

April 28, 2023

**VIA E-MAIL**

Albert Yang  
Office of the City Attorney of Palo Alto  
City Hall, 8th Floor  
250 Hamilton Avenue  
Palo Alto, CA 94301

**Re: Gas Use in Stanford Shopping Center Buildings**

Dear Albert:

We are writing on behalf of SPG Center, LLC, a Delaware limited liability company (“**SPG**”), owner and operator of the Stanford Shopping Center. SPG has been working for years, investing significant amounts of capital, to redevelop and modernize the Stanford Shopping Center and provide beneficial amenities to Palo Alto and the surrounding community. SPG is currently nearing the final stages of implementing a major redevelopment effort that involves the demolition of a 94,300 square foot former Macy’s Men’s store, construction of a new three-story standalone 43,581 square foot Restoration Hardware Gallery store (“**RH Building**”), construction of a two-story standalone 28,171 square foot Wilkes Bashford flagship store and construction of a one-story standalone 11,799 square foot restaurant building (“**Building EE**”) (collectively, the “**Project**”).

Throughout the development process for the Project, SPG has worked with the City of Palo Alto (“**City**”) to ensure compliance with all relevant zoning and building codes. Accordingly, the City has approved multiple Project plans and permits that include the provision of natural gas within Project buildings, including for Building EE to serve planned restaurant uses. The City’s Architectural Review Board on February 20, 2020 approved plans clearly depicting Building EE with a gas line to serve the building (“**Gas Line Approval**”). Consonant with the Gas Line Approval, the City granted a site permit for utility work that included the gas line solely to serve Building EE. SPG installed the gas line, and SPG will imminently submit plans for building permit issuance for Building EE, which is intended to house the internationally renowned José Andrés restaurant Zaytinya, as well as Dumpling Time restaurant.

On January 1, 2023 – after installation of the City-sanctioned, dedicated gas line – new changes to the City’s building code took effect, prohibiting the use of natural gas in newly



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constructed buildings. The City enacted these new provisions (commonly referred to as a “**Reach Code**”) as a local expansion of the California Building Code. City officials have recently indicated that because SPG has not yet secured a building permit for the one remaining building in the Project – Building EE – such building cannot connect to the gas line already installed to serve the building. The City would thus deprive SPG of use of the gas line built specifically to serve Building EE and its planned restaurant facilities.

SPG is confident that the enforcement of the new Reach Code in this context is legally defective and unconstitutional, and SPG is thus prepared to take all actions necessary to enforce its legal rights to employ gas facilities within Building EE. Briefly, the new Reach Code does not apply to Building EE for three reasons: (1) project approvals by the City prior to the effective date of the new Reach Code (including the Gas Line Approval and subsequent site permit) gave SPG vested rights to employ gas in Building EE; (2) any refusal or prohibition by the City of SPG’s right to use its installed gas line and associated facilities for Building EE would constitute an unconstitutional taking that requires just compensation; and (3) a recent Ninth Circuit decision prevents the City from prohibiting the use of gas in the newly constructed Building EE.

We are hopeful that the City agrees that SPG may move forward with the construction of Building EE as planned, with natural gas connections and appliances, in order to avoid costly and prolonged litigation. Set forth below is a chronological history of the plans, permits and approvals associated with the Project and Building EE, followed by a synopsis of the legal bases that use of gas is and must be allowed within Building EE.

## **I. Approvals and Gas Line Installation**

The sequence of design and permit approvals was as follows:

1. On November 6, 2019, SPG submitted utility plans as part of its package for consideration by the City’s Architectural Review Board (“**ARB**”) that show a gas line leading from the City gas main to Building EE. (See Attachment 1, gas line highlighted.)
2. On December 24, 2019, SPG submitted utility service application 19-3365 to the City of Palo Alto Utilities (“**CPAU**”) for Building EE. The application states, “gas service new estimated for two future restaurant tenants. Two gas meters needed for 1/2 load estimated each.” (See Attachment 2 hereto and discussion below.) The application also states that gas will be needed in the building for space heating, water heating and



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a boiler, and cooking equipment. (See Attachment 2, relevant portions highlighted.)

3. On February 20, 2020, the ARB issued an official approval letter for the plans submitted on November 6, 2019 for Buildings RH and EE. That approval stated that “each unit or place of business shall have its own water and gas meter,” and “each parcel shall have its own water service [and] gas service.” (See Attachment 3 hereto and discussion below.)
4. On November 5, 2020, the City approved the “**Site Permit Phase 2**” for the Project, including an extension of gas lines to Buildings RH and EE, which will contain restaurants. (See Attachment 4 hereto, cover page for the approved plans.) As is typical and industry practice, the gas infrastructure work was permitted and installed to within five feet of the buildings, with the expectation that approval of the final portion of the gas connections would be included in the building permits for Buildings RH and EE. The approved utility plan shows an unchecked box next to the statement, “This will be an all electric building project. No new gas service or hookup will be installed.” (See Attachment 5 hereto, approved utility plan page M-47C.) The approved utility plan also shows a checked box next to the statement, “A new 2 PE gas service line installation is required to furnish customer’s demand specified in the load sheet.” (See Attachment 5.)
5. As of March 16, 2020, the online permit portal for tracking utility service application 19-3365 (Attachment 2) showed the utility service application had not yet been approved, and that redlines had been emailed to the applicant. (See Attachment 6 hereto, showing the status of application 19-3365.) On December 24, 2020, the City approved application 19-3365 for gas use in Building EE per the conditions of the November 5, 2020 ARB conditions of approval. (See Attachment 7 hereto, showing the redlines mentioned on the online portal marked as “approved per redline comments & conditions on [. . .] utilities drawing M-47.”)
6. Site work commenced in January of 2021 and the installation of the gas line to the EE Building pad was completed on January 21, 2021. The installation of the gas line cost a total of \$120,000. (See Photos of



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Construction and Completed Gas Line provided as Attachment 8 hereto, including final inspection sign-off on the gas line.)

7. In March of 2021, the iconic José Andrés restaurant Zaytinya expressed interest in opening a new location at the Stanford Shopping Center. SPG began considering demolishing additional space to enlarge the Building EE restaurant pad to accommodate Zaytinya.
8. On May 19, 2022, SPG submitted for ARB approval revised plans for a larger Building EE. Utility Plan Sheet C7, which was part of this submittal, clearly shows the already-constructed gas line running to Building EE. (See Attachment 9 hereto, which highlights the gas line connecting Building EE to the City gas main.)
9. In May, 2022, SPG entered into a lease with Zaytinya for space in Building EE, and the lease requires SPG to provide gas connections to allow for the use of gas appliances in Building EE.
10. On September 12, 2022, the ARB issued an approval letter for Building EE. (See Attachment 10 hereto, in which the ARB approved the May 19, 2022 modifications to Building EE.) The approval letter specifically acknowledged that restaurants will be housed within Building EE and that “necessary utilities” will be relocated to accommodate the needs of Building EE.
11. In December, 2022, SPG entered into a restaurant lease with Dumpling Time for space in Building EE that also requires SPG to provide a gas connection within Building EE.
12. Construction documents for Building EE are in the final stages of preparation for intended submittal to secure the building permit in early May, 2023.

**II. Project Approvals and SPG’s Reliance on Them Prior to the Effective Date of the New Reach Code Give SPG Vested Rights to Provide Gas in Building EE.**

SPG enjoys a vested right to provide and use gas in Building EE. A vested right to complete a development project as planned arises when a landowner (1) obtains a government permit or approval for a project, (2) relies in good faith on the permit or approval, and (3)



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performs substantial work and incurs substantial liability in reliance on the permit or approval. (*Avco Community Developers, Inc. v. South Coast Regional Com.* (1976) 17 Cal.3d 785, 791.) Once a developer obtains a vested right to complete a project as planned, a local agency cannot apply subsequent changes in the law to the project. More than once before the Reach Code was enacted, SPG secured approval to install the gas line specifically for and directly leading to Building EE. SPG relied in good faith on those approvals by entering into contractual lease obligations and spending significant sums to construct gas connections for Building EE. As a legal consequence, SPG has obtained a vested right to provide gas connections within Building EE.

We emphasize that SPG has secured a vested right to provide gas in Building EE even though the City has not yet issued a building permit for Building EE. Prior to the mid-1900s, when the only administrative approval required for development was a single building permit, courts repeatedly held that a building permit was a prerequisite to obtaining a vested right. (*Billings v. California Coastal Com.* (1980) 103 Cal.App.3d 729, 735.) Modernly, given that land development practices require various government approvals prior to the issuance of a building permit, courts have held that vested rights can arise before the issuance of a building permit. (*Id.*) SPG has received multiple approvals from the City that acknowledge and approve SPG's plans to provide gas in Building EE. First, on February 20, 2020, the ARB issued an approval letter for plans for Building EE that specifically reference gas service. (See Attachment 3 hereto.) The approval included plans submitted November 6, 2019 showing a gas line leading from the City gas main to Building EE. (See Attachment 1 hereto.) Moreover, item 48 of the approval letter states that "each unit or place of business shall have its own water and gas meter shown on the plans. Each parcel shall have its own water service, gas service and sewer lateral connection shown on the plans." (Attachment 3.) Thus, not only does SPG have a right to install and use gas, but that feature was a *required* element of the approved Project. Second, on November 5, 2020, the City approved the Site Permit Phase 2 for the Project, including an extension of gas lines to Buildings RH and EE. (Attachment 4.) Page M-47C of the approved utility plans shows an unchecked box next to the statement, "This will be an all electric building project. No new gas service or hookup will be installed," and a checked box next to the statement, "A new 2 PE gas service line installation is required to furnish customer's demand specified in the load sheet." (Attachment 5.) Third, on December 24, 2020, the City approved a utility service application filed by SPG on December 24, 2019, which specifically states that it is an application for Building EE and shows that gas will be needed in the building for space heating, water heating and a boiler, and cooking equipment. (Attachment 2, utility service application 19-3365; Attachment 6, showing that redlines on application 19-3365 were sent to SPG; Attachment 7, showing approved redlines per conditions of M-47 (Attachment 5)). Finally, on September 12, 2022, the ARB approved plans that clearly show the recently constructed gas line running to Building EE. (See Attachment 9, highlighting the installed gas



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line running to Building EE, and Attachment 10, highlighting the City's acknowledgement of restaurant uses.) In fact, the September 12, 2022 approval letter specifically acknowledges that Building EE will house restaurants and that "necessary utilities" will be relocated to accommodate the needs of the tenants of Building EE. Not once, not twice, not even three times, but on *four* separate occasions, the City approved of the use of gas within Building EE. All of these approvals occurred before the new preclusive Reach Code's effective date of January 1, 2023. Accordingly, SPG received government approval to provide gas connections in Building EE prior to the prohibition on the use of gas in newly constructed buildings.

SPG relied in good faith upon the City's approval of plans for Building EE that included gas connections. SPG has continuously and genuinely believed that it has a right to provide gas connections in Building EE. SPG has worked diligently and in good faith with the City throughout the process of Project approval and development to ensure compliance with all required design and building standards and was quite surprised when the City recently suggested that it may attempt to prevent SPG from providing gas in Building EE.

Finally, SPG performed substantial work and incurred substantial liability in reliance on the City's approval of plans allowing for gas connections in Building EE. Relying on the City's approval of plans that included gas connections to Building EE, SPG spent \$120,000 to install a gas line connecting Building EE to the City's gas utility. Moreover, SPG relied on the City's approvals in entering into leases with Zaytinya and Dumpling Time that require the provision of gas for cooking. SPG can only comply with the terms of these leases, both of which pre-date the new code provisions, if SPG provides gas service as approved through the Gas Line Approval and implementing permits.

### **III. Any Action Precluding SPG From Employing Gas within Building EE Would Constitute an Unconstitutional Taking that Requires Just Compensation.**

The U.S. Constitution requires government agencies to provide due process and just compensation for deprivation of private property rights. (U.S. CONST. amend. V.) Prohibiting SPG's use of gas in Building EE without paying just compensation for SPG's substantial loss of property rights would constitute an unconstitutional taking. Vested rights to use or develop real property cannot be stripped by regulatory action or governmental edict without due process and payment of just compensation. (U.S. CONST. amends. V & XIV; CAL. CONST. art. 1, § 19; See, e.g., *Pardee Constr. Co. v. California Coastal Comm'n* (1979) 95 Cal. App. 3d 471, 479; *Call v. Feher* (1979) 93 Cal. App. 3d 434, 441; *Trans-Oceanic Oil Corp. v. City of Santa Barbara* (1948) 85 Cal. App. 2d 776, 787-89, 796-98.) Since SPG has a property right in its installed gas line and a vested right to provide gas in Building EE, the City cannot strip SPG of these rights through newly-enacted rules without paying SPG just compensation.



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**IV. A Recent Ninth Circuit Decision Prevents the City from Prohibiting the Use of Gas in Building EE.**

The City cannot enforce its restriction on the use of gas in Building EE under a recent Ninth Circuit decision. On April 17, 2023, the Ninth Circuit Court of Appeal struck down a City of Berkeley code provision prohibiting gas appliances in newly constructed buildings. (*California Restaurant Association v. City of Berkeley*, United States Court of Appeals, Ninth Circuit. April 17, 2023, F.4th, 2023 WL 2962921.) The overturned Berkeley code is remarkably similar to the subject Palo Alto code change. The Ninth Circuit found that the Berkeley code was preempted by certain provisions of the federal Energy Policy and Conservation Act (“EPCA”), and that any state or local regulation concerning the energy efficiency, energy use, or water use of any “covered product” is invalid. (*Id.* at \*7.) Kitchen ranges and ovens are “covered products” such that cities cannot prevent gas connections to these appliances. Palo Alto’s Reach Code, like Berkeley’s code provisions, improperly prohibits gas connections in contravention of the EPCA and is therefore invalid and unenforceable as applied to Building EE.

**V. Conclusion**

The new Reach Code does not apply to Building EE and the City must allow SPG to proceed with development as planned and approved with respect to the provision of gas in Building EE.

Aside from the legal obligation to do so, allowing SPG to complete development as planned is good policy because it would enhance the City’s culture by attracting renowned cuisine to Palo Alto. While both tenants of Building EE would be negatively impacted by the new ordinance, it would pose particular hardships for Zaytinya. Zaytinya relies on traditional cooking methods that require gas appliances to achieve its signature, complex flavors. Some of its more conventional cooking equipment can be made electric, but other unique pieces of gas-fired equipment critical for Zaytinya’s success do not have electrically powered equivalents. Without a gas connection and appliances, Zaytinya would be forced to alter its signature five-star menu, which it is unwilling to do. Zaytinya cannot compromise the caliber of its cuisine and reputation and if SPG cannot provide gas in Building EE, Zaytinya will likely choose not to locate within the City. This would be an unfortunate loss for the residents of Palo Alto, as well as a compensable loss for which SPG would be forced to seek redress.

We emphatically urge the City not to enforce the new reach code against Building EE. While it is our strong desire to avoid litigation, SPG will take actions necessary to protect its legal rights and substantial investment in Stanford Shopping Center. We look forward to



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working with the City to come to an agreement that is beneficial to both SPG and the City of Palo Alto.

Sincerely,

BURKE, WILLIAMS & SORESENSEN, LLP

  
Anna C. Shimko

/ACS

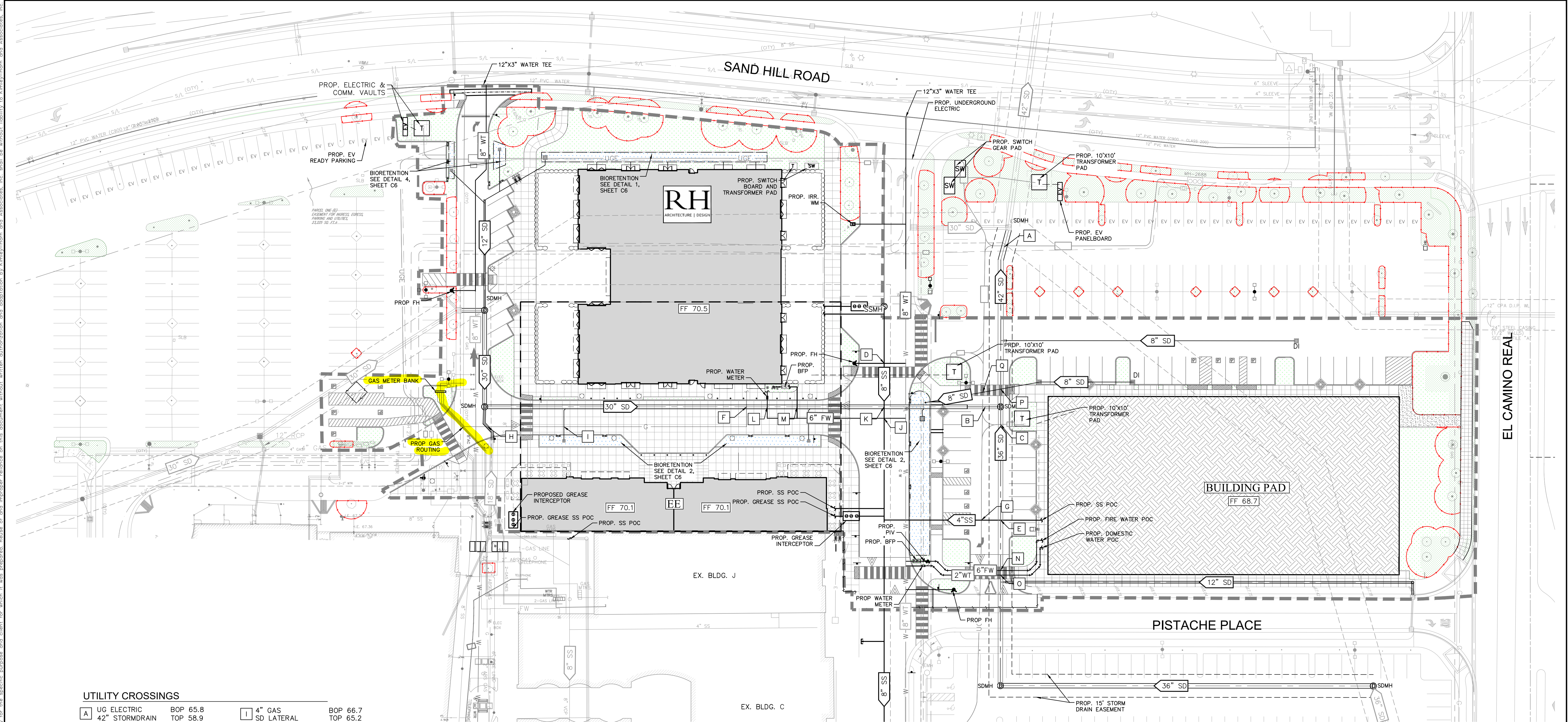
cc: Steven E. Fivel  
Kathleen M. Shields



# **Attachment 1**



Plotted By: Brennen, Kaitlin Sheet Set: KHA Layout: C8.1 UTILITY PLAN November 06, 2019 04:13:57pm K:\BAY\_LODEV\197145002 - Simon - Stanford Mall - MCM 08 CADD\Plan Sheets\ARB - Option 1\C500 Utility Plan.dwg  
This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



UTILITY CROSSINGS

<b>A</b>	UG ELECTRIC 42" STORMDRAIN	BOP 65.8 TOP 58.9	<b>I</b>	4" GAS SD LATERAL	BOP 66.7 TOP 65.2
<b>B</b>	UG ELECTRIC 30" STORMDRAIN	BOP 65.8 TOP 60.5	<b>J</b>	6" WATER 8" S. SEWER	BOP 67.3 TOP 64.5
<b>C</b>	UG ELECTRIC 36" STORMDRAIN	BOP 65.8 TOP 58.6	<b>K</b>	8" S. SEWER 30" STORMDRAIN	BOP 65.7 TOP 58.7
<b>D</b>	8" S. SEWER 6" FIRE WATER	BOP 67.5 TOP 64.5	<b>L</b>	2" WATER 30" STORMDRAIN	BOP 67.8 TOP 61.3
<b>E</b>	4" S. SEWER 36" STORM DRAIN	BOP 65.6 TOP 58.6	<b>M</b>	6" FIRE WATER 30" STORMDRAIN	BOP 65.3 TOP 61.3
<b>F</b>	4" GAS 30" STORMDRAIN	BOP 65.7 TOP 61.4	<b>N</b>	6" FIRE WATER 36" STORMDRAIN	BOP 65.3 TOP 58.6
<b>G</b>	UG ELECTRIC S. SEWER LATERAL	BOP 65.8 TOP 63.7	<b>O</b>	2" WATER 36" STORMDRAIN	BOP 66.8 TOP 58.7
<b>H</b>	4" GAS 18" STORMDRAIN	BOP 66.2 TOP 58.4	<b>P</b>	SD LATERAL 36" STORMDRAIN	BOP 62.3 TOP 59.1
			<b>Q</b>	UG ELECTRICAL SD LATERAL	BOP 65.8 TOP 62.9

\*CONTRACTOR TO VERIFY HORIZONTAL AND VERTICAL  
LOCATIONS OF EXISTING CONNECTIONS AND CONFLICTS.\*

LEGEND

---	PROPERTY LINE	⊙	PROP. STORM MH	---	UG	PROP. UNDERGROUND ELEC.	---	TREE PROTECTION ZONE
EV	ELECTRIC VEHICLE STALL	⊙	PROP. SEWER MH	---	G	PROP. GAS	---	PROPOSED SITE LIGHT - BD1B
⊠	BACKFLOW PREVENTER	⊠	PROP. GREASE INTERCEPTOR				---	PROPOSED SITE LIGHT - A
▲	PROP. FIRE HYDRANT (FH)	8" WT	PROP. WATER LINE				---	PROPOSED SITE LIGHT - AC
▲	PROP. FIRE DEPARTMENT CONNECTION (FDC)	8" SS	PROP. SANITARY SEWER				---	PROPOSED SITE LIGHT - BD
■	PROP. DRAIN INLET	36" SD	PROP. STORM DRAIN					
		36" SD	EX. STORM DRAIN					

	PROPOSED BIORETENTION AREA
	PROPOSED LANDSCAPE AREA
	EXISTING LANDSCAPE AREA
	PROPOSED BUILDING
	PROPOSED BUILDING PAD

NOTES

1. REFER TO LANDSCAPE PLANS FOR SCREENING  
AROUND ABOVE GROUND UTILITY EQUIPMENT.

**Kimley»Horn**

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**SIMON**

**STANFORD  
SHOPPING CENTER**  
PREPARED FOR  
SPG CENTER, LLC  
CITY OF PALO ALTO CALIFORNIA

**UTILITY PLAN  
OPTION 1**

PLANNING  
APPLICATION NO.  
19PLN - 00110  
DATE  
NOVEMBER 06, 2019

SHEET NUMBER  
**C8.1**



## **Attachment 2**





# UTILITY SERVICE APPLICATION PERMANENT COMMERCIAL/MULTI-FAMILY

## ELECTRIC, WATER, GAS, AND WASTEWATER FACILITIES INSTALLATION

TO AVOID DELAYS, PLEASE MAKE SURE THIS APPLICATION IS FILLED OUT COMPLETELY AND AS ACCURATE AS POSSIBLE

A separate application and load information is required for each meter requested

Upon completion of review and approval a copy of this form will be sent back to applicants requesting Electric Service.

[Click here to](#)

[Clear Form](#)

Project Address (LEGAL ADDRESS INCLUDING SUITE # IF APPLICABLE): <b>180 El Camino Bldg EE Ste 1400 &amp; 1410</b>		Suite/Unit #:	Building Department Permit Application Number: <b>19-3365</b>	Utilities Department Application Number:
Name of Applicant: <b>Stanford Shopping Center</b>		<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant <input type="checkbox"/> Consultant <input type="checkbox"/> Contractor <input type="checkbox"/> Owner's Agent		
Company Name: <b>SPG Center LLC</b>		Phone: <b>650-617-8202</b>	E-mail: <b>simon-4692@simon.com</b>	
Address: <b>660 Stanford Shopping Center</b>		City / State / Zip: <b>Palo Alto, CA 94304</b>		
<b>UTILITY SERVICE CONNECTION/INSTALLATION FEE BILLING INFORMATION</b> The utility connections charges invoice will either be attached to the building permit plans or mailed to the responsible billing party on this service application. Contact Utilities Engineering for a copy of the invoice. It is the customer's responsibility to be aware of this billing and to make prompt payment. <b>FULL PAYMENT IS REQUIRED PRIOR TO THE SCHEDULING OF ANY WORK OR INSPECTIONS BY THE CITY OF PALO ALTO UTILITIES.</b>				
Name on the invoice: <b>Angela Pyszczyński</b>		Phone: <b>650-617-8202</b>	E-mail: <b>simon-4692@simon.com</b>	
Address: <b>660 Stanford Shopping Center</b>		City / State / Zip: <b>Palo Alto, CA 94304</b>		

Services Requested and Desired Date of Installation:	<input type="checkbox"/> Electric	<input checked="" type="checkbox"/> Water	<input checked="" type="checkbox"/> Gas	<input checked="" type="checkbox"/> Wastewater
Project Status	<input type="checkbox"/> Planning	<input checked="" type="checkbox"/> Bidding	<input type="checkbox"/> Construction	

Depending on Utility Service Type Requested, Please Complete Appropriate Portions of this Application				
Project Type (check all boxes that apply)	<input checked="" type="checkbox"/> New Service	<input checked="" type="checkbox"/> Addition	<input type="checkbox"/> Remodel	<input type="checkbox"/> Tenant Improvement
	<input type="checkbox"/> Service Upgrade	<input type="checkbox"/> Service Relocation	<input checked="" type="checkbox"/> Fire Protection/Sprinkler	<input type="checkbox"/> Pool/Spa
	<input type="checkbox"/> PV System (Photovoltaic)	<input type="checkbox"/> EVSE (Electric Vehicle)	<input type="checkbox"/> ESS (Energy Storage)	<input type="checkbox"/> Other (explain in Description of Work)
Brief Description of Work	New tenant retail building EE. Water service extended from existing Bldg C and J service with estimated additional load for two future restaurant tenants. Fire service extended from existing building J. Gas service new estimated for two future restaurant tenants. Two gas meters needed for 1/2 load estimated each.			Total building area upon completion: <b>6,676</b> sq-ft

## Gas/Electric Load Information (INDICATE PEAK OR MAXIMUM RATES OF USE OR FLOW)

Attach adequate Electric Load information verifying National Electric Code Article 220 (Branch Circuit and Feeder Calculations) requirements are met.

Description	Gas	Electric	Electric Units (Select One)	Existing	New (Additional)	Total (Existing + New)	CPAU OFFICE USE ONLY
SPACE HEATING total bldg	<input checked="" type="checkbox"/> (BTUH)	<input type="checkbox"/>	Select from list		Estimated 850,000	Estimated 850,000	
HVAC (1 Phase electric)		<input type="checkbox"/>	Select from list				
HVAC (3 Phase electric)		<input type="checkbox"/>	Select from list				
WATER HEATING/BOILER total bldg	<input checked="" type="checkbox"/> (BTUH)	<input type="checkbox"/>	Select from list		Estimated 800,000	Estimated 800,000	
COOKING EQUIPMENT total bldg	<input checked="" type="checkbox"/> (BTUH)	<input type="checkbox"/>	Select from list		Estimated 2,300,000	Estimated 2,300,000	
CLOTHES DRYER	<input type="checkbox"/> (BTUH)	<input type="checkbox"/>	Select from list				
POOL/SPA HEATER	<input type="checkbox"/> (BTUH)	<input type="checkbox"/>	Select from list				
POOL/SPA PUMP		<input type="checkbox"/>	Select from list				
LIGHTING		<input type="checkbox"/>	Select from list				
RECEPTACLE, OTHER		<input type="checkbox"/>	Select from list				
PROCESS POWER		<input type="checkbox"/>	Select from list				
ELEVATORS		<input type="checkbox"/>	Select from list				
LARGEST MOTOR		<input type="checkbox"/>	Select from list				
OTHER MOTORS (1 PH)		<input type="checkbox"/>	Select from list				
OTHER MOTORS (3 PH)		<input type="checkbox"/>	Select from list				
PHOTOVOLTAIC SYSTEM (PV)		<input type="checkbox"/>	kW (CEC-AC)				
ENERGY STORAGE SYSTEM (ESS)		<input type="checkbox"/>	kW (AC)				
ELECTRIC VEHICLE CHARGING SYSTEM (Load per Charging Station)	Number of Charging stations:		Number of electric vehicle parking spaces:		kW per charger		
OTHER	<input type="checkbox"/> (BTUH)	<input type="checkbox"/>	Select from list				

BTUH: BTU (British Thermal Unit) PER HOUR

KW: kilowatts (=1000 Watts)

kVA: kilovoltamps (=1000 Voltamps)

hp: Horsepower

<sup>1</sup> Gas is typically delivered and supplied at the meter by CPAU at standard "low pressure" of 7" (inches) of Water Column (WC), (0.25 psi) above atmospheric pressure. A written request must be submitted and approved by Utilities Engineering for gas delivery at elevated pressure "medium pressure" (commercial use only).

Continued on Page 2 for Water and Wastewater Loads and Electric Service Requirements (back of this sheet)



## Water

**WATER LOAD DEMANDS:** REFER TO THE LATEST EDITION OF THE CITY ADOPTED UNIFORM PLUMBING CODE, WATER SUPPLY & DISTRIBUTION SECTION, FOR CALCULATING FIXTURE UNITS AND GALLONS PER MINUTE.

WATER USE DEMAND	EXISTING	NEW (Additional)	TOTAL (Existing + New)	CPAU OFFICE USE ONLY
DOMESTIC USE	239 (bldgs C & J) F.U.	Estimated 140 (bldgs EE) F.U.	Estimated 379 F.U.	
FIRE PROTECTION/SPRINKLER	550 (bldg J) G.P.M.	550 (bldgs EE) G.P.M.	550 (new bldg EE zone does not increase GPM required) G.P.M.	
IRRIGATION USE MAX VALVE	G.P.M.	G.P.M.	G.P.M.	

F.U.: Fixture Units

G.P.M.: Gallons per Minute

## Wastewater

**WASTEWATER LOADS:** REFER TO SECTION 2730 IN THE CURRENT "UTILITY STANDARDS" FOR WASTEWATER DESIGN STANDARDS.

	EXISTING FIXTURE UNITS	NEW FIXTURE UNITS	EXISTING # Dwelling Units/S.F.	NEW # Dwelling Units/S.F.	TOTAL (EXISTING + NEW)	CPAU USE OFFICE ONLY
MULTI-FAMILY	F.U.	F.U.	D.U.	D.U.	D.U.	
COMMERCIAL	0 F.U.	Estimated 94 F.U.	0 S.F.	6676 S.F.	6676 S.F.	
RESEARCH/ OFFICE	F.U.	F.U.	S.F.	S.F.	S.F.	

F.U.: Fixture Units

D.U.: Dwelling Units

S.F.: Square-Feet

## ELECTRIC

(INCLUDE ELECTRIC SINGLE LINE DIAGRAM OF PROPOSED INSTALLATION)

SERVICE INFORMATION	Existing	Requested
Service Voltage		
Main Switch Size (Amps)		
Type & Number of Meters		

<b>Electric Service Information (CPAU OFFICE USE ONLY)</b>		Service Order Number	
Estimated Demand	kVA	Transformer kVA and Type	
Map Number		Transformer Number(s)	
Fees	\$	Minimum AIC rating of Electric Panel for requested service:	,000 A Sym at V
Remarks for Applicant	<ul style="list-style-type: none"> <li>ALL work must meet current CEC and CPA Standards – including "LIKE-FOR-LIKE" replacement work.</li> <li>Additional fees may apply after permit approval</li> <li>Electric service panel must meet the AIC rating indicated above for the requested service voltage.</li> <li>Service Panels 400 A or greater – submit factory drawings for approval. Catalog cutsheets are acceptable for panels less than 400 A.</li> <li>Only socket type meters are allowed.</li> <li>Call Electric Operations (650-496-6914) for service Disconnect and Reconnect, if required.</li> <li>All work must be inspected and approved by the CPAU Inspector (650-496-5934) and CPA Building Department (650-329-2496) prior to final connection by Utilities.</li> </ul>		
		Additional Sheets are Attached: Yes No	
Approved by:		Phone #:	Date:

### UTILITY PLAN SUBMITTAL CHECKLIST:

This checklist is intended to provide general guidance and minimum criteria for the design and construction requirements for utility facilities for any development located within the City of Palo Alto. The purpose of this plan submittal checklist is to clarify the minimum information Utilities Engineering requires for the review of the service application. Utilities Engineering will only review and provide written comments on a completed set of design plans that are submitted for review.

- ☐ COMPLETED UTILITY SERVICE APPLICATION INCLUDING UTILITY DEMANDS
- ☐ FINAL AND LEGAL ADDRESS FOR THE SERVICE LOCATION
- ☐ A WRITTEN REQUEST AND INDICATION OF REQUESTING ELEVATED GAS PRESSURE
- ☐ SITE PLAN SHOWING EXISTING AND PROPOSED UTILITY SERVICES, METER LOCATIONS, BACKFLOWS, CLEANOUT, BACKWATER VALVE ETC.
- ☐ IMPROVEMENT & UTILITY PLAN SHOWING EXISTING AND PROPOSED UTILITY SERVICES & METER LOCATIONS
- ☐ EASEMENT REQUIREMENTS
- ☐ ARCHITECTURAL PLANS TO REVIEW METER LOCATIONS (ELEVATION PLANS, FLOOR PLANS, WINDOW SCHEDULES)
- ☐ PLUMBING, MECHANICAL PLANS INDICATING LOADS AND GAS PIPING DIAGRAM
- ☐ LANDSCAPING PLANS
- ☐ ELECTRICAL PLANS INCLUDING ELECTRIC SINGLE LINE DIAGRAM OF PROPOSED INSTALLATION
- ☐ FRONT VIEW PHOTOS OF EXISTING GAS AND ELECTRIC METERS (FOR SERVICE UPGRADES)
- ☐ ADDITIONAL LOAD DETAILS BEYOND THOSE LISTED BELOW
- ☐ INTERCONNECTION AGREEMENT FOR NET ENERGY METERING GENERATING FACILITIES: PHOTOVOLTAIC, ENERGY STORAGE PROJECTS



# **Attachment 3**





## PLANNING & DEVELOPMENT SERVICES

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

February 20, 2020

Mike Mowery, Kimley-Horn  
4637 Chabot Drive Ste. 300  
Pleasanton CA 94588

**Subject: 180 El Camino Real [19PLN-00110] Macy's Men's Redevelopment**

Dear Mr. Mowery:

On December 5, 2019, the Architectural Review Board recommended approval of the application referenced above and as described below. The Director of Planning and Community Environment (Director) approved the project on February 20, 2020. The approval will become effective 14 days from the postmark date of this letter, unless an appeal is filed in accordance with Title 18 of the Palo Alto Municipal Code. The approval was based on the findings in Attachment A & B and is subject to the conditions of approval in Attachment C for the project. The project is described as follows:

**Project Description:** Request for Major Architectural Review to Allow the Demolition of the Existing 94,300 Square Foot Macy's Men's Located in the Stanford Shopping Center and Construction of a New Three-Story Stand Alone Retail Building, Approximately 43,500 Square Feet, Two Retail Buildings, Approximately 3,500 Square Feet Each and Construction of a pad for a future standalone retail building, Approximate 28,000 square feet. (Total square feet 78,500). A Variance is Also Requested to Allow for an Effective Sidewalk Along El Camino Real of Approximately 8 feet Within the Project Area Where 12 feet is Required by Code.

**Environmental Assessment:** Exempt From the Provisions of the California Environmental Quality Act (CEQA) in Accordance With Guideline Section 15302 (Replacement or Reconstruction).

**Zoning District:** CC (Community Commercial).

Unless an appeal is filed, this project approval shall be effective for two years from **March 6, 2020**, within which time construction of the project shall have commenced. Application for extension of this entitlement may be made prior to the expiration date. The time period for a project may be extended once for an additional year by the Director of Planning. In the event the building permit is not issued for the project and construction has not commenced within the time limits specified above, the Architectural Review approval shall expire and be of no further force or effect.



Should you have any questions regarding this ARB action, please do not hesitate to contact the Project Planner, Samuel Gutierrez, by email at [samuel.gutierrez@cityofpaloalto.org](mailto:samuel.gutierrez@cityofpaloalto.org) or by phone at (650) 329-2225.

Sincerely,



Jodie Gerhardt, AICP  
Manager of Current Planning

cc: Michael Bordoni, 415 Broadway 3rd floor MC 8873, Redwood City, CA 94063

**Attachments:** A: Variance Findings for Approval  
B: Findings for Architectural Review Approval  
C: Conditions of Approval



## **VARIANCE FINDINGS**

Variance approval is based on the findings indicated under PAMC Section 18.76.030(c) and is subject to the Conditions of Approval listed below:

1. Because of special circumstances applicable to the subject property, including (but not limited to) size, shape, topography, location, or surroundings, the strict application of the requirements and regulations prescribed in this title substantially deprives such property of privileges enjoyed by other property in the vicinity and in the same zoning district as the subject property.

The existing parking lot and sidewalk along El Camino Real has largely existed in their current conditions for years. The existing sidewalk along the project-specific area of El Camino Real also has a number of mature and healthy Oak trees that have enjoyed the benefit of having a large buffer from the El Camino Real roadway and the undersized 4-foot sidewalk, creating unique conditions not commonly found along El Camino Real. Current code regulations (PAMC 18.16.060(a)(8)) requires an effective 12-foot sidewalk width along the El Camino Real frontage. However, after further analysis via a certified arborist report, vetted by City Arborists, it has been determined that the existing mature Oak trees cannot tolerate additional excavation and pavement encroachment into their tree protection zones (TPZ) to achieve the required 12-foot sidewalk. As the Oak trees are long-standing features in the area and are protected by City ordinance (PAMC 8.10.020 & 8.1.050), Staff could not support the full application of a 12-foot sidewalk in this area.

An alternative sidewalk design has been proposed to increase the existing sidewalk width toward El Camino Real, consuming the existing narrow planter strip, avoiding any additional encroachments into the Oak trees' TPZ. This alternative would provide users with an effective 8-foot sidewalk. As noted above, the preservation of the existing mature oaks trees along El Camino Real precludes a code-compliant sidewalk width as achieving this code requirement would effectively remove several the oak trees which are protected by City regulations. The applicants' alternative design for El Camino Real sidewalk area, utilizing the existing location of the sidewalk and expanding the width only towards El Camino Real while leaving a narrow planting strip provides a 7.5-foot wide sidewalk while leaving a half foot buffer area between the back of walk and the curb. Staff supports the sidewalk widening proposal as pedestrians and bicyclists would benefit from a wider sidewalk on this portion of El Camino Real. As such, a variance is warranted in this situation to bring the sidewalk into greater compliance with current regulations while preserving the Oak trees.

2. The granting of the application shall not affect substantial compliance with the regulations or constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and in the same zoning district as the subject property.

As previously detailed, the existing conditions near the project area of the site are long-established and were legally created with several Oak trees growing along El Camino Real. With exception to satisfying the required 12-foot sidewalk, granting of the application would not substantially affect compliance with PAMC nor constitute a grant of special privilege to the



property owners. The existing sidewalk has served as the pedestrian right of way for pedestrians and bicyclists for several years and increasing the degree of compliance in terms of the sidewalk width with the proposed alternative would be more consistent with the current regulations than allowing the existing sidewalk to remain. Furthermore, the alternative sidewalk design requires the applicant to increase the existing sidewalk width in a manner that nearly doubles its width while preserving the Oak trees that run parallel to the walk. This variance would not grant the applicant special privileges as they are improving the sidewalk to the greatest extent possible without creating an adverse impact on the existing Oak trees.

3. The granting of the application is consistent with the Palo Alto Comprehensive Plan and the purposes of the Zoning Ordinance.

The proposed sidewalk alternative design allows the developments' associated site improvement along El Camino Real to improve the existing legal nonconforming condition, and bring the site in greater compliance with the applicable development standards for the site. Additionally, the context-based design criteria required by the site's zoning district (CC) require new development to have compatibility with the existing contextual setting of the area, including existing trees, which as noted above are protected by City ordinance. The proposed sidewalk alternative is consistent with the contextual design requirement and several Comprehensive Plan policies such as Policy L-9.8 which seeks to recognize the many benefits of trees in the urban context and maintain a robust City tree canopy. Policy T-3.7 encourages pedestrian friendly design features such as sidewalks while Policy T-3.8 and T-3.9 both support providing shade on sidewalks and preserving the City tree canopy where feasible within the public right of way. Finally, Program T3.10.3 of the Comprehensive Plan required that there is a convenient pedestrian and bicycle connection between the Stanford Shopping Center and the Palo Alto Transit Center along with other primary destinations in the area. The proposed alternative would increase the sidewalk area allowing for a safer and more convenient pedestrian and bicycle travel, while maintaining the existing trees and their environment enhancing canopy. For these reasons, the application is consistent with the Palo Alto Comprehensive Plan and the purposes of the Zoning Ordinance.

4. The granting of the application will not be detrimental or injurious to property or improvements in the vicinity will not be detrimental to the public health, safety, general welfare, or convenience.

The proposed improvements to the existing property are compatible with the surrounding commercial zoning and context, and will not be detrimental to public health, safety, and general welfare and convenience.



**ATTACHMENT B**  
**ARB FINDINGS FOR APPROVAL**  
180 El Camino Real, "Macys Mens"  
19PLN-00110

The design and architecture of the proposed improvements, as conditioned, complies with the Findings for Architectural Review as required in Chapter 18.76 of the PAMC.

**Finding #1:** The design is consistent with applicable provisions of the Palo Alto Comprehensive Plan, Zoning Code, coordinated area plans (including compatibility requirements), and any relevant design guides.

The project would need to be found in conformance with the following Comprehensive Plan Goals and Policies.

<b><i>Comp Plan Goals and Policies</i></b>	<b><i>How project adheres or does not adhere to Comp Plan</i></b>
<i>The Comprehensive Plan land use designation for the site is Regional Commercial.</i>	<i>The project continues the Regional Commercial land use.</i>
<b><i>Land Use and Community Design Element</i></b>	
<b>POLICY B-6.3:</b> Work with appropriate stakeholders, leaseholders, and Stanford University to ensure that the Stanford Shopping Center is sustained as a distinctive, economically competitive and high quality regional shopping center.	<i>This project will add to the exclusive mixture of tenant at the Stanford Shopping Center making it a distinctive regional shopping center. The projects proposed new buildings with designs that meet the approved standards for the Shopping Center by utilizing high quality materials, this project results in net loss of FAR for the site and is an infill development, resulting in a lower impact to the surrounding area.</i>
<b>Policy L-1.11:</b> Hold new development to the highest development standards, in order to maintain Palo Alto's livability and achieve the highest quality development with the least impacts.	
<b>Policy L-2.11:</b> Encourage new development and redevelopment to incorporate greenery and natural features such as green rooftops, pocket parks, plazas and rain gardens.	<i>The project incorporates new planter areas, green walls, and green rooftops along with new exterior seating areas.</i>
<b>Policy L-4.4:</b> Ensure all Regional Centers and Multi-Neighborhood Centers provide centrally located gathering spaces that create	<i>The project will enhance a portion of the Shopping Center through redevelopment which includes new outdoor seating areas, a</i>



<p>a sense of identity and encourage economic revitalization. Encourage public amenities such as benches, street trees, kiosks, restrooms and public art.</p>	<p><i>green roof top accessible to the public, and expanded walking path areas for pedestrians.</i></p>
<p><b>Policy L-4.9:</b> Maintain Stanford Shopping Center as one of the Bay Area's premier regional shopping centers. Promote bicycle and pedestrian use and encourage any new development at the Center to occur through infill.</p>	<p><i>The project improves the northern portion of the of the shopping center with a new high-quality retail building and new landscaping, pedestrian and bicycle improvements, increasing the quality of the site. Additionally, the inset buildings have designs of high quality; one building features a green roof with a glass enclosed restaurant, a unique feature that will continue to promote the Stanford Shopping Center as a premier modern shopping center.</i></p>
<p><b>Program L4.9.1:</b> While preserving adequate parking to meet demand, identify strategies to reuse surface parking lots.</p> <p><b>Goal L-6:</b> Well-designed Buildings that Create Coherent Development Patterns and Enhance City Streets and Public Spaces.</p>	<p><i>The project results in a net decrease of FAR. The project includes a requirement for a parking management plan for the site's employees to focus employee parking areas underutilized by patrons of the Shopping Center. The project includes an option for an elevated drive aisle between buildings EE and Restoration Hardware, which could be utilized for minor events.</i></p> <p><i>The building and site design enhance the Stanford Shopping Centers open pedestrian environment and access to the site overall.</i></p>
<p><b>Policy L-5:</b> Maintain the scale and character of the City. Avoid land uses that are overwhelming and unacceptable due their size and scale.</p>	<p><i>The proposed changes to the site with this project are consistent with the size and scale of the Shopping Center overall, as the site has several multi-story and single-story buildings throughout.</i></p>
<p><b>Policy T-1.16</b> Promote personal transportation vehicles an alternative to cars (e.g. bicycles, skateboards, roller blades) to get to work, school, shopping, recreational facilities and transit stops.</p> <p><b>Policy T-1.19</b> Provide facilities that encourage and support bicycling and walking.</p> <p><b>Program T3.10.3</b> Provide safe, convenient pedestrian, bicycle and transit connections</p>	<p><i>The project will add new bicycle facilities on-site bring the site into conformance in terms of short-term bicycle parking (public use) and further into conformance in terms of long-term bicycle parking (lockers). This is consistent with the goals of the 2012 Palo Alto Bicycle + Pedestrian Transportation Plan; it will improve the bicycle parking capacity of the site and incentivize the use of bicycles as a mode of transportation to the site. Furthermore, a bicycle occupancy study is being conducted to</i></p>



<p>between the Stanford Shopping Center/Medical Center areas and housing along the Sand Hill Road/Quarry Road corridors to Palo Alto Transit Center, Downtown Palo Alto and other primary destinations.</p> <p><b>Program T5.12.1</b> Work with employers, merchants, schools and community service providers, to identify ways to provide more bicycle parking, including e-bike parking with charging stations, near existing shops, services and places of employment.</p>	<p><i>properly locate new bicycle parking in locations throughout the Shopping Center where demand is highest. This will provide more convenience and capacity, as the Shopping Center is in an area of high employment given the proximity of the Medical Center and Stanford University.</i></p>
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The project would remain consistent with the zoning requirements and Master Façade and Sign program for the Stanford Shopping Center. The project will not increase the development area of the site regarding height, floor area ratio (net loss of FAR), and setbacks. Parking space numbers overall for the site will be reduced, but the parking count will remain code compliant with the required parking ratio of one space per 275 gross sf of floor area. Additionally, the project will bring the site into greater compliance regarding the loading spaces on site and the overall bicycle parking spaces provided on-site.

**Finding #2:** The project has a unified and coherent design, that:

- a. creates an internal sense of order and desirable environment for occupants, visitors, and the general community,
- b. preserves, respects and integrates existing natural features that contribute positively to the site and the historic character including historic resources of the area when relevant,
- c. is consistent with the context-based design criteria of the applicable zone district,
- d. provides harmonious transitions in scale, mass and character to adjacent land uses and land use designations,
- e. enhances living conditions on the site (if it includes residential uses) and in adjacent residential areas.

The project's new buildings and site improvements will enhance the pedestrian and tenant environment within the Stanford Shopping Center.

Pursuant to PAMC 18.16.090(b), the following context-based design considerations and findings are applicable to this project. These context-based design criteria are intended to provide additional standards to be used in the design and evaluation of development in a commercial district. The purposes are to encourage development in a commercial district that is responsive to its context and compatible with adjacent development, and to promote the establishment of pedestrian oriented design.



### **1. Pedestrian and Bicycle Environment**

*The design of new projects shall promote pedestrian walkability, a bicycle-friendly environment, and connectivity through design elements*

### **2. Street Building Facades**

*Street facades shall be designed to provide a strong relationship with the sidewalk and the street (s), to create an environment that supports and encourages pedestrian activity through design elements*

### **3. Massing and Setbacks**

*Buildings shall be designed to minimize massing and conform to proper setbacks*

### **4. Low Density Residential Transitions**

*Where new projects are built abutting existing lower scale residential development, care shall be taken to respect the scale and privacy of neighboring properties*

### **5. Project Open Space**

*Private and public open space shall be provided so that it is usable for the residents and visitors of the site*

### **6. Parking Design**

*Parking shall be accommodated but shall not be allowed to overwhelm the character of the project or detract from the pedestrian environment*

### **Project Consistency**

The project will improve the conditions along the pedestrian walkway by rearranging the exterior seating areas for pedestrians, widening the walkway, and adding new bicycle racks for cyclists.

The project includes new planter boxes, wide pathways and sidewalks, new pedestrian seating, and new pedestrian scale lighting within the project area. These new features improve the pedestrian environment within the project area.

The proposed project will not significantly change the existing building massing as the project results in a net loss of FAR (minor in scale to the site FAR). The project will not significantly change the setbacks as the site has varied setback placement; the project does conform to the required setbacks of the site.

This finding does not apply.

The project provides new publicly accessible exterior seating areas and a unique, usable green roof.

The proposed project will change the existing circulation in the area within the project scope and includes a new building within an existing parking lot area. The building massing is not overwhelming as it includes one to three-story buildings. The pedestrian walkways around the effected parking lots and project area are wider (no smaller than 6.5 ft in width)



and include new planters and pedestrian seating areas to enhance the pedestrian environment of the site.

#### **7. Large Multi-Acre Sites**

*Large sites (over one acre) shall be designed so that street, block, and building patterns are consistent with those of the surrounding neighborhood*

This finding does not apply

#### **8. Sustainability and Green Building Design**

*Project design and materials to achieve sustainability and green building design should be incorporated into the project*

The project will utilize energy-efficient LED lighting and will comply with Green Building Energy codes for commercial businesses along with construction debris diversion rates.

**Finding #3:** The design is of high aesthetic quality, using high quality, integrated materials, and appropriate construction techniques, and incorporating textures, colors, and other details that are compatible with and enhance the surrounding area.

The project includes materials which are durable and have high-quality finishes. The new façade will consist of cast concrete, metal, treated wood, and porcelain tiles. The design will enhance the character of the site and update the existing conditions. The buildings will better fit with the greater Shopping Center, which has been significantly upgraded through tenant facade changes. This project will continue the modernization of the center's Sand Hill Road and El Camino Real frontages. The project will contribute to the unique mixture of textures and colors the Shopping Center tenant façades are known for.

**Finding #4:** The design is functional, allowing for ease and safety of pedestrian and bicycle traffic and providing for elements that support the building's necessary operations (e.g. convenient vehicle access to property and utilities, appropriate arrangement and amount of open space and integrated signage, if applicable, etc.).

The project will improve circulation for vehicle, bicycle, and pedestrian traffic and access to the project site. The modifications to the site include a new cut-through, elevated drive aisle to maintain access and circulation for cars while increasing circulation for pedestrians with the adjoining new pedestrian pathways. Furthermore, pedestrian walkway and sidewalk improvements are included along El Camino Real and Pistache Place. Lastly, the project includes bicycle parking that will feature new cargo bicycle spaces, which can better transport goods than standard bicycles to encouraging bicycles as an alternate transportation mode to the site.



**Finding #5:** The landscape design complements and enhances the building design and its surroundings, is appropriate to the site's functions, and utilizes to the extent practical, regional indigenous drought-resistant plant material capable of providing desirable habitat that can be appropriately maintained.

A large portion of the existing trees will be preserved in addition to new trees and landscaped areas that consist of native or low to moderate water usage plants that are more easily managed and maintained. A majority of the proposed plant species will provide suitable habitats; they are flowering plants/trees which are suitable for wildlife.

**Finding #6:** The project incorporates design principles that achieve sustainability in areas related to energy efficiency, water conservation, building materials, landscaping, and site planning.

The project will utilize energy-efficient LED lighting and will comply with green building energy code requirements and the local construction debris diversion rates. Additionally, the proposed landscaping includes a significant amount of native or low to moderate water usage plants along with on-site water treatment (C3) that will reduce storm water runoff and allow water to enter the local aquifer.



**ATTACHMENT C**  
**CONDITIONS OF APPROVAL**

180 El Camino Real, "Macy's Men's"  
19PLN-00110

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**PLANNING DIVISION**

1. **CONFORMANCE WITH PLANS:** Construction and development shall conform to the approved plans entitled, "Macys Mens Redevelopment, Option 1" stamped as received by the City on November 8, 2019, 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. The building permits for this project must include the updated C5 plan sheet which was received by the City on February 4, 2020 that includes corrected C3 treatment data tables, on filed with the Planning Department, 250 Hamilton Avenue, Palo Alto, California.
4. **ARB SUBCOMMITTEE:** Prior to the issuance of building permits, the applicant shall return to the ARB subcommittee for approval of the following items, to the satisfaction of the Director of Planning and Community Environment:
  - a) The final location of all bicycle parking (including 70 new spaces) shall be in conformance with the revised occupancy study, to the satisfaction of the Chief Transportation Official, along with the final design for the cargo bicycle parking stalls.
  - b) To ensure a no net loss of canopy, the project is required to plant 249 trees throughout the site and/or make an in-lieu payment. Staff will work with the applicant to find suitable locations for these trees on site and adjacent to the site. The applicant will provide the ARB subcommittee with an updated tree map, showing the location of all "no net loss" trees to be planted and shall make an in-lieu payment for any trees that are not able to be place on-site, per Condition #75.
5. **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.



6. **EMPLOYEE PARKING MANAGEMENT:** All parking facility changes shall be in conformance with the approved plans. The applicant shall submit annual parking reports, with the first report due one year after occupancy of the new buildings within the scope of the project. The report to the City will include data involving the management of parking for employees of the site and is inclusive of vehicle, bicycle parking, and utilization of carpooling or transit programs. The information shall be submitted to the Office of Transportation and the Planning and Development Services Department on a yearly basis.
7. **LANDSCAPE PLAN:** Plantings shall be installed in accordance with the approved plan set and shall be permanently maintained and replaced as necessary.
8. **PROJECT EXPIRATION:** The project approval shall be valid for a period of two years from the original date of approval. Application for a one-year extension of this entitlement may be made prior to expiration. The extension request shall be done by submitting a written request directly to the Planning and Development Services Department.
9. **SIGNAGE:** The submitted plans only reference signage for the new buildings to show the relationship between the buildings design and possible new signage. This approval does not include an approval for signage. Signage will require a separate approval from the Planning and Development Services Department.
10. **NOISE PRODUCING EQUIPMENT:** All noise producing equipment shall be located outside of required setbacks, except they may project 6 feet into the required street side setbacks. In accordance with 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.
  - a) 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.
11. **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.
12. **ESTIMATED IMPACT FEE:** Given the proposed project results in a net loss of FAR, no additional impact fees are due.



13. **REQUIRED PUBLIC ART.** In conformance with PAMC 16.61, and to the satisfaction of the Public Art Commission, the property owner and/or applicant shall pay the in-lieu art fee equivalent to 1% of the estimated construction valuation, prior to obtaining a Building permit. The estimated total in-lieu fee for this portion of development is approximately \$91,200.
14. **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.
15. **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, colors, parking, landscaping, and hard surface locations. Contact your Project Planner, Samuel Gutierrez at [samuel.gutierrez@cityofpaloalto.org](mailto:samuel.gutierrez@cityofpaloalto.org) to schedule this inspection.

#### **BUILDING DEPARTMENT**

At time of building permit, please include the following information/clarifications shall be provided:

16. Green building compliance shall comply with the CALgreen code as amended by the City of Palo Alto and effective at time of building permit submittal, please complete the required CALGREEN +TIER2 CHECKLIST and explain how each green measure will be implemented for the project.
17. Accessible path of travel to all common areas, entrances, exits, restaurant, retail, and all public functions per Chapter 11B, CBC.
18. T24 Energy calculations for envelope, lighting, mechanical, and electrical shall be provided for each building.



19. County Health Department approval is required prior to issuance of building permit for restaurants.
20. Structural design shall comply with CBC, ASCE7-10, and other applicable codes based on materials specifications. New building and existing building shall have a seismic gap required.
21. Several proposed grease interceptors are shown on sheet C8. Design shall be reviewed at permit submittal and coordinated with Water Quality Division.
22. Mixed use and occupancy shall comply with section 508, CBC.
23. Bike parking counts shall meet CALgreen as amended by CPA.
24. Onsite pavement design shall meet the TI per soil report and PW standards.
25. Onsite storm drainage shall meet CPC, CBC, and PW standards.
26. Provide roof access by means of stair or ladder type.
27. Mechanical, Electrical, and Plumbing design shall comply with applicable codes. All onsite sanitary lines shall have a minimum 2% slope with adequate cleanouts and backflow valves at appropriate locations per CPC and PAMC.

#### **FIRE DEPARTMENT**

28. An additional fire hydrant is required on Pistache Place near ECR. The hydrant shall be shown on the building permit plan set. Final location to be determine during the building permit plan check review.

#### **UTILITIES ELECTRICAL ENGINEERING**

29. Electric utilities are in the footprint of the new Macy's building, therefore, some of the substructure must be completed prior to demolition of the Macy's building. 12kV duct bank shall be relocated, prior to occupancy at the latest.
30. Underground switch shall be relocated. Customer shall provide space 10'X10' space for the pad mount switch.
31. Existing underground transformer shall be relocated. Customer shall provide space 10'X10' for the pad mount transformer for the Macy's Building.
32. Customer shall provide 10'X10' for the pad mount transformer for the new Building.
33. Where needed, the applicant/property owner shall grant the City easements for maintenance of facilities, such as switch gear and transformers.
34. Location of new switch and new transformers must be approved by ARB.



35. The location of the customer's switchboard shall be shown on the layout drawing.
36. All substructure work to be completed by the applicant. Fiber conduits shall be relocated.
37. A complete Utility Electric Application must be submitted, and advanced engineering fee shall be paid.
38. Detailed comments shall be given only after field verification from City Crew on existing Utilities and advanced engineering fee is paid.

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

39. Update plans per WGW site plan red-lines dated approved June 13, 2019.
40. The applicant shall submit a completed water-gas-wastewater service connection application - loadsheet per unit 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.p.h, and sewer in fixture units/g.p.d.). The applicant shall provide the new total loads
41. 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.
42. 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 lateral 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.
43. The applicant shall be responsible for upgrading the existing utility mains and/or services 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.
44. The gas service, meters, and meter location must meet WGW standards and requirements
45. 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.

46. An approved reduced pressure detector assembly is required for the new water connection for the fire system to comply with requirements of California administrative code, title 17, sections 7583 through 7605 inclusive. Reduced pressure detector assemblies shall be installed on the owner's property adjacent to the property line, within 5' of the property line. Show the location of the reduced pressure detector assembly on the plans.
47. 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.
48. Each unit or place of business shall have its own water and gas meter shown on the plans. Each parcel shall have its own water service, gas service and sewer lateral connection shown on the plans.
49. All existing water and wastewater services that will not be reused shall be abandoned at the main per WGW utilities procedures.
50. 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 or wastewater mains/services or meters. New water, gas or wastewater services/meters may not be installed within 10' of existing trees. Maintain 10' between new trees and new water, gas and wastewater services/mains/meters.
51. All utility installations shall be in accordance with the City of Palo Alto current utility standards for water, gas & wastewater.

#### **PUBLIC WORKS ENGINEERING**

52. STORM WATER TREATMENT: This project shall comply with the storm water regulations contained in provision C.3 of the NPDES municipal storm water discharge permit issued by the San Francisco Bay Regional Water Quality Control Board (and incorporated into Palo Alto Municipal Code Chapter 16.11). These regulations apply to land development projects that create or replace 10,000 square feet or more of impervious surface, and restaurants, retail gasoline outlets, auto service facilities, and uncovered parking lots that create and/or replace 5,000 square feet or more of impervious surface. In order to address the potential permanent impacts of the project on storm water quality, the applicant shall incorporate into the project



a set of permanent site design measures, source controls, and treatment controls that serve to protect storm water quality, subject to the approval of the Public Works Department. The applicant shall identify, size, design and incorporate permanent storm water pollution prevention measures (preferably landscape-based treatment controls such as bioswales, filter strips, and permeable pavement rather than mechanical devices that require long-term maintenance) to treat the runoff from a "water quality storm" specified in PAMC Chapter 16.11 prior to discharge to the municipal storm drain system. **Effective February 10, 2011, regulated projects, must contract with a qualified third-party reviewer during the planning review process to certify that the proposed permanent storm water pollution prevention measures comply with the requirements of Palo Alto Municipal Code Chapter 16.11. The certification form, 2 copies of approved storm water treatment plan, and a description of Maintenance Task and Schedule must be received by the City from the third-party reviewer prior to planning approval by the Public Works department. 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, third-party reviewer shall also submit to the City a certification for approval that the project's permanent measures were constructed and installed in accordance to the approved permit drawings.**

- Provision C3 Form (stamped/signed)
- Storm Water Treatment Design Certification (Stamped)
- 3rd Party review response letter (stamped/signed)
- Clearly label on project plans the trees designated for stormwater interceptor credits (both new and preserved existing).
- Updated C3 data form and 3<sup>rd</sup> party letter shall be submitted for Building permit set of plans

53. STORMDRAIN: Preliminary feedback for Storm Drain group via prelim application (additional comments may follow from Storm Drain group):

- Relocate manholes to avoid proposed trees and shall be placed within one stall. Manhole shall not be aligned with the stall striping and for future utility clean-up, this will reduce the number of stalls affected. Manhole shall not be placed within tree root zone.
- City specs specifies the use of HDPE pipe.
- Provide inverts and top of manhole elevations.
- Provide at minimum 10-foot separate between building/foundation edge and easement edge.
- Plot and label a 15-foot wide easement for the proposed and existing storm drain line within private property. Pipe shall be centered on easement.
- Plot and label the C3 treatment measures associated with this work to verify that no direct connection will be required. (not applicable on privately maintained streets)
- Drainage from the proposed structure shall not be directly connected to main SD line.



**Additional comments and review provided by Storm Drain group during Building permit review stage.**

54. **STREET TREES:** The applicant may be required to replace existing and/or add new street trees in the public right-of-way along the property's frontage(s). Call the Public Works' arborist at 650-496-5953 to arrange a site visit so he can determine what street tree work, if any, will be required for this project. The site plan submitted with the building permit plan set must show the street tree work that the arborist has determined, including the tree species, size, location, staking and irrigation requirements, or include a note that Public Works' arborist has determined no street tree work is required. The plan must note that in order to do street tree work, the applicant must first obtain a *Permit for Street Tree Work in the Public Right-of-Way* from Public Works' arborist (650-496-5953).
55. **GRADING PERMIT:** Separate Excavation and Grading Permit will be required for grading activities on private property that fill, excavate, store or dispose of 100 cubic yards or more based on PAMC Section 16.28.060. Applicant shall prepare and submit an excavation and grading permit to Public Works separately from the building permit set. The permit application and instructions are available at the Development Center and on our website.  
[http://www.cityofpaloalto.org/gov/depts/pwd/forms\\_and\\_permits.asp](http://www.cityofpaloalto.org/gov/depts/pwd/forms_and_permits.asp)
56. **GRADING & DRAINAGE PLAN:** The plan set must include a grading & drainage plan prepared by a licensed professional that includes existing and proposed spot elevations, earthwork volumes, finished floor elevations, area drain and bubbler locations, drainage flow arrows to demonstrate proper drainage of the site. Adjacent grades must slope away from the house a minimum of 2% or 5% for 10-feet per 2013 CBC section 1804.3. Downspouts and splashblocks should be shown on this plan, as well as any site drainage features such as swales, area drains, bubblers, etc. Grading that increases drainage onto, or blocks existing drainage from neighboring properties, will not be allowed. Public Works generally does not allow rainwater to be collected and discharged into the street gutter, but encourages the developer to keep rainwater onsite as much as feasible by directing runoff to landscaped and other pervious areas of the site.  
<http://www.cityofpaloalto.org/civicax/filebank/documents/2717>
57. **RETAIL SPACE:** If any proposed food service is planned a grease trap will be required.
58. **WORK IN THE RIGHT-OF-WAY:** The plans must clearly indicate any work that is proposed in the public right-of-way, such as sidewalk replacement, driveway approach, or utility laterals. The plans must include notes that the work must be done per City standards and that the contractor performing this work must first obtain a Street Work Permit from Public Works at the Development Center. If a new driveway is in a different location than the existing driveway, then the sidewalk associated with the new driveway must be replaced with a thickened (6" thick instead of the standard 4" thick) section. Additionally, curb cuts and driveway approaches for abandoned driveways must be replaced with new curb, gutter and planter strip.



59. Provide the following note on the Site Plan and adjacent to the work within the Public road right-of-way. "Any construction within the city's public road right-of-way shall have an approved Permit for Construction in the Public Street prior to commencement of this work. THE PERFORMANCE OF THIS WORK IS NOT AUTHORIZED BY THE BUILDING PERMIT ISSUANCE BUT SHOWN ON THE BUILDING PERMIT FOR INFORMATION ONLY."
60. Provide the following note on the Site Plan and Grading and Drainage Plan: "Contractor shall not stage, store, or stockpile any material or equipment within the public road right-of-way." Construction phasing shall be coordinate to keep materials and equipment onsite. This includes job site trailers, dumpsters, storage containers and portable restrooms
61. Provide following note on site plan and grading and drainage plan: "Contractor shall contact Public Works Engineering Inspectors to inspect and approve the storm drain system (pipes, area drains, inlets, bubblers, dry wells, etc.) associated with the project prior to backfill. Contractor shall schedule an inspection, at a minimum 48-hours in advance by calling (650)496- 6929."
62. OFF-SITE IMPROVEMENTS: Sidewalk, curb & gutter replacement shall be required for both Sand Hill Road and El Camino Real frontage of project. Street resurfacing may also be required for the property frontage along East bound portion of Sand Hill Rd.
63. Any existing driveway to be abandoned shall be replaced with standard curb & gutter. This work must be included within a *Permit for Construction in the Public Street* from the Public Works Department. A note of this requirement shall be placed on the plans adjacent to the area on the *Site Plan*.
64. 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.
65. STORM WATER POLLUTION PREVENTION: The City's full-sized "Pollution Prevention - It's Part of the Plan" sheet must be included in the plan set. Copies are available from Public Works on our website <http://www.cityofpaloalto.org/civicax/filebank/documents/2732>
66. LOGISTICS PLAN: The contractor must submit a logistics plan to the Public Works Department prior to commencing work that addresses all impacts to the City's right-of-way, including, but not limited to: pedestrian control, traffic control, truck routes, material deliveries, contractor's parking, concrete pours, crane lifts, work hours, noise control, dust control, storm water pollution prevention, contractor's contact, noticing of affected businesses, and schedule of work. Include a copy in resubmittal. Guidelines are attached below:  
<http://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?BlobID=2719>



67. **STORMWATER MAINTENANCE AGREEMENT:** The applicant shall designate a party to maintain the control measures for the life of the improvements and must enter into a **maintenance agreement** with the City to guarantee the ongoing maintenance of the permanent C.3 storm water discharge compliance measures. **The maintenance agreement shall be executed prior to Building permit approval.** The City will inspect the treatment measures yearly and charge an inspection fee. There is a C.3 plan check fee that will be collected upon submittal for a grading or building permit.
68. Include a note on the civil set of plans that the project is subject to C.3 Storm Water Treatment along with 3<sup>rd</sup> party review.
69. Proposed storm drain items will require new easement and/or modifications of existing easements.
70. Coverage is required to be obtained under the State Construction General Permit for projects that disturb one acre or more.
71. **CALTRANS:** Caltrans review and approval of this project may be required. Caltrans right-of-way across El Camino Real extends from back-of-walk to back-of walk. The City has a maintenance agreement with Caltrans that requires the City to maintain the sidewalk and to issue Street Work and Encroachment Permits for work done on the sidewalks by private contractors. Caltrans has retained the right to review and permit new ingress/egress driveways off El Camino Real as well as the installation of Traffic Control devices as part of this project.
72. **PUBLIC ACCESS EASEMENT:** The property owner shall provide a public access easement for the additional feet of sidewalk between the property line and back of walk and/or building edge on the El Camino Real frontage. Alternatively, the property owner may dedicate the space to the city. The easement or dedication shall be shown on the Tentative and Final maps, or if the applicant chooses not to subdivide the property, show the future easement on plans submitted for a building permit and note that the easement must be recorded prior to building permit final. Additional area behind the property line needed to create a 12-foot wide sidewalk along El Camino Real. Plot and label the Public Access Easement along El Camino Real that provides the 12-foot wide sidewalk.

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

The following conditions 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, Encroachment Permit, etc. as further described below.

73. The applicant shall provide bio retention fabric-type detail at building permit phase. Please be advised that the type of fabric is determined by the water table level of the site.



74. 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@cityofpalalto.org](mailto:pwps@cityofpalalto.org)) beginning with the initial verification approval, using the template in the Tree Technical Manual, Addendum 11.
75. **NO NET LOSS OF URBAN CANOPY.** In order to maintain the Urban Forest Master Plan goals, change cherry and aristocrat pears to native or drought-tolerant, climate adapted species of similar size and stature. Suggested species for the cherry trees include, but are not limited to, western redbud, smoke tree, fremontia, purple hop bush, toyon, or manzanita. Suggested species for the Aristocrat pears include, but are not limited to, Catalina ironwood, blue oak, silver linden, or skyrocket oak. Prior to submittal of building permit, City staff and the Applicant will determine locations for replacement trees on site and adjacent to the site (a portion of the 249 required). If required, compensation for the remaining replacement trees to be paid through in-lieu fees at \$650.00 per tree will be determined. When updated, these trees will satisfy the zero-net canopy loss goals put forth in the Master Plan.
76. **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@cityofpalalto.org](mailto:pwps@cityofpalalto.org)) beginning with the initial verification approval, using the template in the Tree Technical Manual, Addendum 11.
77. **PLAN CHANGES.** Revisions and/or **changes to plans before or during construction** shall be reviewed and responded to by the (a) project site arborist, or (b) landscape architect with written letter of acceptance before submitting the revision to the Building Department for review by Planning, PW or Urban Forestry.
78. **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 Municipal Code, and Tree Technical Manual, Section 2.25.
79. **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.

80. **TREE PROTECTION VERIFICATION.** Prior to any site work verification from the contractor that the required protective fencing is in place shall be submitted to the Urban Forestry Section. The fencing shall contain required warning sign and remain in place until final inspection of the project.
81. **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.
82. **PLAN SET REQUIREMENTS.** The final Plans submitted for building permit shall include the following information and notes on relevant plan sheets:
- a. **SHEET T-1, BUILDING PERMIT.** The building permit plan set will include the City's full-sized, Sheet T-1 ([Tree Protection-it's Part of the Plan!](http://www.cityofpaloalto.org/civicax/filebank/documents/31783)), available on the Development Center website at <http://www.cityofpaloalto.org/civicax/filebank/documents/31783>. The Applicant shall **complete and sign the Tree Disclosure Statement** and recognize the Project Arborist Tree Activity Inspection Schedule. Monthly reporting to Urban Forestry/Contractor is mandatory. (Insp. #1: applies to all projects; with tree preservation report: Insp. #1-7 applies)
  - b. **The Tree Preservation Report (TPR).** All sheets of the Applicant's TPR approved by the City for full implementation by Contractor, shall be printed on numbered Sheet T-1 (T-2, T-3, etc) and added to the sheet index.
  - c. **Plans to show protective tree fencing.** The Plan Set (esp. site, demolition, grading & drainage, foundation, irrigation, tree disposition, utility sheets, etc.) must delineate/show the correct configuration of Type I, Type II or Type III fencing around each Regulated Tree, using a bold dashed line enclosing the Tree Protection Zone (Standard Dwg. #605, Sheet T-1; City Tree Technical Manual, Section 6.35-Site Plans); **or by using the Project Arborist's unique diagram for each Tree Protection Zone enclosure.**

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

##### **PAMC 16.09.180(b)(10) Dumpsters for New and Remodeled Facilities**

83. New commercial buildings and residential developments providing centralized solid waste collection, except for single-family and duplex residences, shall provide a covered area for a bin/dumpster. The area shall be adequately sized for all waste streams (garbage, recycling, and yard waste/compostables) and designed with grading or a berm system to prevent water run-on and runoff from the area.



- a) A recycling, compost, and garbage enclosure shall be required for the project.
84. PAMC 18.23.020 Refuse Disposal Area Requirements. The design of any new, substantially remodeled, or expanded building or other facility shall provide for proper storage, handling, and accessibility which will accommodate the solid waste and recyclable materials loading anticipated and which will allow for the efficient and safe collection.
- a) All solid waste bins (dumpsters) must be located in a trash enclosure.
  - b) A trash enclosure must be included in the plans.
85. PAMC 16.09.075(q)(2) Covered Dumpsters, Recycling and Tallow Bin Areas additional requirements:
- a) Trash enclosure must be covered.
  - b) Collection vehicle access (vertical clearance, street width and turnaround space) and street parking are common issues pertaining to new developments. Adequate space must be provided for vehicle access.
  - c) Weight limit for all drivable areas to be accessed by the solid waste vehicles (roads, driveways, pads) must be rated to 60,000 lbs. This includes areas where permeable pavement is used.
  - d) Carts and bins must be able to roll without obstacles or curbs to reach service areas "no jumping curbs"
  - e) Containers must be within 25 feet of service area or charges will apply.
  - f) All service areas must have a clearance height of 20' for bin service.
  - g) New enclosures should consider rubber bumpers to reduce wear-and-tear on walls.
  - h) Service must be provided for garbage, recycling, and compost
  - i) All service areas must have a clearance height of 20' for bin service.
  - j) Project plans must show the placement of recycling containers, for example, within the details of the solid waste enclosures. Enclosure and access should be designed for equal access to all three waste streams – garbage, recycling, and compostables.

#### **PUBLIC WORKS WATERSHED PROTECTION**

86. Stormwater treatment measures

- o All Bay Area Municipal Regional Stormwater Permit requirements shall be followed.
- o Refer to the Santa Clara Valley Urban Runoff Pollution Prevention Program C.3 Handbook (download here: [http://scvurppp-w2k.com/c3\\_handbook.shtml](http://scvurppp-w2k.com/c3_handbook.shtml)) for details.
- o For all C.3 features, vendor specifications regarding installation and maintenance should be followed and provided to city staff. Copies must be submitted to Pam Boyle Rodriguez at [pamela.boyledrodriguez@cityofpaloalto.org](mailto:pamela.boyledrodriguez@cityofpaloalto.org). Add this bullet as a note to the building plans.
- o Staff from Stormwater Program (Watershed Protection Division) may be present during installation of stormwater treatment measures. Contact Pam Boyle Rodriguez, Stormwater Program Manager, at (650) 329-2421 before installation. Add this bullet as a note to building plans on Stormwater Treatment (C.3) Plan.



**87. Bay-friendly Guidelines (rescapeca.org)**

- Do not use chemicals fertilizers, pesticides, herbicides or commercial soil amendment. Use Organic Materials Review Institute (OMRI) materials and compost. Refer to the Bay-Friendly Landscape Guidelines: <http://www.stopwaste.org/resource/brochures/bay-friendly-landscape-guidelines-sustainable-practices-landscape-professional> for guidance. Add this bullet as a note to the building plans.
- Avoid compacting soil in areas that will be unpaved. Add this bullet as a note to the building plans.

**88. Stormwater quality protection**

- Temporary and permanent waste, compost and recycling containers shall be covered to prohibit fly-away trash and having rainwater enter the containers.
- Drain downspouts to landscaping (outward from building as needed).

Drain HVAC fluids from roofs and other areas to landscaping

**END CONDITIONS**



# **Attachment 4**



Plotted By: Brennon, Katlin Sheet Set: KHA Layout: C-001 COVER SHEET October 02, 2020 08:19:46am K:\BAY\_LDEV\197145002 - Simon - Stanford Mall - MCM 08 CADD\Plan Sheets\C000 Cover Sheet.dwg  
This document, together with the concepts and designs presented herein, is an instrument of service, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

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### ELECTRICAL

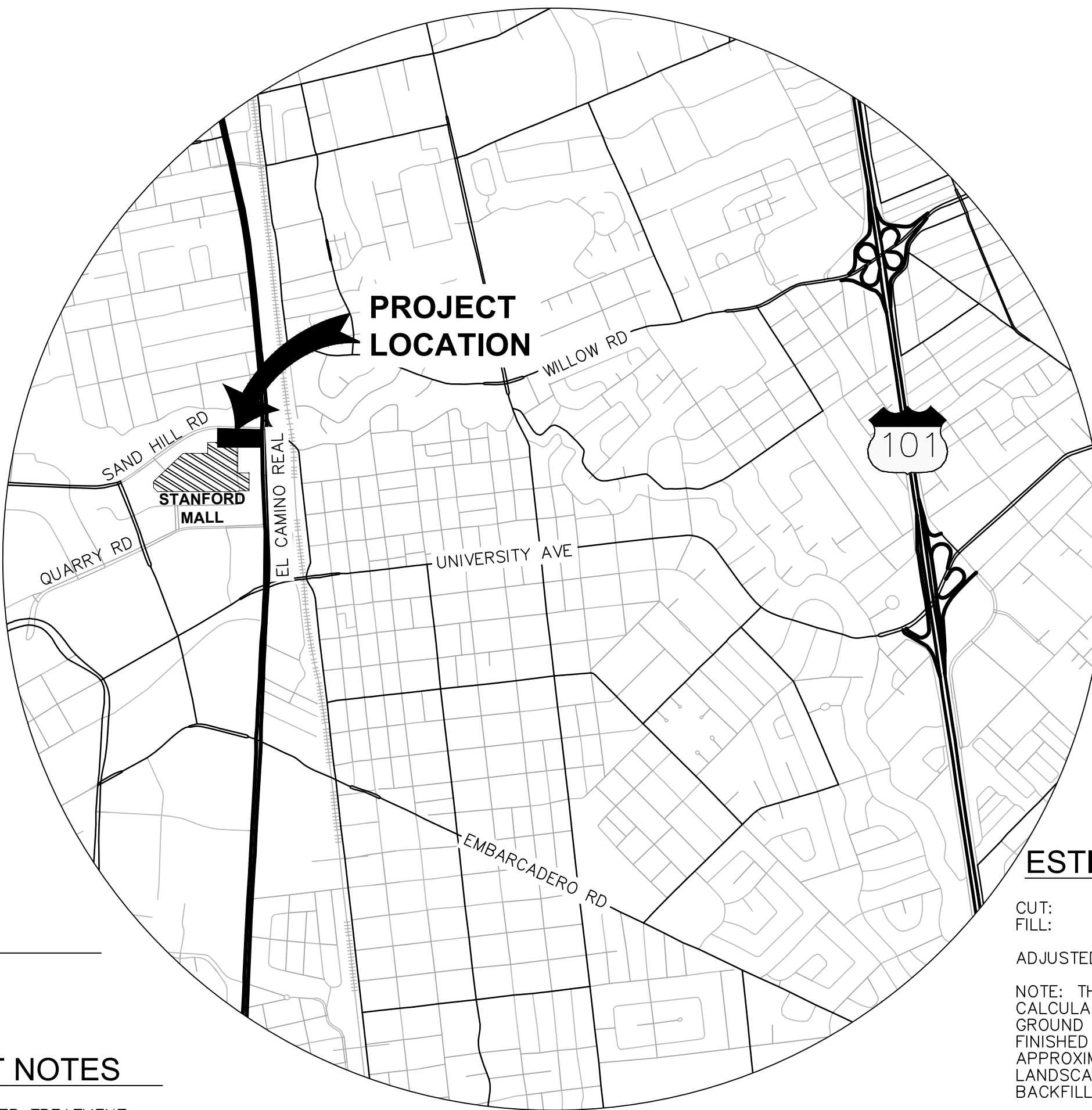
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# SITE PERMIT PHASE 2

FOR

# STANFORD SHOPPING CENTER MACY'S MENS REDEVELOPMENT

180 EL CAMINO REAL  
PALO ALTO, CA 94304



VICINITY MAP  
SCALE: NTS



## LEGEND

EXISTING		PROPOSED
---	PROPERTY LINE	---
---	CENTER LINE	---
---	CIVIL LIMIT OF WORK LINE	-----
---	GRADE BREAK OR RIDGE LINE	---
---	FLOW LINE	---
---	RETAINING WALL	---
SS	SANITARY SEWER PIPE	8" SS
SD	STORM DRAIN PIPE < 12"	6" SD
SD	STORM DRAIN PIPE > 12"	18" SD
W	WATER PIPE	4" W
	FIRE WATER PIPE	8" FW
G	GAS LINE	G
E	ELECTRIC LINE	E
	LANDSCAPE AREA	
	TRUNCATED DOMES	
D S	STORM DRAIN AND SANITARY SEWER MANHOLE	D S
	DRAIN INLET	
	FIRE HYDRANT	
	PIV	
	FDC	
	WATER VALVE	
	BACKFLOW	

## UTILITY PURVEYORS

WATER, SEWER, & TRASH  
CITY OF PALO ALTO  
UTILITIES ENGINEERING  
650-617-6103

ELECTRICITY  
CITY OF PALO ALTO  
650-496-6914

GAS  
CITY OF PALO ALTO  
UTILITIES ENGINEERING  
650-617-6103  
650-329-2579 (EMERGENCIES)



## ESTIMATED EARTHWORK QUANTITIES

CUT: 437 CY  
FILL: 2,398 CY

ADJUSTED NET: 1,961 CY (IMPORT)

NOTE: THE ABOVE QUANTITIES ARE APPROXIMATE FOR PERMITTING PURPOSE ONLY. VOLUMES CALCULATED FROM THE EXISTING GROUND TO THE PROPOSED FINISHED GRADE. EXISTING GROUND IS DEFINED BY THE CONTOURS AND SPOT GRADES ON THE BASE SURVEY. PROPOSED FINISHED GRADE IS DEFINED AS THE FINAL GRADE AS INDICATED ON THE GRADING PLAN(S). APPROXIMATE ADJUSTMENTS ARE INCLUDED TO ACCOUNT FOR COMPACTION, PAVING THICKNESS, LANDSCAPING TOP SOIL, UTILITY TRENCHING, BIORETENTION AREAS, AND EXISTING BASEMENT BACKFILL.

FINAL CONTRACTOR EARTHWORK CALCULATIONS SHALL ACCOUNT FOR CHANGES IN VOLUME DUE TO BULKING, CLEARING AND GRUBBING, SHRINKAGE, OVER-EXCAVATION AND RE-COMPACTION, CONSTRUCTION METHODS, THICKNESS OF PAVEMENT SECTIONS, FOOTINGS, SLABS, REUSE OF PULVERIZED MATERIALS THAT WILL UNDERLIE NEW PAVEMENTS, ETC. THE CONTRACTOR SHALL RELY ON THEIR OWN EARTHWORK ESTIMATES FOR BIDDING PURPOSES.

## GEOTECHNICAL REPORT:

THE GEOTECHNICAL ENGINEERING REPORT DATED AUGUST 13, 2020, PREPARED BY TERRACON CONSULTANTS AND ALL ADDENDA SHALL BE CONSIDERED PART OF THESE CONSTRUCTION DOCUMENTS.

## BENCHMARK NOTE

BASIS OF BEARINGS:  
NAD 83 CALIFORNIA COORDINATES SYSTEM, ZONE 3, EPOCH 1991.35, HOLDING COORDINATES FOR CONTROL POINTS S-130 & S131 RESET. AS SAID POINTS ARE SHOWN ON THE AMENDED RECORD OF SURVEY MAP OF STANFORD UNIVERSITY CONTROL, DATED AUGUST 2016, NOT YET RECORDED.

ELEVATION DATUM:  
STANFORD CONTROL POINT AND BENCHMARK S-130, A 2.5" BRASS DISC STAMPED, "S-130 LS 5797" IN A MONUMENT WELL IN THE NORTHEAST LANE OF EL CAMINO REAL SOUTHEAST OF INTERSECTION WITH SAND HILL ROAD AS SHOWN ON R.O.S. 744 M 40-49



DATE: 11-05-20

REVIEWED



REVIEWED FOR CODE COMPLIANCE & APPROVED FOR PERMIT ISSUANCE

BY: David Chung

DATE: 11/5/2020

PERMIT #: 20000-00181

Project must comply with the California Code of Regulations, Title 24 as adopted by the City of Palo Alto and the Palo Alto Municipal Code.

SPECIAL INSPECTIONS AND TESTS MAY BE REQUIRED BY THE CALIFORNIA BUILDING CODE. SPECIAL INSPECTION AGENCY SHALL BE SELECTED FROM THE CITY'S CURRENT LIST OF APPROVED AGENCIES.

SEE Soil Report for  
GEOTECHNICAL INSPECTION.

## FEMA NOTES

ZONE: X  
MAP: 06085C0010H

## STORMWATER TREATMENT NOTES

THIS PROJECT IS SUBJECT TO C.3 STORMWATER TREATMENT AND 3RD PARTY REVIEW.

## ABBREVIATIONS

AB - AGGREGATE BASE  
AC - ASPHALT CONCRETE  
AHJ - AUTHORITY HAVING JURISDICTION  
BC - BACK OF CURB  
BS - BOTTOM OF STAIR  
BLDG - BUILDING  
BW - BACK OF WALK  
CAB - CRUSHED AGGREGATE BASE  
CB - CATCH BASIN  
CF - CURB FACE  
C/L - CENTERLINE  
CONC. - CONCRETE  
CONST. - CONSTRUCT, CONSTRUCTION  
CSG - COMPACTED SUBGRADE  
DF - DEEPENED FOOTING  
DI - DRAIN INLET  
DW - DOMESTIC WATER  
E - EAST  
EGC - EDGE OF GUTTER  
ELEC - ELECTRIC

EP - EDGE OF PAVEMENT  
FF - FINISHED FLOOR  
FG - FINISHED GRADE  
FL - FLOW LINE  
FS - FINISHED SURFACE  
FW - FIRE WATER  
G - GAS  
GB - GRADE BREAK  
HP - HIGH POINT  
INV - INVERT  
IRR - IRRIGATION WATER  
JS - JUNCTION STRUCTURE  
LP - LOW POINT  
MH - MANHOLE  
N - NORTH  
PCC - PORTLAND CEMENT CONCRETE  
P/L - PROPERTY LINE  
PUE - PUBLIC UTILITY EASEMENT  
PVC - POLYVINYL CHLORIDE  
R - RADIUS OR RIDGE

RD - ROOF DRAIN  
RW - RECLAIMED WATER  
R/W - RIGHT-OF-WAY  
S - SEWER OR SOUTH  
SD - STORM DRAIN  
STA - STATION  
SS - SANITARY SEWER  
SPPWC - STANDARD PLANS FOR PUBLIC WORKS CONSTRUCTION  
SW - SIDE WALK  
T - TELEPHONE  
TC - TOP OF CURB  
TS - TOP OF STAIR  
VIF - VERIFY IN FIELD  
W - WATER OR WEST  
XXX.XX - PROPOSED ELEVATION  
(XXX.XX) - EXISTING ELEVATION

**Kimley»Horn**

4637 CHABOT DRIVE, SUITE 300  
PLEASANTON, CA 94588  
PHONE: 925-398-4840  
WWW.KIMLEY-HORN.COM  
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**STANFORD  
SHOPPING CENTER**  
PREPARED FOR  
**SPG CENTER, LLC**

CITY OF PALO ALTO

CALIFORNIA

COVER SHEET

PLANNING  
PERMIT NUMBER:  
19PLN - 00110  
BUILDING  
PERMIT NUMBER:  
19000-02445

SHEET NUMBER

C-001

4	PLAN CHECK REVISION 1	04/27/20	KHA
4	PLAN CHECK REVISION 2	08/10/20	KHA
4	PLAN CHECK REVISION 3	09/18/20	KHA
No.	REVISIONS	DATE	BY

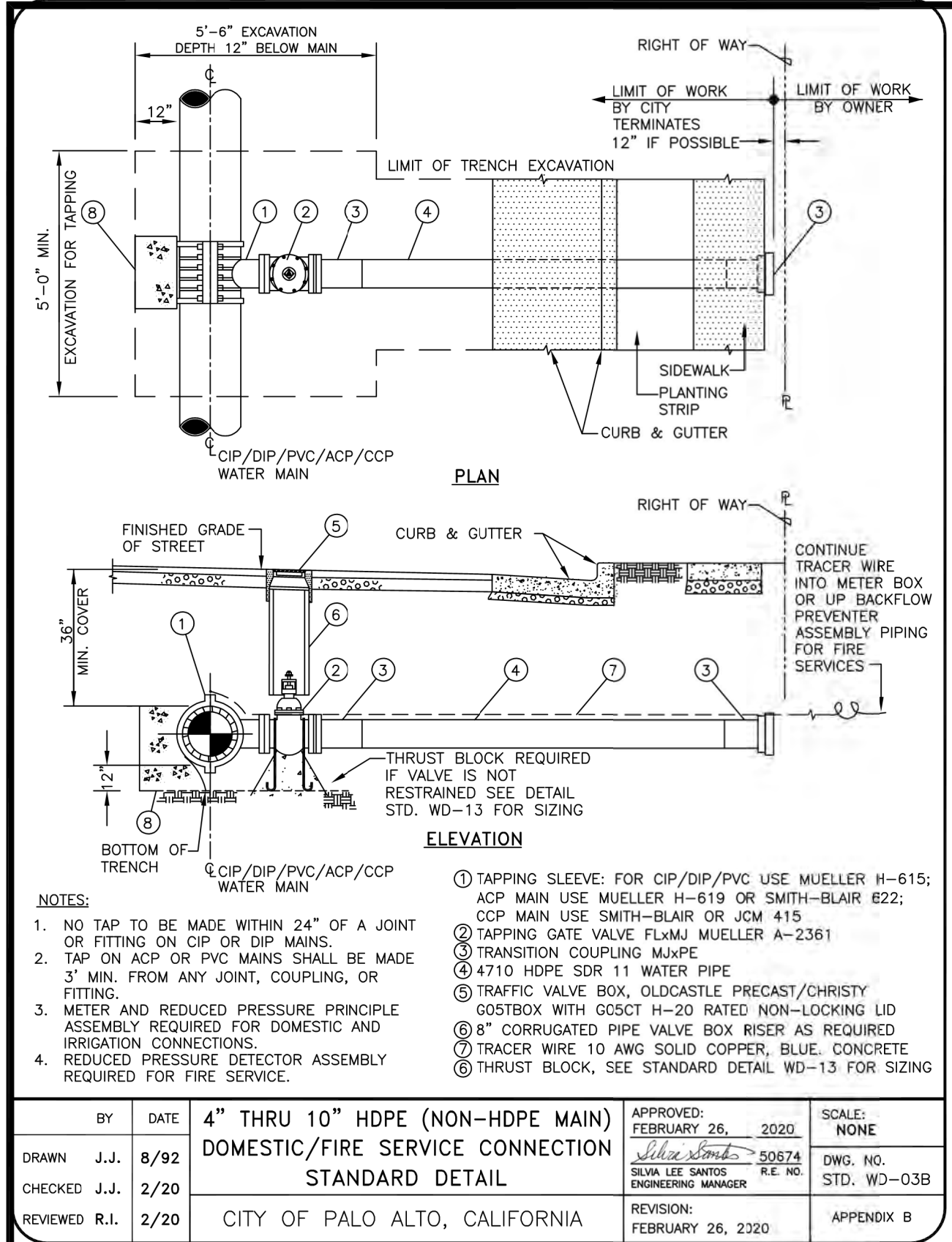


# **Attachment 5**











# **Attachment 6**



Search Records

Search for Permit and Schedule Inspection

Record 19000-03365:

Project - Building Permit

Record Status: In Plan Check

Record Info ▾

Payments ▾

Please log in to schedule an inspection.

Schedule an inspection by selecting the 'drop down' arrow on Record Info above and select Inspections. Select Schedule or Request an Inspection and choose which inspection you would like to schedule. Note: For Permit Revisions, please schedule the inspection on the original permit.

## Processing Status

## ✓ Application Submittal

Due on 12/24/2019, assigned to TBD  
Marked as Submitted - PC Required on 12/23/2019 by DIANA TAMALE-650-329-2535

## Landscape Review

## 📁 Building Review

Due on 02/10/2020, assigned to TBD  
Marked as Routed on 12/23/2019 by DIANA TAMALE-650-329-2535

Due on 03/09/2020, assigned to DAVID CHUNG-650-329-2135  
Marked as Not Approved on 02/24/2020 by DAVID CHUNG-650-329-2135

Due on 03/09/2020, assigned to DAVID CHUNG-650-329-2135  
Marked as TBD on TBD by TBD

## ✓ Elect Utilities Review

Due on 02/10/2020, assigned to TBD  
Marked as Routed on 12/23/2019 by DIANA TAMALE-650-329-2535

Due on 02/24/2020, assigned to TBD  
Marked as Approved on 02/10/2020 by JAMES THOMPSON-650-566-4533

Comment: No electric work before the meter as indicated by applicant's plans.

## ✓ Fire Review

## 📁 Planning Review

Due on 02/10/2020, assigned to TBD  
Marked as Routed on 12/23/2019 by DIANA TAMALE-650-329-2535

Due on 03/03/2020, assigned to SAMUEL GUTIERREZ-650-329-2225  
Marked as Not Approved on 02/18/2020 by SAMUEL GUTIERREZ-650-329-2225

Comment: not approved as the entitlement approval is not finalized.

Due on 03/03/2020, assigned to TBD  
Marked as TBD on TBD by TBD

## ✓ Public Works Eng. Review

## ✓ Water Quality Review

## 📁 WGW Utilities Review

Due on 02/10/2020, assigned to TBD  
Marked as Routed on 12/23/2019 by DIANA TAMALE-650-329-2535

Due on 03/16/2020, assigned to JESSE KEEN 650-566-4541  
Marked as Not Approved on 03/02/2020 by JESSE KEEN 650-566-4541

Comment: wgw redlines emailed to applicant; cc'd coordinators.

Due on 03/16/2020, assigned to TBD  
Marked as TBD on TBD by TBD

## ✓ Urban Forestry Review

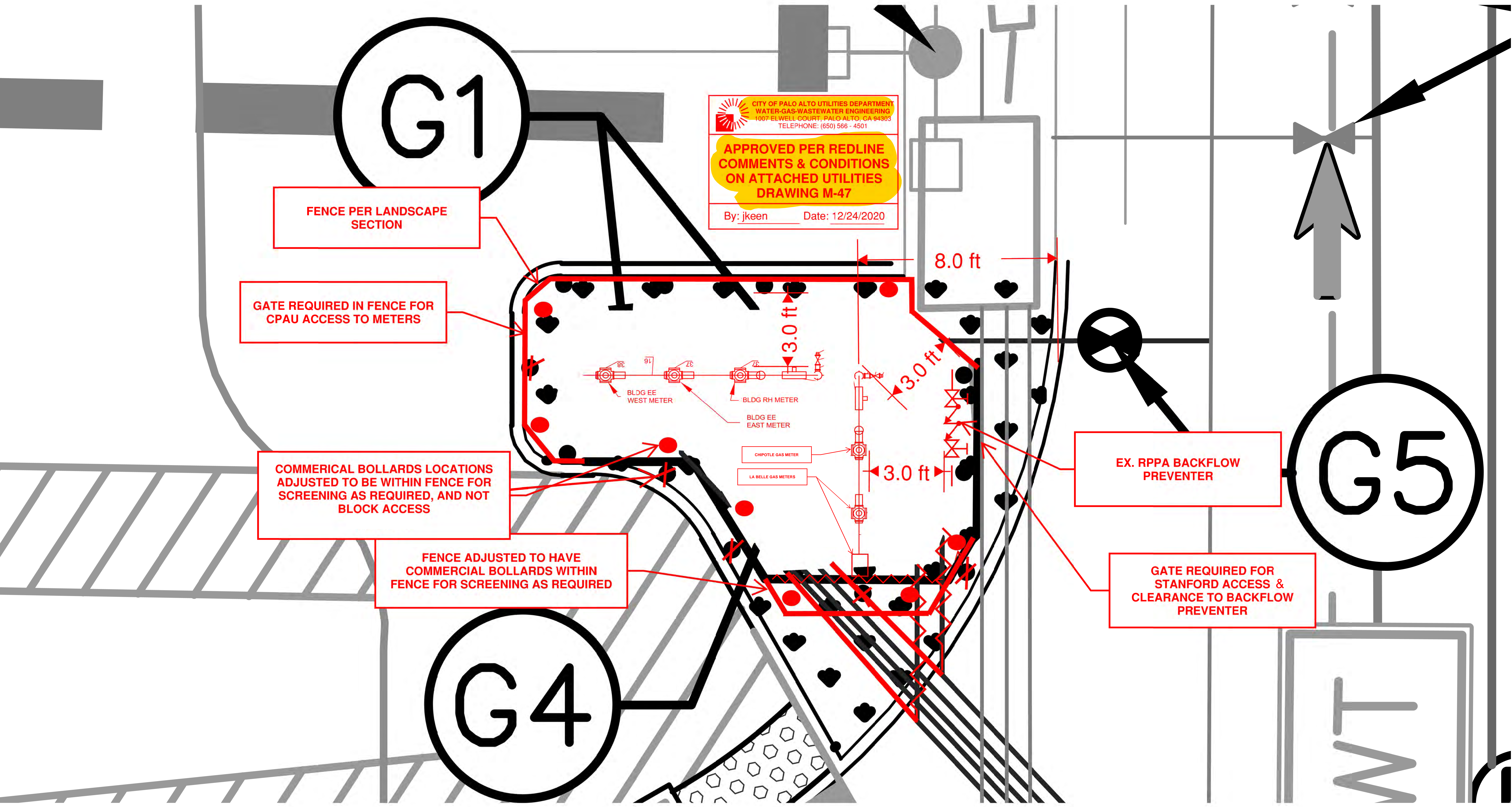
Ready To Issue

Permit Issuance



# **Attachment 7**





CITY OF PALO ALTO UTILITIES DEPARTMENT  
WATER-GAS-WASTEWATER ENGINEERING  
1007 ELWELL COURT, PALO ALTO, CA 94303  
TELEPHONE: (650) 566 - 4501

**APPROVED PER REDLINE  
COMMENTS & CONDITIONS  
ON ATTACHED UTILITIES  
DRAWING M-47**

By: jkeen      Date: 12/24/2020

FENCE PER LANDSCAPE  
SECTION

GATE REQUIRED IN FENCE FOR  
CPAU ACCESS TO METERS

COMMERICAL BOLLARDS LOCATIONS  
ADJUSTED TO BE WITHIN FENCE FOR  
SCREENING AS REQUIRED, AND NOT  
BLOCK ACCESS

FENCE ADJUSTED TO HAVE  
COMMERCIAL BOLLARDS WITHIN  
FENCE FOR SCREENING AS REQUIRED

EX. RPPA BACKFLOW  
PREVENTER

GATE REQUIRED FOR  
STANFORD ACCESS &  
CLEARANCE TO BACKFLOW  
PREVENTER



# **Attachment 8**

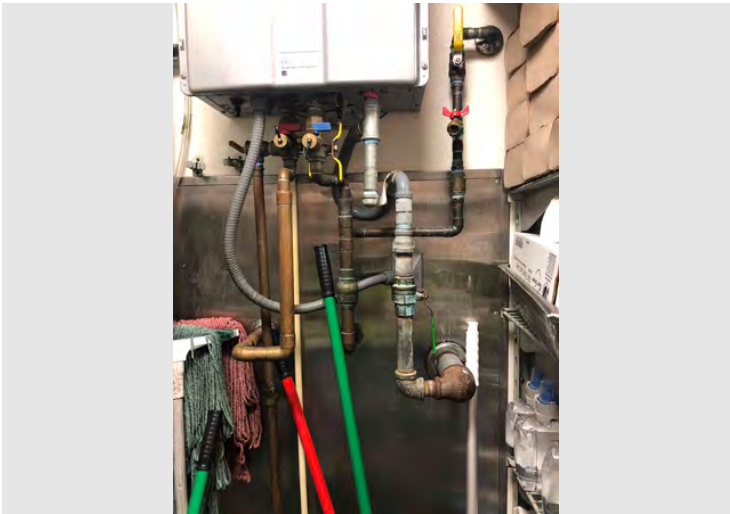




Graycor Construction Company Inc.

Printed on Thu Mar 30, 2023 at 02:55 pm PDT

Job #: 200027 Stanford Macy's Redevelopment  
180 El Camino Real  
Palo Alto, California 94304



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01/22/2021 at 08:57 am

Uploaded By

Evan Jamrok

Upload Date

01/22/2021 at 08:57 am

File Name

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Description



Description

Taken Date

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Uploaded By

Jim Miller

Upload Date

01/22/2021 at 07:24 am

File Name

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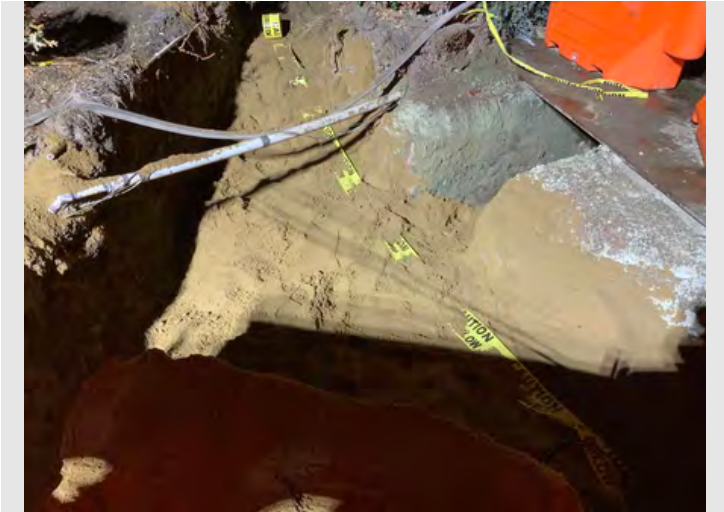




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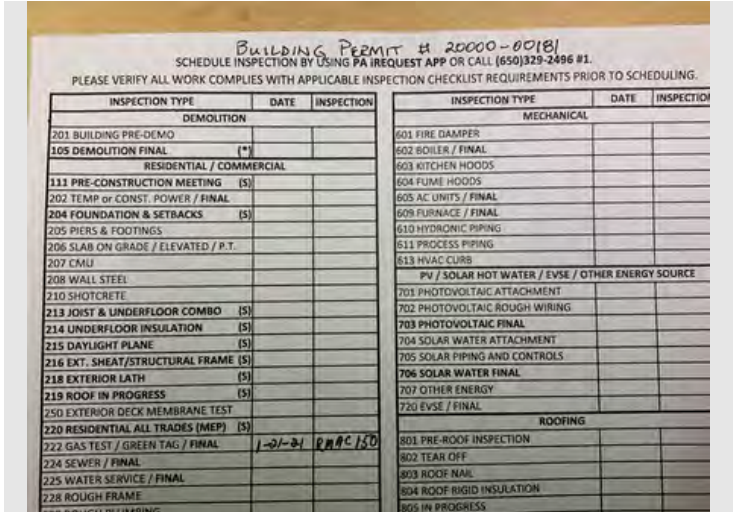
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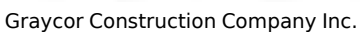
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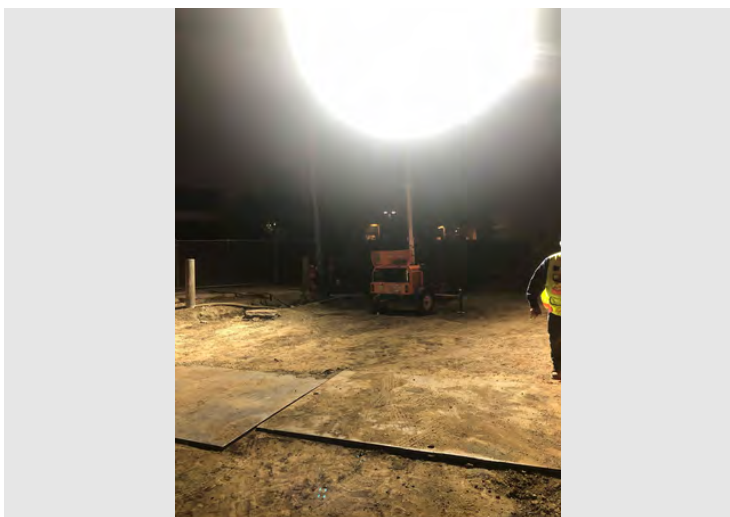
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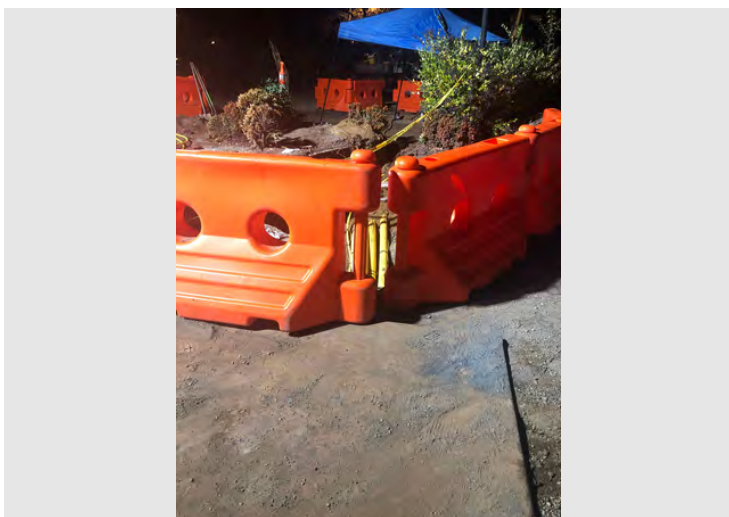




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### Description



### Description

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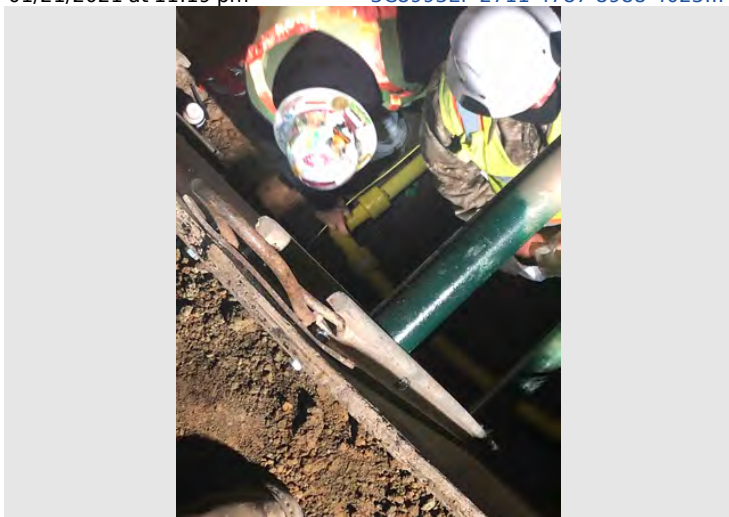
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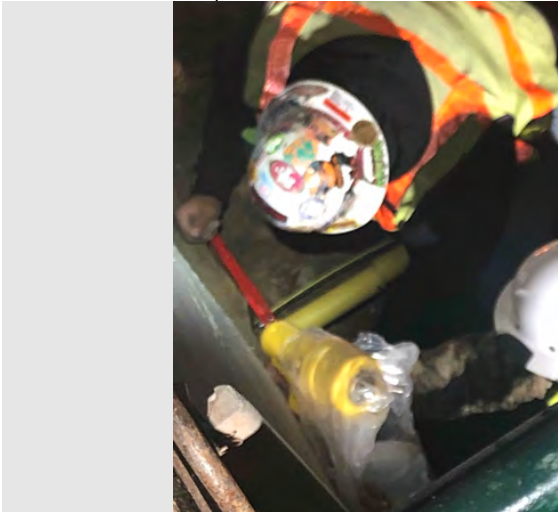
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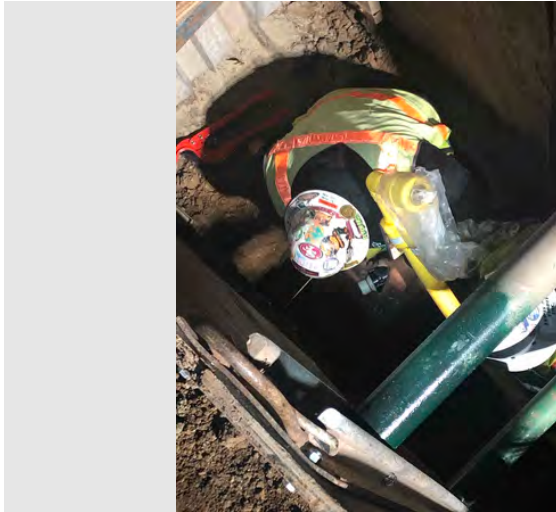
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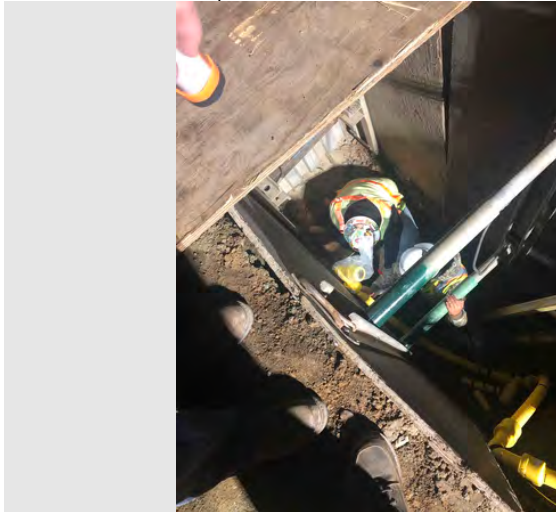
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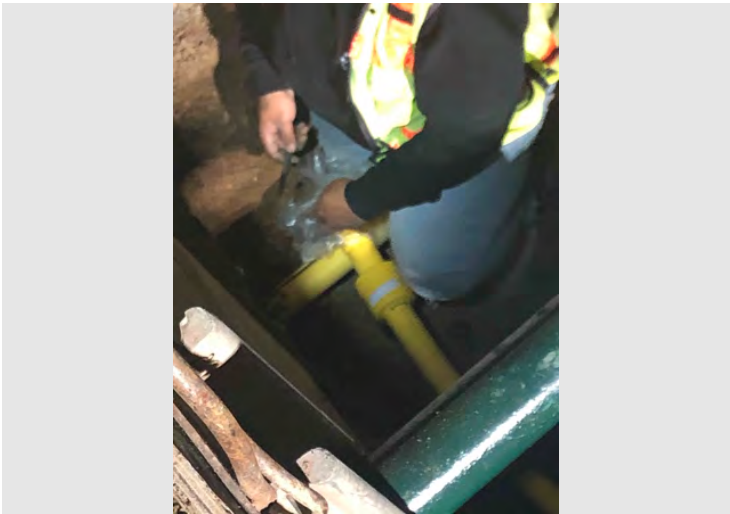
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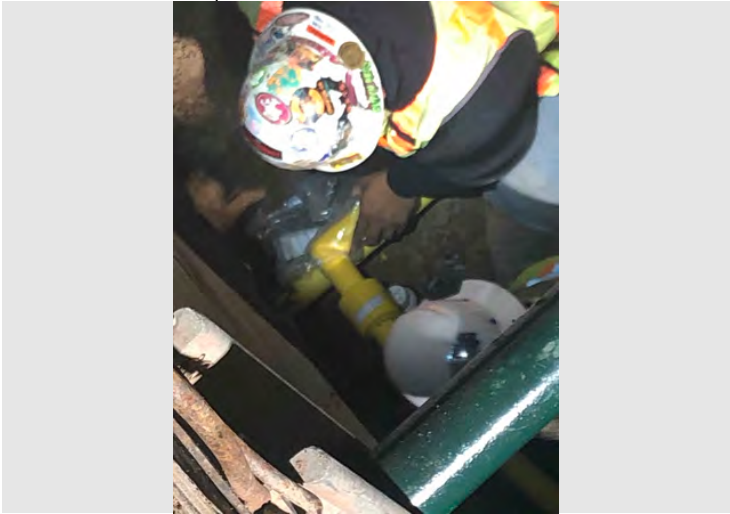
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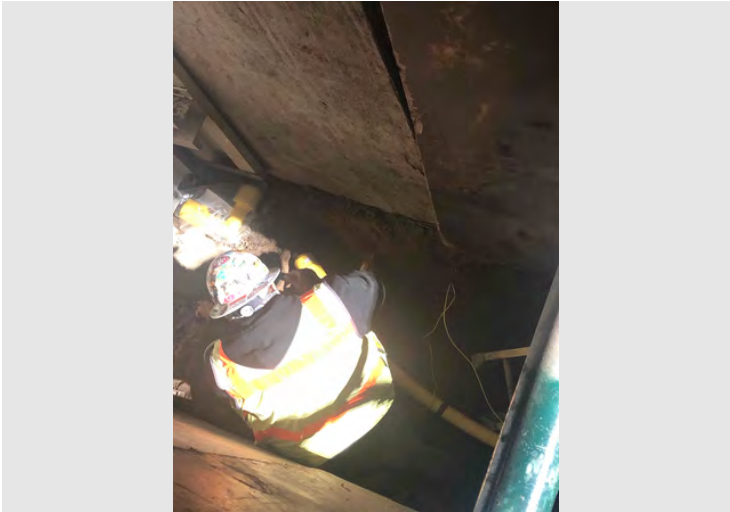
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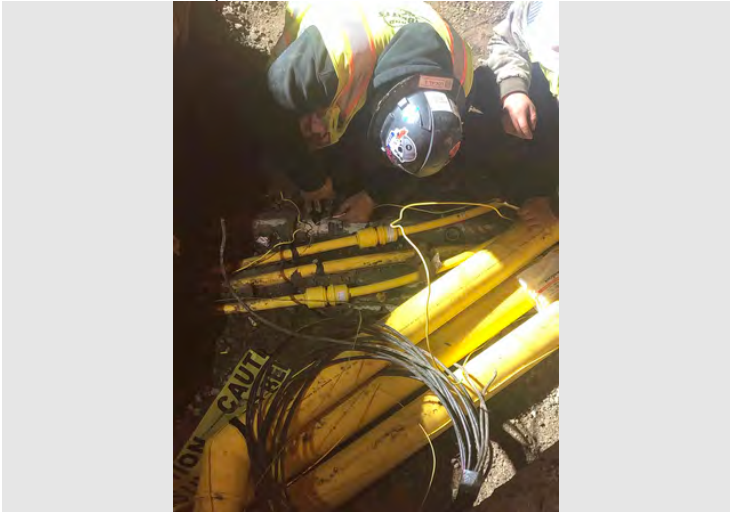
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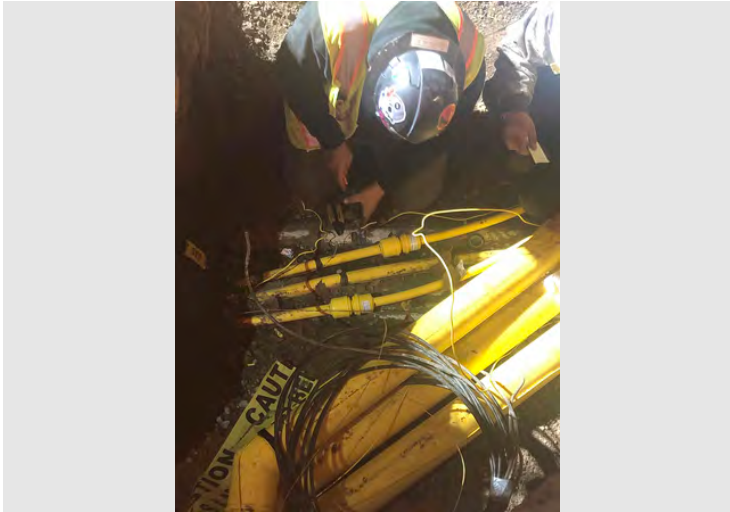
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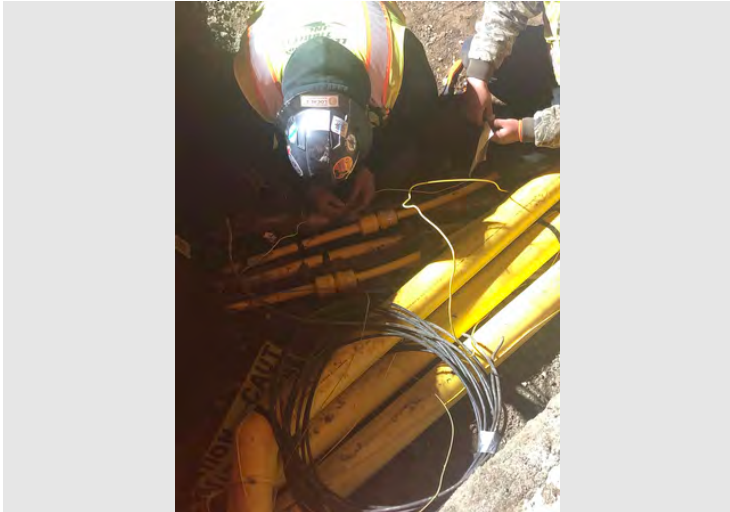
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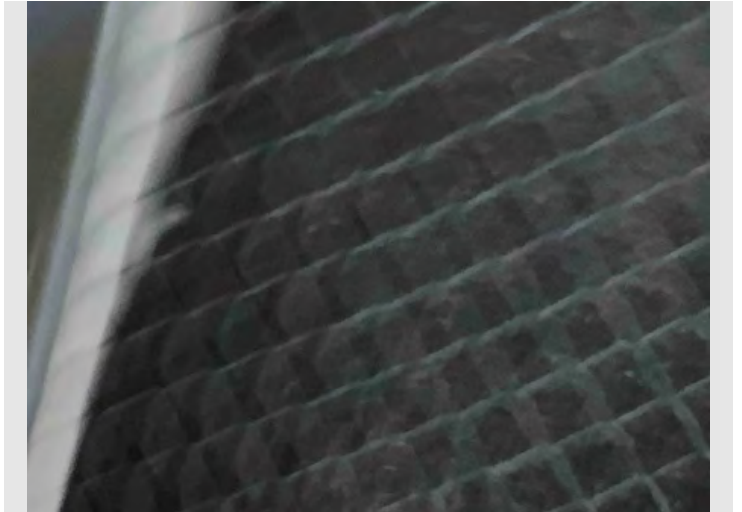
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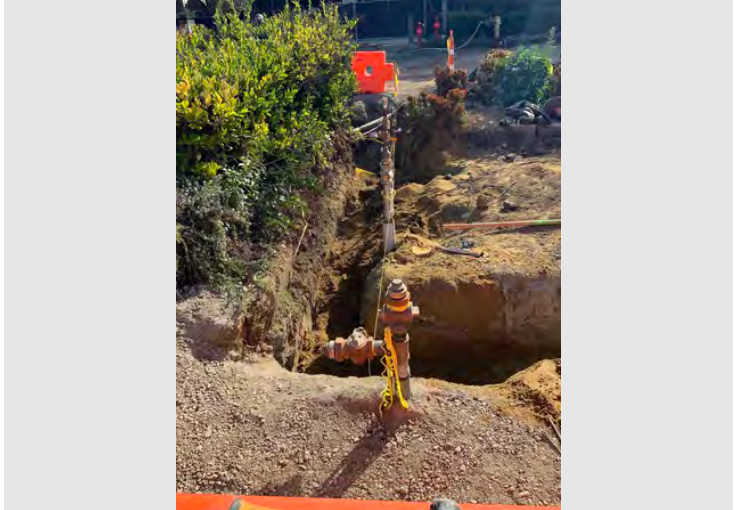
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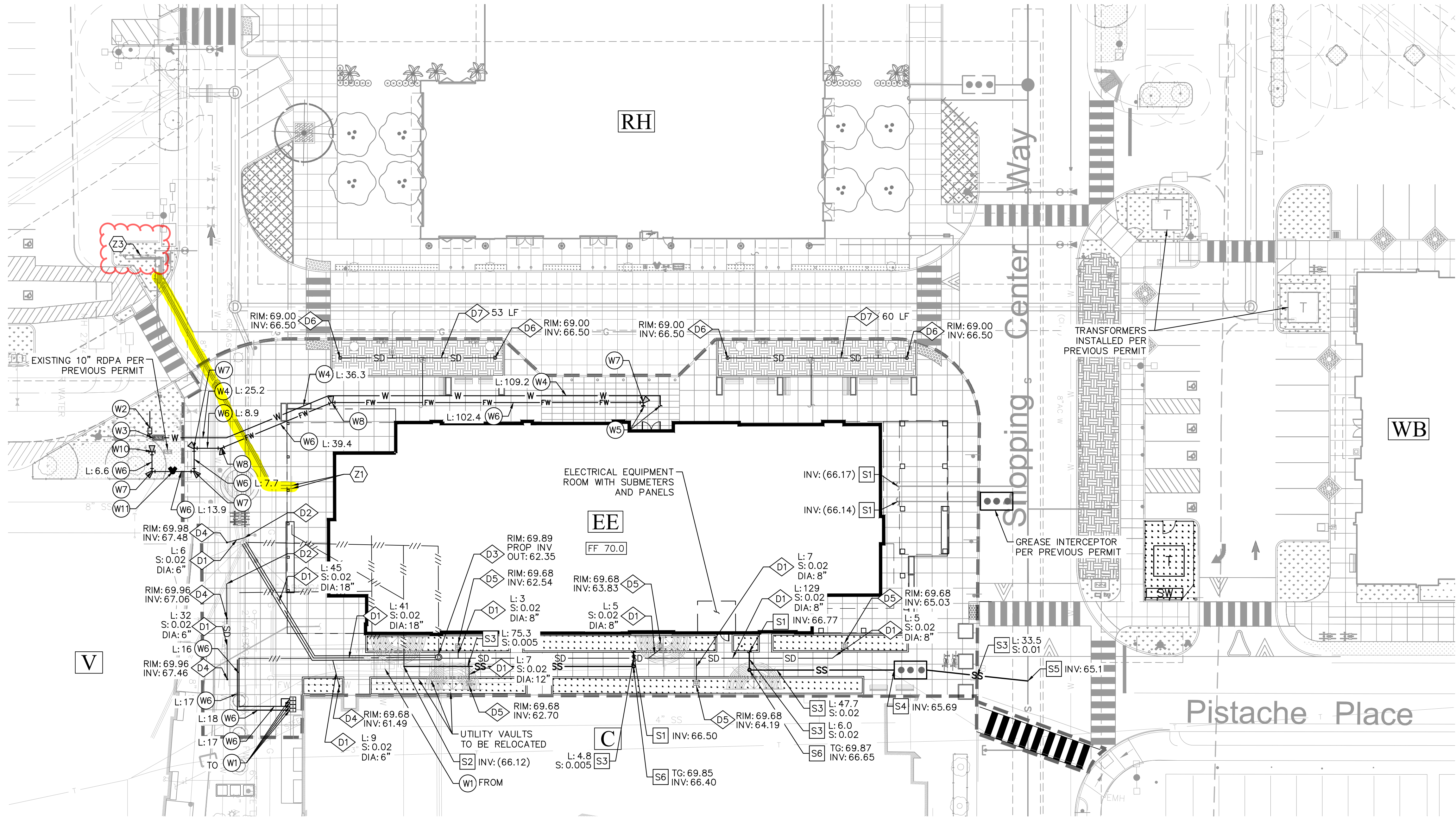
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# **Attachment 9**



Plotted By: Brennen, Kaitlin Sheet Set: KHA Layout: C7 UTILITY PLAN June 27, 2022 01:46:31pm K:\BAY\_LDEV\197145004 - simon - stanford bldg ee - mcn\03 CAD\plansheets\C7 UTILITY PLAN.dwg  
This document, together with the concepts and designs presented herein, is an instrument of service, and its use is limited to the specific project and client for which it was prepared. Reuse of this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



LEGEND

- PATIO AREA
- FLOOR ABOVE AREA
- BACKFLOW PREVENTER
- METER
- PROP. FIRE HYDRANT (FH)
- PROP. FIRE DEPARTMENT CONNECTION (FDC)
- PROP. DRAIN INLET
- PROP. SEWER MH
- PROP. STORM MH
- PROP. GREASE INTERCEPTOR
- PROP GAS LINE
- UTILITY DEMO
- PROP. WATER LINE
- PROP. FIRE WATER LINE
- PROP. SANITARY SEWER
- PROP. STORM DRAIN >12"
- PROP. STORM DRAIN <12"
- PROP. BIORETENTION
- PROP. LANDSCAPE
- TREE PROTECTION ZONE (TPZ) FENCING (PER CITY OF PALO ALTO STREET TREE PROTECTION SPECIFICATIONS. SEE SHEETS T1 & T2 FOR DETAILS). PROTECTED TREE-- BEFORE WORKING IN THIS AREA CONTACT THE PROJECT SITE ARBORIST

EXISTING UTILITY NOTE

THE EXISTING UTILITIES SHOWN ON THE PLAN ARE BASED ON AVAILABLE RECORDS. THE CONTRACTOR MUST FIELD DETERMINE THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO ANY CONSTRUCTION. REPORT DISCREPANCIES AND POTENTIAL CONFLICTS WITH PROPOSED UTILITIES TO ENGINEER PRIOR TO INSTALLATION OF ANY PIPING.

WATER

- (W1) RELOCATE PRIVATE WATER SUBMETERS.
- (W2) CITY OF PALO ALTO TO INSTALL 2" HDPE WATER SERVICE CONNECTED TO 8" CITY MAIN AND 2" MASTER METER. INSTALLATION PER CPAU STANDARDS.
- (W3) INSTALL 2" BACKFLOW DEVICE
- (W4) INSTALL 2" PVC WATERLINE.
- (W5) BUILDING POINT OF CONNECTION (5-FT FROM BUILDING FACE). REFER TO PLUMBING PLANS FOR CONTINUATION.
- (W6) INSTALL 6" PVC SCH40 WATER LATERAL.
- (W7) INSTALL 90 DEGREE BEND WITH THRUST BLOCK
- (W8) INSTALL 22.5 DEGREE BEND WITH THRUST BLOCK
- (W10) INSTALL 8"x6"x8" TEE CONNECTION ON EXISTING 8" PRIVATE FIRE SERVICE LINE.
- (W1) INSTALL FIRE DEPARTMENT CONNECTION. POTTER ROEMER MODEL NO. 5763, OR APPROVED EQUAL.

DRY UTILITIES

- (Z1) BUILDING POINT OF CONNECTION (5-FT FROM BUILDING FACE). REFER TO PLUMBING PLANS FOR CONTINUATION.
- (Z3) NEW GAS METER ON EXISTING MANIFOLD ENCLOSURE FOR BUILDING EE.

DRAINAGE

- (D1) >PVC SDR-35 STORM DRAIN PIPE SIZE PER PLAN.
- (D2) >CONNECT TO EXISTING STORM DRAIN LINE WITH WYE CONNECTION.
- (D3) >INSTALL STORM DRAIN MANHOLE.
- (D4) >INSTALL 6" FLAT TOP AREA DRAIN.
- (D5) >INSTALL 12" SQUARE AREA DRAIN.
- (D6) >INSTALL STORM DRAIN CLEANOUT.
- (D7) >PERFORATED PVC PIPE PER DETAIL 1, SHEET C5.

SEWER (PRIVATE FACILITIES)

- (S1) BUILDING POINT OF CONNECTION (5-FT) FROM BUILDING FACE. REFER TO PLUMBING PLANS FOR CONTINUATION.
- (S2) CONNECT TO EXISTING SEWER MANHOLE.
- (S3) INSTALL 4" PVC SEWER PIPE. TRENCH PER DETAIL
- (S4) INSTALL GREASE INTERCEPTOR.
- (S5) CONNECT TO EXISTING SEWER WITH WYE CONNECTION.
- (S6) INSTALL SEWER CLEANOUT, SEE PLAN FOR INVERT ELEVATION.

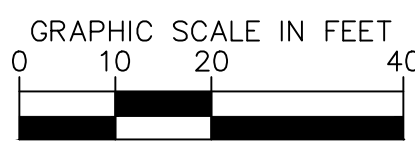
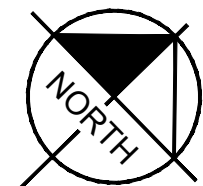
TREE NOTES

ALL TREE PROTECTION AND INSPECTION SCHEDULE MEASURES, DESIGN RECOMMENDATIONS, WATERING AND CONSTRUCTION SCHEDULING SHALL BE IMPLEMENTED IN FULL BY OWNER AND CONTRACTOR, AS STATED ON SHEET T-1, IN THE TREE PROTECTION REPORT AND THE APPROVED PLAN.

ALL WORK DONE WITHIN THE TPZ (10X DBH) OF AN EXISTING TREE MUST BE SUPERVISED BY THE PROJECT ARBORIST AND DONE BY HAND OR BY UTILIZING AN AIRSPADE. IF ANY ROOTS ARE TO BE CUT, IT MUST BE DONE USING LOPPERS OR A HAND SAW

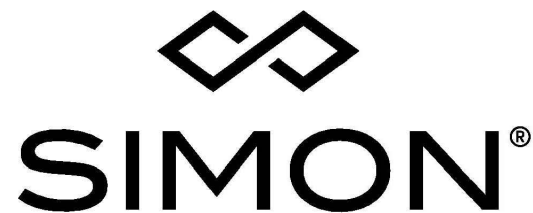
NOTES

- DIMENSIONS MEASURED TO FACE OF CURB AND FACE OF BUILDING.
- REFER TO HARDSCAPE PLANS FOR SIDEWALK SCORING AND MATERIAL.
- REFER TO SHEET C1 FOR ACCESSIBLE PATH OF TRAVEL



No.	REVISIONS	DATE	BY

**Kimley»Horn**  
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PLEASANTON, CA 94588  
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**STANFORD  
SHOPPING CENTER**  
PREPARED FOR  
SPG CENTER, LLC  
CITY OF PALO ALTO CALIFORNIA

UTILITY PLAN

PLANNING APPLICATION NO. 22PLN-00049	SHEET NUMBER  <b>C7</b>
DATE MAY 19, 2022	



# **Attachment 10**





## PLANNING & DEVELOPMENT SERVICES

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

September 12, 2022

Michael Mowery  
Kimley-Horn and Associates, Inc.  
4637 Chabot Drive, Suite 300  
Pleasanton, CA 94588

**Subject: 180 El Camino Real [22PLN-00049] Building EE Modification**

Dear Mr. Mowery:

On **July 7, 2022**, the Architectural Review Board reviewed and discussed 22PLN-00049 and recommended the project return to an Architectural Review Board Ad Hoc Committee to further discuss a number of items related to the project. On **September 1, 2022**, the Architectural Review Board Ad Hoc Committee recommended approval of the application referenced above and as described below. The Director of Planning and Community Environment (Director) approved the project on **September 12, 2022**. The approval will become effective 14 days from the postmark date of this letter, unless an appeal is filed in accordance with Title 18 of the Palo Alto Municipal Code. The approval was based on the findings in Attachment A, and is subject to the conditions of approval in Attachment B for the project. The project is described as follows:

**180 El Camino Real [22PLN-00049]:** Request by Michael Mowery, on behalf of the Board of Trustees of Stanford University for a Major Architectural Review application to allow for the demolition of the existing, 9,493 square foot Building J (LaBelle Day SPA) and the **re-design of the previously approved Building EE for two new restaurant/retail spaces**, totaling 11,799 square feet at the Stanford Shopping Center. The new Building EE will be a stand-alone building in the previous location of Building J and will be detached from the existing Building C. **The project also includes** the addition of a new pedestrian paseo, four bicycle parking spaces, **the relocation of necessary utilities** and enhanced landscaping for this area of the center.

Unless an appeal is filed, this project approval shall be effective for one year from **September 26, 2022**, within which time construction of the project shall have commenced. Application for extension of this entitlement may be made prior to the expiration date. The time period for a project may be extended once for an additional year by the Director of Planning. In the event the building permit is not issued for the project and construction has not commenced within the time limits specified above, the Architectural Review approval shall expire and be of no further force or effect.

Should you have any questions regarding this ARB action, please do not hesitate to contact the Project Planner, Tamara Harrison, by email at [Tamara.Harrison@mbakerintl.com](mailto:Tamara.Harrison@mbakerintl.com) or by phone at (951) 506-2061.

Sincerely,

DocuSigned by:

*Jodie Gerhardt*  
Jodie Gerhardt, AICP

Manager of Current Planning



**cc:** Leland Stanford Jr. University, Richard Wessells, P.O. Box 6120, Indianapolis, CA 46206

**Attachments:** A: Findings for Architectural Review Approval  
B: Conditions of Approval



**ATTACHMENT B**  
**ARB FINDINGS FOR APPROVAL**

180 El Camino Real  
22PLN-00049

In order for the ARB to make a future recommendation of approval, the project must comply with the following Findings for Architectural Review as required in Chapter 18.76.020 of the PAMC.

**Finding #1: The design is consistent with applicable provisions of the Palo Alto Comprehensive Plan, Zoning Code, coordinated area plans (including compatibility requirements), and any relevant design guides.**

The project would need to be found in conformance with the following Comprehensive Plan Goals and Policies.

<b><i>Comp Plan Goals and Policies</i></b>	<b><i>How project adheres or does not adhere to Comp Plan</i></b>
The Comprehensive Plan land use designation for the site is Regional Commercial.	The project continues the Regional Commercial land use.
<b><i>Land Use and Community Design Element</i></b>	
<b>Policy L-4.9:</b> Maintain Stanford Shopping Center as one of the Bay Area's premiere regional shopping centers. Promote bicycle and pedestrian use and encourage any new development at the Center to occur through infill.	The proposed project would demolish an existing building and construct a new building that will contain two new restaurant tenant spaces. The proposed layout and design are cohesive and consistent with designs found throughout the center and would further enhance this area of the shopping center from an aesthetic standpoint and would offer new dining opportunities, helping to maintain the center's regional significance. In addition, the project would improve the pedestrian and biking experience for all patrons to the shopping center by creating an adjacent pedestrian paseo with enhanced landscaping and walkways and providing additional bicycle parking.
<b>Policy L-1.11:</b> Hold new development to the highest development standards in order to	The proposal has been reviewed against the Palo Alto General Plan, the PAMC, the



<p>maintain Palo Alto's livability and achieve the highest quality development with the least impacts.</p>	<p>Stanford Shopping Center Master Tenant Façade and Sign Program as well as applicable design guidelines to determine consistency with all regulations and standards. Proposed materials and colors have also been reviewed for consistency with Palo Alto's design quality standards. The proposal has been found to be consistent with standards and will result in a high-quality development. As previously mentioned, the demolish an existing building and construct a new building for two new restaurant tenants in its place and no new areas of the overall site would be disturbed; thereby, lessening potential impacts from the project.</p>
<p><b>Program L-2.4.2:</b> Allow housing at Stanford Shopping Center, provided that adequate parking and vibrant retail is maintained and no reduction of retail square footage results from the new housing.</p>	<p>Not applicable as housing is not a part of this proposal.</p>
<p><b>Policy L-2.9:</b> Facilitate reuse of existing buildings.</p>	<p>The proposed project would demolish an existing building and construct a new building in its place. While the project does not propose to reuse an existing building, it does not propose to disturb any new areas within the center as the new building would be within the footprint of the existing building. The new building will modernize this area of the center and aide in maintain the centers standing in the overall region.</p>
<p><b>Policy L-2.11:</b> Encourage new development and redevelopment to incorporate greenery and natural features such as green rooftops, pocket parks, plazas and rain gardens.</p>	<p>The project proposes a living green wall on the northeastern façade; thereby, incorporating greenery on the façade between the proposed building and the new Restoration Hardware building. In addition, the project would create a pedestrian paseo with enhanced landscaping and walkways adjacent to the proposed building between the proposed building and existing Building C. The project also proposes additional landscape planters in various areas around the building that continue to enhance the overall feel of the center and the pedestrian</p>



	experience.
<b>Policy L-4.1:</b> Encourage the upgrading and revitalization of selected Centers in a manner that is compatible with the character of surrounding neighborhoods, without loss of retail and existing small, local businesses.	The proposed project would demolish an existing building and would redesign and construct a previously approved building in its place within the Stanford Shopping Center. The proposed design is cohesive and compatible with existing designs found throughout the center. This location was previously included in the approval of the Macy's Men's redevelopment and would allow for permitted uses within the CC zoning district.
<b>Policy L-4.4:</b> Ensure all Regional Centers and Multi-Neighborhood Centers provide centrally located gathering spaces that create a sense of identity and encourage economic revitalization. Encourage public amenities such as benches, street trees, kiosks, restrooms and public art.	The project proposes a new pedestrian paseo directly adjacent to the proposed building with enhanced landscaping, walkways and lighting which will provide additional gathering spaces for the overall center. In addition, each of the two new restaurant tenant spaces within the proposed building will include outdoor dining areas which add to the pedestrian experience as well as creating additional gathering opportunities. Lastly, the Stanford Shopping Center currently provides multiple gathering spaces and public amenities located throughout the center that are available for use.
<b>Program L-4.2.3:</b> Explore and potentially support new, creative and innovative retail in Palo Alto.	The proposed project would bring a new restaurant tenants as opposed to a retail tenant to the Stanford Shopping Center and will provide additional variety to patrons of the center. The center currently boasts a variety of retail options and continues to bring in new retail tenants on a regular basis.
<b>Policy B-6.3:</b> Work with appropriate stakeholders, leaseholders, and Stanford University to ensure that the Stanford Shopping Center is sustained as a distinctive, economically competitive and high-quality regional shopping center.	The proposed project has also been reviewed by Stanford University and Simon Mall Management in order to ensure consistency with the Master Tenant Façade and Sign Program as well as ensure consistency with the existing Shopping Center. The project design has been found to be consistent with the Master Program



	standards and cohesive with the overall Shopping Center.
<b>Goal L-6:</b> Well-designed Buildings that Create Coherent Development Patterns and Enhance City Streets and Public Spaces.	The design of the proposed new building is cohesive with existing facades within the Stanford Shopping Center. Improvements have not been proposed to any City Streets within the Shopping Center as a result of this project. The project does propose to create a new pedestrian paseo within the center; thereby, enhancing the availability of public spaces.
<b>Policy L-5:</b> Maintain the scale and character of the City. Avoid land uses that are overwhelming and unacceptable due their size and scale.	The proposal is located within the Stanford Shopping Center which has previously be found to maintain the scale and character of the City. The proposed use is the demolition of an existing building and the redesign of a previously approved building in its place, resulting in a net reduction in square footage for the buildings in this area; therefore, the proposed land use will not be overwhelming and unacceptable due to the size and scale of the operation.

The project would be required to be consistent with the zoning requirements and the Master Façade and Sign program for the Stanford Shopping Center.

**Finding #2: The project has a unified and coherent design, that:**

- a. creates an internal sense of order and desirable environment for occupants, visitors, and the general community,
- b. preserves, respects and integrates existing natural features that contribute positively to the site and the historic character including historic resources of the area when relevant,
- c. is consistent with the context-based design criteria of the applicable zone district,
- d. provides harmonious transitions in scale, mass and character to adjacent land uses and land use designations,
- e. enhances living conditions on the site (if it includes residential uses) and in adjacent residential areas.

Pursuant to PAMC 18.16.090(b), the following context-based design considerations and findings are applicable to this project. These context-based design criteria are intended to provide additional standards to be used in the design and evaluation of development in a commercial district. The purpose is to encourage development in a commercial district to be



responsible to its context and compatibility with adjacent development as well as to promote the establishment of pedestrian oriented design.

### **1. Pedestrian and Bicycle Environment**

*The design of new projects shall promote pedestrian walkability, a bicycle friendly environment, and connectivity through design elements*

### **Project Consistency**

The project proposes a new pedestrian walkway located between the existing Building C and the proposed Building EE that will improve pedestrian circulation in this area of the center. In addition, four bicycle racks will be added to the center as a result of the project.

### **2. Street Building Facades**

*Street facades shall be designed to provide a strong relationship with the sidewalk and the street (s), to create an environment that supports and encourages pedestrian activity through design elements*

The project proposes a new building with a well-designed mixture of colors and materials that would enliven the pedestrian entry for this portion of the Shopping Center while offering additional dining options to the area as well. The project includes two outdoor dining spaces, which further lends to increased pedestrian activity. The project also includes the addition of a new pedestrian paseo that will be located between the proposed building and the existing Building C. As a result of the newly created paseo, the newly exposed north facing façade of existing Building C will be enhanced with architectural and landscaped treatments that will be inviting to pedestrians visiting the center and would help encourage pedestrian activity in this area of the center.

### **3. Massing and Setbacks**

*Buildings shall be designed to minimize massing and conform to proper setbacks*

The proposed project will not change the existing building setbacks or massing.

### **4. Low Density Residential Transitions**

*Where new projects are built abutting existing lower scale residential development, care shall be taken to respect the scale and privacy of neighboring properties*

This finding does not apply.

### **5. Project Open Space**

*Private and public open space shall be provided so that it is usable for the residents and visitors of the site*

This finding does not apply.

### **6. Parking Design**

*Parking shall be accommodated but shall not be allowed to overwhelm the character of the project or detract from the*

This finding does not apply.



*pedestrian environment*

**7. Large Multi-Acre Sites**

*Large sites (over one acre) shall be designed so that street, block, and building patterns are consistent with those of the surrounding neighborhood* This finding does not apply

**8. Sustainability and Green Building Design**

*Project design and materials to achieve sustainability and green building design should be incorporated into the project* The project will utilize energy efficient LED lighting. The project will also conform to Green Building Energy codes for commercial businesses.

**Finding #3: The design is of high aesthetic quality, using high quality, integrated materials, and appropriate construction techniques, and incorporating textures, colors, and other details that are compatible with and enhance the surrounding area.**

The proposed design of the new Building EE utilizes high-quality exterior materials and finishes that are balanced in the design, the proposed façades consist of a variety of materials including brick, fluted concrete, high pressure laminates, metal, stucco, stone and a living green wall which complements the existing buildings and tenant spaces in this area of the center. The color palette consists of a variety of colors including white, earth tones, blue, dark bronze and a living green wall which aides in the high-end appearance of the building. The design includes two outdoor dining areas (one per tenant space) that will be covered by high pressure laminate wood trellises and enclosed by low-scale decorative brick planters, stone pilasters and metal railings which creates focal points for the tenant spaces and adds to the aesthetically pleasing design typical of the Shopping Center.

**Finding #4: The design is functional, allowing for ease and safety of pedestrian and bicycle traffic and providing for elements that support the building’s necessary operations (e.g. convenient vehicle access to property and utilities, appropriate arrangement and amount of open space and integrated signage, if applicable, etc.).**

The subject building will replace the existing Building J and is a redesign of the previously approved Building EE and does not propose any modifications to the Shopping Center’s existing roadways or sidewalks as improvements to the roadways and sidewalks were previously approved under the Macy’s Men’s project. Therefore, the existing circulation improvements will remain in place. The project will also create a new pedestrian paseo which adds to the center’s existing pedestrian experience and provides an additional corridor to get from one end of the center to another. Signage for future tenants of the building will be reviewed by staff to ensure appropriate placement and consistency with the MTFs program signage regulations.

**Finding #5: The landscape design complements and enhances the building design and its**



**surroundings, is appropriate to the site's functions, and utilizes to the extent practical, regional indigenous drought resistant plant material capable of providing desirable habitat that can be appropriately maintained.**

The subject tenant space will include landscaped planters as part of the outdoor dining areas as well as enhanced landscaping located along the pedestrian corridor between Building EE and Building C including trellises with vine plantings. In addition, the area between Building EE and the approved Restoration Hardware building will also contain two previously approved bioretention planters. Lastly, planter boxes are also proposed along a portion of Shopping Center Way. This area of the shopping center also contains existing landscaping as well including a number of trees.

**Finding #6: The project incorporates design principles that achieve sustainability in areas related to energy efficiency, water conservation, building materials, landscaping, and site planning.**

The proposed project includes materials that consist of brick, high pressure laminate woods and a green wall, many of which are readily recyclable. The project is also subject to the local energy and recycling codes. The proposed signs are illuminated and made of durable long-lasting materials and are subject to the green building energy regulations.



**ATTACHMENT B**  
**CONDITIONS OF APPROVAL**  
180 El Camino Real / File No. 22PLN-00049

**PLANNING DIVISION**

1. **CONFORMANCE WITH PLANS.** Construction and development shall conform to the approved plans entitled, "Architectural Review Board Plans for Stanford Shopping Center," stamped as received by the City on August 1, 2022 on file with the Planning & Development Services 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.** The ARB approval letter including all Department conditions of approval for the project shall be printed on the plans submitted for building permit.
4. **FUTURE TENANT STOREFRONT GLAZING REVIEW.** The storefront glazing systems for future tenants of Building EE shall be reviewed by either an ARB Ad Hoc Subcommittee or under staff level review as determined by the Director of Planning.
5. **SIGNAGE NOT APPROVED.** Signage is not included in this approval. Signage shall be reviewed and approved under a separate permit. Signage shall conform to the Palo Alto Municipal Code, the Stanford Shopping Center Master Tenant Façade and Sign Program and the El Camino Real Design Guidelines.
6. **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.
7. **BICYCLE PARKING REQUIRED.** The project shall provide a minimum of four bicycle parking spaces prior to final Planning inspection. The proposed bicycle parking spaces shall be in conformance with the Palo Alto Municipal Code. The design of the bicycle parking space shall be consistent with the design of the existing bicycle racks found throughout the Stanford Shopping Center site. The applicant shall also consult with Simon Mall Management regarding the proposed design of the bicycle parking space as well as appropriate locations for the space.
8. **PROJECT EXPIRATION.** The project approval shall be valid for a period of two years from the original date of approval. Application for a one-year extension of this entitlement may be



made prior to expiration.

9. 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.
10. 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 the Planner-on-Duty at [Planner@cityofpaloalto.org](mailto:Planner@cityofpaloalto.org) to schedule this inspection.

#### **PUBLIC WORKS ENGINEERING**

11. 11. 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>
12. 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. ADVISORY -- A grading permit only authorizes grading and storm drain improvements, therefore, the following note shall be included on each grading permit plan sheet: “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. 13. 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.
14. 14. C.3 THIRD-PARTY CERTIFICATION. Applicant shall provide certification from a qualified thirdparty 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:



- Stamped and signed C.3 data form (September 2019 version) from SCVURPPP. [https://scvurppp.org/wp-content/uploads/2019/10/SCVURPPP\\_C3\\_Data\\_Form\\_September2019\\_fillable\\_final\\_9-24-19.pdf](https://scvurppp.org/wp-content/uploads/2019/10/SCVURPPP_C3_Data_Form_September2019_fillable_final_9-24-19.pdf)
- Final stamped and signed letter confirming which documents were reviewed and that the project complies with Provision C.3 and PAMC 16.11.

15. C.3 STORMWATER AGREEMENT. The applicant shall enter into a Stormwater Maintenance Agreement with the City to guarantee the ongoing maintenance of the permanent stormwater 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 approval. NOTE: Any revisions to the C.3 stormwater pollution prevention measures that are necessary to facilitate installation of said measures will be addressed in the agreement and the accompanying exhibits, executed by the City, and recorded with the County.
16. 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.
17. PRIOR TO PUBLIC WORKS FINAL/ACCEPTANCE (STORM DRAIN LOGO). The applicant is required to paint "No Dumping/Flows to San Francisquito 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.

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

#### **18. Deconstruction and Construction Materials Management Requirements:**

- REQUIRED DECONSTRUCTION. In conformance with PAMC 5.24, deconstruction and source separation are required for all residential and commercial projects where structures are being completely removed, demolition is no longer allowed. Deconstruction takes longer than traditional demolition, it is important to plan ahead.
- 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.

- SOURCE SEPARATION FOR RECYCLING. The applicant shall source separate deconstruction materials into specific categories for recycling. Additional staging areas for source separated materials will need to be considered. All materials shall be delivered to one of the City approved materials recovery facilities listed in Green Halo, all records shall be uploaded to [www.greenhalosystems.com](http://www.greenhalosystems.com).

For more information, refer to [www.cityofpaloalto.org/deconstruction](http://www.cityofpaloalto.org/deconstruction).

19. Applicant to respond and confirm the following requirements below, please refer to the trash enclosure area guidelines for more information:

General Checklist (Please refer to the Trash Enclosure Area Guidelines for more information):

- Refuse enclosure must be covered.
- Refuse enclosures and service area must be constructed at street level and in a location that is adequately accessible by the collection vehicle (vertical clearance, street width and turnaround space) or serviceable from the street, without obstructing street parking.
- All drivable areas to be accessed by the solid waste vehicle must support 60,000 lbs (30 tons) in weight. This includes areas where permeable pavement is used.
- Carts and bins must be able to roll without obstacles or curbs to reach service areas "no jumping curbs."
- All service areas must have a clearance height of 20' for bin service.
- New enclosures should consider rubber bumpers and/or internal curbs/berms to reduce wear-and-tear on walls.
- Service must be provided for garbage, recycling, compost, and Fats, Oil and Grease (FOG) bin for Food Service Establishments (FSEs).
- Would the refuse enclosure install a hose bib and or include any utility equipment? If so, additional requirements will apply.
- Project plans must show the placement of all three refuse containers and the FOG bin (if applicable), for example, within the details of the refuse enclosures. Enclosure and access should be designed for equal access to all three waste streams – garbage, recycling, and compostables and FOG bin (for FSEs).
- Please provide the Mall service bin dimensions to ensure that it will fit inside the refuse enclosure. Each bin should minimally hold 2CY yards of waste, three bins total. The refuse enclosure must adhere to the Refuse Enclosure and Enclosure Design Guidelines.
- Enclosure must be constructed on a flat area with a grade of no more than 2%.
- The path-of-travel must have a 22' wide driveway (ingress and egress), a 16' tall overhead clearance along the full path and a 12' wide impervious path-of-travel.
- Please add note to the plan set, "If the applicant chooses to use GreenWaste of Palo Alto's refuse services, then the refuse enclosure must be updated to be large enough to house three



–3CY bins and adhere to the Refuse Enclosure and Enclosure Design Guidelines.”

20. The following comments below are part of the Palo Alto Municipality Code and cut-sheets for the color-coded internal and external containers, related color-coded millwork, it's colored signage, and proposed locations must be included in the building plans prior to receiving approval from Zero Waste.

As per Palo Alto Municipal Code 5.20.108 the site is required to have color-coded refuse containers, related color-coded millwork, and colored signage. The three refuse containers shall include recycle (blue container), compost (green container), and garbage (black container). Applicant shall present on the plan the locations and quantity of both (any) internal and external refuse containers, it's millwork, along with the signage. This requirement applies to any external or internal refuse containers located in common areas such as entrances, office, back of the house kitchen, front of the house dining area, and etc. except for restrooms, copy area, and mother's room. Millwork to store the color-coded refuse containers must have a minimum of four inches in height, wrapping around the full width of the millwork. Signage must be color coded with photos or illustrations of commonly discarded items. Restrooms must have a green compost container for paper towels and an optional black landfill container if applicable. Copy area must have either a recycle bin only or all three refuse receptacles (green compost, blue recycle, and black landfill container). Mother's room must minimally have a green compost container and black landfill container. Please refer to PAMC 5.20.108 and the Internal Container Guide. Examples of appropriate signage can be found in the Managing Zero Waste at Your Business Guide. Electronic copies of these signage can be found on the Zero Waste Palo Alto's website, <https://www.cityofpaloalto.org/Departments/Public-Works/Zero-Waste/What-Goes-Where/Toolkit#section-2> and hard copies can be requested from the waste hauler, GreenWaste of Palo Alto, (650) 493-4894.

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

21. POLYCHLORINATED BIPHENYLS (PCBS) FORM. The applicant shall provide a completed "PCBs Planning Applicability Form" to the Watershed Protection Group at [cleanbay@cityofpaloalto.org](mailto:cleanbay@cityofpaloalto.org)

The current form was submitted without completion of Part 4 of the form. The certification statement must be signed.

22. REFUSE BIN PICK UP LOCATION. The applicant shall mark the location of the refuse bin pick-up area within the plan set for Green Waste.
23. The following conditions shall apply to ALL projects submitting for a Demolition Permit Application on or after July 1st, 2019:



If the project is submitting a demolition permit application on or after July 1st, 2019, then the applicant shall complete and submit the "PCBs Applicant Package," including any required sampling reports (per the Applicant Package instructions), with the demolition permit application. The PCBs Application Package and other resources are outlined at <http://www.cityofpaloalto.org/pcbdemoprogram>

The Applicant Package will outline PCBs sampling and reporting requirements that must be met if the project meets ALL of the following conditions:

- The project is a commercial, public, institutional, or industrial structure constructed or remodeled between January 1, 1950 and December 31, 1980. Single-family and two-family homes are exempt regardless of age.
- The framing of the building contains material other than wood. Wood-frame structures are exempt.
- The proposed demolition is a complete demolition of the building. Partial demolitions do not apply to the requirements.

If the project triggers polychlorinated biphenyls (PCBs) sampling as identified on the "PCBs Applicant Package," then the project shall conduct representative sampling of PCBs concentration in accordance with the "Protocol for Evaluating Priority PCBs-Containing Materials before Building Demolition (2018)."

- If the representative sample results or records DO NOT indicate PCB concentrations  $\geq 50$  ppm in one or more "priority materials," then the screening assessment is complete. Applicant submits screening form and the supporting sampling documentation with the demolition permit application. No additional action is required.
- If the representative sample results or records DO indicate PCBs concentrations  $\geq 50$  ppm in one or more "priority materials," then the screening assessment is complete, but the Applicant MUST also contact applicable State and Federal Agencies to meet further requirements. Applicant submits screening form and the supporting sampling documentation with the demolition permit application, and also must contacts the State and Federal Agencies as indicated on Page 3 of the "PCBs Screening Assessment Form."

IMPORTANT: ADVANCED APPROVAL FROM THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (USEPA) OR OTHER STATE AGENCIES MAY BE REQUIRED PRIOR TO BUILDING DEMOLITION. IT IS RECOMMENEDED THAT APPLICANTS BEGIN THE PCBs ASSESSMENT WELL IN ADVANCE OF APPLYING FOR DEMOLITION PERMIT AS THE PROCESS CAN TAKE BETWEEN 1-3 MONTHS.

24. The following conditions are required to be part of any Planning application approval and shall be addressed prior to any future related permit application such as a Building Permit, Excavation and Grading Permit, Certificate of Compliance, Street Work Permit, Encroachment Permit, etc. as further described below.



PRIOR TO THE ISSUANCE OF ANY BUILDING PERMIT:

25. Stormwater treatment measures

- All Bay Area Municipal Regional Stormwater Permit requirements shall be followed.
- Refer to the Santa Clara Valley Urban Runoff Pollution Prevention Program C.3 Handbook (download here: [http://scvurppp-w2k.com/c3\\_handbook.shtml](http://scvurppp-w2k.com/c3_handbook.shtml)) for details.
- For all C.3 features, vendor specifications regarding installation and maintenance should be followed and provided to city staff. Copies must be submitted to Pam Boyle Rodriguez at [pamela.boylerodriguez@cityofpaloalto.org](mailto:pamela.boylerodriguez@cityofpaloalto.org). Add this bullet as a note to the building plans.

26. Bay-friendly Guidelines ([rescapeca.org](http://rescapeca.org))

- Do not use chemicals fertilizers, pesticides, herbicides or commercial soil amendment. Use Organic Materials Review Institute (OMRI) materials and compost. Refer to the Bay-Friendly Landscape Guidelines: <http://www.stopwaste.org/resource/brochures/bay-friendly-landscape-guidelines-sustainable-practices-landscape-professional-for-guidance>. Add this bullet as a note to the building plans.
- Avoid compacting soil in areas that will be unpaved. Add this bullet as a note to the building plans.

27. Stormwater quality protection

- Temporary and permanent waste, compost and recycling containers shall be covered to prohibit fly-away trash and having rainwater enter the containers.
- Drain downspouts to landscaping (outward from building as needed).
- Drain HVAC fluids from roofs and other areas to landscaping.

**TRANSPORTATION**

28. BICYCLE PARKING. Provide additional bike parking near this location to serve the proposed restaurant use.

**BUILDING DIVISION**

29. BUILDING PERMIT REQUIRED. Contact the Building Department for submittal requirements. At time of building permit, submit code analysis per open mall provisions, required EV and accessible spaces, restroom requirements, construction type, utilities design and tie-ins, exiting and structural design.

**PUBLIC ART**



30. The following conditions are required to be part of any Planning application approval and shall be addressed prior to any future related permit application such as a Building Permit, Excavation and Grading Permit, Certificate of Compliance, Street Work Permit, Encroachment Permit, etc. as further described below.

- If commissioning art on site, the applicant must complete their final review and receive approval from the Public Art Commission prior to the issuance of a building permit.
- If the applicant chooses to pay a contribution into the Public Art fund in-lieu of commissioning art on site, the contribution must be made prior to the issuance of a building permit.

31. 31. The following comments and/or standard Municipal Code requirements are provided for supplemental guidance, recommendation and/or best practices:

- All information and application materials may be found at [cityofpaloalto.org/publicart](http://cityofpaloalto.org/publicart).