

APPROVAL NO. 2024-_____
RECORD OF THE COUNCIL OF THE CITY OF PALO ALTO LAND USE ACTION
FOR 830 LOS TRANCOS ROAD: SITE & DESIGN
[FILE NO. 23PLN-00346]

On _____, the City Council held a duly noticed public hearing and, after considering all of the evidence presented, approved the Site and Design application to allow construction of a new two-story 4,119 sq. ft. multi-use accessory structure containing an attached 1,831 sf two-car garage with a shop, and an attached 891 sf art studio. An attached 891 sf second floor Accessory Dwelling Unit is not subject to Planning and Transportation Commission review. 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 December 19, 2023, Joel Baumgardner on behalf of Baumgardner Architecture, applied for a Site and Design application to allow construction of a new, 4,119 square foot (sf), 24-foot and 9-inch tall accessory structure. The accessory structure includes a two-car garage and workshop on the ground floor (1,831 sf), a stair and landing on both the first and the second level (506 sf), and an art studio on the second level (891 sf). The second floor would also include an 891 sf Accessory Dwelling Unit (ADU). The accessory dwelling unit is shown on the plans for reference but is not subject to discretionary review. Additional site improvements include a patio on the south side, a 12-foot-wide gravel driveway extension so that vehicles can access the building from the existing driveway, and a walkway to provide access from the driveway to the patio. The project also includes the removal of eight (8) non protected existing trees of which four (4) are Coast live oaks. Removed trees will be replaced in conformance with the Tree Technical Manual. All removed native Coast live oaks will be replaced with species of native oak (“The Project”).

B. Staff has determined that the proposed project is in compliance with the applicable OS development standards as stated in PAMC 18.28.070 (b)(2).

C. On June 26, 2024, The Planning and Transportation Commission (Commission) reviewed the project design at a duly noticed public hearing and recommended approval.

D. On _____, the City Council reviewed the project design. 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), Staff determined the proposed new accessory structure and associated site improvements are covered under the statutory exemption, Section 15303 (Accessory Structures). No further CEQA evaluation is necessary for the request.

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 PAMC Section 18.30.060(G).

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 limited to a new accessory structure and associated improvements, such as landscaping, including removal and replacement of eight (8) non protected existing trees on a southern portion of the site close to the existing private driveway easement. The project is adjacent to existing single family uses and is located across from the neighboring accessory structure at 820 Los Trancos Road. The proposed construction meets all city requirements for noise, height, and privacy, and is compatible with nearby existing uses as conditioned in Conditions of Approval #5 and #6.

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 accessory structure and associated site improvements are permitted within the OS zoning district when associated with existing residential uses and will not affect 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 to meet these regulations including:

- *Landscaping.* The site contains twenty (20) trees within the vicinity of the proposed project area including a mix of native and non-native species. No protected trees are in the project vicinity or are proposed to be removed. The project includes the removal of eight (8) non protected trees of which four (4) are Coast live oaks (less than 11.5" DBH). Eight (8) new Coast live oaks will be planted in accordance with the City's no net loss of canopy and Tree Technical Manual requirements. 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 lower portion of the site located away from the hilltops. The proposed accessory structure with an ADU is located within a relatively flat, densely landscaped area that effectively blocks most of the proposed project from the direct line of sight.
- *Privacy.* The proposed accessory structure would not be visible from any public roadway (Los Trancos Road) or parkland areas (Arastradero Preserve) as it is located far below the surrounding ridgelines and out of view from the public. The proposed structure will be located approximately ninety (90) feet away from the neighboring accessory structure at 820 Los Trancos Road and about one hundred fifty (150) feet away from the neighbor's primary structure. It will be screened from views by existing and proposed new native, low water landscaping. In addition, the project proposes obscured window glazing for the second floor windows and solid six (6) feet tall screening walls for second floor decks to screen views of the neighboring property as shown on the plans and required in accordance with Conditions of Approval #5 and #6.
- *Architectural materials.* Proposed materials fit in the natural landscape, through earth-toned colors and wood siding, gravel driveway, and wood decking.

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

This property is located within the Open Space/Controlled Development district. The intention of this designation is to protect, preserve, and permit the reasonable use of open space land. The new accessory structure will be located in a relatively flat area with no mature trees adjacent to existing development. The project would not conflict with any policies in the Comprehensive Plan, including but not limited to those that were adopted for the protection of natural resources.

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 in a naturally low, flatter portion of the property. The development will be hidden from the view of the public street and any public parklands by the existing mature landscaping, large distances, and natural topography customary to the Open Space district.

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

The project is located away from hilltops on a lower portion of the property and would not extend above the nearest ridgeline.

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

The project is located approximately 90 feet away from the nearest adjacent residence. Existing and proposed landscaping would help to shield views of the adjacent neighboring property at 820 Los Trancos Road. Additionally, the project proposes obscured window glazing for the second floor windows and solid 6-foot tall screening walls for second floor decks to screen views from the decks and interior space. Conditions of Approval #5 and #6 reinforces the requirement to maintain the obscured window glazing and screening from the second floor deck.

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 accessory structure is approximately 4,119 sf and located in an area surrounded by existing development on the neighboring parcel at 820 Los Trancos Road as well as adjacent to the existing ingress/egress easement. Therefore, the accessory structure and associated improvements would not contribute to additional habitat fragmentation.

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 project is isolated to the lower and flatter portion of the site and, through the use of retaining walls, is constructed into the hillside, respecting the natural topography of the area. With the retention of existing landscaping and addition of new landscaping, the site area would

generally retain its natural appearance.

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.*

There are no mature trees with a circumference of 37.5 inches or larger in the vicinity of the project. The project includes the removal of eight (8) non protected trees of which four (4) are Coast live oaks. All eight trees to be removed are approximately 5 inches or less. All removed non protected coast live oaks will be replaced with species of native oak. New 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 location is on a gentle slope in a relatively flat area which would minimize the need for grading. No soil will be distributed within the 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 proposed accessory structure and associated site improvements have been designed to minimize the amount of impervious areas and reduce the need for cut and fill. The proposed new impervious site area is 5,007 sf. The total proposed impervious site area is 15,810 sf (3.4 %) which is less than the maximum allowable impervious area of 16,217 sf (3.5%) for the site.

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

The proposed materials include stone, gravel, and wood 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 will be selected for water conservation and low-maintenance characteristics and for fire-resistive properties where adjacent to the buildings.

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).*

No new access roads are proposed. The new twelve (12) foot wide gravel driveway extension from the existing driveway is proposed to provide access across the subject property

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, "Bower/Shaw Accessory Building, 830 Los Trancos Road, Palo Alto, CA 94028, APN 182-36-047" stamped as received by the City on June 16, 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. 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.
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. OBSCURED/TRANSLUCENT GLAZING. All obscure glazing, as shown in the approved plan set, shall be permanent in nature and shall remain for the life of the structure. Obscure glazing is either decorative glazing that does not allow views through placed into the window frame or acid etched or similar permanent alteration of the glass. Films or like additions to clear glass are not permitted where obscure glazing is shown. Obscure glazing shall not be altered in the future and shall be replaced with like materials if damaged. If operable, these windows shall open towards the public right-of-way.
6. PRIVACY SCREENING. All deck screening, as shown in the approved plan set, shall be permanent in nature and shall remain for the life of the structure. Screening shall be a maximum of 15 percent open and shall be a minimum of six (6) feet in height. Screening shall not be altered and shall be replaced with like materials if damaged.
7. 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.
8. 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.

9. 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.
10. 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.
11. LANDSCAPE PLAN. Planting plan, showing proposed new landscaping per the Tree Technical Manual, shall be submitted. New landscaping shall be permanently maintained and replaced as necessary.
12. 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.
13. TREE PROTECTION FENCING. Tree protection fencing shall be required for all trees and shrubs proposed to be maintained as identified in the Arborist Report and shown on the Site Plan drawing Sheet AS101.
14. ESTIMATED IMPACT FEE. Given the proposed ADU is 891 sf large, Development Impact Fees are currently estimated in the amount of \$8,936.82.
15. 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.
16. 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.
17. 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

The following shall be addressed prior to issuance of a Building Permit, Excavation and Grading Permit, Certificate of Compliance, Street Work Permit and/or Encroachment Permit.

18. Specify the species of fruit tree proposed in the planting plan schedule.
19. At least half of the proposed tree species must be native trees and at least 51% drought tolerant (WUCOLS low-water use). Include a column in the planting schedule for "native" species.
20. The owner and contractor shall implement all protection and inspection schedule measures, design recommendations and construction scheduling as stated in the TPR and/or Sheet T-1, and is subject to code compliance action pursuant to PAMC 8.10.080. The required protective fencing shall remain in place until final landscaping and inspection of the project.
21. Tree Damage, Injury Mitigation and Inspections apply to Contractor. Reporting, injury mitigation measures and arborist inspection schedule (1-5) apply pursuant to TTM, Section 2.20-2.30.
22. The following general tree preservation measures apply to all trees to be retained: No storage of material, topsoil, vehicles or equipment shall be permitted within the tree enclosure area. The ground under and around the tree canopy area shall not be altered. Trees to be retained shall be irrigated, aerated and maintained as necessary to ensure survival.
23. TREE PROTECTION VERIFICATION INSPECTION REQUIRED. Prior to any site work, contractor must call Uriel Hernandez at 650-329-2450 to schedule an inspection of any required protective fencing. The fencing shall contain required warning sign and remain in place until final inspection of the project.
24. Any approved grading, digging or trenching beneath a tree canopy shall be performed using 'air-spade' method as a preference, with manual hand shovel as a backup. For utility trenching, including sewer line, roots exposed with diameter of 1.5 inches and greater shall remain intact and not be damaged. If directional boring method is used to tunnel beneath roots, then Table 2-1, Trenching and Tunneling Distance, shall be printed on the final plans to be implemented by Contractor.
25. During the permit phase of a project an applicant must provide the proposed square footage of the rehabilitated landscape to determine if the project requires a MWELo compliance review. Please see the document titled "Model Water Efficient Landscape Ordinance (MWELo) Compliance Submittals and Guidelines" (<https://cityofpaloalto.org/civicax/filebank/documents/76159>) to determine if the project

qualifies for MWEL Review. If a MWEL review is required, please follow the instructions in the above document when submitting your permit application and plan set.

26. NO NET LOSS OF CANOPY: In order to comply with the city's no net loss of canopy policy (Urban Forest Master Plan: Goals 6.A, 6.B & 6.C & Comprehensive Plan Natural Environment Chapter: Goal N-2 and others) all trees 4" DBH and larger are subject to replacement to avoid a loss of canopy at the neighborhood level. Replacement ratios are determined by table 3-1 in the Tree Technical Manual (Section 3.20.C). New landscape tree plantings (24" box or larger) count towards the replacement total. Screening trees may also count toward the total depending on size and species selected. If unable to plant the required number of trees on site (our preferred solution) there is the option of paying in-lieu fees of \$650 per each 24" box tree into the forestry fund.
27. The final Plans submitted for building permit shall include the following information and notes on relevant plan sheets: The building permit plan set will include the Sheet T-1 (Tree Protection- it's Part of the Plan!)

PUBLIC WORKS ENGINEERING

28. PUBLIC WORKS STANDARD CONDITIONS SHEET: The Department of Public Work's full-sized "Standard Conditions" sheet shall be included in the improvement plans and the applicant shall comply with all conditions listed in the sheet. 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>
29. 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>
30. 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>

UTL WGW ENGINEERING DEPARTMENT

31. Show existing RPPA backflow preventer adjacent to the water meter.
32. Complete utility application load sheet, only water demands are needed (existing + new).

33. Show only one water line to the water meter/box unless a second water meter is being requested.

BUILDING DEPARTMENT

34. Refer to the Building Department SFD checklist for building permit submittal requirements.

35. Building West of Freeway 280 shall comply with the Wildland Urban Interface requirements.

FIRE DEPARTMENT

36. This project shall comply with CA Building Code Chapter 7A.

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.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

Mayor

APPROVED:

City Manager

Director of Planning and
Development Services