native American representative, shall examine the find and make appropriate recommendations regarding additional work necessary to evaluate the significance of the find and the appropriate treatment of the resource. All cultural resources identified shall be evaluated for CRHR eligibility and local listing. Additional work may be necessary to evaluate the resource for inclusion in the CRHR or local listing. Recommendations could include, but are not limited to, invasive or non-invasive testing, sampling, laboratory analysis, preservation in place, or data recovery. A report of findings documenting any data recovered during monitoring shall be prepared by a qualified archaeologist and submitted to the Director of Planning. If the discovery is determined to be Native American in nature, the on-site Native American monitor, if applicable, shall be consulted to determine the appropriate treatment of the resource. In the event that no Native American monitor is contracted, locally affiliated Native American tribes shall be invited to consult regarding the appropriate treatment of any Native American resources identified during project construction.</p>	Project Applicant/ verified by the Development Services Department	During ground disturbing activities	City of Palo Alto Development Services Department

Environmental Impact	Mitigation Measure	Responsible for Implementation	Timing of Compliance	Oversight of Implementation
GEOLOGY/SOILS				
GEO-1	<p>Geotechnical Design Considerations. The project plans submitted for building permit approval shall incorporate the design recommendations outlined in the Geotechnical Study prepared by Earth Systems on April 9, 2021, or any other design feature or measure shown to equivalently reduce impacts associated with geology and soils to the satisfaction of the Director of Public Works. These include recommendations under the categories of:</p> <ul style="list-style-type: none"> ▪ General site preparation ▪ Compaction ▪ Fill ▪ Mat slab foundations ▪ Post-tensioned slab foundations ▪ Interior slab-on-grade construction ▪ Exterior flatwork ▪ Swimming pool ▪ Utility trench backfills ▪ Management of site drainage and finish improvements ▪ Geotechnical observation and testing <p>Refer to the Geotechnical Study for full detail recommendations for each of the abovementioned categories.</p>	Project Applicant/ verified by the Development Services Department Building Division	Prior to issuance of building permit	City of Palo Alto Development Services Department
GEO-2	<p>Discovery of Previously Unidentified Paleontological Resources. In the event a fossil is uncovered during Project construction, all work shall cease until a certified paleontologist can investigate the finds and make appropriate recommendations. Any artifacts uncovered shall be recorded and removed for storage at a location to be determined by the monitor.</p>	Project Applicant/ verified by the Development Services Department	During construction activities	City of Palo Alto Development Services Department

