

ACTION NO. 2024-__
RECORD OF THE COUNCIL OF THE CITY OF PALO ALTO LAND USE ACTION
FOR 3980 EI CAMINO REAL: STREAMLINED HOUSING DEVELOPMENT AND VESTING
TENTATIVE MAP [24PLN-00041]

At its meeting on _____, 2024, the City Council of the City of Palo Alto (“City Council”) approved the Streamlined Housing Development Review for a 61-unit residential rental development and Vesting Tentative Map for the development of a subdivision to create two lots, making the following findings, determinations and declarations:

SECTION 1. Background.

A. On February 15, 2024, Santa Clara County Housing Authority (SCCHA) applied for a Streamlined Housing Development Review application for a 61-unit residential rental development, including the following density bonus waivers and concessions in accordance with state density bonus law:

- Density Bonus: 80% increase in density from 20 du/ac to 36 du/ac
- Concession 1: Façade Breaks
- Concession 2: Ground Floor Unit Direct Connection to Path or Common Open Space
- Concession 3: Percentage of Frontage Dedicated to Utilities and Parking
- Concession 4: Private Open Space (None where 50 sf per unit is required)
- Waiver 1: Floor Area Ratio (1.01:1 where 0.5:1 is allowed)
- Waiver 2: Height (37 feet where 30 feet is allowed)
- Waiver 3: Site Open Space (24% where 35% is required)
- Waiver 4: Tree Canopy Cover in Parking Lot (future coverage of 47% where 50% is required)
- Waiver 5: Reduction in Street Trees (none provided along the mobile home project frontage [due to Valley Water easement restrictions] where one per every 30 feet is required).

B. On April 30, 2024, SCCHA applied for a Vesting Tentative Map for the development to subdivide one (1) existing 4.5-acre lot into two parcels (1.69-acres and 2.81 acres). The 61-unit apartment complex would be developed on the resulting 1.69-acre parcel; the 2.81-acre parcel would be redeveloped with 44 mobile home units, which would be processed through the state (“The Project”).

C. The project site is comprised of one existing lot (APN No. 127-11-103) of approximately 4.5 Acres (196,020 sf). The site contains a multi-family development with seventy-nine (79) residential units, seventy-five (75) of which are occupied. Single family

residential uses abut the site to the north. Multi-family residential units abut the site to the west, and across Los Robles Avenue to the South. Commercial uses abut the site to the east along El Camino Real.

D. Following submittal of the application, Council held a study session on March 4, 2024 to provide early input on the proposed development and to provide an opportunity to hear comments from the public.

E. Following staff review, the Architectural Review Board reviewed the project at a study session on May 2, 2024, to provide feedback on the design for the streamlined housing development review application.

F. Following the Architectural Review Board hearing, the applicant resubmitted revised plans for the streamlined housing development review application on May 29, 2024.

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

H. On June 18, 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.

I. On _____, 2024 the City Council held a duly noticed public meeting 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 Council staff report

(Staff report ID # _____) 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.

| <i>Comp Plan Goals and Policies</i> | <i>How project adheres or does not adhere to Comp Plan</i> |
|--|---|
| The Comprehensive Plan land use designation for the site is 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 36 units per acre which is consistent with this comprehensive plan land use designation. |
| <i>Housing Element</i> | |
| Policy 4.3 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. The project provides the necessary upgrades to deteriorating infrastructure on the site and updates to the units to provide new high-quality rental and ownership units while maintaining the affordability level. |
| <i>Land Use and Community Design Element</i> | |
| Policy L-2.8: When considering infill development, work to minimize the displacement of existing residents | The project is an infill project. A full relocation plan has been presented to all tenants and creates options for ownership or rental. The project replaces more units than it removes. |
| Policy L-9.2 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 | While the project proposes surface parking, the parking is located at the side of the building and is not located between the building and the street. The frontage is still provides a sidewalk and bike lane and provides street trees and other greenery along the frontage. |

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| land devoted to parking while still maintaining safe streets, street trees, a vibrant local economy and sufficient parking to meet demand. | |
| Policy L-9.4 Treat residential streets as both public ways and neighborhood amenities. Provide and maintain continuous sidewalks, healthy street trees, benches and other amenities that promote walking and “active” transportation. | The project includes a new sidewalk and street trees as well as new bicycle parking within the project setback area that promotes active transportation. This improves the current design, which provides parking along the project frontage and does not include a sidewalk. |
| Transportation Element | |
| Policy T-3.7 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 Los Robles Avenue in addition to new street trees and plantings. |
| Policy T-3.9 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 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.

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 (36 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 79 existing residential ownership and rental units with 61-residential rental units and 44 residential ownership units. The project would be 100% affordable with 40% of units provided at a rate affordable to households earning 30% of Area Median Income (AMI), 40% of the units provided at a rate affordable to households earning 50% AMI and the remaining 20% provided at a rate affordable to households earning 80% 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 proposed resulting parcels meet the minimum code requirements for the RM-20 zone district with respect to lot area, width and depth. The proposed number of condominium units for one of the two parcels 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 proposed development of both parcels would create a total of one-hundred and five (105) multi-family residential units which is 23 dwelling units (DU) per acre (total project site is 4.5 acres). This density complies with the minimum and maximum allowable residential density as calculated for the total site area under the comprehensive plan (20-40 DU/acre = 90-180 DU). The newly created parcel for the rental units would have a density that exceeds the maximum allowable density for the zoning (20 DU/AC) in accordance with state density bonus law (Assembly Bill 1763) which allows for increased density based on the percentage of BMR units (80% of the base project) and their affordability level. Building, Palo Alto Fire Department, Planning, Transportation, Zero Waste, and Public Works Engineering have reviewed the requested density bonus waiver to permit a minimum 28-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, turning radius, etc.) have been met as well as to ensure that the street allows for proper function of the site (e.g. trash pickup).

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. An easement along the project frontage contains Barron Creek within an existing underground culvert pipe. An encroachment permit from Valley Water is required as a condition of approval of the project to ensure that the proposed work does not impact the existing infrastructure. 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. Existing public utility easements would be vacated and new public utility easements created as part of the mapping process to reflect modifications to the location of utility infrastructure. A new public access easement would be granted over a portion of the frontage for public access on the proposed new sidewalk. An existing Valley Water easement would be

maintained along the frontage and any temporary or permanent improvements within that area requires an encroachment permit from valley water prior to building permit issuance.

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 8 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 Sandis Engineering titled "Vesting Tentative Map For a Two Lot Subdivision," consisting of three pages, stamped as received July 1, 2024, except as modified to incorporate the conditions of approval in Section 8. 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, "Buena Vista Commons 3980 El Camino Real, Palo Alto, CA 94306" stamped as received by the City on June 3, 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. **VALLEY WATER ENCROACHMENT PERMIT.** An encroachment permit is required prior to any temporary work or permanent improvements within Valley Water's easement. The project shall comply with any and all requirements of the encroachment permit.
10. **PUBLIC ACCESS EASEMENT.** A public access easement shall be required for the proposed sidewalk on private property. This may be dedicated through separate instrument and documented on the tentative map and final map or it may be recorded through the subdivision map process.
11. **SIGN APPROVAL NEEDED.** No signs are approved at this time. All signs, if proposed, 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.
12. **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.

13. 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).
14. STANDARD REQUIREMENTS FOR PM10 AND PM2.5 EMISSIONS. The following conditions shall be implemented during all phases of construction to control dust and exhaust at the project site in compliance with the Comprehensive Plan Policy N-5.5:
 - Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) two times per day.
 - Cover all haul trucks transporting soil, sand, and other loose material off-site.
 - Remove all visible mud or dirt track out onto adjacent public roads at least once per day using wet power vacuum street sweepers. The use of dry power sweeping is prohibited.
 - Limit all vehicle speeds on unpaved roads to 15 miles per hour.
 - Pave all new roadways, driveways, and sidewalks as soon as possible.
 - Lay building pads as soon as possible after grading unless seeding or soil binders are used.
 - Suspend all excavation, grading, and/or demolition activities when average wind speeds exceed 20 miles per hour.

- Wash off all trucks and equipment, including their tires, prior to leaving the site.
- Post a publicly visible sign with the name and phone number of an on-site construction coordinator to contact regarding dust complaints. The on-site construction coordinator shall respond and take corrective action within 48 hours. The sign shall also provide the City's Code Enforcement Complaints email and number and the Air District's General Air Pollution Complaints number to ensure compliance with applicable regulations.

15. **CONSTRUCTION EQUIPMENT.** All construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA Tier 4 Final emission standards for particulate matter (PM₁₀ and PM_{2.5}), if feasible. If Tier 4 Final equipment is not available for a particular piece of equipment, then use equipment that meets U.S. EPA emission standards for Tier 3 engines and include PM emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieve an 80 percent reduction in PM exhaust in comparison to uncontrolled equipment.

16. **VIBRATION ANALYSIS.** Prior to issuance of a demolition permit, a list of all heavy construction equipment to be used for this project known to produce high vibration levels (e.g., tracked vehicles, vibratory compaction, jackhammers, hoe rams, clam shovel drop, and vibratory roller, etc.) shall be submitted to the City by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort for reducing vibration levels below the thresholds.

- Smaller equipment (less than 18,000 pounds) shall be used near the property lines adjacent to sensitive buildings to minimize vibration levels to 0.3 in/sec PPV or less. For example, a smaller vibratory roller similar to a Caterpillar model CP433E vibratory compactor could be used when compacting materials within 20 feet of the adjacent conventional building. The smaller equipment intended to implement this requirement shall be individually identified among the list of equipment required under the above condition as the subset of equipment allowed for use at the property lines.
- Select demolition methods that do not involve large impact tools such as hoe-rams within 20 feet of the adjacent conventional building. Portable jackhammers, saws, or grinders shall be used to minimize impacts to the ground.
- Avoid dropping heavy equipment and use alternative methods for breaking up existing pavement, such as a pavement grinder, instead of dropping heavy objects, within 20 feet of the adjacent conventional building.
- Designate a Disturbance Coordinator responsible for registering and investigating claims of excessive vibration. The contact information for the responsible party shall be clearly posted on the construction site.

17. **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.

18. 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.
19. BELOW MARKET RATE (BMR) HOUSING. This project is proposed as a state density bonus project and is subject to a tri-party regulatory agreement between the City of Palo Alto, County of Santa Clara, and Santa Clara County Housing Authority. The project shall conform to the approved regulatory agreement, which shall be recorded prior to issuance of building permit or final map, 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.
20. RENTER PROTECTIONS. The project is subject to the renter protection requirements set forth in PAMC Section 9.68.050. The applicant shall implement the relocation for existing residents in accordance with the proposed relocation plan as guaranteed in Section 5 of the regulatory agreement, which meets or exceeds these City requirements.
21. ESTIMATED IMPACT FEE. Because the housing is a 100% affordable housing project, development impact fees, citywide transportation impacts fees, and public art in private development fees, do not apply.
22. 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.
23. 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.
24. 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

25. **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>
26. **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.
27. **STREETWORK PERMIT.** The applicant shall obtain a Streetwork Permit from the Department of Public Works for all public improvements.
28. **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 or similar: "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."
29. **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.
30. **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.
31. **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.

32. **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”.
33. **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.
34. **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.
35. **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.
36. **STORMWATER POLLUTION PREVENTION.** All improvement plan sets shall include the “Pollution Prevention – It’s Part of the Plan” sheet.
37. **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.
38. **SUBMIT THE FOLLOWING:**
 - 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

b. Final stamped and signed letter confirming which documents were reviewed and that the project complies with Provision C.3 and PAMC 16.11.

39. 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.
40. 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.¹⁶.
41. EXISTING EASEMENTS: Provide documentation showing approval from the entities affected by the onsite easements to verify that the work within said easements is permitted.
42. PRIOR TO PUBLIC WORKS FINAL/ACCEPTANCE (STORM DRAIN LOGO): The applicant is required to paint "No Dumping/Flows to Barron 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.

WASTE-GAS-WATER UTILITIES

The following comments are required to be addressed prior to any future related permit application such as a Building Permit, Excavation and Grading Permit, Certificate of Compliance, Street Work Permit, or Encroachment Permit:

43. The applicant must pothole and submit profiles of the water & fire services and wastewater lateral installations crossing the existing 66" storm line meeting the California Plumbing Code, CPAU WGW design standards, and Santa Clara Valley Water District (SCVWD) design standards to SCVWD for review and approval. SCVWD approved design must be provided to CPAU WGW Engineering prior to submittal for any building, grading, or street permits (except permits for exploratory potholing).

Design changes to the proposed city water/fire/irrigation services and/or sewer laterals and/or the onsite water and sewer system and/or off-site/on-site grading may be required based on the in-field, as built conditions of Valley Water infrastructure.

PRIOR TO ISSUANCE OF DEMOLITION PERMIT (if required)

44. The applicant shall submit a request to disconnect utility services and remove meters. The utilities demo to be processed within 10 working days after receipt of request. The demolition permit will be issued by the building inspection division after all utility services and/or meters have been disconnected and removed. The existing water meter boxes and boxes for city clean-outs must be protected in place until the services are disconnected at the mains during the new service installations.

FOR BUILDING PERMIT

45. The applicant shall submit a completed water-gas-wastewater service connection application - load sheet for City of Palo Alto Utilities. The applicant must provide all the information requested for utility service demands (water in fixture units/g.p.m., gas in b.t.u.h, and sewer in fixture units/g.p.d.). The applicant shall provide the existing (prior) loads, the new loads, and the combined/total loads (the new loads plus any existing loads to remain).
46. The applicant shall 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, 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.
47. 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).
48. 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
49. 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.
50. 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 owned meter, within 5' (feet) of the property line or City Right of Way.

51. 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.
52. 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.
53. All existing water, gas, and wastewater services/laterals that will not be reused shall be abandoned at the main per the latest WGW utilities standards.
54. 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.
55. The applicant shall provide to the WGW Utility Engineering department a copy of the plans for fire system including all fire department's requirements prior to the actual service installation.
56. All utility installations shall be in accordance with the City of Palo Alto utility standards for water, gas, & wastewater.

PUBLIC WORKS ELECTRIC UTILITIES

57. UTILITY EASEMENT REQUIRED. Prior to energization, a public utility easement is required to provide access to the proposed transformers. 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.
58. 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.

59. **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.
60. **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.
61. **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.
62. **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.
63. **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

64. **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.
65. **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.

66. 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 WATER QUALITY

67. 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

68. PLAN SET REQUIREMENTS. The final Plans submitted for building permit shall be revised to reflect the following:

- a. Include quantities of each tree species in the planting schedule with a corresponding abbreviation of the species which can be found on the planting plan.
- b. The final species selection during Building permit phase must maximize the canopy by replacing the proposed *Acer rubrum* columnar with a non-fastigate tree species.

69. MWELO COMPLIANCE. As part of the building permit, 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.

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. **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) beginning with the initial verification approval, using the template in the Tree Technical Manual, Addendum 11.
65. **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.
66. **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.
67. **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.

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. **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. **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 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.
- l. 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.

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. **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.
11. **STREETWORK PERMIT.** The applicant shall obtain a Streetwork Permit from the Department of Public Works for all public improvements.
12. **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.”

13. 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".
14. SWPPP. If the proposed development will disturb more than one acre of land. 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.
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.
17. STORMWATER POLLUTION PREVENTION. All improvement plan sets shall include the "Pollution Prevention – It's Part of the Plan" sheet.
18. C.3 THIRD-PARTY CERTIFICATION. Applicant shall provide certification from a qualified third-party reviewer that the proposed permanent storm water pollution prevention measures comply with the requirements of Provision C.3 and Palo Alto Municipal Code Chapter 16.11.

Submit the following:

- a. Stamped and signed C.3 data form (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
- b. Final stamped and signed letter confirming which documents were reviewed and that the project complies with Provision C.3 and PAMC 16.11.

19. 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.
20. 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.
21. 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.
22. EXISTING EASEMENTS. Provide documentation showing approval from the entities (such as Valley Water) affected by the onsite easements to verify that the work within said easements is permitted.
23. PRIOR TO PUBLIC WORKS FINAL/ACCEPTANCE (STORM DRAIN LOGO). The applicant is required to paint “No Dumping/Flows _____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.
24. 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.

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.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

City Clerk

APPROVED:

Mayor

APPROVED AS TO FORM:

Assistant City Attorney

APPROVED AS TO CONTENT:

City Manager

Director of Planning and
Development Services

PLANS AND DRAWINGS REFERENCED:

Those plans prepared by Van Meter Williams Architects titled “Buena Vista Commons 3980 El Camino Real, Palo Alto, CA 94306” consisting of 94 pages, dated and submitted July 19, 2024.

Those plans prepared by Sandis Engineers titled “Vesting Tentative Map for a Two Lot Subdivision” consisting of three pages, dated July 2024 and submitted July 1, 2024.