

APPROVAL NO. 2025-_____
RECORD OF THE COUNCIL OF THE CITY OF PALO ALTO LAND USE APPROVAL FOR 70 ENCINA AVENUE:
PLANNED COMMUNITY REZONING
(FILE NO 24PLN-00095)

On _____, 2025, the City Council of the City of Palo Alto ("City Council") approved an application to rezone the subject properties from Community Commercial (CC) to a Planned Community Zone District, making the following findings, determinations and declarations:

SECTION 1. Background.

- A. On March 28, 2024 Hayes Group Architects ("Applicant"), on behalf of the property owner, applied for a Planned Community Rezoning to demolish an existing surface parking lot that is not currently in use and to construct a 10-unit, three-story, approximately 19,035 square foot townhome style housing development and associated site improvements ("The Project"). The project site consists of two parcels, including the 6,060 square foot parcel located at 70 Encina Avenue (APN 120-03-006) and an adjacent, 6,060 square foot, unaddressed parcel (APN 120-03-007) for a total combined parcel size of 12,120 square feet.
- B. On September 12, 2022 Council conducted a prescreening review of the proposed legislative action in accordance with PAMC 18.79
- C. On September 11, 2024, the Planning and Transportation Commission held a duly noticed public hearing and recommended that the applicant submit the proposed plans to the Architectural Review Board (ARB) based on the conceptual design and proposed project in accordance with the Planned Community Rezoning Process.
- D. Following the Planning and Transportation Commission's Initial Review, the ARB held a duly noticed public hearing on November 7, 2024 to provide feedback and allow for public comment on the proposed project. On February 6, 2025 the ARB held a duly noticed public hearing and recommended approval of the proposed project.
- E. On February 26, 2025 the PTC held a duly noticed public hearing and recommended approval of the proposed project.
- F. On _____, 2025 the City Council held a duly noticed public hearing, at which evidence was presented and all person were afforded an opportunity to be heard in accordance with the Palo Alto Municipal Code and the Council's Policies and Procedures. After hearing public testimony, the Council voted to approve/adopt:
 - Ordinance_____amending the zoning of the proposed resulting parcel to Planned Community; and
 - This Record of Land Use Action
- G. This application is subject to the conditions set forth in Section 7 of this Record of Land Use Action

SECTION 2. Environmental Review. In accordance with California Environmental Quality Act (CEQA) Guidelines Section 15183, the City prepared an analysis of the project's consistency with Comprehensive Plan and Comprehensive Plan 2030 Environmental Impact Report (SCH # 2014052101). The analysis concluded that the impacts of the proposed project were adequately addressed through the previously adopted EIR, including implementation of any mitigation as required through that EIR.

SECTION 3. Planned Community Findings

Finding #1: The site is so situated, and the use or uses proposed for the site are of such characteristics that the application of general districts or combining districts will not provide sufficient flexibility to allow the proposed development.

The project is consistent with Finding #1 because:

The proposed project provides family-serving, ownership units. The existing zoning requires ground floor retail, limits the square footage for residential uses to a floor area ratio of no more than 0.35 to 1, limits the site to 50% lot coverage and requires 10-foot setbacks on the rear and both side yards. The limitation on residential housing uses and development standards was intended to apply to the shopping center, of which this site was previously a leased part. The site is zoned and designated as part of the shopping center but is no longer leased by the Town & Country Village shopping center owner and is part of a separate, adjacent parcel. In order to provide an exclusively multi-family use on this site and to achieve a floor area, lot coverage and setbacks that allow for development of the project as proposed, the proposed rezoning is necessary. The project is otherwise in compliance with Zoning district requirements. There are no other general districts or combining districts that could be applied to this site to achieve the proposed project.

Finding #2: Development of the site under the provisions of the PC planned community district will result in public benefits not otherwise attainable by application of the regulations of general districts or combining districts. In making the findings required by this section, the planning commission and city council, as appropriate, shall specifically cite the public benefits expected to result from use of the planned community district.

The project is consistent with Finding #2 because:

The applicant proposes to provide increased housing on site to assist the City in reaching its Regional Housing needs assessment goals, and in particular, inclusionary below market rate units (20% on site where 15% is required), and to further restrict the income level of the below market rate units. Application of general districts or combining districts would not allow for this increased housing or mandate changes to the percentage or income level of the deed restricted units.

Finding #3: The use or uses permitted, and the site development regulations applicable within the district shall be consistent with the Palo Alto Comprehensive Plan and shall be compatible with existing and potential uses on adjoining sites or within the general vicinity.

The project is consistent with Finding #3 because:

This project is consistent with the Palo Alto Comprehensive Plan, as described further in Architectural Review Finding #1 below. Specifically, the proposed exclusively residential use is identified in the Community Commercial land use designation in areas adjacent to transit. Surrounding uses include Town & Country Village shopping center to the south, east and west. Across Encina Avenue are one- and two-story office and industrial buildings. The project is also in the vicinity of the Live Moves Opportunity Center. A portion of the project site (one of the two subject parcels) is a Housing Inventory Site with an anticipated capacity of 4 units. This project includes merging

two adjacent parcels in order to exceed the anticipated capacity planned for the single parcel by providing 10 total units.

SECTION 4. Architectural Review Findings

Finding #1: The design is consistent with applicable provisions of the Palo Alto Comprehensive Plan, Zoning Code, coordinated area plans (including compatibility requirements), and any relevant design guides.

The project is consistent with Finding #1 because:

In conformance with the following Comp Plan Goals and Policies, the project will include high quality design compatible with surrounding development.

<i>Comp Plan Goals and Policies</i>	<i>How project adheres or does not adhere to Comp Plan</i>
The Comprehensive Plan land use designation for the site is Community Commercial.	This designation allows higher density multi-family housing in locations near transit centers. The proposed project is located adjacent the Palo Alto Caltrain station. Therefore, the proposed use is consistent with this land use designation.
<i>Land Use Element</i>	
Policy L-1.3 Infill development in the urban service area should be compatible with its surroundings and the overall scale and character of the city to ensure a compact, efficient development pattern.	This project proposes to remove an existing surface parking lot into a ten-unit condominium building. The proposed three-story height is appropriate to the area, which contains mostly one- and two-story buildings with a 5-story building approximately 200 feet away.
Policy L-2.5 Support the creation of affordable housing units for middle to lower income level earners, such as City and school district employees, as feasible.	This project includes two below market rate units, consistent with this policy.
Policy L-2.11 Encourage new development and redevelopment to incorporate greenery and natural features such as green rooftops, pocket parks, plazas and rain gardens.	The proposed building includes a central courtyard with seven trees and perimeter planter boxes with wall vines.
Policy L-6.1 Promote high-quality design and site planning that is compatible with surrounding development and public spaces.	The proposed building incorporates high-quality materials and design elements such as a “base-middle-top” typology. The massing and height of the project is compatible with the surrounding area.
Policy L-6.7 Where possible, avoid abrupt changes in scale and density between residential and non-residential areas and between residential areas of different densities. To promote compatibility and gradual transitions between land uses, place zoning district boundaries at mid-block locations rather than along streets wherever possible.	The proposed three-story height is in scale with nearby buildings and has a 25-foot setback from Town & Country Village. Although this project is currently surrounded by existing parking lots, development of these neighboring parcels could occur and, based on the existing CC zone district regulations, would be similar in scale with respect to height.
Program L2.4.4 Assess non-residential development potential in the Community Commercial, Service, Commercial and Downtown	Although this property is located within the boundaries of Town & Country Village, as defined in the municipal code, it does not include the conversion

Commercial Districts (CC, CS and CD) and the Neighborhood Commercial District (CN), and convert non-retail commercial FAR to residential FAR, where appropriate. Conversion to residential capacity should not be considered in Town and Country Village.	of retail to residential, and therefore would not conflict with this Program.
<p>Policy L-4.12 Recognize and preserve Town and Country Village as an attractive retail center serving Palo Altans and residents of the wider region. Future development at this site should preserve its existing amenities, pedestrian scale and architectural character while also improving safe access for bicyclists and pedestrians and increasing the amount of bicycle parking.</p>	<p>The project is located adjacent to existing Town & Country Village shopping center and its associated improvements.</p> <p>This property is not owned or leased by Town & Country Village and the property owners are not required to maintain the prior parking use. The proposed development would not impact current Town & Country Village amenities or character, and Town and Country is expected to be able to maintain their current operations.</p> <p>The building includes sufficient short and long term bicycle parking. However, this project includes minimal pedestrian circulation in and around the project site.</p>
Policy L-4.13 In Town and Country Village, encourage a vibrant retail environment and urban greening.	The project is located within the defined area of Town & Country Village and while it does not include additional retail uses, it provides housing near these uses, contributing to the vibrant retail environment.
Policy L-4.14 In Town and Country Village, encourage improvement of pedestrian, bicycle and auto circulation and landscaping improvements, including maintenance of existing oak trees and planting additional trees.	This project proposes to remove some of the existing trees within this surface parking lot area, most of which are less than 7 inches and are not considered protected trees. The single existing oak tree within the vicinity of the site would be protected, consistent with this policy. Eight new trees would be planted on site and additional payment of in-lieu fees would be provided in accordance with the city's tree canopy replacement requirements.
Housing Element Policy 3.2 Provide adequate sites, zoned at the appropriate densities and development standards to facilitate both affordable and market rate housing production.	One of the two CC-zoned properties is identified as a Housing Inventory Site with a capacity of 4 above moderate-income units. This 10-unit housing project includes two affordable units and eight market rate units.
Housing Element Policy 4.3 Implement development standards, objective design standards, and architectural and green building standards that encourage new high-quality rental and ownership housing.	With approval of the proposed rezoning, the project would be consistent with the development standards. The proposed development standards for this project are appropriate to the site and surrounding area and ensure an appropriate transition from neighboring properties, consistent with this policy, as well as Architectural Review Findings, and green building

	standards.
Policy B-6.6 Retain Town & Country Village as an attractive, local-serving retail center	The project is located within the defined area of Town & Country Village and while it does not include additional retail uses, it provides housing near these uses, contributing to the vibrant retail environment. The overall scale of the project as a three-story townhome design is consistent with the existing improvements at the shopping center and do not modify the existing circulation on the site.

As a PHZ project, the zoning development standards are custom built for the building. Therefore, with approval of the proposed ordinance amending the zoning of this property to Planned community/PHZ this project will comply with the zoning ordinance. No other design guidelines or documents apply to this location.

Finding #2: The project has a unified and coherent design, that:

- a. creates an internal sense of order and desirable environment for occupants, visitors, and the general community,
- b. preserves, respects and integrates existing natural features that contribute positively to the site and the historic character including historic resources of the area when relevant,
- c. is consistent with the context-based design criteria of the applicable zone district,
- d. provides harmonious transitions in scale, mass and character to adjacent land uses and land use designations,
- e. enhances living conditions on the site (if it includes residential uses) and in adjacent residential areas.

The project is consistent with Finding #2 because:

The central driveway provides an internal sense of order in that it provides multi-modal access for cars, bikes, and pedestrians. The perimeter includes exterior doors from each unit facing the side property lines, providing an additional pedestrian access to each unit. The three-story form is appropriate in mass, scale, and character to the neighborhood, including development along Encina Avenue and the Town & Country Village Shopping Center. It enhances living conditions by providing housing units for families that are within walking distance of the shopping center, schools, and Caltrain.

Finding #3: The design is of high aesthetic quality, using high quality, integrated materials and appropriate construction techniques, and incorporating textures, colors, and other details that are compatible with and enhance the surrounding area.

The project is consistent with Finding #3 because:

The project incorporates a variety of materials, including sandy/tan brick veneer, cement, and fiber cement panel, gray fiber cement panel, dark metal accents and roof, and landscape elements. These materials are utilized on all four sides of the building, with the brick veneer providing a base to the upper floors. The proposed materials are compatible with the neighborhood.

Finding #4: The design is functional, allowing for ease and safety of pedestrian and bicycle traffic and providing for elements that support the building's necessary operations (e.g. convenient vehicle access to property and utilities, appropriate arrangement and amount of open space and integrated signage, if applicable, etc.).

The project is consistent with Finding #4 because:

The design includes a single entrance (with separate gates) for cars, pedestrians, and bikes. It has limited open space, primarily in the central driveway and balconies facing the driveway. Pedestrians can also access the side-yard facing garage doors.

Finding #5: The landscape design complements and enhances the building design and its surroundings, is appropriate to the site's functions, and utilizes to the extent practical, regional indigenous drought resistant plant material capable of providing desirable habitat that can be appropriately maintained.

The project is consistent with Finding #5 because:

The project provides landscaped area in the front and within the central courtyard. Eight existing trees, none of which are protected trees, are proposed to be removed. Seven replacement trees planted on site, and additional landscaping is provided in planters around the perimeter of the building including the Encina Avenue frontage. The proposed landscaping will provide a suitable residential appearance.

Finding #6: The project incorporates design principles that achieve sustainability in areas related to energy efficiency, water conservation, building materials, landscaping, and site planning.

The project is consistent with Finding #6 because:

In accordance with the City's Green Building Regulations, the building will satisfy the requirements for CALGreen Mandatory + Tier 2 and the Model Water Efficient Landscaping Ordinance (MWELO).

SECTION 5. Architectural Review Approval Granted. Architectural Review Approval is hereby granted for the Project by the City Council pursuant to PAMC Section 18.77.070 of the Palo Alto Municipal Code, effective _____, 2025 and subject to the conditions of approval in Section 7 of this Record.

SECTION 6. Plan Approval. The plans submitted for Building Permit shall be in substantial conformance with those plans prepared by the applicant titled Encina Housing, 70 Encina Avenue, Palo Alto, CA 94301, consisting of 56 pages, uploaded to Accela Citizen Access on February 19, 2025, 2025, except as modified to incorporate the conditions of approval in Section 6. A copy of these plans is on file in the Department of Planning and Community Development. This Record of Land Use Action shall be printed on the cover sheet of the plan set submitted with the Building Permit application.

SECTION 7. Conditions of Approval.

PLANNING DIVISION

1. CONFORMANCE WITH PLANS. Construction and development shall conform to the approved plans entitled, "70 Encina, Palo Alto, California," stamped as received by the City on February 19, 2025 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 it to the project planner's attention.
5. **AFFORDABLE HOUSING REQUIREMENT (OWNERSHIP PROJECT):** This project is subject to the affordable housing requirements set forth in Section 16.65.030 of the Palo Alto Municipal Code (PAMC). The PAMC requires that "for projects on sites of less than five acres, fifteen percent (15%) of the dwelling units in the project shall be made available at affordable sales price to very low, low, and moderate income households." As a public benefit, the project includes 20% of the dwelling units to be made available at 100% of Area Median Income. Therefore, the proposed project shall contain no less than two (2) below market rate units at the moderate income level (restricted at 100% AMI). All Below Market Rate (BMR) units constructed under this condition shall be in conformance with the City's BMR Program rules and regulations. Failure to comply with the timing of this condition and any adopted BMR Program rules and regulations shall not waive its later enforcement.
6. **BELOW MARKET RATE (BMR) HOUSING (DENSITY BONUS RESIDENTIAL PROJECT).** A Density Bonus Developer and Regulatory Agreement in a form acceptable to the City Attorney for the two (2) BMR units shall be executed and recorded prior to final map approval or building permit issuance, whichever occurs first. All BMR units constructed under this condition shall be in conformance with the City's BMR Program rules and regulations. Failure to comply with the timing of this condition and any adopted BMR Program rules and regulations shall not waive its later enforcement.
7. **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 of Planning and Community Environment.
8. **NESTING BIRD SURVEY.** Vegetation or tree removal shall be prohibited during the general avian nesting season (February 1 – August 31), if feasible. If nesting season avoidance is not feasible, the applicant shall retain a qualified biologist, as approved by the City of Palo Alto, to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and activity status of any active nests on or adjacent to the project site no more than 14 days prior to scheduled vegetation clearance and/or demolition activities. If nesting birds are found to be present, a suitable buffer (typically a minimum buffer of 50 feet for passerines and a minimum buffer of 250 feet for raptors) as determined

appropriate by the biologist, shall be established around such active nests and no construction shall be allowed within the buffer areas until a qualified biologist has determined that the nest is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest). A report documenting any data recovered during monitoring shall be prepared by a qualified biologist and submitted to the Director of Planning prior to final planning inspection.

9. UNANTICIPATED DISCOVERY OF BURIED ARCHAEOLOGICAL, PALEONTOLOGICAL, AND TRIBAL CULTURAL RESOURCES. No known archeological or paleontological resources are present on or within the immediate vicinity of the site. However, in the unlikely event that an archeological resource or paleontological resource is unearthed during ground disturbing activities, work in the immediate area must 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 must 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 recommendations regarding additional work necessary to evaluate the significance of the find and the appropriate treatment of the resource. 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 prior to final planning inspection.
10. LANDSCAPE PLAN. Plantings shall be installed in accordance with the approved plan set and shall be permanently maintained and replaced as necessary.
11. NOISE THRESHOLDS ON RESIDENTIAL PROPERTY. In accordance with PAMC 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.
12. NOISE THRESHOLDS ON COMMERCIAL PROPERTY. In accordance with PAMC Section 9.10.040, No person shall produce, suffer or allow to be produced by any machine or device, or any combination of same, on commercial or industrial property, a noise level more than eight dB above the local ambient at any point outside of the property plane.
13. OPEN AIR LOUDSPEAKERS (AMPLIFIED MUSIC). In accordance with PAMC Section 9.12, no amplified music shall be used for producing sound in or upon any open area, to which the public has access, between the hours of 11:00pm and one hour after sunrise.
14. NOISE REPORT PRIOR TO INSPECTION. Where the acoustical analysis projected noise levels at or within 5 dB less than the Noise Ordinance limits, the applicant shall demonstrate the installed equipment complies with the anticipated noise levels and the Noise Ordinance prior to final Planning inspection approval.

15. 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, landscaping and hard surface locations. Contact your Project Planner, Emily Kallas at emily.kallas@cityofpaloalto.org to schedule this inspection.
16. ESTIMATED IMPACT FEE. Development Impact Fees, currently estimated in the amount of \$769,498.15 plus the applicable public art fee, per PAMC 16.61.040, shall be paid in accordance with PAMC Chapter 16.64.
17. REQUIRED PUBLIC ART. In conformance with PAMC 16.61, and to the satisfaction of the Public Art Commission, the property owner and/or applicant shall select an artist and received final approval of the art plan, or pay the in-lieu fee equivalent to 1% of the estimated construction valuation, prior to obtaining a Building permit. All required artwork shall be installed as approved by the Public Art Commission and verified by Public Art staff prior to release of the final Use and Occupancy permit.
18. 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.
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.
20. SIGN APPROVAL NEEDED. No signs are approved at this time. All signs shall conform to the requirements of Title 16.20 of the Palo Alto Municipal Code (Sign Code) and shall be subject to approval by the Director of Planning.

21. TRASH ROOM. The trash room shall be used solely for the temporary storage of refuse and recycling that is disposed on a regular basis and shall be closed and locked during non-business hours.
22. REFUSE. All trash areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering into the garbage container. No outdoor storage is allowed/permitted unless designated on the approved plan set. Trash areas shall be maintained in a manner to discourage illegal dumping.
23. 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.

BUILDING

24. Building permit submittal shall comply with 2022 CBSC if submitted to the City prior to 1/1/26.
25. Building permit submittal shall follow the checklist found at this link.
https://www.cityofpaloalto.org/files/assets/public/v/3/development-services/building-division/checklists/simplified/r10-new-mf-checklist_1.16.2025.pdf

TRANSPORTATION

26. The Driveway shall be designed to the City's standard
<https://www.cityofpaloalto.org/Departments/Public-Works/Engineering-Services/Public-Works-Standard-Drawings-and-Specifications>
27. Plans shall show the removal of on-street parking spaces as required for refuse service of this development.

FIRE

28. FIRE FLOW IMPROVEMENTS. Fire flow test results (August 2024) were not sufficient to meet the min PAFD required FH flow of 2000 gpm. Water main improvements will be required for this project. All upgrades required to properly serve the project shall be completed at the expense of the applicant and in conformance with the City's standards.
29. FIRE HYDRANT. Install one public fire hydrant on project side of street.
30. Update references on sheet C-7.0 to reference CFC 2022.

PUBLIC WORKS ENGINEERING

31. PUBLIC WORKS APPLICATIONS, FORMS, AND DOCUMENTS. Applicant shall be advised that most forms, applications, and informational documents related to Public Works Engineering conditions can be found at the following link:
<https://www.cityofpaloalto.org/Departments/Public-Works/Engineering-Services/Forms-and-Permits>

32. **MAP THIRD-PARTY REVIEW.** The City contracts with a third-party surveyor that will review and provide approval of the map's technical correctness as the City Surveyor, as permitted by the Subdivision Map Act. The Public Works Department will forward a Scope & Fee Letter from the third-party surveyor and the applicant will be responsible for payment of the fee's indicated therein, which is based on the complexity of the map.
33. **STREETWORK PERMIT.** The applicant shall obtain a Streetwork Permit from the Department of Public Works for all public improvements.
34. **GRADING AND EXCAVATION PERMIT.** A Grading Permit is required per PAMC Chapter 16.28. The permit application and all applicable documents (see Section H of application) shall be submitted to Public Works Engineering. Add the following note: "THIS GRADING PERMIT WILL ONLY AUTHORIZE GENERAL GRADING AND INSTALLATION OF THE STORM DRAIN SYSTEM. OTHER BUILDING AND UTILITY IMPROVEMENTS ARE SHOWN FOR REFERENCE INFORMATION ONLY AND ARE SUBJECT TO SEPARATE BUILDING PERMIT APPROVAL."
35. **CIVIL ENGINEER CERTIFICATION.** Upon completion of the rough grading work and at the final completion of the work, applicant shall provide an as-graded grading plan prepared by the civil engineer that includes original ground surface elevations, as-graded ground surface elevations, lot drainage patterns and locations and elevations of all surface and subsurface drainage facilities. The civil engineer shall certify that the work was done in accordance with the final approved grading plan.
36. **GEOTECHNICAL ENGINEER STATEMENT.** The grading plans shall include the following statement signed and sealed by the Geotechnical Engineer of Record: "THIS PLAN HAS BEEN REVIEWED AND FOUND TO BE IN GENERAL CONFORMANCE WITH THE INTENT AND PURPOSE OF THE GEOTECHNICAL REPORT".
37. **ENCROACHMENT PERMIT.** Prior to any work in the public right-of-way, the applicant shall obtain an encroachment permit from the Public Works Department for any work that encroaches onto the City right-of-way.
38. **LOGISTICS PLAN.** A construction logistics plan shall be provided addressing all impacts to the public including, at a minimum: work hours, noticing of affected businesses, bus stop relocations, construction signage, dust control, noise control, storm water pollution prevention, job trailer, contractors' parking, truck routes, staging, concrete pours, crane lifts, scaffolding, materials storage, pedestrian safety, and traffic control. All truck routes shall conform to the City of Palo Alto's Trucks and Truck Route Ordinance, Chapter 10.48, and the route map. NOTE: Some items/tasks on the logistics plan may require an encroachment permit.
39. **STORMWATER POLLUTION PREVENTION.** All improvement plan sets shall include the "Pollution Prevention – It's Part of the Plan" sheet.

40. C.3 THIRD-PARTY CERTIFICATION. Applicant shall provide certification from a qualified third-party reviewer that the proposed permanent storm water pollution prevention measures comply with the requirements of Provision C.3 and Palo Alto Municipal Code Chapter 16.11.
Submit the following:
- a. Stamped and signed C.3 data form (August 2024 version) from SCVURPPP.
https://scvurppp.org/wp-content/uploads/2024/09/SCVURPPP-C.3-Data-Form-Fillable_2024_wp.pdf
 - b. Final stamped and signed letter confirming which documents were reviewed and that the project complies with Provision C.3 and PAMC 16.11.
41. C.3 STORMWATER AGREEMENT. The applicant shall enter into a Stormwater Maintenance Agreement with the City to guarantee the ongoing maintenance of the permanent storm water pollution prevention measures. The City will inspect the treatment measures yearly and charge an inspection fee. The agreement shall be executed by the applicant team prior to building permit final.
42. C.3 FINAL THIRD-PARTY CERTIFICATION PRIOR TO OCCUPANCY. Within 45 days of the installation of the required storm water treatment measures and prior to the issuance of an occupancy permit for the building, the third-party reviewer shall submit to the City a certification verifying that all the permanent storm water pollution prevention measures were installed in accordance with the approved plans.
43. PAVEMENT RESTORATION. The applicant shall restore the pavement along the entire project frontage, curb-to-curb, by performing a 3.5" grind and overlay. The exact restoration limits will be determined once the resulting road condition is known following completion of heavy construction activities and utility lateral installations, at minimum the extent will be the project frontage.
44. IMPERVIOUS SURFACE AREA. The project will be creating or replacing 500 square feet or more of impervious surface. Accordingly, the applicant shall provide calculations of the existing and proposed impervious surface areas with the building permit application. The Impervious Area Worksheet for Land Developments form and instructions are available at the Development Center or on our website. To determine the impervious surface area that is being disturbed, provide the quantity on the site plan.
45. PRIOR TO PUBLIC WORKS FINAL/ACCEPTANCE (STORM DRAIN LOGO). The applicant is required to paint "No Dumping/Flows to SF Creek" in blue on a white background adjacent to all onsite storm drain inlets. The name of the creek to which the proposed development drains can be obtained from Public Works Engineering. Stencils of the logo are available from the Public Works Environmental Compliance Division, which may be contacted at (650) 329-2598. Include the instruction to paint the logos on the construction grading and drainage plan.
46. PRIOR TO PUBLIC WORKS FINAL/ACCEPTANCE (RECORD DRAWINGS). At the conclusion of the project applicant shall provide digital as-built/record drawings of all improvements constructed in the public right-of-way or easements in which the City owns an interest.

47. PRIOR TO PUBLIC WORKS FINAL/ACCEPTANCE (INDEFINITE ENCROACHMENT PERMIT). An approved indefinite encroachment permit will be required for private infrastructure constructed in the public right-of-way, easement or on property in which the City holds an interest, but that was not authorized by a building permit.

PUBLIC WORKS ZERO WASTE

48. Internal refuse bins shall be installed as listed below. Cut sheets of both the signage and bins are required on the plan set.
- c. Common Areas requires a green compost, black landfill, and blue recycle
 - d. Mail Area requires a black landfill, and blue recycle
 - e. *Signage with pictorial items of what goes where and a list of “no” items are required on each of the bin.
49. If the scope of work involves internal and external bins (compost, recycle, and landfill) and its related millwork, then on the overall site plan, please show where the bins will be placed and reference the cut sheets of the three bins (recycle, compost, and landfill) that will be used at each location. The recycle, compost, and landfill bin must be placed right next to each other. Please see requirements below.
50. The following comments below are part of the Palo Alto Municipality Code and must be reflected in the plans submitted for building permit as applicable:
- a. If your scope of work includes internal and external bins then cut-sheets for the color-coded internal and external containers, related color-coded millwork, and it’s colored signage must be included in the building plans prior to receiving approval from Zero Waste. Please see below for more details.
 - b. Per Palo Alto Municipal Code 5.20.108 the site is required to have color-coded refuse containers, related color-coded millwork, and colored signage. The three refuse containers shall include recycle (blue container), compost (green container), and garbage (black container). Applicant shall present on the plan the locations and quantity of both (any) internal and external refuse containers, it’s millwork, along with the signage. This requirement applies to any external or internal refuse containers located in common areas such as entrances, conference rooms, back of the house kitchen, café, dining area, and etc. except for restrooms, copy area, and mother’s room.
 - c. Millwork to store the color-coded refuse containers must have a minimum of four inches in height worth of color-coding, wrapping around the full width of the millwork. Signage must be color coded with photos or illustrations of commonly discarded items. Restrooms must have a green compost container for paper towels and a small landfill bin for sanitary products. Copy area must have either a recycle bin only or all three refuse receptacles (green compost, blue recycle, and black landfill container). Mother’s room must minimally have a green compost container and black landfill container. Please refer to PAMC 5.20.108 and the Internal Container Guide. Examples of appropriate signage can be found in the Managing Zero Waste at Your Business Guide. Electronic copies of these signage can be found on the Zero Waste Palo Alto’s website, <https://www.cityofpaloalto.org/Departments/Public-Works/Zero-Waste/What-Goes->

Where/Toolkit#section-2 and hard copies can be requested from the waste hauler, Greenwaste of Palo Alto, (650) 493-4894.

URBAN FORESTRY

51. TREE REPLACEMENT IN-LIEU FEES. For the replacement value of 21 unplanted 24" box trees (where the replacement value is 28 and 7 are proposed for planting) \$13,650 must be paid to the Palo Alto Urban Forestry fund prior to permit issuance. Invoice will be sent to applicant and fees applied, to make payment.
52. ARBORIST REPORT RECOMMENDATIONS AND MONITORING. 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. If called for, project arborist approval must be obtained and documented in the monthly activity report sent to the City. When required, the Contractor and Arborist Monthly Tree Activity Report shall be sent monthly to the City (pwps@cityofpaloalto.org) beginning with the initial verification approval, using the template in the Tree Technical Manual, Addendum 11.
53. 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. Contractor shall be responsible for the repair or replacement of any publicly owned or protected trees that are damaged during construction, pursuant to Title 8 of the PAMC and city Tree Technical Manual, Section 2.25. 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.
54. 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.

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 Compliance Submittals and Guidelines" (<https://cityofpaloalto.org/civicax/filebank/documents/76159>) to determine if the project qualifies for MWELO Review. If a MWELO review is required, please follow the instructions in the above document when submitting your permit application and plan set.

55. NO NET LOSS OF CANOPY. 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 to pay in-lieu fees of \$650 per each 24" box tree into the forestry fund.

56. T-1 SHEET. The final Plans submitted for building permit shall include the T1 Sheet and all additional TSheets regarding tree protection and mitigation.

PUBLIC WORKS WATERSHED PROTECTION

The following conditions are required to be part of any Planning application approval and shall be addressed prior to any future related permit application such as a Building Permit, Excavation and Grading Permit, Certificate of Compliance, Street Work Permit, Encroachment Permit, etc. as further described below.

57. Stormwater treatment measures:

- f. All Bay Area Municipal Regional Stormwater Permit requirements shall be followed. Refer to the Santa Clara Valley Urban Runoff Pollution Prevention Program C.3 Handbook (download here: http://scvurppp-w2k.com/c3_handbook.shtml) for details.

58. Stormwater quality protection

- g. Temporary and permanent waste, compost and recycling containers shall be covered to prohibit fly-away trash and having rainwater enter the containers.
- h. Drain downspouts to landscaping (outward from building as needed).
- i. Drain HVAC fluids from roofs and other areas to landscaping.
- j. Offsite downgrade storm drain inlets shall also be identified on this plan set and protected. If City staff removes protection from an inlet in the ROW during a rain event, the contractor shall replace the inlet protection by the end of the following business day.

59. PAMC 16.09.165(h) Storm Drain Labeling

- k. Storm drain inlets shall be clearly marked with the words "No dumping - Flows to [Creek]," or equivalent.

WATER-GAS-WASTEWATER UTILITIES

60. _____.

SECTION 8. Term of Approval.

1. Effective Date. The approvals memorialized in this Record of Land Use Action shall be effective on the same date that the accompanying ordinance, Ordinance _____, rezoning the subject properties takes effect and construction shall occur in accordance with the development schedule as indicated in the ordinance. Notwithstanding the above, construction of the project shall commence within two years or the effective date of the ordinance.

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INTRODUCED AND PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

APPROVED:

City Clerk

Mayor

APPROVED:

APPROVED AS TO FORM:

Director of Planning and
Development Services

Deputy City Attorney

PLANS AND DRAWINGS REFERENCED:

1. Those plans prepared by the applicant titled Encina Housing, 70 Encina Avenue, Palo Alto, CA 94301, consisting of 56 pages, uploaded to Accela Citizen Access on February 19, 2025, except as modified to incorporate the conditions of approval in Section 7.

2. The Mitigation Monitoring and Reporting Program.