

Attachment C

PLANNING DIVISION

1. CONFORMANCE WITH PLANS. Construction and development shall conform to the approved plans entitled, "640 Waverley Street Palo Alto , California Major Architectural Review Submittal #3 11.26.2024," stamped as received by the City on November 26, 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 the memorandum dated November 6, 2024 prepared by SWA landscape architects as provided in Attachment E of staff report # 2412-3940 and shall be permanently maintained and replaced as necessary.
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. LIGHTING. Between the hours of 10:00pm-6:00am (normal cessation of business hours), lighting within the building or on the property shall be reduced to its minimum necessary to facilitate security, in order to minimize light glare at night.
8. 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.
9. NOISE REPORT. At the time of building permit issuance, the specifications for the mechanical equipment, including the maximum decibel level of the equipment shall be provided. If the proposed noise level exceeds the anticipated noise level previously analyzed, further analysis to show compliance with the city's noise ordinance shall be provided. Where the acoustical analysis projected noise levels at or within 5 dB less than the Noise Ordinance limits, the applicant shall demonstrate the installed equipment complies with the anticipated noise levels and the Noise Ordinance prior to final Planning inspection approval.

10. USE AND OCCUPANCY PERMIT. A Use and Occupancy Permit is required prior to occupancy of the commercial space by any tenant.
11. MITIGATION MONITORING AND REPORTING PROGRAM. The Mitigation Monitoring and Reporting Program (MMRP) associated with the project and attached here as Exhibit A is incorporated by reference and all mitigation measures shall be implemented as described in said document. Prior to requesting issuance of any related demolition and/or construction permits, the applicant shall meet with the Project Planner to review and ensure compliance with the MMRP, subject to the satisfaction of the Director of Planning of Planning and Community Environment.
12. NESTING BIRD SURVEY. Vegetation or tree removal shall be prohibited during the general avian nesting season (February 1 – August 31), if feasible. If nesting season avoidance is not feasible, the applicant shall retain a qualified biologist, as approved by the City of Palo Alto, to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and activity status of any active nests on or adjacent to the project site no more than 14 days prior to scheduled vegetation clearance and/or demolition activities. If nesting birds are found to be present, a suitable buffer (typically a minimum buffer of 50 feet for passerines and a minimum buffer of 250 feet for raptors) as determined appropriate by the biologist, shall be established around such active nests and no construction shall be allowed within the buffer areas until a qualified biologist has determined that the nest is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest). A report documenting any data recovered during monitoring shall be prepared by a qualified biologist and submitted to the Director of Planning prior to final planning inspection.
13. UNANTICIPATED DISCOVERY OF BURIED ARCHAEOLOGICAL, PALEONTOLOGICAL, AND TRIBAL CULTURAL RESOURCES. No known archeological or paleontological resources are present on or within the immediate vicinity of the site. However, in the unlikely event that an archeological resource or paleontological resource is unearthed during ground disturbing activities, work in the immediate area must be halted and an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archeology (National Park Service 1983) shall be contacted immediately to evaluate the find. If the find is Native American in origin, then a Native American representative must also be contacted to participate in the evaluation of the find. The qualified archaeologist, and, if applicable, the Native American representative, shall examine the find and make recommendations regarding additional work necessary to evaluate the significance of the find and the appropriate treatment of the resource. Recommendations could include, but are not limited to, invasive or non-invasive testing, sampling, laboratory analysis, preservation in place, or data recovery. A report of findings documenting any data recovered during monitoring shall be prepared by a qualified archaeologist and submitted to the Director of Planning prior to final planning inspection.
14. REFUSE. All trash areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering into the garbage container. No outdoor storage is allowed/permitted unless designated on the approved plan set. Trash areas shall be maintained in a manner to discourage illegal dumping.
15. Watershed Protection Requirements. At the Building permit stage, the project shall demonstrate compliance with the following Municipal Code Sections:
 - a. Section 16.09.075 (Grease Control, Drainage Fixtures),

- b. Section 16.09.075(q)(2) (Covered Dumpsters, Recycling and Tallow Bin Areas),
- c. Section 16.09.075(m)(2)(B) (Large Item Cleaning Sink), and
- d. Section 5.30.020 (Prohibitions on the Use of Plastic Foam and Non-Recyclable Plastics)

16. **AFFORDABLE HOUSING REQUIREMENT (OWNERSHIP PROJECT):** This project is subject to the affordable housing requirements set forth in Section 16.65.030 of the Palo Alto Municipal Code. The Code goes on to state that “for projects on sites of less than five acres, fifteen percent (15%) of the dwelling units in the project shall be made available at affordable sales price to very low, low, and moderate income households”. Therefore, the proposed project is required to provide 0.6 fractional unit through payment of housing in-lieu fees, currently estimated at \$580,536. This fee shall be collected along with other required development impacts fees prior to occupancy.
17. **ESTIMATED IMPACT FEE:** Development Impact Fees, currently estimated in the amount of \$340,494.62 plus the applicable public art fee, per PAMC 16.61.040, and the applicable affordable housing in-lieu fee as detailed in COA 16 shall be paid prior to occupancy.
18. **IMPACT FEE 90-DAY PROTEST PERIOD.** California Government Code Section 66020 provides that a project applicant who desires to protest the fees, dedications, reservations, or other exactions imposed on a development project must initiate the protest at the time the development project is approved or conditionally approved or within ninety (90) days after the date that fees, dedications, reservations or exactions are imposed on the Project. Additionally, procedural requirements for protesting these development fees, dedications, reservations and exactions are set forth in Government Code Section 66020. IF YOU FAIL TO INITIATE A PROTEST WITHIN THE 90-DAY PERIOD OR FOLLOW THE PROTEST PROCEDURES DESCRIBED IN GOVERNMENT CODE SECTION 66020, YOU WILL BE BARRED FROM CHALLENGING THE VALIDITY OR REASONABLENESS OF THE FEES, DEDICATIONS, RESERVATIONS, AND EXACTIONS. If these requirements constitute fees, taxes, assessments, dedications, reservations, or other exactions as specified in Government Code Sections 66020(a) or 66021, this is to provide notification that, as of the date of this notice, the 90-day period has begun in which you may protest these requirements. This matter is subject to the California Code of Civil Procedures (CCP) Section 1094.5; the time by which judicial review must be sought is governed by CCP Section 1094.6.
19. **INDEMNITY.** To the extent permitted by law, the Applicant shall indemnify and hold harmless the City, its City Council, its officers, employees and agents (the “indemnified parties”) from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside or void, any permit or approval authorized hereby for the Project, including (without limitation) reimbursing the City for its actual attorneys’ fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its own choice.
20. **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 one/two years 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.

21. 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 to schedule this inspection.

BUILDING

22. A building permit is required. Submit complete plans and documentation with the building permit application. The checklist for building permit submittal is available online at:

<https://www.cityofpaloalto.org/files/assets/public/v/4/development-services/building-division/checklists/simplified/c1-new-comm-shell-checklist.pdf>

PUBLIC WORKS

23. TENTATIVE MAP: A Tentative Map is required for the proposed development as it is deemed a Major Subdivision. All existing and proposed dedications and easements must be shown on the submitted map. This application is filed with the Planning Division.

24. 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>

25. 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>

26. 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.

27. PARCEL MAP/FINAL MAP: This project is subject to, and contingent upon the approval of a tentative map/final 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.

28. **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.
29. **STREETWORK PERMIT:** The applicant shall obtain a Streetwork Permit from the Department of Public Works for all public improvements.
30. **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."
31. **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.
32. **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.
33. **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.
34. **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.

35. 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".
36. CONSTRUCTION DEWATERING: This project requires a dewatering permit during construction due to the groundwater level relative to the depth of excavation.
37. ENCROACHMENT PERMIT: Prior to any work in the public right-of-way, the applicant shall obtain an encroachment permit from the Public Works Department for any work that encroaches onto the City right-of-way.
38. LOGISTICS PLAN: A construction logistics plan shall be provided addressing all impacts to the public including, at a minimum: work hours, noticing of affected businesses, bus stop relocations, construction signage, dust control, noise control, storm water pollution prevention, job trailer, contractors' parking, truck routes, staging, concrete pours, crane lifts, scaffolding, materials storage, pedestrian safety, and traffic control. All truck routes shall conform to the City of Palo Alto's Trucks and Truck Route Ordinance, Chapter 10.48, and the route map. NOTE: Some items/tasks on the logistics plan may require an encroachment permit.
39. STORMWATER POLLUTION PREVENTION: All improvement plan sets shall include the "Pollution Prevention – It's Part of the Plan" sheet.
40. C.3 THIRD-PARTY CERTIFICATION: Applicant shall provide certification from a qualified third-party reviewer that the proposed permanent storm water pollution prevention measures comply with the requirements of Provision C.3 and Palo Alto Municipal Code Chapter 16.11.

Submit the following:

- a. 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/>
 - b. Final stamped and signed letter confirming which documents were reviewed and that the project complies with Provision C.3 and PAMC 16.11.
41. C.3 STORMWATER AGREEMENT: The applicant shall enter into a Stormwater Maintenance Agreement with the City to guarantee the ongoing maintenance of the permanent storm water pollution prevention measures. The City will inspect the treatment measures yearly and charge an inspection fee. The agreement shall be executed by the applicant team prior to building permit final.
 42. C.3 FINAL THIRD PARTY CERTIFICATION PRIOR TO OCCUPANCY: Within 45 days of the installation of the required storm water treatment measures and prior to the issuance of an occupancy permit for the building,

the third-party reviewer shall submit to the City a certification verifying that all the permanent storm water pollution prevention measures were installed in accordance with the approved plans.

43. IMPERVIOUS SURFACE AREA: The project will be creating or replacing 500 square feet or more of impervious surface. Accordingly, the applicant shall provide calculations of the existing and proposed impervious surface areas with the building permit application. The *Impervious Area Worksheet for Land Developments* form and instructions are available at the Development Center or on our website. To determine the impervious surface area that is being disturbed, provide the quantity on the site plan.
44. PRIOR TO PUBLIC WORKS FINAL/ACCEPTANCE (STORM DRAIN LOGO): The applicant is required to paint “No Dumping/Flows to _____” 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.
45. PRIOR TO PUBLIC WORKS FINAL/ACCEPTANCE (RECORD DRAWINGS): At the conclusion of the project applicant shall provide digital as-built/record drawings of all improvements constructed in the public right-of-way or easements in which the City owns an interest.
46. PRIOR TO PUBLIC WORKS FINAL/ACCEPTANCE (INDEFINITE ENCROACHMENT PERMIT): An approved indefinite encroachment permit will be required for private infrastructure constructed in the public right-of-way, easement or on property in which the City holds an interest, but that was not authorized by a building permit.

Zero Waste

47. 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.
48. 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.
49. 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.

TRANSPORTATION

50. **PARKING RESTRICTION SIGNAGE.** Signage restricting parking in front of the property during trash pickup hours is required. Applicant shall install required parking restriction signs 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.
51. **RED ZONE FOR VISIBILITY.** The project shall be required to keep the existing five-foot No Parking (red zone) on the left side of the project driveway to increase visibility.

URBAN FORESTRY

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.

See general UF COA below:

52. 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.
53. Tree Damage, Injury Mitigation and Inspections apply to Contractor. Reporting, injury mitigation measures and arborist inspection schedule (1-5) apply pursuant to TTM, Section 2.20-2.30. Contractor shall be responsible for the repair or replacement of any publicly owned or protected trees that are damaged during the course of construction, pursuant to Title 8 of the Palo Alto Municipal Code, and city Tree Technical Manual, Section 2.25.
54. 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.
55. **TREE PROTECTION VERIFICATION INSPECTION REQUIRED.** Prior to any site work, contractor must call Uriel Hernandez at 650-329-2450 to schedule an inspection of any required protective fencing. The fencing shall contain required warning sign and remain in place until final inspection of the project.
56. 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.

57. During the permit phase of a project an applicant must provide the proposed square footage of the rehabilitated landscape to determine if the project requires a MWELO compliance review. Please see the document titled "Model Water Efficient Landscape Ordinance (MWELO) Compliance Submittals and Guidelines" (<https://cityofpaloalto.org/civicax/filebank/documents/76159>) to determine if the project qualifies for MWELO Review. If a MWELO review is required, please follow the instructions in the above document when submitting your permit application and plan set.

58. 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. 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.

59. The final Plans submitted for building permit shall include the following information and notes on relevant plan sheets: The building permit plan set will include the Sheet T-1 (Tree Protection-it's Part of the Plan!)