

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 [DATE], the City Council approved certification of the Mitigated Negative Declaration (IS/MND) and Approval of the Site and Design to Allow a new 7,245 sf single-family residence with a new 734 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.

F. On [DATE], 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 [date]. The document (State Clearinghouse No. XXX) 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: <http://www.cityofpaloalto.org/news/displaynews.asp?NewsID=2642&TargetID=319>. 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 as 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 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 November 14, 2022, 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. Project plans submitted for Building permits shall incorporate the following changes:
 - a. Prior to issuance of any site preparation, grading or building permit, the applicant shall demonstrate to the satisfaction of the Planning and Development Services Director (Director), the means and methods to be used to ensure there is no encroachment, including excavation or grading in preparation for building foundations or site or building other work, into the required 20 foot creek setback. Minor adjustments to the proposed

building siting and foundation placement may be required by the Director to ensure compliance with this condition.

- b. The applicant shall provide sturdy, protective construction fencing, outside of the 20 foot creek setback to ensure no equipment storage, staging or preparation work occurs within the required creek setback.
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. **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.
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. **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.
8. **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.
9. **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.
10. **LANDSCAPE PLAN.** Plantings shall be installed in accordance with the approved plan set and shall be permanently maintained and replaced as necessary.
11. **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.

12. TREE PROTECTION FENCING. Tree protection fencing shall be required for all trees and shrubs proposed to be maintained as identified in the Arborist Report.
13. FENCES. Fences and walls shall comply with the applicable provisions of Chapter 16.24, Fences, of the Palo Alto Municipal Code (PAMC). Heights of all new and existing fencing must be shown on the Building Permit plans.
 - a. Where the existing fence is located off the subject property and/or where the existing fence is failing, a new Code compliant fence shall be constructed.
14. ESTIMATED IMPACT FEE: Development Impact Fees, currently estimated in the amount of \$81,826.00 plus the applicable public art fee, per PAMC 16.61.040, shall be paid prior to the issuance of the related building permit.
15. 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.
16. 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 at the number below to schedule this inspection.
17. 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 (Alicia Spotwood - Alicia.Spotwood@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.

18. 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

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

FIRE PREVENTION DIVISION

22. At the time of Building Permit application, the applicant shall prepare a Fire Protection Plan to the satisfaction of the Fire Code Official, meeting the requirements of California Fire Code 4903.1-4903.4 (corresponds to PAMC 15.04.195).
23. Defensible space shall be maintained for the life of the project in compliance with California Fire Code 4907.1-4907.2 (corresponds to PAMC 15.04.200).

PUBLIC WORKS ENGINEERING DIVISION

24. 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>
25. 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>
26. 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>

27. 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>

28. 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

29. 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

30. 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.

31. 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 (MMRP)