



PLANNING & DEVELOPMENT SERVICES

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

August 29, 2023

Amanda Borden
KSH Architects
349 Sutter Street
San Francisco, CA 94108

Subject: 123 Sherman Avenue, 21PLN-00172, Architectural Review

Dear Ms. Borden:

On **May 18, 2023**, 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 **August 29, 2023**. 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:

123 Sherman Ave [21PLN-00172]: Request for a Major Architectural Review Application to Allow Demolition of Four Existing Buildings and to Allow the Construction of a New 3-story office building with Two Levels of Below-grade Parking. This Project Would also Require a Lot Merger to Merge three existing parcels. Environmental Assessment: An Initial Study/Mitigated Negative Declaration has Been Prepared in Accordance with the California Environmental Quality Act (CEQA). Zoning District: CC(2)(R).

Unless an appeal is filed, this project approval shall be effective for two years from **September 12, 2023**, 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, Emily Kallas, by email at emily.kallas@cityofpaloalto.org or by phone at (650) 617-3125.

Sincerely,

DocuSigned by:
Jodie Gerhardt
94A2CB00C4C1464...

Jodie Gerhardt, AICP
Manager of Current Planning

cc: Lund Smith, Boyd Smith, Jenn Bodine, Neighbor Notification List

Attachments: A: Findings for Architectural Review Approval
B: Conditions of Approval
C: Mitigation Monitoring and Reporting Program



CityOfPaloAlto.org

ATTACHMENT A
FINDINGS FOR APPROVAL
123 Sherman Ave / File No. 21PLN-00172

Section A: CEQA Findings

The Director of Planning and Development Services (Director) makes the following findings:

1. The environmental effects of the Project have been analyzed in an Initial Study/Mitigated Negative Declaration (IS/MND) prepared in accordance with the requirements of the California Environmental Quality Act of 1970 (CEQA).
2. The IS/MND identified one or more potentially significant effects of the Project on the environment as well as mitigation measures that would reduce the significant effects to a less than significant level. The Project applicant, before public release of the draft MND, has made or agreed to make revisions to the Project that clearly mitigate the effects to a less than significant level as demonstrated through the adoption of the related Mitigation Monitoring and Reporting Program (MMRP).
3. The Director has independently reviewed and considered the Initial Study/MND, together with any public comments received during the public review process and other information in the record, prior to acting upon or approving the Project.
4. The IS/MND reflects and represents the independent judgment and analysis of the City of Palo Alto as lead agency.
5. Based on the whole record of proceedings, the Director hereby finds that there is no substantial evidence that the Project will have a significant effect on the environment, and does hereby adopt the Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program prepared for the Project.
6. The Director of Planning and Development Services at the Director's Office at 250 Hamilton Avenue, Palo Alto, California 94301 is the custodian of records and documents of proceedings on which this decision is based.

Section B: Architectural Review Findings

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 is consistent with Finding #1 because:

In conformance with the following Comp Plan Goals and Policies, the project will include high quality design compatible with surrounding development.

<i>Comp Plan Goals and Policies</i>	<i>How project adheres or does not adhere to Comp Plan</i>
The Comprehensive Plan land use designation for the site is Regional/Community Commercial.	The project proposes an office building with ground floor retail.
<i>Land Use Element</i>	
Policy L-1.3 Infill development in the urban service area should be compatible with its surroundings and the overall scale and character of the city to ensure a compact, efficient development pattern.	This project proposes to redevelop three existing commercial properties into a single office development within the existing California Avenue business district.
Policy L-1.10 Maintain a citywide cap of 1.7 million new square feet of office/R&D development, exempting medical office uses in the Stanford University Medical Center (SUMC) vicinity. Use January 1, 2015 as the baseline and monitor development towards the cap on an annual basis. Require annual monitoring to assess the effectiveness of development requirements and determine whether the cap and the development requirements should be adjusted.	This project complies with the annual office cap.
Policy L-4.10 Maintain the existing scale, character and function of the California Avenue business district as a shopping, service and office center intermediate in function and scale between Downtown and the smaller neighborhood business areas.	The proposed building is three stories, comparable in height to the adjacent 2555 Park office building, and appropriate for the neighborhood.
Policy L-5.1 Foster compact Employment Districts developed in a way that facilitates transit, pedestrian and bicycle travel. Provide mixed uses to reduce the number of auto trips.	The proposed office building is within walking distance to the California Ave. Caltrain Station which facilitates multi-modal access.
Policy L-6.7 Where possible, avoid abrupt changes in scale and density between residential and non-residential areas and between residential areas of different densities. To promote compatibility and gradual transitions between land uses, place zoning district boundaries at mid-block locations rather than along streets wherever possible.	The building is comparable in scale to the surrounding residential which varies in height from two to four stories.
Policy T-1.19 Provide facilities that encourage and support bicycling and walking.	The building includes sufficient short and long term bicycle parking, and walking access from the California Ave. Caltrain station.

The project is consistent with the zoning requirements for office use including, height, floor area ratio, setbacks, and lot coverage.

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 is consistent with Finding #2 because:

There is internal order between the pedestrian entries, car entry, retail space and office space, including for bicyclists. The corner plaza created a defined entry for visitors of both tenants. Natural features are highlighted through increased landscaping and preservation of four existing trees. There is no historic character to preserve.

The proposed three story building is consistent with the applicable context-based design criteria, and fits in the scale of the surrounding two to four story buildings. Design elements reference the adjacent 2555 Park while being visually distinct, and important factor since it wraps 2555 Park on 2 sides. While it does not directly enhance the living conditions of adjacent residential areas, it will provide a new retail space which may be beneficial to the residents, and additional attention has been paid to the landscaping and lighting features to ensure it does not impact the residences negatively.

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 is consistent with Finding #3 because:

The project incorporates a variety of materials, including glass, colored and gray metal, perforated metal paneling, wood slat panels, and living wall elements. This palette relates to the adjacent 2555 Park while being distinct, and contrasts with the older stucco buildings. The decorative paneling extends to the elevator overrun screening on the roof of the building.

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 is consistent with Finding #4 because:

The design is functional. The bicycle parking is located at the ground level; one of the rooms is adjacent to the building entrance, the other is close to the ADA path to the entrance. The car parking is provided at ground level and one floor of below grade parking, with driveway access off of Sherman Ave. The office workers will have access to four outdoor terraces. The building includes separate trash rooms for the commercial and office components, and a loading space is located off of Grant Ave. The transformer

and switchgear are also on the Grant Ave. frontage, keeping the corner of Sherman Ave. and Park Blvd. activated for pedestrians. The primary entrance for the office and the commercial space are located at the corner, under a covered entrance, but the retail has a secondary entrance on Sherman Ave. and the office has a secondary entrance from the parking garage.

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 project is consistent with Finding #5 because:

The project is consistent with the finding in that the project provides significant screening landscaping between the adjacent residences, including preserving four trees existing on the site. The building also includes ground level planters on the Sherman Ave. side, a living wall element near the primary entrance, a vine wall on the Grant Ave. side, and four landscaped terraces for the office workers.

The project's landscaping includes drought tolerant species, approximately half of which are native.

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 is consistent with Finding #6 because:

In accordance with the City's Green Building Regulations, the building will satisfy the requirements for CALGreen Mandatory + Tier 2. The project includes electric vehicle charging outlets, drought tolerant and native landscaping, and light colored roofing material.

ATTACHMENT B
CONDITIONS OF APPROVAL
123 Sherman Ave / File No. 21PLN-00172

PLANNING DIVISION

1. **CONFORMANCE WITH PLANS:** Construction and development shall conform to the approved plans entitled, "2525 Park Boulevard, Palo Alto, CA," uploaded to the Palo Alto Online Permitting Services Citizen Portal on March 9, 2023, 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. **ARB AD HOC COMMITTEE:** Prior to the issuance of building permits, the applicant shall return to the ARB Ad Hoc Committee for approval of the following items, to the satisfaction of the Director of Planning and Development Services:
 - a. Study feasibility of café use
 - b. Study feasibility of adding operable windows
 - c. Add additional screens to windows (with glass)
 - d. Add automatic shades to the windows, on sides facing residences
 - e. Study adding as much height as possible to the ground level
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.
 - a. Project plans shall more clearly indicate that the lower level of the parking garage is gated and accessible to office tenants only
6. **MITIGATION MONITORING AND REPORTING PROGRAM.** Mitigation Monitoring and Reporting Program (MMRP), prepared for this project in compliance with the California Environmental Quality Act (CEQA), shall be incorporated by reference as conditions of approval. The applicant shall comply with all specified mitigation measures in the timelines outlined in the project's MMRP.
7. **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.

8. **LANDSCAPE PLAN.** Plantings shall be installed in accordance with the approved plan set and shall be permanently maintained and replaced as necessary.
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 THRESHOLDS ON COMMERCIAL PROPERTY.** In accordance with PAMC Section 9.10.040, No person shall produce, suffer or allow to be produced by any machine or device, or any combination of same, on commercial or industrial property, a noise level more than eight dB above the local ambient at any point outside of the property plane.
11. **LIGHTING.** Between the hours of 10:00pm-6:00am (normal cessation of business hours), lighting within the building or on the property shall be reduced to its minimum necessary to facilitate security, in order to minimize light glare at night.
12. **WINDOW SHADES.** Between the hours of 10:00pm-6:00am (normal cessation of business hours), automatic shades shall be utilized to further reduce the light visible from the exterior at night.
13. **UTILITY LOCATIONS:** In no case shall utilities be placed in a location that requires equipment and/or bollards to encroach into a required parking space. In no case shall a pipeline be placed within 10 feet of a proposed tree and/or tree designated to remain.
14. **ESTIMATED IMPACT FEE:** Development Impact Fees, currently estimated in the amount of \$3,859,464.50 plus the applicable public art fee, per PAMC 16.61.040, shall be paid prior to the issuance of the related building permit.
15. **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 fee equivalent to 1% of the estimated construction valuation, prior to obtaining a Building permit. All required artwork shall be

installed as approved by the Public Art Commission and verified by Public Art staff prior to release of the final Use and Occupancy permit.

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. **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.
18. **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 years period, 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.
19. **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, Emily Kallas at Emily.Kallas@cityofpaloalto.org to schedule this inspection.
20. **TRASH ROOM.** The trash room shall be used solely for the temporary storage of refuse and recycling that is disposed on a regular basis and shall be closed and locked during non-business hours.

21. **REFUSE.** All trash areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering into the garbage container. No outdoor storage is allowed/permitted unless designated on the approved plan set. Trash areas shall be maintained in a manner to discourage illegal dumping.

PUBLIC WORKS ZERO WASTE

22. Trash enclosure can only be used to temporarily store refuse (garbage, recycling, and compost) and not for other storage. The following comments below are part of the Palo Alto Municipality Code and cut-sheets for the internal and external containers, related color-coded millwork, and colored-coded pictorial signage must be included in the building plans prior to receiving approval from the Zero Waste Department.
23. 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-coded pictorial signage at each refuse disposal area. A refuse disposal area must include a recycle (blue container), compost (green container), and garbage (black container), three containers total. Applicant shall present on the plan the locations and quantity of all internal and external refuse containers and any millwork containing refuse containers. Signage to be placed on the containers shall be included as well. This requirement applies to any 'external or internal refuse containers located in common areas such as entrances, hallways, conference rooms, garage, kitchen, breakrooms, etc. except for restrooms. 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. 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 the 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.

Deconstruction and Construction Materials Management Requirements

24. **REQUIRED DECONSTRUCTION.** In conformance with PAMC 5.24, deconstruction and source separation are required for all residential and commercial projects where structures (other than a garage or ADU) are being completely removed, demolition is no longer allowed. Deconstruction takes longer than traditional demolition, it is important to plan ahead. For more information, visit www.cityofpaloalto.org/deconstruction.
25. **SALVAGE SURVEY FOR REUSE.** A Salvage Survey is required for deconstruction permit applications. The survey shall be conducted by a City approved reuse vendor. The survey submittal shall include an itemized list of materials that are salvageable for reuse from the project. The applicant shall source separate and deliver materials for reuse. Certification is required indicating that all materials

identified in the survey are properly salvaged. Contact The ReUse People to schedule this FREE survey by phone (888) 588-9490 or e-mail info@thereusepeople.org. More information can be found at www.TheReusePeople.org. Please upload a completed copy to the deconstruction permit.

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

For more information, refer to www.cityofpaloalto.org/deconstruction.

PUBLIC WORKS ENGINEERING

27. 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>

28. 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.
29. LOGISTICS PLAN: A construction logistics plan shall be provided addressing all impacts to the public including, at a minimum: work hours, noticing of affected businesses, bus stop relocations, construction signage, dust control, noise control, storm water pollution prevention, job trailer, contractor parking, parking enforcement, truck routes, staging, concrete pours, crane lifts, scaffolding, materials storage, pedestrian safety, and traffic control. All truck routes shall conform to the City of Palo Alto's Trucks and Truck Route Ordinance, Chapter 10.48, and the route map. <https://www.cityofpaloalto.org/files/assets/public/public-works/engineering-services/webpages/forms-and-permits/logistics-plan-preparation-guidelines-2021.pdf>
30. CERTIFICATE OF COMPLIANCE THIRD-PARTY REVIEW: The City contracts with a third-party surveyor that will review and provide approval of the technical correctness of the Certificate of Compliance, 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 documents.
31. STREETWORK PERMIT: The applicant shall obtain a Streetwork Permit from the Department of Public Works for all public improvements.
32. 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.

33. 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."
34. ROUGH GRADING: provide a Rough Grading Plan for the work proposed as part of the Grading and Excavation Permit application. The Rough Grading Plans shall including the following: pad elevation, elevator pit elevation, ground monitoring wells, limits of over excavation, stockpile area of material, overall earthwork volumes (cut and fill), temporary shoring for any existing facilities, ramps for access, crane locations (if any), tree protection measures, etc.
35. SHORING & TIEBACKS: Provide a shoring plan showing the existing utilities (if needed), to clearly indicate how the new structures will be constructed while protecting the existing utilities (if any). If tiebacks are proposed they shall not extend onto adjacent private property, existing easements or into the City's right-of-way without having first obtained written permission from the private property owners and/or an encroachment permit from Public Works.
36. GEOTECHNICAL ENGINEER STATEMENT: The grading plans shall include the following statement signed and sealed by the Geotechnical Engineer of Record: "THIS PLAN HAS BEEN REVIEWED AND FOUND TO BE IN GENERAL CONFORMANCE WITH THE INTENT AND PURPOSE OF THE GEOTECHNICAL REPORT".
37. CONSTRUCTION DEWATERING: This project may require a dewatering permit during construction due to the groundwater level relative to the depth of excavation. The dewatering permit is issued concurrently with the grading permit.
38. STORMWATER POLLUTION PREVENTION: All improvement plan sets shall include the "Pollution Prevention – It's Part of the Plan" sheet.
39. C.3 THIRD-PARTY CERTIFICATION: Applicant shall provide certification from a qualified third-party reviewer that the proposed permanent storm water pollution prevention measures comply with the requirements of Provision C.3 and Palo Alto Municipal Code Chapter 16.11.

Submit the following:

- a. Stamped and signed C.3 data form (September 2019 version) from SCVURPPP.

https://scvurppp.org/wp-content/uploads/2019/10/SCVURPPP_C3_Data_Form_September2019_fillable_final_9-24-19.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.

40. 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 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.
41. 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.
42. PAVEMENT RESTORATION: The applicant shall restore the pavement along the entire project frontage, curb-to-curb, by performing a 3.5" grind and overlay. The exact restoration limits will be determined once the resulting road condition is known following completion of heavy construction activities and utility lateral installations, at minimum the extent will be the project frontage.
43. IMPERVIOUS SURFACE AREA: The project will be creating or replacing 500 square feet or more of impervious surface. Accordingly, the applicant shall provide calculations of the existing and proposed impervious surface areas with the building permit application. The Impervious Area Worksheet for Land Developments form and instructions are available at the Development Center or on our website. To determine the impervious surface area that is being disturbed, provide the quantity on the site plan.
44. PRIOR TO PUBLIC WORKS FINAL/ACCEPTANCE (STORM DRAIN LOGO): The applicant is required to paint "No Dumping/Flows to Matadero 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.
45. PRIOR TO PUBLIC WORKS FINAL/ACCEPTANCE (RECORD DRAWINGS): At the conclusion of the project applicant shall provide digital as-built/record drawings of all improvements constructed in the public right-of-way or easements in which the City owns an interest.
46. PRIOR TO PUBLIC WORKS FINAL/ACCEPTANCE (ELEVATION CERTIFICATE): The "as-built" elevation of the lowest floor not used solely for parking or storage must be certified on the FEMA Elevation Certificate and accepted by Public Works inspector as meeting the Special Flood Hazard Area requirements prior to final City approval of the structure.
47. PRIOR TO PUBLIC WORKS FINAL/ACCEPTANCE (INDEFINITE ENCROACHMENT PERMIT): An approved indefinite encroachment permit will be required for private infrastructure constructed in the public

right-of-way, easement or on property in which the City holds an interest, but that was not authorized by a building permit.

BUILDING DIVISION

- 48. Contact Building Department for submittal requirements.
- 49. Building submitted after 12/31/22 shall be based on the 2022 CA Building Codes as amended by CPA.
- 50. Occupancy Separation at opening at garage will be reviewed at building permit.

PUBLIC WORKS URBAN FORESTRY

- 51. 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.
- 52. 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.
- 53. 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 2.202.30. Contractor shall be responsible for the repair or replacement of any publicly owned or protected trees that are damaged during the course of construction, pursuant to Title 8 of the Palo Alto Municipal Code, and city Tree Technical Manual, Section 2.25.
- 54. 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.
- 55. 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.
- 56. 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.

57. 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!), 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. 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.

Transportation Division

58. The applicant shall be responsible for planning/design, coordination with city, replacement/relocation of existing public utilities, easement approvals, procurement of required services/materials/equipment, and construction for the proposed Park Blvd & Sherman Ave off-site pedestrian improvements. Any changes in proposed site plans shall require Office of Transportation approval.
59. TDM PROGRAM AND ANNUAL REPORTING REQUIREMENT: The applicant shall abide by the Final Transportation Demand Management (TDM) plan, entitled "2525 Park Blvd Transportation Demand Management Plan (TDM), dated March 2, 2023", to the satisfaction of the Director of Planning and Development Services. The TDM plan includes measures and programs to achieve a reduction in single-occupancy vehicle trips to the site by a minimum of 35%, in conformance with the City's Comprehensive Plan. The TDM plan includes an annual monitoring plan to document mode split and trips to the project site. The TDM annual report shall be submitted to the Chief Transportation Official. Monitoring and reporting requirements may be revised in the future if the minimum reduction is not achieved through the measures and programs initially implemented. Projects that do not achieve the required reduction may be subject to daily penalties as set forth in the City's fee schedule.

Watershed Protection

60. 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).”

- a. If the representative sample results or records DO NOT indicate PCB concentrations ≥ 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.
- b. If the representative sample results or records DO indicate PCBs concentrations ≥ 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 RECOMMENDED THAT APPLICANTS BEGIN THE PCBs ASSESSMENT WELL IN ADVANCE OF APPLYING FOR DEMOLITION PERMIT AS THE PROCESS CAN TAKE BETWEEN 1-3 MONTHS.

61. The following comments and/or standard Municipal Code requirements are provided for supplemental guidance, recommendation and/or best practices:
62. PAMC 16.09.170, 16.09.040 DISCHARGE OF GROUNDWATER. The project is located in an area of suspected or known groundwater contamination with Volatile Organic Compounds (VOCs). If groundwater is encountered then the plans must include the following procedure for construction dewatering:
 - a. Prior to discharge of any water from construction dewatering, the water shall be tested for volatile organic compounds (VOCs) using EPA Method 601/602 or Method 624. The analytical results of the VOC testing shall be transmitted to the Regional Water Quality Control Plant (RWQCP) 650-329-2598. Contaminated ground water that exceeds state or federal requirements for discharge to navigable waters may not be discharged to the storm drain system or creeks. If the concentrations of pollutants exceed the applicable limits for discharge to the storm drain system then an Exceptional Discharge Permit must be obtained from the RWQCP prior to discharge to the sanitary sewer system. If the VOC concentrations exceed the toxic organics discharge limits contained in the Palo Alto Municipal Code (16.09.040(m)) a treatment system for removal of VOCs will also be required prior to discharge to the sanitary sewer. Additionally, any water discharged to the sanitary sewer system or storm drain system must be free of sediment.



MITIGATION MONITORING + REPORTING PROGRAM

PROJECT NAME	123 Sherman Avenue Office Building	APPLICATION NUMBER	21PLN-00172
APPLICANT AGREEMENT		DATE	8/28/23
APPROVED BY	Emily Kallas		
APPLICANT/OWNER	KSH Architects		

The Mitigated Negative Declaration (MND) for the 123 Sherman Avenue Office Building Project identifies the mitigation measures that will be implemented to reduce the impacts associated with the project. The California Environmental Quality Act (CEQA) was amended in 1989 to add Section 21081.6, which requires a public agency to adopt a monitoring and reporting program for assessing and ensuring compliance with any required mitigation measures applied to proposed development. As stated in section 21081.6(a)(1) of the Public Resources Code:

... the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.

Section 21081.6 also provides general guidelines for implementing mitigation monitoring programs and indicates that specific reporting and/or monitoring requirements, to be enforced during project implementation, shall be defined as part of adopting an EIR (or MND).

The mitigation monitoring table lists those mitigation measures that would be included as conditions of approval for the project. To ensure that the mitigation measures are properly implemented, a monitoring program has been devised which identifies the timing and responsibility for monitoring each measure.

MITIGATION MONITORING + REPORTING PROGRAM

Environmental Impact	Mitigation Measure	Responsible for Implementation	Timing of Compliance	Oversight of Implementation
BIOLOGICAL RESOURCES				
Impact BIO-1: Nesting migratory birds	<p>MM BIO-1.1: When possible, construction shall be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors, in the San Francisco Bay area extends from February 1 through August 31.</p> <p>If it is not possible to schedule construction and tree removal between September and January, then pre-construction surveys for nesting birds shall be completed by a qualified ornithologist, as approved by the City of Palo Alto, to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of grading, tree removal, or other demolition or construction activities.</p> <p>During this survey, the ornithologist shall inspect all trees and other possible nesting habitats within and immediately adjacent to the construction area for nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist shall determine the extent of a construction-free buffer zone to be established around the nest to ensure that nests of bird species protected by the MBTA or Fish and Game code shall not be disturbed during project construction. The construction-free buffer zones shall be maintained until after the nesting season has ended and/or the</p>	The project applicant with a qualified ornithologist, if demolition and construction activities are within the nesting season	Prior to any grading, demolition, and/or building permit, or tree removal.	City's Director of Planning and Development Services and the CDFW

Environmental Impact	Mitigation Measure	Responsible for Implementation	Timing of Compliance	Oversight of Implementation
	ornithologist has determined that the nest is no longer active.			
	A final report of nesting birds, including any protection measures, shall be submitted to the Director of Planning and Development Services prior to the start of grading or tree removal.			
CULTURAL RESOURCES				
Impact CUL-2: Impacts to unknown subsurface archaeological resources	MM CUL-2.1: Prior to commencement of any project-related construction activities, a qualified Archeologist shall provide a worker environmental awareness training to all site personnel. The training shall discuss the appearance of resources that may be encountered during construction as well as the procedures and notification process in the event of discovery.	The project applicant with a Qualified Archeologist	Prior to ground-disturbing activities	City's Director of Planning and Development Services
	MM CUL-2.2: A Qualified Archaeological monitor shall be present to monitor ground-disturbing activities in the southwest corner of the project site, where the residence previously existed. The Archaeologist shall have the authority to halt construction activities in the event any cultural materials are encountered during ground-disturbing construction activities.	The project applicant with a Qualified Archeologist	During ground-disturbing activities	City's Director of Planning and Development Services
	MM CUL-2.3: In the event any significant cultural materials are encountered during construction grading or excavation, construction within a radius of 50 feet of the find would be halted, the Director of Planning and Development Services shall be notified, and the on-site qualified archaeologist shall examine the find and make appropriate recommendations regarding the significance of the find and the appropriate treatment of the resource. Recommendations could include, but are not limited to, preservation in place or collection, recordation, and analysis of any significant cultural materials. In the event that discovered resources appear to be Native American in nature, the appropriate local Native American tribe(s) shall be contacted for	The project applicant with a Qualified Archeologist	During ground-disturbing activities	City's Director of Planning and Development Services

Environmental Impact	Mitigation Measure	Responsible for Implementation	Timing of Compliance	Oversight of Implementation
Impact CUL-3: Buried human remains	<p>consultation. A report of findings documenting any data recovered during monitoring shall be submitted to the Director of Planning and Development Services.</p> <p>MM CUL-3.1: Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site, or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission (NAHC) who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this state law, then the landowner shall reinter the human remains, and items associated with Native American burials on the property in a location not subject to further subsurface disturbance. If the Director of Planning and Development Services, in consultation with the archaeologist and Native American monitor, finds that the archaeological find is not a significant resource, work would resume only after the submittal of a preliminary archaeological report and after provisions for reburial and ongoing monitoring are accepted by the Director of Planning and Development Services.</p>	The project applicant with a qualified archaeologist	During ground-disturbing activities.	Santa Clara County Coroner, the NAHC (if applicable), the City's Director of Planning and Development Services
GEOLOGY/SOILS				
Impact GEO-6: Unique paleontological resource and geologic features	MM GEO-6.1: Unique Paleontological and/or Geologic Features and Reporting. Should a unique paleontological resource or site or unique geological feature be identified at the project site during any phase of construction, all ground disturbing activities within 25 feet shall cease and the City's Director of Planning and Development Services shall be notified immediately. A	The project applicant, with a qualified paleontologist as needed	During project construction, in the event a resource is discovered.	The City's Director of Planning and Development Services

Environmental Impact	Mitigation Measure	Responsible for Implementation	Timing of Compliance	Oversight of Implementation
	qualified paleontologist shall evaluate the find, prescribe recommendations for proper treatment of the resource, and, depending on the nature of the discovery, document their findings in a paleontological report. Treatment may include protection in-place or recovery of the resource and placement in a repository. The paleontological report shall be submitted to the City. If paleontological materials are recovered, they shall be cataloged and donated to a paleontological repository, such as the University of California Museum of Paleontology.			
HAZARDS & HAZARDOUS MATERIALS				
HAZ-2: Contaminated soils, soil vapor, and groundwater on-site	MM HAZ-2.1: Prior to conducting earthwork activities at the project site, a Site Management Plan (SMP) and Health and Safety Plan (HSP) shall be prepared. The purpose of these documents will be to establish appropriate management practices for handling impacted soil, soil vapor and groundwater that may be encountered during construction activities. Based on the history of the project vicinity, areas of impacted soil, soil vapor and/or groundwater likely will be encountered during construction activities, which may require special monitoring, handling and/or disposal. The SMP shall be submitted to the San Francisco Bay Regional Water Quality Control Board (RWQCB), or an equivalent oversight agency (e.g. the Santa Clara County Department of Environmental Health or Department of Toxic Substances Control) for review and approval prior to commencing earthwork activities at the project site.	Project applicant	Prior to issuance of grading permit.	The San Francisco RWQCB or an equivalent oversight agency (e.g. the Santa Clara County Department of Environmental Health or Department of Toxic Substances Control) and the City's Director of Planning and Development Services
	MM HAZ-2.2: Prior to excavation of the proposed below grade parking garage, additional soil sampling will be required to profile the soil for landfill disposal and/or reuse at another construction project. Soil sampling shall also be required during project construction if visibly contaminated soil is discovered during earthmoving activities. Soil profiling shall be performed in accordance with the acceptance criteria of the selected receiving	Project applicant	Prior to issuance of grading permit.	The City's Director of Planning and Development Services

Environmental Impact	Mitigation Measure	Responsible for Implementation	Timing of Compliance	Oversight of Implementation
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facilities and/or the Department of Toxic Substance Control (DTSC's) October 2001 Clean Fill Advisory. Prior to soil transfer, written approval shall be obtained from the selected receiving facility and a copy shall be provided to the Director of Planning and Development Services upon request.

Noise				
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Impact NOI-2:
Construction
vibration

MM NOI-2.1: The project proponent shall implement a construction vibration monitoring plan to document conditions prior to, during, and after vibration generating construction activities for all properties within 20 feet of the project site. All plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry-accepted standard methods.

Project applicant
with a
Professional
Structural
Engineer

Construction
vibration
monitoring plan
to be submitted
prior to issuance
of demolition
permit

The City's Director
of Planning and
Development
Services

The construction vibration monitoring plan shall include, but not be limited to, the following measures:

- The report shall include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations.
- A list of all heavy construction equipment to be used for this project and the anticipated time duration of using the equipment that is known to produce high vibration levels (clam shovel drops, vibratory rollers, hoe rams, large bulldozers, caisson drillings, loaded trucks, jackhammers, etc.) shall be submitted to the Director of Planning and Development Services or Director's designee of the Department of Planning & Development by the contractor. This list shall be used to identify equipment and activities that could exceed the 0.3 PPV threshold adjacent residents or 0.5 PPV

Environmental Impact	Mitigation Measure	Responsible for Implementation	Timing of Compliance	Oversight of Implementation
	<p>threshold adjacent to 2555 Park based on the planned equipment, location, and duration of use. Where project construction activities may be anticipated to exceed the threshold, the applicant shall provide a plan to show how levels would be reduced by phasing activities that are known to cause excessive vibration, utilizing alternative equipment, and/or reducing the time period that the equipment is being used.</p> <ul style="list-style-type: none"> Where possible, use of the heavy vibration-generating construction equipment shall be prohibited within 20 feet of any adjacent building. <ul style="list-style-type: none"> Smaller equipment to minimize vibration levels to below 0.5 in/sec PPV at the property lines adjacent to the building at 2555 Park Boulevard or 0.3 in/sec PPV at all other property lines. For example, a smaller vibratory roller, such as the Caterpillar model CP433E vibratory compactor, shall be used when compacting materials within 25 feet of the adjacent conventional building. Avoid using vibratory rollers and clam shovel drops within 25 feet of sensitive areas. Select demolition methods not involving impact tools. Avoid dropping heavy equipment and use alternative methods for breaking up existing pavement, such as a pavement grinder, instead of dropping 			

Environmental Impact	Mitigation Measure	Responsible for Implementation	Timing of Compliance	Oversight of Implementation
	<p>heavy objects, within 25 feet of the adjacent conventional buildings.</p> <ul style="list-style-type: none"> • Document conditions at all structures located within 50 feet of construction prior to, during, and after vibration generating construction activities. All plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry-accepted standard methods. Specifically: <ul style="list-style-type: none"> ○ Vibration limits shall be applied to vibration-sensitive structures located within 20 feet of construction activities identified as sources of high vibration levels. ○ Performance of a photo survey, elevation survey, and crack monitoring survey for each structure of normal construction within 20 feet of construction activities identified as sources of high vibration levels. Surveys shall be performed prior to any construction activity, in regular intervals during construction, and after project completion, and shall include internal and external crack monitoring in structures, settlement, and distress, and shall document the condition of foundations, walls and other structural elements in the interior and exterior of said structures. • Develop a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration 			

Environmental Impact	Mitigation Measure	Responsible for Implementation	Timing of Compliance	Oversight of Implementation
	<p>limits, and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions. Construction contingencies shall be identified for when vibration levels approach the limits of 0.5 in/sec PPV at the adjacent building at 2555 Park Boulevard or 0.3 in/sec PPV at all other surrounding buildings.</p> <ul style="list-style-type: none"> • At a minimum, vibration monitoring shall be conducted during demolition and excavation activities. • If vibration levels approach limits, suspend construction and implement contingency measures to either lower vibration levels or secure the affected structures. • Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site. • Conduct a post-construction survey on structures where either monitoring has indicated high vibration levels or complaints of damage has been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities. 			