



PLANNING & DEVELOPMENT SERVICES

CITY OF
**PALO
ALTO** 250 Hamilton Avenue, 5th Floor
Palo Alto, CA 94301
(650) 329-2441

June 24, 2024

Revital Kaufman-Meron
Bekom Design, Inc
19680 Stevens Creek Boulevard
Cupertino, CA 95014

SUBJECT: 4368 Miller Court (23PLN-00301) Individual Review

The Director of Planning and Development Services has conditionally approved your Single-Family Individual Review to allow demolition of an existing 2,300 square foot one story residence and to allow construction of a new two story 4,148 square foot single-family residence with an attached two-car garage, a 2,400 square foot basement, an attached 475 square foot junior accessory dwelling unit and an attached 331 square foot accessory dwelling unit in the R1 zoning district. This approval was granted pursuant to the Palo Alto Municipal Code Sections 18.12.110 and 18.77.075. The proposed project is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Guideline Section 15303 (New Construction). As conditioned, the project meets all five of the *Palo Alto Single Family Individual Review Guidelines* and complies with the R1 Zone District development regulations.

This approval will become effective 14 days from the postmark date of this letter, unless the Planning Department receives a written request for a Director's Hearing prior to the end of the business day 14 calendar-days after the postmark date. Only an applicant, or the owner or tenant of an *adjacent property* may request a hearing. As the plans may have been revised since the original submittal, interested parties may wish to review the tentatively approved plans online at the City's Planning webpage bit.ly/PABuildingEye.

This letter and attached conditions and findings shall be printed onto building permit plans relating to this approval. **If the building permit has not been issued and construction commenced within two years from the effective approval date, this approval will expire.** A written request for an extension may be submitted prior to the expiration date. The Director may grant a one-year extension of this approval.

Should you have any questions regarding this approval or need help reviewing the plan set, please contact Bhavani Potharaju, Project Planner, at (408) 819-0452 or e-mail at bpotharaju@m-group.us.

Sincerely,

DocuSigned by:



Claire Raybould, AICP

Principal Planner

cc: Neighbor notification list (adjacent neighbors)
Property Owner

Attachment: Conditions of Approval

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PLANNING DIVISION CONDITIONS:

1. **CONFORMANCE WITH PLANS.** Construction and development shall conform to the approved plans entitled, "New Two Story Residence Attached JADU Attached ADU, 4368 Miller Court, Palo Alto, California," uploaded to the Palo Alto Online Permitting Services Citizen Portal on June 14, 2024, 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. Project plans submitted for Building permits shall incorporate the following changes:
 - a. Sheet A-0.0, update the detached ADU as attached ADU under required parking information.
 - b. The square footage of the basement may not exceed the total floor area of the ground floor, consistent with the approved plans.
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. **OBSCURED/TRANSLUCENT GLAZING.** All obscure glazing, as shown on the plan set, shall be permanent in nature and shall remain for the life of the structure. Obscure glazing is either decorative glazing that does not allow views through placed into the window frame or acid etched or similar permanent alteration of the glass. Films or like additions to clear glass are not permitted where obscure glazing is shown. Obscure glazing shall not be altered in the future and shall be replaced with like materials if damaged. If operable, these windows shall open towards the public right-of-way.
6. **PRIVACY SCREENING.** All screening, as shown on the plan set, shall be permanent in nature and shall remain for the life of the structure. Screening shall be a maximum of 15 percent open. Screening shall not be altered and shall be replaced with like materials if damaged.
7. **REQUIRED PARKING:** All single-family homes shall be provided with a minimum of one covered parking space (10 foot by 20 foot interior dimensions) and one uncovered parking space (8.5 feet by 17.5 feet).
8. **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.

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9. **NOISE PRODUCING EQUIPMENT:** All noise producing equipment shall be located outside of required setbacks, except they may project 6 feet into the required street side setbacks. In accordance with Section 9.10.030, No person shall produce, suffer or allow to be produced by any machine, animal or device, or any combination of same, on residential property, a noise level more than six dB above the local ambient at any point outside of the property plane.
10. **DAYLIGHT PLANE:** The daylight plane must clear the point where the wall plane intersects the top of the roof material.
11. **IMPERVIOUS SURFACE:** A minimum of 60 % of the required front yard shall have a permeable surface that permits water absorption directly into the soil (Section 18.12.040 (h)). The building permit plan set shall include a diagram demonstrating compliance.
12. **REQUIRED IR LANDSCAPING/TREES.** The following landscaping is required to ensure the project's conformance with the City's IR Guidelines or to address tree canopy replacement requirements and therefore must remain for the life of the structure. Required screening trees and shrubs shall be a minimum size of 24-inch box and measure at least eight (8) feet tall.
 - a. All neighbor's trees protected by construction fencing located in the front yard, and rear yard as shown on the site plan shall be maintained.
 - b. Screening trees located in the left side yard, right side yard and rear yard as shown on the Landscape plan (sheet A 0.14) shall be planted and maintained on the property.
 - c. Total of three replacement trees for removal of tree #2 shall be planted and maintained on the property to meet City's no net loss of canopy requirement. See comment #28 for further details.
13. **FENCES.** Fences and walls shall comply with the applicable provisions of Chapter 16.24, Fences, of the Palo Alto Municipal Code (PAMC). Heights of all new and existing fencing must be shown on the Building Permit plans.
 - a. Where an existing fence is non-compliant, a new Code compliant fence shall be constructed in its place.
14. **LIGHT WELLS.** Railings around light wells shall be screened from street view. Screening may consist of plant material or fencing.
15. **BASEMENT WALLS:** Basement retaining walls shall not extend beyond the exterior wall plane of the first floor of the house, excluding lightwells, below grade patios and approved extensions, to the satisfaction of the Director of Planning. Approved extensions included a maximum of two basement areas under a roofed entry to the unit that complete the square.
16. **BASEMENT CONSTRUCTION WALLS:** Any walls, temporary or otherwise, installed to facilitate construction of a basement shall be removed or constructed in such a way as to not significantly restrict the growth of required landscaping, to the satisfaction of the Director of Planning.

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17. ESTIMATED IMPACT FEE. Given the proposed ADU is less than 750 sf, no additional impact fees are due.
18. PLANNING FINAL INSPECTION. A Planning Division Final inspection will be required to determine substantial compliance with the approved plans prior to the scheduling of a Building Division final. Any revisions during the building process must be approved by Planning, including but not limited to; materials, fenestration and hard surface locations. Contact the planning department at 650-617-3117 or email Planner@CityofPaloAlto.org to schedule this inspection.
19. PERMIT EXPIRATION. The project approval shall be valid for a period of **two years** from the original date of approval. Application for a one year extension of this entitlement may be made prior to expiration, by emailing the Planning department at Planner@CityofPaloAlto.org. If a timely extension is not received, or the project has already received an extension and the applicant still wishes to pursue this project, they must first file for a new Planning application and pay the associated fees. This new application will be reviewed for conformance with the regulations in place at that time.
20. INDEMNITY: To the extent permitted by law, the Applicant shall indemnify and hold harmless the City, its City Council, its officers, employees and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside or void, any permit or approval authorized hereby for the Project, including (without limitation) reimbursing the City for its actual attorneys' fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its own choice.

URBAN FORESTRY

Any applicable items 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.

21. The answer to question 3 on the Tree disclosure statement shall be changed to "yes", due to the potential for minor impacts to trees on site, including a protected oak, as mentioned in the consulting Arborist report.
22. 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.

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23. 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.
24. 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.
25. 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.
26. Prior to any site work, contractor must call Derek Sproat at 650-496-6985 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.
27. 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.
28. NO NET LOSS OF CANOPY: In order to comply with the city's no net loss of canopy policy (Urban Forest Master Plan: Goals 6.A, 6.B & 6.C & Comprehensive Plan Natural Environment Chapter: Goal N-2 and others) all trees 4" DBH and larger are subject to replacement to avoid a loss of canopy at the neighborhood level. Replacement ratios are determined by table 3-1 in the Tree Technical Manual (Section 3.20.C). New landscape tree plantings (24" box or larger) count towards the replacement total. Screening trees may also count toward the total depending on size and species selected. If unable to plant the required number of trees on site (our preferred solution) there is the option of paying in-lieu fees of \$650 per each 24" box tree into the forestry fund.

ZERO WASTE

29. 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.

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30. 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. More information can be found at www.TheReusePeople.org. Please upload a completed copy to the deconstruction permit.
31. 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.
For more information, refer to www.cityofpaloalto.org/deconstruction

PUBLIC WORKS CONDITION OF APPROVAL

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

32. PUBLIC WORKS STANDARD CONDITIONS SHEET: The Department of Public Work's full-sized "Standard Conditions" sheet shall be included in the improvement plans and the applicant shall comply with all conditions listed in the sheet. The sheet can be obtained from a staff member of Public Works Engineering Services or at the following link under "Public Works Plan Review Documents":
<https://www.cityofpaloalto.org/files/assets/public/public-works/engineering-services/webpages/forms-and-permits/pw-conditions-sheet-alternative-update-8.7.18.pdf>
33. SIDEWALK, DRIVEWAY, CURB & GUTTER: The applicant shall meet with a Public Works inspector by calling 650-496-6929 to determine portions of sidewalk, curb, gutter, and driveway approaches that shall be replaced along the project frontage. These portions shall be indicated on the site improvement plans. In addition, a Site Inspection Directive sheet shall be completed, signed by the inspector, and scanned onto the plan set. The sheet can be obtained from a staff member of Public Works Engineering Services or at the following link:
https://www.cityofpaloalto.org/files/assets/public/public-works/engineering-services/webpages/forms-and-permits/other-guidelines/pwe-site-inspection-directive_rev-2021.pdf
34. DRIVEWAY APPROACHES: The applicant shall comply with all regulations in PAMC Chapter 12.08 for driveway approaches. A summary of those regulations can be obtained from a staff member of Public Works Engineering Services or at the following link:
<https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=69580.09&BlobID=66035>

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35. STORM WATER POLLUTION PREVENTION SHEET: The City's full-sized "Pollution Prevention - It's Part of the Plan" sheet shall be included in the improvement plans. The sheet can be obtained from a staff member of Public Works Engineering Services or at the following link under "Public Works Plan Review Documents":
<https://www.cityofpaloalto.org/Departments/Public-Works/Engineering-Services/Forms-and-Permits>
36. IMPERVIOUS SURFACE AREA WORKSHEET: The project will be creating or replacing 500 square feet or more of impervious surface. Submit a copy of the Impervious Surface Area calculations as a separate document in resubmittal. The Impervious Area Worksheet for Land Developments form and instructions are available on our website:
<https://www.cityofpaloalto.org/files/assets/public/public-works/engineering-services/webpages/forms-and-permits/impervious-area-worksheet-for-land-developments-2021.pdf>
37. GRADING & DRAINAGE PLAN: The improvement plans shall be compliant with the "Grading & Drainage Guidelines for Residential Developments". The sheet can be obtained from a staff member of Public Works Engineering Services or at the following link under "Public Works Plan Review Documents":
<https://www.cityofpaloalto.org/Departments/Public-Works/Engineering-Services/Forms-and-Permits>
38. C.3 STORMWATER REGULATIONS: This project creates or replaces over 2,500 square feet of impervious surface area. The applicant shall implement one or more of the following site design measures on improvement plans:
- Direct roof runoff into cisterns or rain barrels for reuse.
 - Direct roof runoff onto vegetated areas.
 - Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas.
 - Direct runoff from driveways and/or uncovered parking lots onto vegetated areas.
 - Construct sidewalks, walkways, and/or patios with permeable surfaces.
 - Construct driveways, and/or uncovered parking lots with permeable surfaces.
39. STREETWORK PERMIT: All improvement plans shall include the following note adjacent to proposed work in the public right-of-way. "Any construction within the public right-of-way requires an approved Streetwork Permit from Public Works Engineering".
40. DEMOLITION PLAN: The following note shall be placed adjacent to all affected trees on the Demolition Plan: "Excavation and trenching is restricted within the Tree Protection Zone (refer to T-1 Tree Protection Sheet) or as approved by the Urban Forestry Division at 650-496-5953. Any changes shall be approved by the same".
41. EXCAVATION & GRADING PERMIT: An Excavation and Grading Permit shall be obtained per PAMC Chapter 16.28 prior to building permit approval. The permit application and all required

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documents shall be submitted to Public Works Engineering. The application can be obtained from a member of Public Works Engineering Services or at the following link:
<https://www.cityofpaloalto.org/Departments/Public-Works/Engineering-Services/Forms-and-Permits>

42. EXCAVATION SHORING: Shoring Plans prepared by a licensed professional engineer shall be submitted with the Grading and Excavation Permit. Shoring and tiebacks shall not extend onto adjacent private property or into the City right-of-way without having first obtained written permission from the private property owner(s) and/or an encroachment permit from the Department of Public Works.
43. CONSTRUCTION DEWATERING: This project may require dewatering during construction due to the groundwater level relative to the excavation. Refer to the following link and navigate to "Construction Dewatering Plan Design Guidelines" for more information:
<https://www.cityofpaloalto.org/Departments/Public-Works/Engineering-Services/Forms-and-Permits>
44. BASEMENT DRAINAGE: A drainage system is required for all exterior basement-level spaces such as lightwells, patios, or stairwells. This system consists of a sump, a sump pump, a backflow preventer, and a closed pipe from the pump to a dissipation device onsite at least 10 feet from back of sidewalk and 3 feet from side and rear property lines, such as a bubbler box in a landscaped area. NOTE: Perforated pipe drainage systems at the exterior of the basement walls or under the slab are not allowed for sites on the bay side of Foothill Expressway.

GREEN BUILDING & ENERGY REACH CODE REQUIREMENTS:

45. GREEN BUILDING AND ENERGY REACH CODE. The proposed project shall conform with PAMC Section 16.14 (Green Building code) Information, ordinances and applications can be found at http://www.cityofpaloalto.org/gov/depts/ds/green_building/default.asp. If you have any questions regarding Green Building requirements, please call the Green Building Consultant at (650) 329-2179 or send an email to GreenBuilding@CityofPaloAlto.org