

ACTION NO. 2025-__
RECORD OF THE COUNCIL OF THE CITY OF PALO ALTO LAND USE ACTION
FOR 3150 EL CAMINO REAL: VESTING TENTATIVE MAP, 24PLN-00231

At its meeting on _____, 2025, the City Council of the City of Palo Alto ("City Council") approved the Vesting Tentative Map to merge five parcels into one parcel in order to construct a 368-unit apartment building, making the following findings, determinations and declarations:

SECTION 1. Background.

A. On August 27, 2024, Acclaim Properties applied for a Vesting Tentative Map to merge five parcels into one parcel for 3150 El Camino Real ("The Project").

The project site is comprised of five existing lots: APN No. 148-20-079, approximately 8,250 square feet, an undeveloped parcel; APN No. 148-20-080, approximately 4,950 square feet, an undeveloped parcel; APN No. 148-20-035, approximately 52,250 square feet, developed with a commercial eating and drinking use; APN No. 148-20-054, approximately 27,225 square feet, developed with a commercial eating and drinking use; APN No. 148-20-055, approximately 18,425 square feet, developed with a commercial eating and drinking use. Uses abutting the site include a ten-story office building to the north, a two-story hotel to the west, various one and two-story commercial uses to the east across El Camino Real, and a two-story hotel to the south.

B. Following staff review, the Planning and Transportation Commission reviewed the project and recommended _____ on May 14, 2025, subject to conditions of approval.

C. On _____, 2025 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, as the lead agency for the Project, has determined the project is eligible for a Streamlined Compliance review from the California Environmental Quality Act (CEQA) in accordance with CEQA Guideline section 15183, which provides a streamlined review for in-fill projects consistency with the Comprehensive Plan and adopted Comprehensive Plan Environmental Impact Report. Documentation to support the streamlined checklist is available as part of the public record on file with the Planning and Development Services Division.

SECTION 3. 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 project does not replace existing housing. The project includes 368 units, 74 of which will be offered at a rate affordable to low-income households at 50%-80% area median income (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 identified as a Housing Inventory Site in the Housing Element. The proposed parcel meets the minimum code requirements for the CS zone district with respect to lot area, width, and depth. The proposed number of apartment units created on the resulting parcel complies with the applicable densities set forth in the land use element and zoning code, where there is no maximum density for projects on El Camino Real.

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

The project would create a total of 368 multi-family residential units and results in 144 dwelling units (DU) per acre across the resulting parcel. There is no maximum density for projects on El Camino Real, therefore it is physically suitable for the parcel.

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 portion of Adobe Creek approximately 1,000 feet southeast 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 commercial 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. 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. New public access easements will be provided to provide access to the new units.

SECTION 4. 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 5. 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 TALUS titled “VESTING TENTATIVE PARCEL MAP FOR LOT MERGER” consisting of five pages, dated April 16, 2025 and submitted April 17, 2025, 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 6. Conditions of Approval.

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 PARCEL MAP FOR LOT MERGER – 3150 EL CAMINO REAL (24PLN-00231)”, prepared by TALUS and submitted April 17, 2025, except as modified to incorporate the conditions of this approval.
2. 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.
3. 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. Impact fees may be paid at occupancy in accordance with the requirements under PAMC 16.64.030.
4. 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

5. 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>
6. 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>

7. **SUBDIVISION IMPROVEMENT AGREEMENT:** The applicant shall execute a Subdivision Improvement Agreement and provide improvement securities (Bonds) for all proposed public improvements. THE AGREEMENT SHALL BE EXECUTED PRIOR TO MAP RECORDATION OR ISSUANCE OF ANY PERMITS FOR CONSTRUCTION, ONSITE AND OFFSITE. **ADVISORY --** The applicant shall provide a detailed itemized stamped and signed engineer's estimate for all off-site public improvements which will be reviewed to determine the security amount.
8. **FINAL MAP:** This project is subject to, and contingent upon the approval of a tentative map and recordation of a Final Map. The submittal, approval and recordation of the Map shall be in accordance with the provisions of the California Subdivision Map Act and Palo Alto Municipal Code Title 21 Subdivision requirements. All existing and proposed property lines, easements, dedications shown on the tentative map are subject to City's technical review and staff approval during the map process prior to issuance of any construction permits.
9. **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.
10. **STREETWORK PERMIT:** The applicant shall obtain a Streetwork Permit from the Department of Public Works for all public improvements.
11. **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."
12. **ROUGH GRADING:** provide a Rough Grading Plan for the work proposed as part of the Grading and Excavation Permit application. The Rough Grading Plans shall including the following: pad elevation, elevator pit elevation, ground monitoring wells, limits of over excavation, stockpile area of material, overall earthwork volumes (cut and fill), temporary shoring for any existing facilities, ramps for access, crane locations (if any), tree protection measures, etc.
13. **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.

14. **SOILS ENGINEER CERTIFICATION:** Upon completion of the rough grading work and at the final completion of the work, applicant shall provide a soil grading report prepared by the soils engineer, including locations and elevation of field density tests, summaries of field and laboratory tests and other substantiating data, and comments on any changes made during grading and their effect on the recommendations made in the soils engineering investigation report. The soils engineer shall certify as to the adequacy of the site for the intended use.
15. **SHORING & TIEBACKS:** Provide a shoring plan showing the existing utilities (if needed), to clearly indicate how the new structures will be constructed while protecting the existing utilities (if any). If tiebacks are proposed they shall not extend onto adjacent private property, existing easements or into the City's right-of-way without having first obtained written permission from the private property owners and/or an encroachment permit from Public Works.
16. **HYDRAULICS AND HYDROLOGY REPORT:** This report compares the site's pre-project and post-project conditions. Include a description of the existing site and how the proposed project works in terms of drainage. The report shall include calculations per the Santa Clara County Drainage Manual (2007) comparing 10-year versus 100-year storms (6 duration).
17. **DIRECT CONNECTIONS TO STORM DRAIN SYSTEM:** If the project proposes to replace and/or add connections to the City maintained storm drain system, then the applicant may be responsible for improvements to the system. These improvements may include, but not limited to, upsizing the storm drain facility, replacing or adding City standard catch basins, pipes and manholes. **THIS MAY INCLUDE REPLACING BRICK AND MORTAR MANHOLES.** The extent of required improvements will be at the public works staff discretion and shall be consistent with Storm Drain Master Plan and Public Works Construction Standards. Any work on the city's storm drain systems requires permits and inspection by Public Works inspectors.
18. **CCTV OF STORM DRAIN SYSTEM:** Post construction the applicant may be required to provide CCTV inspection of the City's storm drain facilities to verify that any lines were not broken, cracked or damaged during construction. The video shall be high resolution and done by professional who is familiar with the process and meticulous. A CCTV inspection video is required for new storm drain connection (s) to verify proper connections were made into the City's system and that no construction material was left behind. Videos of storm drain system may also be required where construction occurred less than 5-ft from the city's storm drain system. Videos shall be provided from structure to structure, such as manhole to manhole. Contractor may want to conduct their own

inspection in advance of construction to verify the existing pipe integrity. If existing damages are located, they shall be reported to Public Works inspectors prior to the start of construction. If not reported, the contractor may be responsible to restore the pipe segment as determined by Public Works prior to final.

19. **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".
20. **CONSTRUCTION DEWATERING:** This project may require a dewatering permit during construction due to the groundwater level relative to the depth of excavation.
21. **SWPPP:** This proposed development will disturb more than one acre of land. Accordingly, the applicant shall apply for coverage under the State Water Resources Control Board's (SWRCB) NPDES general permit for storm water discharge associated with construction activity. A Notice of Intent (NOI) shall be filed for this project with the SWRCB in order to obtain coverage under the permit. The General Permit requires the applicant to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP). The applicant is required to submit two copies of the NOI and the draft SWPPP to the Public Works Department for review and approval prior to issuance of the building permit. The SWPPP should include both permanent, post-development project design features and temporary measures employed during construction.
22. **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.
23. **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.
24. **STORMWATER POLLUTION PREVENTION:** All improvement plan sets shall include the "Pollution Prevention – It's Part of the Plan" sheet.
25. **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.

26. Submit the following:
- Provide a stamped and signed C.3 data form (April 2024 version) from SCVURPPP. <https://scvurppp.org/2024/09/19/provision-c-3-data-form-2024/>
 - Final stamped and signed letter confirming which documents were reviewed and that the project complies with Provision C.3 and PAMC 16.11.
27. 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.
28. 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.
29. OUTSIDE AGENCY APPROVAL: A portion of the proposed work is within Caltrans right-of-way. Evidence of encroachment permit approval shall be submitted prior to issuance of City permits.
30. PRIOR TO PUBLIC WORKS FINAL/ACCEPTANCE (STORM DRAIN LOGO): The applicant is required to paint “No Dumping/Flows to Matadero 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.

SECTION 7. Term of Approval. 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:

APPROVED:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Assistant City Attorney

City Manager

Director of Planning and
Development Services

PLANS AND DRAWINGS REFERENCED:

Those plans prepared by TALUS titled “VESTING TENTATIVE PARCEL MAP FOR LOT MERGER – 3150 EL CAMINO REAL (24PLN-00231)” consisting of five pages, dated April 16, 2025 and submitted April 17, 2025.