

**ACTION NO. 2024-\_\_**  
**RECORD OF THE COUNCIL OF THE CITY OF PALO ALTO LAND USE ACTION**  
**FOR 739 SUTTER AVENUE: STREAMLINED HOUSING DEVELOPMENT AND VESTING TENTATIVE**  
**MAP [22PLN-00201 AND 24PLN-00005]**

At its meeting on \_\_\_\_\_, 2024, the City Council of the City of Palo Alto (“City Council”) approved the Streamlined Housing Development Review for a 12-unit residential ownership development and Vesting Tentative Map for the development of a one-lot subdivision to create 12 residential condominium units. making the following findings, determinations and declarations:

**SECTION 1. Background.**

A. On \_\_\_\_ 2022, Grace Li applied for a Streamlined Housing Development Review application for a 12-unit townhome style development, including the following density bonus waivers and concessions in accordance with state density bonus law:

- Waiver 1: Floor area ratio (1.4:1 where 1.25:1 is allowed)
- Waiver 2: Maximum site coverage (50 percent where 35 percent is allowed)
- Waiver 3: Minimum front yard setback (5 feet where 20 feet is required)
- Waiver 4: Minimum interior side yard setback (4.6 feet where 10 feet is required)
- Waiver 5: Side lot line daylight plane (10 feet, 82 degrees where 10 feet, 45 degrees is required)
- Waiver 6: Private street width (20 ft minimum where 32 feet is required)
- Waiver 7: Minimum finished ground floor height (0.5 feet where 1.5 feet is required)
- Waiver 8: Upper floor stepback (stepback of 6 feet for 33% of the east façade on building 1 where 6 feet for 70% of the façade is required at 33-37 feet in height)
- Waiver 9: Façade break (1-foot by 4-foot break with minimum 8.9 square foot area where 2-foot by 4-foot break with 32 square foot area is required)
- Waiver 10: Individual residential entry width (4.5 feet for Building 2 entry stoops where 5 feet is required)
- Waiver 11: Landscaping screening (no trees along the west interior side yard [shared drive aisle] where one tree every 25 feet is required)
- Waiver 12: Landscape coverage (34% where 35% is required)
- Waiver 13: Sidewalk width for shared path from public right-of-way to bicycle parking (4 ft minimum with 1.5 ft shoulders where 8 ft minimum with 2 ft shoulders is required).
- Concession 1: Building height (33.5 feet maximum height where 30 feet is allowed)

B. On January 4, 2024, Grace Li applied for a Vesting Tentative Map for the development of a one (1) parcel, 12-unit condominium subdivision project, including a density

bonus waiver from street width requirements to permit a minimum 20-foot wide private street. (“The Project”).

C. The project site is comprised of one existing lot (APN No. 127-35-200) of approximately 16,720 square feet. The site contains a single multi-family development with eight (8) residential rental units. Single family residential uses abut the site to the north. Multi-family residential units abut the site to the east, west, and across Sutter Avenue to the South.

D. Following staff review, the Architectural Review Board reviewed the project at a study session on November 2, 2024 to provide feedback on the design.

E. Following the Architectural Review Board hearing, the applicant resubmitted revised plans on February 8, 2024 which were tentatively approved by the Director of Planning on March 19, 2024

F. On March 27, 2024 Silicon Valley Law Group, on behalf of the San Carlos Court Neighborhood Association, requested a hearing on the proposed project in accordance with the appeal process set forth in PAMC 18.77.073(e).

G. On March 27, 2024 Milan Saini requested a hearing on the proposed project in accordance with the appeal process set forth in PAMC 18.77.073(e).

H. Following staff review of the Vesting Tentative Map, the Planning and Transportation Commission reviewed the project and recommended approval on March 27, 2024, subject to conditions of approval.

I. On \_\_\_\_\_, 2024 the City Council held a duly noticed public hearing, at which evidence was considered and all persons were afforded an opportunity to be heard in accordance with the City Council’s policies and procedures.

**SECTION 2. Environmental Review.** The City, acting as the lead agency for the Project, has determined that the project is exempt from the California Environmental Quality Act (CEQA) in accordance with CEQA Guideline section 15332, which provides an exemption for infill development projects. Documentation to support the exemption is available as part of the public record on file with the Planning and Development Services Division.

**Section 3. Streamlined Housing Development Review.** The design and architecture of the proposed improvements, as conditioned, complies with the Streamlined Housing Development Project Review Process Findings as required in Chapter 18.77.073 of the PAMC. Neither the Director, nor the City Council on appeal, shall approve an application unless it is found that:

**Finding #1:** *The application complies with all applicable and objective standards in the Comprehensive Plan, the Palo Alto Municipal Code, and other City plans or policies.*

The proposed project complies with all applicable and objective standards in the Comprehensive Plan and the Palo Alto Municipal Code as detailed in the staff report and in Attachments D, Zoning Consistency, and E, Objective Standards Consistency, except where waivers or concessions are requested pursuant to state density bonus law. In accordance with The Housing Accountability Act as set forth in California Government Code 65589.5(j)(3), the receipt of a density bonus, incentive, concession, waiver, or reduction of development standards pursuant to Section 65915 shall not constitute a valid basis on which to find a proposed housing development project is inconsistent, not in compliance, or not in conformity, with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision. Therefore, for the project is compliant with the objective standards.

A summary of the project's consistency with the Comprehensive Plan is provided in this table. The project is required to comply with the Comprehensive Plan to the extent that the requirements are objective.

<b><i>Comp Plan Goals and Policies</i></b>	<b><i>How project adheres or does not adhere to Comp Plan</i></b>
The Comprehensive Plan land use designation for the site is Multi-family Residential which allows for densities ranging from 8 to 40 units per acre	The project adheres to the Comprehensive Plan by providing multi-family housing on a multi-family use site. The proposed density is 31 units per acre which is consistent with this comprehensive plan land use designation.
<b><i>Housing Element</i></b>	
<b>Policy 4.3</b> Implement development standards, objective design standards, and architectural and green building standards that encourage new high-quality rental and ownership housing.	The project complies with the implemented standards except where requests for waivers or concessions in accordance with state density bonus law is provided.
<b><i>Land Use and Community Design Element</i></b>	
<b>Policy L-2.8:</b> When considering infill development, work to minimize the displacement of existing residents	The project is an infill project. While existing rental tenants would be required to either purchase or relocate, the project replaces more units than it removes. The applicant will comply with relocation assistance requirements for project of less than 10 units as set forth in PAMC Section 9.68 for no-fault just-cause eviction.
<b>Policy L-9.2</b> Encourage development that creatively integrates parking into the project, including by locating it behind buildings or underground wherever possible, or by providing for shared use of parking areas. Encourage other alternatives to surface parking lots that minimize the amount of land devoted to parking while still maintaining safe streets, street trees, a vibrant local economy and sufficient parking to meet demand.	The project incorporates the parking into each unit and does not include a surface parking lot. The drive aisle is internal to the site.
<b>Policy L-9.4</b> Treat residential streets as both public ways and neighborhood amenities. Provide	The project maintains sidewalks and improves the streetscape with landscape planting along the

and maintain continuous sidewalks, healthy street trees, benches and other amenities that promote walking and “active” transportation.	project frontage. The project provides bicycle parking along the frontage, bringing the site into conformance with City requirements for bicycle parking.
<b>Transportation Element</b>	
<b>Policy T-3.7</b> Encourage pedestrian-friendly design features such as sidewalks, street trees, on-street parking, gathering spaces, gardens, outdoor furniture, art and interesting architectural details.	The project includes direct connections to the sidewalk that help to activate the frontage along Sutter Avenue in addition to new street trees and plantings.
<b>Policy T-3.9</b> Support citywide sustainability efforts by preserving and enhancing the tree canopy where feasible within the public right-of-way, consistent with the Urban Forest Management Plan, as amended.	The project meets the tree canopy replacement requirements through on site planting. The project includes removal of two trees and replaces with 24 new trees where 7 24-inch box trees are required in accordance with the canopy replacement requirements.

**Finding #2:** Approving the application will not result in a specific, adverse, impact upon the public health or safety, which cannot feasibly be mitigated or avoided in a satisfactory manner. As used in this Section, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

The proposed project would not result in a specific, adverse, impact upon public health or safety. The project complies with all applicable safety requirements with respect to fire safety for the building itself (e.g. ladder access, sprinklers) as well as emergency vehicle access to the site. The traffic report concluded that the project would not create any conflicts with respect to traffic safety. The project also does not introduce any new changes to streets (e.g. new curves in a roadway) or impacts to line-of-sight that would create a safety hazard as detailed in the transportation analysis.

**SECTION 4. Vesting Tentative Map Findings.** A legislative body of a city shall deny approval of a Parcel Map, if it makes any of the following findings (California Government Code Section 66474). The City Council cannot make these findings for the following reasons:

1. *That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451:*

The site is consistent with the Comprehensive Plan as described below.

2. *That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans:*

There is no adopted specific plan for this project site. The proposed vesting tentative map and related improvements is consistent with the Comprehensive Plan in that it facilitates housing development on a site designated for multi-family use within the urban services area, consistent with Goal 2 of the Housing Element and Goal L1.2 of the Land Use Element. The proposed density (31 DU/AC) is consistent with the allowable density (20 to 40 DU/AC) in the multi-family land use designation as outlined in the Land Use Element. The project replaces

eight existing residential rental units with twelve residential condominium units, including two units that will be offered at a rate affordable to low income (50-80% of AMI). The project improves the city's jobs housing imbalance consistent with the Transportation Element's goals and policies.

*3. That the site is not physically suitable for the type of development:*

The Project site is suitable for multi-family residential development in that it's located within the multi-family zone district on a site designated on the City's Land Use Map for multi-family use. The existing parcel meets the minimum code requirements for the RM-20 zone district with respect to lot area, width and depth. The parcel would not change with approval of this condominium subdivision. The proposed number of condominium units complies with the applicable densities set forth in the land use element.

*4. That the site is not physically suitable for the proposed density of development:*

The project would create a total of twelve (12) multi-family residential units which is 31 dwelling units (DU) per acre. This density complies with the maximum allowable residential density as calculated for the total site area under the comprehensive plan (40 DU/acre = 31 DU). Although it exceeds the allowable density set forth in the zoning district, the project exceeds this density in accordance with state density bonus law (Assembly Bill 2345) which allows for increased density based on the percentage of BMR units (25% of the base project) and their affordability level (low income). Building, Palo Alto Fire Department, Planning, Transportation, and Public Works Engineering have reviewed the requested density bonus waiver to permit a minimum 20-foot street width to ensure that all necessary requirements for safety, including but not limited to, fire safety and traffic safety (e.g. curb cut location, back-up space, turning radius, etc.) have been met.

*5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat:*

The project is located within the built environment that does not contain quality habitat for fish or other wildlife on the site or within the vicinity of the site. The nearest stream is a channelized portion of Matadero Creek approximately 350 feet north from the project site. The adopted Palo Alto 2030 Comprehensive Plan includes Map N-1, which identified sensitive animal and plant species within the Palo Alto quadrangle, a large geographic area that includes the urban portions along the bay and within the foothills, based on information in the California natural Diversity Database (CNDDDB). Based on this map, and the urban nature of the site, the subject property does not contain any habitat for endangered, rare, or threatened species and has not historically supported any of these species.

*6. That the design of the subdivision or type of improvements is likely to cause serious public health problems:*

The subdivision of this parcel and associated improvements would not have the potential to result in serious health problems. The proposed multi-family use would not include use or storage of hazardous materials and the use is located within the urban environment adjacent to other residential uses. The site is not located on a hazardous waste site pursuant to government code 65962.5.

7. *That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.*

There are no public access easements over the property currently. Therefore, the design of the subdivision will not conflict with any public easements for access through, or use of, the property. An existing public utility easement along the northern lot line (rear lot line) is no longer necessary and would be vacated in accordance with the conditions of approval of the proposed development application. New public utility easements will be provided to existing and proposed electrical utilities as part of this subdivision map as required in accordance with City of Palo Alto Utilities standards.

SECTION 5. Vesting Tentative Map Approval Granted. Vesting Tentative Map Approval is filed and processed in accordance to PAMC Section 21.13.020 and granted by the City Council under PAMC Sections 21.12 and 21.20 and the California Government Code Section 66474, subject to the conditions of approval in Section 6 of this Record of Land Use Action.

SECTION 6. Final Map. The Final Map submitted for review and approval by the City Council shall be in substantial conformance with the Vesting Tentative Map prepared by BKF Engineers titled "Vesting Tentative Map 739 Sutter Avenue For Condominium Purposes City of Palo Alto, California," consisting of nine (8) pages, stamped as received February 23, 2024, except as modified to incorporate the conditions of approval in Section 6. A copy of the Vesting Tentative Map is on file in the Department of Planning and Development Services, Current Planning Division. Prior to the expiration of the Vesting Tentative Map approval, the subdivider shall cause the subdivision or any part thereof to be surveyed, and a Final Map, as specified in Chapter 21.08, to be prepared in conformance with the Vesting Tentative Map as conditionally approved, and in compliance with the provisions of the Subdivision Map Act and PAMC Title 21 and submitted to the City Engineer (PAMC Section 21.16.010[a]).

## SECTION 7. Conditions of Approval Streamlined Housing Development Review.

### **PLANNING DIVISION**

1. **CONFORMANCE WITH PLANS.** Construction and development shall conform to the approved plans entitled, "739 Sutter Avenue by Ge Sun Palo Alto, California Streamlined Housing Development Review Set" stamped as received by the City on February 8, 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 it to the project planner's attention.
5. **LANDSCAPE PLAN.** Plantings shall be installed in accordance with the approved plan set and shall be permanently maintained and replaced as necessary. Landscaping along the rear lot line between the project and single-family residential uses shall be planted at a minimum height of 8 feet and maintained as a landscape screen for the life of the project in accordance with the code requirements for objective standards.
6. **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.
7. **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.
8. **NOISE REPORT AT BUILDING STAGE.** An analysis of the proposed project's compliance with the City's noise requirements for the proposed HVAC was prepared as part of the documentation to support a Class 32 categorical exemption. At the time of building permit issuance for new construction or for installation of any such mechanical equipment, if the proposed equipment exceeds the anticipated noise level that was analyzed or is proposed in a location that is closer to the property line, the applicant shall submit an acoustical

analysis by an acoustical engineer demonstrating projected compliance with the Noise Ordinance. The analysis shall be based on acoustical readings, equipment specifications and any proposed sound reduction measures, such as equipment enclosures or insulation, which demonstrate a sufficient degree of sound attenuation to assure that the prescribed noise levels will not be exceeded.

9. **EASEMENT VACATION.** The public utility easement at the rear of the property, which is no longer necessary, shall be vacated in order to allow for tree plantings along the rear lot line. If the easement must be vacated through separate instrument (instead of through the mapping process), the applicant shall file the necessary forms and fees to process vacation of the easement.
10. **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.
11. **STANDARD REQUIREMENTS FOR UNANTICIPATED DISCOVERY OF BURIED ARCHEOLOGICAL RESOURCES.** No known archeological resources are present on or within the immediate vicinity of the site. However, as noted in the project description and per the City's standard conditions, in the unlikely event that an archeological resource is unearthed during ground disturbing activities, work in the immediate area should 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 should 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.
12. **STANDARD REQUIREMENTS FOR THE PROTECTION OF NESTING BIRDS.** As detailed in the project description and per the City's standard conditions, 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).

13. **TREE CANOPY REPLACEMENT.** Replacement of the tree canopy for the two trees proposed to be removed is required in accordance with Chapter 8 of the municipal code and the City's Tree Technical Manual. At least seven 24-inch box trees are required for tree canopy replacement in accordance with the City's standards consistent with the approved landscape plan, which meets or exceeds this requirement.
14. **REFUSE.** All trash areas shall be covered and maintained in an orderly state within private garages to prevent water from entering into the garbage container. No outdoor storage is allowed/permitted except when brought out to the street for pickup as shown in the plan set. Trash areas shall be maintained in a manner to discourage illegal dumping.
15. **BELOW MARKET RATE (BMR) HOUSING.** This project is proposed as a state density bonus project and is also subject to the affordable housing requirements set forth in Section 16.65.030 of the Palo Alto Municipal Code. In accordance with the City's requirements and the proposed project in accordance with state density bonus law, the project is required to contain no less than two (2) below market rate units dedicated as low income (50-80% of AMI). A 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.
16. **RENTER PROTECTIONS.** The project is subject to the renter protection requirements set forth in PAMC Section 9.68.050 for no fault evictions for rental properties with less than 10 units. This includes either rental fee waiver for the last month or relocation assistance as detailed in the municipal code. Notification requirements in accordance with the code is required. Documentation showing compliance with these code requirements must be provided to the project planner prior to issuance of a demolition/deconstruction permit.
17. **ESTIMATED IMPACT FEE.** Development Impact Fees, currently estimated in the amount of \$279,177.12 plus the applicable public art in private development fee, per PAMC 16.61.040, shall be paid prior to the issuance of the related building permit(s).
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. ENTITLEMENT EXPIRATION. The project approval shall be valid for a period of two years from the date of issuance of the entitlement. If within such two-year period, the proposed use of the site or the construction of buildings has not commenced, the Planning entitlement shall expire. Application for a one-year extension of this entitlement may be made prior to expiration.
20. 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, Claire Raybould at [Claire.Raybould@cityofpaloalto.org](mailto:Claire.Raybould@cityofpaloalto.org) to schedule this inspection.
21. 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.

#### **PUBLIC WORKS ENGINEERING**

22. PUBLIC WORKS APPLICATIONS, FORMS, AND DOCUMENT. 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>
23. OVERVIEW AND GUIDELINES FOR THE REVIEW OF SUBDIVISION PROJECTS. Developer shall familiarize themselves with the guidelines described in the November 2007 revision of the document titled “Overview and Guidelines for the Review of Subdivision Projects”. Particularly Section II (items 5 through 12) and Section V (items A through C).  
<https://www.cityofpaloalto.org/files/assets/public/planning-amp-development->

[services/file-migration/current-planning/forms-and-guidelines/overview-and-guidelines-for-the-review-of-subdivision-projects.pdf](#)

24. 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.
25. STREETWORK PERMIT. The applicant shall obtain a Streetwork Permit from the Department of Public Works for all public improvements.
26. 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."
27. 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".
28. 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.
29. 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.
30. STORMWATER POLLUTION PREVENTION: All improvement plan sets shall include the "Pollution Prevention – It's Part of the Plan" sheet.

31. 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.
32. Submit the following as part of the building permit application:
  - a. Stamped and signed C.3 data form (April 2023 version) from SCVURPPP.  
[https://scvurppp.org/wp-content/uploads/2023/04/SCVURPPP-C.3-Data-Form--updated\\_4-12-2023\\_clean\\_fillable.pdf](https://scvurppp.org/wp-content/uploads/2023/04/SCVURPPP-C.3-Data-Form--updated_4-12-2023_clean_fillable.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.
33. 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.
34. 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.
35. 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.

## **TRANSPORTATION**

36. SHORT-TERM BICYCLE PARKING ACCESS. Provide at least a six-foot-long, 5-foot wide paved area for the short-term bicycle parking area bicycle parking.
37. ON STREET PARKING FOR TRASH PICKUP. Due to the width of Sutter Avenue, on-street parking may need to be restricted to one side of the street for all or a portion of the roadway segment along the project frontage during trash pickup hours. Applicant shall install required parking restriction signs for trash pick-up hours as part of the project. The parking restriction signage plan shall be reviewed by the Office of Transportation as part of the building permit application.

## **WASTE-GAS-WATER UTILITIES**

38. **UTILITY DISCONNECT.** Prior to issuance of a demolition permit the applicant shall submit a request to disconnect utility services and remove meters. The utilities demo is to be processed within 10 working days after receipt of the request. The demolition permit will be issued by the building inspection division after all utility services and/or meters have been disconnected and removed.
39. **SERVICE CONNECTION APPLICATION.** At the time of building permit application the applicant shall submit a completed water-gas-wastewater service connection application - load sheet for the City of Palo Alto Utilities. The applicant must provide all the information requested for utility service demands (water in fixture units/g.p.m., fire in g.p.m., and sewer in fixture units/g.p.d.). The applicant shall provide the new loads and the combined/total loads. Show on the plans by adding a text note: THIS IS AN "ALL-ELECTRIC" BUILDING PROJECT NO NEW GAS SERVICE OR GAS HOOKUPS WILL BE INSTALLED.
40. **UTILITY IMPROVEMENT PLANS.** At the time of building permit application the applicant shall also submit improvement plans for utility construction. The plans must show the size and location of all underground utilities within the development and the public right of way including meters, backflow preventers, fire service requirements, sewer mains, sewer cleanouts, sewer lift stations, and any other required utilities. Plans for new wastewater laterals and mains need to include new wastewater pipe profiles showing existing potentially conflicting utilities, especially storm drain pipes, and electric and communication duct banks. Existing duct banks need to be daylighted by potholing to the bottom of the ductbank to verify cross section prior to plan approval and starting lateral installation. Plans for new storm drain mains and laterals need to include profiles showing existing potential conflicts with sewer, water, and gas.
41. **AUXILIARY WATER SUPPLY.** On the building permit and relevant utility applications, the applicant must show on the site plan the existence of any auxiliary water supply, (i.e. water well, gray water, recycled water, rain catchment, water storage tank, etc.).
42. **UTILITY LATERALS AND MAINS.** The applicant shall be responsible for installing and upgrading the existing utility mains and/or services, laterals as necessary to handle anticipated peak loads. This responsibility includes all costs associated with the design and construction for the installation/upgrade of the utility mains and/or services/laterals.
43. **RPPA.** An approved reduced pressure principle assembly (RPPA backflow preventer device) is required for all existing and new water connections from Palo Alto Utilities to comply with requirements of California administrative code, title 17, sections 7583 through 7605 inclusive. The RPPA shall be installed on the owner's property and directly behind the water meter within 5 feet of the property line. RPPA's for domestic service shall be lead free. Show the location of the RPPA on the plans.
44. **RPDA.** An approved reduced pressure detector assembly (RPDA backflow preventer device, STD. WD-12A or STD. WD-12B) is required for all existing and new fire water connections from

Palo Alto Utilities to comply with requirements of California administrative code, title 17, sections 7583 through 7605 inclusive. The RPDA shall be installed on the owner's property and directly behind the City's fire service, within 5' (feet) of the property line or City Right of Way.

45. BACKFLOW PREVENTER. All backflow preventer devices shall be approved by the WGW engineering division. Inspection by the city inspector is required for the supply pipe between the meter and the assembly.
46. CAPACITY FEES. Prior to building permit issuance, the applicant shall pay the capacity fees and connection fees associated with new utility service/s or added demand on existing services. The approved relocation of services, meters, hydrants, or other facilities will be performed at the cost of the person/entity requesting the relocation.
47. FIRE WATER LATERAL. A new water service line installation for fire system usage is required. Show the location of the new water service on the building permit plans. The applicant shall provide the engineering department with a copy of the plans for the fire system including all fire department's requirements.
48. METERS. Each unit or building shall have its own water meter shown on the plans. Each parcel shall have its own water service and sewer lateral connection shown on the plans.
49. SEWER LATERAL. A new sewer lateral is required, and a profile of the sewer lateral is required showing any possible conflicts with electric/communications duct banks or other utilities.
50. WATER LATERAL. All existing water and wastewater services/laterals that will not be reused shall be abandoned at the main per the latest WGW utilities standards.
51. SEPARATION. Utility vaults, transformers, utility cabinets, concrete bases, or other structures cannot be placed over existing water, gas, or wastewater mains/services. Maintain 1' horizontal clear separation from the vault/cabinet/concrete base to existing utilities as found in the field. If there is a conflict with existing utilities, Cabinets/vaults/bases shall be relocated from the plan location as needed to meet field conditions. Trees may not be planted within 10 feet of existing water, gas, and wastewater mains/laterals/water services/or meters. New water or wastewater services/laterals/meters may not be installed within 10' of existing trees. Maintain 10' between new trees and new water and wastewater services/laterals/meters except as otherwise approve in conjunction with utilities and urban forestry, including as shown on the approved plans.
52. COPY OF PLANS. The applicant shall provide to the WGW Utility Engineering department a copy of the plans for the fire system including all fire department's requirements prior to the actual service installation.

53. UTILITY INSTALLATIONS. All utility installations shall be in accordance with the City of Palo Alto utility standards for water, gas, & wastewater

#### **PUBLIC WORKS ELECTRIC UTILITIES**

54. UTILITY EASEMENT REQUIRED. Prior to energization, a public utility easement is required to provide access to the proposed transformer. This can either be provided through separate instrument and documented on the tentative and final map or dedicated through the tentative and final map process.

55. UTILITIES APPLICATION. Changes to existing electric utilities equipment on site, such as the transformer, will require a utilities application. Submit a utilities application and obtain City of Palo Alto Utilities Electrical Engineering approval for the modifications to the electrical system.

56. UTILITY DISCONNECT. The applicant shall submit a request to disconnect all existing utility services proposed for removal, including a signed affidavit of vacancy, on the form provided by the Building Inspection Division. Utilities will be disconnected or removed within 10 working days after receipt of request. The demolition permit will be issued after all utility services and/or meters have been disconnected and, as applicable, removed.

57. UTILITIES SHOWN ON LANDSCAPE PLANS. All utility meters, lines, transformers, backflow preventers, and any other required equipment shall be shown on the landscape and irrigation plans and shall show that no conflict will occur between the utilities and landscape materials. In addition, all aboveground equipment shall be screened in a manner that is consistent with the building design and setback requirements.

58. PERMIT. Contractors and developers shall obtain permit from the Department of Public Works before digging in the street right-of-way. This includes sidewalks, driveways and planter strips.

59. UNDERGROUND SERVICES ALERT. At least 48 hours prior to starting any excavation, the customer must call Underground Service Alert (USA) at 1-800-227-2600 to have existing underground utilities located and marked. The areas to be checked for underground facility marking shall be delineated with white paint. All USA markings shall be removed by the customer or contractor when construction is complete.

60. CITY STANDARDS. All new underground conduits and substructures shall be installed per City standards and shall be inspected by the Electrical Underground Inspector before backfilling.

#### **PUBLIC WORKS ZERO WASTE**

61. REQUIRED DECONSTRUCTION. In conformance with PAMC 5.24, deconstruction and source separation are required for all residential and commercial projects where structures (other

than a garage or ADU) are being completely removed, demolition is no longer allowed. Deconstruction takes longer than traditional demolition, it is important to plan ahead. For more information, visit [www.cityofpaloalto.org/deconstruction](http://www.cityofpaloalto.org/deconstruction).

62. **SALVAGE SURVEY FOR REUSE.** A Salvage Survey is required for deconstruction permit applications. The survey shall be conducted by a City approved reuse vendor. The survey submittal shall include an itemized list of materials that are salvageable for reuse from the project. The applicant shall source separate and deliver materials for reuse. Certification is required indicating that all materials identified in the survey are properly salvaged. Contact The ReUse People to schedule this FREE survey by phone (888) 588-9490 or e-mail [info@thereusepeople.org](mailto:info@thereusepeople.org). More information can be found at [www.TheReusePeople.org](http://www.TheReusePeople.org). Please upload a completed copy to the deconstruction permit.
63. **SOURCE SEPARATION FOR RECYCLING.** The applicant shall source separate deconstruction materials into specific categories for recycling. Additional staging areas for source separated materials will need to be considered. All materials shall be delivered to one of the City approved materials recovery facilities listed in Green Halo, all records shall be uploaded to [www.greenhalosystems.com](http://www.greenhalosystems.com). For more information, refer to [www.cityofpaloalto.org/deconstruction](http://www.cityofpaloalto.org/deconstruction).

#### **PUBLIC WORKS WATER QUALITY**

64. **Stormwater Best Management Practices (BMPs)** associated with refuse management (including actions related to refuse pick-up and the enclosure itself) shall be followed to ensure pollution prevention and preventing potential discharges to the City's storm drain system. Stormwater BMPs include, but are not limited to, power washing the pavement on both the private property and in the right-of-way and sidewalk a minimum of once per year before the wet season begins on October 1st; utilizing a power washing contractor that is a Recognized Surface Cleaner by the Bay Area Stormwater Management Agencies Association (BASMAA); disposing of wash water according to the Recognized Surface Cleaner certification requirements; and removing any potential trash build-up on a regular basis.

#### **PUBLIC WORKS URBAN FORESTRY**

65. **PLAN SET REQUIREMENTS.** The final Plans submitted for building permit shall include
- a. **SHEET T-1, BUILDING PERMIT.** The building permit plan set will include the City's full-sized, Sheet T-1 ([Tree Protection-it's Part of the Plan!](#)), available on the Development Center website at <http://www.cityofpaloalto.org/civicax/filebank/documents/31783>. The Applicant shall **complete and sign the Tree Disclosure Statement** and recognize the Project Arborist Tree Activity Inspection Schedule.



- b. The Tree Preservation Report (TPR). All sheets of the Applicant's TPR approved by the City for full implementation by Contractor shall be printed on numbered Sheet T-1 (T-2, T-3, etc) and included in the sheet index for the plans submitted for building permit.

66. **PLANS--SHOW PROTECTIVE TREE FENCING.** The Plan Set (esp. site, demolition, grading & drainage, foundation, irrigation, tree disposition, utility sheets, etc.) must delineate/show Type I or Type II fencing around each Regulated Trees, using a bold dashed line enclosing the Tree Protection Zone as shown on Standard Dwg. #605, Sheet T-1, and the City Tree Technical Manual, Section 6.35-Site Plans; **or using the Project Arborist's unique diagram for each Tree Protection Zone enclosure.**

67. **SITE PLAN REQUIREMENTS.** The following notes shall be included on the site plan for the plans submitted for building or grading permits:

- i. Note #1. Apply to the site plan stating, *"All tree protection and inspection schedule measures, design recommendations, watering and construction scheduling shall be implemented in full by owner and contractor, as stated on Sheet T-1, in the Tree Protection Report and the approved plans"*.
- ii. Note #2. All civil plans, grading plans, irrigation plans, site plans and utility plans and relevant sheets shall add a note applying to the trees to be protected, including neighboring trees stating: *"Regulated Tree--before working in this area contact the Project Site Arborist at 650-654-3351";*
- iii. Note #3. Utility (sanitary sewer/gas/water/backflow/electric/storm drain) plan sheets shall include the following note: *"Utility trenching shall not occur within the TPZ of the protected tree. Contractor shall be responsible for ensuring that no trenching occurs within the TPZ of the protected tree by contractors, City crews or final landscape workers. See sheet T-1 for instructions."*
- iv. Note #4. *"Basement or foundation plan. Soils Report and Excavation for basement construction within the TPZ of a protected tree shall specify a vertical cut (stitch piers may be necessary) in order to avoid over-excavating into the tree root zone. Any variance from this procedure requires Urban Forestry approval, please call (650) 496-5953."*
- v. Note #5. *"Pruning Restrictions. No pruning or clearance cutting of branches is permitted on City trees. Contractor shall obtain a Public Tree Permit from Urban Forestry (650-496-5953) for any work on Public Trees"*

62. **TREE PROTECTION VERIFICATION.** Prior to demolition, grading or building permit issuance, a written verification from the contractor that the required protective fencing is in place shall be submitted to the Building Inspections Division. The fencing shall contain required warning sign and remain in place until final inspection of the project.

#### DURING CONSTRUCTION

63. **EXCAVATION RESTRICTIONS APPLY (TTM, Sec. 2.20 C & D).** 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.

64. **PLAN CHANGES.** Revisions and/or **changes to plans before or during construction** shall be reviewed and responded to by the (a) project site arborist, or (b) landscape architect with written letter of acceptance before submitting the revision to the Building Department for review by Planning, PW or Urban Forestry.
65. **TREE PROTECTION COMPLIANCE.** The owner and contractor shall implement all protection and inspection schedule measures, design recommendations and construction scheduling as stated in the TPR & 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. Project arborist approval must be obtained and documented in the monthly activity report sent to the City. The mandatory Contractor and Arborist Monthly Tree Activity Report shall be sent monthly to the City ([pwps@cityofpaloalto.org](mailto:pwps@cityofpaloalto.org)) beginning with the initial verification approval, using the template in the Tree Technical Manual, Addendum 11.
66. **TREE DAMAGE.** 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 the course of construction, pursuant to Title 8 of the Palo Alto Municipal Code, and city Tree Technical Manual, Section 2.25.
67. **GENERAL.** 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.

#### POST CONSTRUCTION

68. **MAINTENANCE.** All landscape and trees shall be maintained, watered, fertilized, and pruned according to Best Management Practices-Pruning (ANSI A300-2008 or current version) and the City [Tree Technical Manual](#), Section 5.00. Any vegetation that dies shall be replaced or failed automatic irrigation repaired by the current property owner within 30 days of discovery.

### SECTION 8. Conditions of Approval Vesting Tentative Map.

#### Planning

1. **PROJECT PLANS.** The Vesting Tentative Map submitted for review and approval by the City Council shall be in substantial conformance with the Vesting Tentative Map titled “Vesting Tentative Map 739 Sutter Avenue For Condominium Purposes City of Palo Alto, California”, prepared by BKF Engineers and submitted February 23, 2024, except as modified to incorporate the conditions of this approval.
2. **DENSITY BONUS UNITS.** The project seeks a waiver of the minimum street width requirements to permit a minimum 20-foot wide private street. In order to qualify for a waiver from this development standard the project shall provide a minimum of two (2) dwelling units at rates affordable to low income households, as defined in Section 50093 of the Health and Safety Code.
3. **FINAL MAP COVER PAGE.** At such time as the Final Map is filed, the cover page shall include the name and title of the Director of Planning and Development Services.
4. **STANDARD CC&R REQUIREMENTS.** Section 16.38 of Palo Alto’s Municipal Code provides that all condominium and other “community housing projects” shall submit Covenants, Conditions and Restrictions (CC&R’s) to the City Attorney for approval before issuance of the Final Map. The City Attorney has developed the following standard covenants which shall be included in all CC&R’s.
  - a. **PROPERTY SHALL COMPLY WITH CITY ZONING ORDINANCES.** The property, including all common areas, private streets and, parks within the property, shall at all times comply with the City’s Zoning Code and shall not be used for any purpose other than as permitted in the City Zoning Code.
  - b. **MODIFICATIONS TO PROPERTY.** Any alterations, modifications, or other improvements to the property shall comply with all applicable City Codes.
  - c. **MAINTENANCE AND LANDSCAPING OF COMMON AREAS.** The Association is responsible for maintenance and landscaping of all parts of the community housing project which are held in common and such maintenance shall be performed to the standard of maintenance prevalent in the neighborhood. (See PAMC Section 16.38.030(a)).
  - d. **TERMINATION OF MANAGER OR MAINTENANCE CONTRACTS.** The association may terminate the contract of any person or organization engaged by the developer to perform management or maintenance duties three months after the association assumes control of the community housing project or any time thereafter. (See PAMC Section 16.38.030(b).)
  - e. **PROTECTION OF STORM WATER FACILITIES.** Neither the association, its residents, nor their agents, employees, representatives, invitees, licensees,

customers, or contractors shall alter or modify any storm water facilities in any way including but not limited to placing, maintaining, constructing, or planting any improvements, landscaping or other items, including without limitation decks, stairs, walls, irrigation systems, trees, or any vegetation on any storm water facilities.

- f. **TRASH DISPOSAL AND RECYCLING AREAS SHALL COMPLY WITH CITY ORDINANCES.** All trash disposal and recycling areas shall be kept in a clean and sanitary condition and shall comply with all applicable City Ordinances.
- g. **PROHIBITION AGAINST AIR AND WATER POLLUTION.** Neither the association, its residents, nor their agents, employees, representatives, invitees, licensees, customers, or contractors shall use the property in any way which emits pollution into the atmosphere in excess of environmental standards set forth by City, State, and Federal laws, ordinances, and regulations. Neither the association, its residents, nor their agents, employees, representatives, invitees, licensees, customers, or contractors shall discharge garbage, trash, waste, or any other substance or materials of any kind into any private or public sewer or waterway on the property in violation of any regulations of any private or public body having jurisdiction over such matters.
- h. **AMENDMENTS TO ORGANIZATION DOCUMENTS REQUIRE CITY APPROVAL.** Any amendments or modifications to the organizational documents shall be submitted to the city attorney for approval. No amendment or modification to the organizational documents shall be effective without prior written consent of the city attorney.
- i. **CITY'S RIGHT TO ENFORCE COVENANTS AND RESTRICTIONS.** The City is hereby granted the right, but in no event the duty, to enforce the covenants and restrictions set forth in this section of the organizational documents. The association shall recognize that it has the primary responsibility for enforcement of the organizational documents and unequivocally guarantees to institute and expeditiously prosecute any required legal action to obtain compliance with all provisions set forth in the organizational documents.
- j. **NO WAIVER OF CITY'S RIGHTS.** No failure of the City to enforce any of the covenants or restrictions contained in the organizational documents will in any event render them ineffective.
- k. **CITY'S REMEDIES TO CURE A BREACH OR VIOLATION.** Remedies available to the City to cure any breach or violation of the organizational documents shall be cumulative to any other provisions of law. The City's failure to exercise any remedy provided for in the organizational documents shall not, under any circumstances, be construed as a waiver of the remedy.

- I. SEVERABILITY. Invalidation of any one of the City's required covenants or restrictions by judgment or court order shall in no way affect any other provisions which shall remain in full force and effect.
5. ADDITIONAL CC&R REQUIREMENT. The CC&Rs shall also include a provision that dictates the responsibilities of tenants for the trash pickup for the townhomes as shown in the approved plan set.
6. FINAL MAP EXPIRATION. A Final Map, in conformance with the approved Vesting Tentative Map, all requirements of the Subdivision Ordinance (PAMC Section 21.16), and to the satisfaction of the City of Palo Alto and its representatives, shall be filed with the Planning Division and the Public Works Engineering Division within two years of the Vesting Tentative Map approval date or this approval will expire. A one-year extension may be granted in accordance with the allowances set forth in the municipal code.
7. DEVELOPMENT IMPACT FEES. The Property Owner or their designee shall pay all applicable development impact fees associated with the proposed development and subdivision prior to issuance of the building permit(s), as detailed in the Streamlined Housing Development Review Approval.
8. 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.

### **Public Works Engineering**

9. 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>
10. OVERVIEW AND GUIDELINES FOR THE REVIEW OF SUBDIVISION PROJECTS. Developer shall familiarize themselves with the guidelines described in the November 2007 revision of the document titled "Overview and Guidelines for the Review of Subdivision Projects". Particularly Section II (items 5 through 12) and Section V (items A through C).  
<https://www.cityofpaloalto.org/files/assets/public/planning-amp-development-services/file-migration/current-planning/forms-and-guidelines/overview-and->

11. 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.
12. STREETWORK PERMIT. The applicant shall obtain a Streetwork Permit from the Department of Public Works for all public improvements.
13. 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."
14. 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".
15. 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.
16. 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.

#### SECTION 9. Terms of Approval.

1. Streamlined Housing Development Review. In the event actual construction of the project is not commenced within two years of the date of council approval, the approval shall expire and be of no further force or effect.
2. Vesting Tentative Map. All conditions of approval of the Vesting Tentative Map shall be fulfilled prior to approval of a Final Map (PAMC Section 21.16.010[c]). Unless a Final

Map is filed, and all conditions of approval are fulfilled within a two-year period from the date of Vesting Tentative Map approval, the Vesting Tentative Map shall expire and all proceedings shall terminate. An extension of time may be granted by the city council after recommendation of the planning commission, upon the written application of the subdivider, prior to the expiration of the Vesting Tentative Map approval, or any previous extension granted. Such extension(s) shall be subject to the maximum limitations set forth in the Subdivision Map Act.

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INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED:

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Assistant City Attorney

\_\_\_\_\_  
Director of Planning and  
Development Services

PLANS AND DRAWINGS REFERENCED:

Those plans prepared by Dahlin Group titled “739 Sutter Avenue by Ge Sun Palo Alto, California Streamlined Housing Development Review Set” consisting of XXX pages, dated and submitted February 8, 2024.

Those plans prepared by BKF Engineers titled “Vesting Tentative Map 739 Sutter Avenue For Condominium Purposes City of Palo Alto, California,” consisting of nine pages, dated February 20, 2024 and submitted February 24, 2024.