

Draft Conditions of Approval
420 Acacia: 23PLN-00058

PLANNING DIVISION

1. CONFORMANCE WITH PLANS. Construction and development shall conform to the approved plans entitled, "Acacia Avenue Palo Alto, California Major Architectural Review" stamped as received by the City on September 6, 2023 on file with the Planning Department, 250 Hamilton Avenue, Palo Alto, California except as modified by these conditions of approval.
2. BUILDING PERMIT. Apply for a building permit and meet any and all conditions of the Planning, Fire, Public Works, and Building Departments.
3. BUILDING PERMIT PLAN SET. A copy of this cover letter and conditions of approval shall be printed on the second page of the plans submitted for building permit.
4. PROJECT MODIFICATIONS. All modifications to the approved project shall be submitted for review and approval prior to construction. If during the Building Permit review and construction phase, the project is modified by the applicant, it is the responsibility of the applicant to contact the Planning Division/project planner directly to obtain approval of the project modification. It is the applicant's responsibility to highlight any proposed changes to the project and to bring it to the project planner's attention.
5. LANDSCAPE PLAN. Plantings shall be installed in accordance with the approved plan set and shall be permanently maintained and replaced as necessary.
6. NOISE THRESHOLDS ON RESIDENTIAL PROPERTY. In accordance with PAMC Section 9.10.030, No person shall produce, suffer or allow to be produced by any machine, animal or device, or any combination of same, on residential property, a noise level more than six dB above the local ambient at any point outside of the property plane.
7. OPEN AIR LOUDSPEAKERS (AMPLIFIED MUSIC). In accordance with PAMC Section 9.12, no amplified music shall be used for producing sound in or upon any open area, to which the public has access, between the hours of 11:00pm and one hour after sunrise.
8. NOISE REPORT AT BUILDING STAGE. At the time of building permit issuance for new construction or for installation of any such interior or exterior mechanical equipment, the applicant shall submit an acoustical analysis by an acoustical engineer demonstrating projected compliance with the Noise Ordinance. The analysis shall be based on acoustical readings, equipment specifications and any proposed sound reduction measures, such as equipment enclosures or insulation, which demonstrate a sufficient degree of sound attenuation to assure that the prescribed noise levels will not be exceeded.
9. NOISE REPORT PRIOR TO INSPECTION. Where the acoustical analysis projected noise levels at or within 5 dB less than the Noise Ordinance limits, the applicant shall demonstrate the installed equipment complies with the anticipated noise levels and the Noise Ordinance prior to final Planning inspection approval.
10. CALIFORNIA-OLIVE-EMERSON (COE) PLUME AREA. For projects within the California-Olive-Emerson (COE) Plume area, which are known to be subject to risk of vapor intrusion, the applicant shall assess site

conditions to determine both the nature and extent of contamination. If contamination at the site exceeds the most current environmental screening levels (ESLs) identified by the Regional Water Quality Control Board (RWQCB) for volatile organic compounds, the applicant shall prepare and submit a Site Management and Contingency Plan (SMCP) to either the Department of Toxic Substances Control (DTSC), RWQCB, or the County of Santa Clara Department of Environmental Health for approval. The SMCP shall include details regarding the pending development and propose remediation and/or mitigation to address any environmental risk identified in the site assessment. The applicant shall agree to and implement all recommendations of the reviewing regulatory agency approving the SMCP in order to reduce the exposure of future occupants to vapor intrusion. If the reviewing agency requires that a vapor intrusion barrier system be installed, the VIMs shall be document in the building permit plan set prior to issuance of the building permit.

Post construction indoor air monitoring shall be conducted for any VIMS systems and shall comply with the specific recommendations set forth by the regulatory agency approving the SMCP.

11. **SIGN APPROVAL NEEDED.** No signs are approved at this time. All signs shall conform to the requirements of Title 16.20 of the Palo Alto Municipal Code (Sign Code) and shall be subject to approval by the Director of Planning.
12. **STANDARD REQUIREMENTS FOR UNANTICIPATED DISCOVERY OF BURIED ARCHEOLOGICAL RESOURCES.** No known archeological resources are present on or within the immediate vicinity of the site. However, in the unlikely event that an archeological resource is unearthed during ground disturbing activities, work in the immediate area should be halted and an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archeology (National Park Service 1983) shall be contacted immediately to evaluate the find. If the find is Native American in origin, then a Native American representative should also be contacted to participate in the evaluation of the find. The qualified archaeologist, and, if applicable, the Native American representative, shall examine the find and make recommendations regarding additional work necessary to evaluate the significance of the find and the appropriate treatment of the resource. Recommendations could include, but are not limited to, invasive or non-invasive testing, sampling, laboratory analysis, preservation in place, or data recovery. A report of findings documenting any data recovered during monitoring shall be prepared by a qualified archaeologist and submitted to the Director of Planning.
13. **REFUSE.** All trash areas shall be covered and maintained in an orderly state to prevent water from entering into the garbage container. No outdoor storage is allowed/permitted unless designated on the approved plan set. Trash areas shall be maintained in a manner to discourage illegal dumping. Trash enclosure can only be used to store refuse (garbage, recycling, and compost) and not for other storage.
14. **BELOW MARKET RATE (BMR) HOUSING.** This project is proposed as a state density bonus project and is also subject to the affordable housing requirements set forth in Section 16.65.030 of the Palo Alto Municipal Code. In accordance with the City's requirements and the proposed project in accordance with state density bonus law, the project is required to contain no less than two (2) below market rate units and to pay the additional remaining in-lieu fees for the fractional unit. A Regulatory Agreement in a form acceptable to the City Attorney for the two (2) BMR units shall be executed and recorded prior to final map approval or building permit issuance, whichever occurs first. In addition, the payment for the 0.4 fractional unit, estimated at \$360,885.33, shall be paid to the Residential Housing Fund prior to issuance of any building permits for the project; provided, however, that prior to issuance of the first building permit for the project,

the applicant may elect to provide one additional inclusionary unit instead of paying the fractional in lieu payment (PAMC Section 16.65.060). All BMR units constructed under this condition shall be in conformance with the City's BMR Program rules and regulations. Failure to comply with the timing of this condition and any adopted BMR Program rules and regulations shall not waive its later enforcement.

15. **ESTIMATED IMPACT FEE.** Development Impact Fees (not including the BMR in-lieu fee noted above), currently estimated in the amount of \$1,093,304.55 plus the applicable public art fee, per PAMC 16.61.040, shall be paid prior to the issuance of the related building permit(s).
16. **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.
17. **ENTITLEMENT EXPIRATION.** The project approval shall be valid for a period of two years from the date of issuance of the entitlement. If within such two-year period, the proposed use of the site or the construction of buildings has not commenced, the Planning entitlement shall expire. Application for a one-year extension of this entitlement may be made prior to expiration.
18. **FINAL INSPECTION.** A Planning Division Final inspection will be required to determine substantial compliance with the approved plans prior to the scheduling of a Building Division final. Any revisions during the building process must be approved by Planning, including but not limited to; materials, landscaping and hard surface locations. Contact your Project Planner, Claire Raybould at Claire.Raybould@cityofpaloalto.org to schedule this inspection.
19. **INDEMNITY.** To the extent permitted by law, the Applicant shall indemnify and hold harmless the City, its City Council, its officers, employees and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside or void, any permit or approval authorized hereby for the Project, including (without limitation) reimbursing the City for its actual attorneys' fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its own choice.

PUBLIC WORKS ENGINEERING

20. **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>

21. MAP THIRD-PARTY REVIEW: The City contracts with a third-party surveyor that will review and provide approval of the map's technical correctness as the City Surveyor, as permitted by the Subdivision Map Act. The Public Works Department will forward a Scope & Fee Letter from the third-party surveyor and the applicant will be responsible for payment of the fee's indicated therein, which is based on the complexity of the map.
22. STREETWORK PERMIT: The applicant shall obtain a Streetwork Permit from the Department of Public Works for all public improvements.
23. GRADING AND EXCAVATION PERMIT: A Grading Permit is required per PAMC Chapter 16.28. The permit application and all applicable documents (see Section H of application) shall be submitted to Public Works Engineering. Add the following note: "THIS GRADING PERMIT WILL ONLY AUTHORIZE GENERAL GRADING AND INSTALLATION OF THE STORM DRAIN SYSTEM. OTHER BUILDING AND UTILITY IMPROVEMENTS ARE SHOWN FOR REFERENCE INFORMATION ONLY AND ARE SUBJECT TO SEPARATE BUILDING PERMIT APPROVAL."
24. 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.
25. STORMWATER POLLUTION PREVENTION: All improvement plan sets shall include the "Pollution Prevention – It's Part of the Plan" sheet.
26. C.3 THIRD-PARTY CERTIFICATION: Applicant shall provide certification from a qualified third-party reviewer that the proposed permanent storm water pollution prevention measures comply with the requirements of Provision C.3 and Palo Alto Municipal Code Chapter 16.11.
27. Submit the following as part of the building permit application:
 - a. Stamped and signed C.3 data form (April 2023 version) from SCVURPPP.
<https://scvurppp.org/wp-content/uploads/2023/04/SCVURPPP-C.3-Data-Form- -updated 4-12-2023 clean fillable.pdf>
 - b. Final stamped and signed letter confirming which documents were reviewed and that the project complies with Provision C.3 and PAMC 16.11.
28. C.3 STORMWATER AGREEMENT: The applicant shall enter into a Stormwater Maintenance Agreement with the City to guarantee the ongoing maintenance of the permanent storm water pollution prevention measures. The City will inspect the treatment measures yearly and charge an inspection fee. The agreement shall be executed by the applicant team prior to building permit final.
29. 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.

TRANSPORTATION

30. **PARKING RESTRICTION SIGNAGE.** Due to the width of Acacia Avenue, on-street parking may need to be restricted to one side of the street for all or a portion of the roadway segment along the project frontage. Trash pick-ups and loading zones can be allowed. Applicant shall install required parking restriction signs and loading zone signs as part of the project. The parking restriction signage plan shall be reviewed by the Office of Transportation as part of the building permit application.

WASTE-GAS-WATER

31. **UTILITY DISCONNECT.** Prior to issuance of a demolition permit the applicant shall submit a request to disconnect utility services and remove meters. The utilities demo is to be processed within 10 working days after receipt of the request. The demolition permit will be issued by the building inspection division after all utility services and/or meters have been disconnected and removed.
32. **SERVICE CONNECTION APPLICATION.** At the time of building permit application the applicant shall submit a completed water-gas-wastewater service connection application - load sheet for the City of Palo Alto Utilities. The applicant must provide all the information requested for utility service demands (water in fixture units/g.p.m., fire in g.p.m., and sewer in fixture units/g.p.d.). The applicant shall provide the new loads and the combined/total loads. Show on the plans by adding a text note: THIS IS AN "ALL-ELECTRIC" BUILDING PROJECT NO NEW GAS SERVICE OR GAS HOOKUPS WILL BE INSTALLED.
33. **UTILITY IMPROVEMENT PLANS.** At the time of building permit application the applicant shall also submit improvement plans for utility construction. The plans must show the size and location of all underground utilities within the development and the public right of way including meters, backflow preventers, fire service requirements, sewer mains, sewer cleanouts, sewer lift stations, and any other required utilities. Plans for new wastewater laterals and mains need to include new wastewater pipe profiles showing existing potentially conflicting utilities, especially storm drain pipes, and 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.
34. **AUXILIARY WATER SUPPLY.** On the building permit and relevant utility applications, the applicant must show on the site plan the existence of any auxiliary water supply, (i.e. water well, gray water, recycled water, rain catchment, water storage tank, etc.).
35. **UTILITY LATERALS AND MAINS.** The applicant shall be responsible for installing and upgrading the existing utility mains and/or services, laterals as necessary to handle anticipated peak loads. This responsibility includes all costs associated with the design and construction for the installation/upgrade of the utility mains and/or services/laterals.
36. **RPPA.** 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.
37. **RPDA.** An approved reduced pressure detector assembly (RPDA backflow preventer device, STD. WD-12A or STD. WD-12B) is required for all existing and new fire water connections from Palo Alto Utilities to comply

with requirements of California administrative code, title 17, sections 7583 through 7605 inclusive. The RPDA shall be installed on the owner's property and directly behind the City's fire service, within 5' (feet) of the property line or City Right of Way.

38. BACKFLOW PREVENTER. All backflow preventer devices shall be approved by the WGW engineering division. Inspection by the city inspector is required for the supply pipe between the meter and the assembly.
39. CAPACITY FEES. Prior to building permit issuance, 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.
40. FIRE WATER LATERAL. A new water service line installation for fire system usage is required. Show the location of the new water service on the building permit plans. The applicant shall provide the engineering department with a copy of the plans for the fire system including all fire department's requirements.
41. LATERAL AND METERS. Each unit or building shall have its own water meter shown on the plans. Each parcel shall have its own water service and sewer lateral connection shown on the plans.
42. SEWER LATERAL. A new sewer lateral is required, and a profile of the sewer lateral is required showing any possible conflicts with electric/communications duct banks or other utilities.
43. WATER LATERAL. All existing water and wastewater services/laterals that will not be reused shall be abandoned at the main per the latest WGW utilities standards.
44. SEPARATION. Utility vaults, transformers, utility cabinets, concrete bases, or other structures cannot be placed over existing water, gas, or wastewater mains/services. Maintain 1' horizontal clear separation from the vault/cabinet/concrete base to existing utilities as found in the field. If there is a conflict with existing utilities, Cabinets/vaults/bases shall be relocated from the plan location as needed to meet field conditions. Trees may not be planted within 10 feet of existing water, gas, and wastewater mains/laterals/water services/or meters. New water or wastewater services/laterals/meters may not be installed within 10' of existing trees. Maintain 10' between new trees and new water and wastewater services/laterals/meters except as otherwise approve in conjunction with utilities and urban forestry.
45. COPY OF PLANS. The applicant shall provide to the WGW Utility Engineering department a copy of the plans for the fire system including all fire department's requirements prior to the actual service installation.
46. METER LAYOUT. Domestic water meter layout: The applicant needs to provide an estimated domestic water load in G.P.M. to design the water service and meter size. A 3" or 4" water meter will require a 4'x8' water meter set with a 2" by-pass per DWG. NO. WD-04. The vault shall be located on private property inside a public utility easement. The applicant's engineer shall obtain, prepare, and record with the county of Santa Clara, and provide the utility engineering section with copies of the public utilities easement on the front of the property adjacent to the City right of way at the water point of service.
47. UTILITY INSTALLATIONS. All utility installations shall be in accordance with the City of Palo Alto utility standards for water, gas, & wastewater

PUBLIC WORKS ELECTRIC UTILITIES

48. EXTEND THE JOINT TRENCH. Extend the Joint trench up to Manhole 1636. With this scheme, the No. 6 box would not be needed. There would also be no need for a down guy. It is not advisable to maintain one span of overhead primary line.
49. DOWN GUY. If a down guy cannot be installed at the proposed transition pole from Overhead to underground at 380 Portage, explore the possibility of undergrounding of electric lines to the next pole and install down guy from said pole. The existing primary cable is 556 kcmil and it is not advisable to slack span said cable given the existing pole spacing.

PUBLIC WORKS ZERO WASTE

50. TRASH ENCLOSURE DESIGN AND SERVICING. The trash enclosure shall comply with the trash enclosure area guidelines. Any modifications to the propose trash enclosure shall require Zero Waste review and approval. Containers must be brought out to the street or any area within 25 feet of the service area or charges will apply. All service area around the refuse enclosure must have a clearance height of 20 feet for bin services. The path-of-travel must have a 22' wide access (ingress and egress) with a 16' tall overhead clearance along the full path and a 12' wide impervious path-of-travel. Identify the waste bin service area path-of-travel if different from location of waste enclosure. The path-of-travel must be unobstructed (bins be able to roll without obstacles or jumping curbs).
51. DISPOSAL FACILITY REQUIREMENTS. If your scope of work includes internal and external bins then cut-sheets for the color-coded internal and external containers, related color-coded millwork, and it's colored signage must be included in the building plans prior to receiving approval from Zero Waste in accordance with PAMC 5.20.108. 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 community room, outdoor family space 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 worth of color-coding, 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

52. TRASH ENCLOSURE DESIGN FOR STORMWATER. In compliance with PAMC 16.09.180(b)(10) Dumpsters for New buildings and residential developments providing centralized solid waste collection, except for single-family and duplex residences, shall provide a covered area for a dumpster. The area shall be adequately sized for all waste streams and designed with grading or a berm system to prevent water runon and runoff from the area. Please provide a standard detail drawing of the trash enclosure area.

