

## APPROVAL NO. 2023- 03

### RECORD OF THE COUNCIL OF THE CITY OF PALO ALTO LAND USE ACTION FOR 200-404 PORTAGE AVENUE, 3201-3225 ASH STREET, 3040-3250 PARK BOULEVARD, AND 278 LAMBERT: DEVELOPMENT AGREEMENT, COMPREHENSIVE PLAN AMENDMENT, PLANNED COMMUNITY REZONING, VESTING TENTATIVE MAP WITH EXCEPTIONS, AND ADOPTION OF AN EIR MAKING OVERRIDING CONSIDERATIONS [FILE NO 22PLN-00287; 22PLN-00288]

On September 12, 2023, the City Council of the City of Palo Alto (“City Council”) approved a Development Agreement, Comprehensive Plan Land Use Map and Text Amendment, Planned Community Rezoning, Historic Review, and Vesting Tentative Map with Exceptions, making the following findings, determinations, and declarations:

#### SECTION 1. BACKGROUND.

A. On August 25, 2022 Sobrato Organization, herein referred to as “Sobrato”, applied for a Development Agreement, Comprehensive Plan Amendment, Planned Community Rezoning, Historic Review, and a Vesting Tentative Map with Exceptions to allow the development of 74 townhomes, conversion of 2,600 sf of Automotive Services Space to Research and Development Use, and Construction of a new single-story, two-Level Parking Garage. The also allows 154,506 sf of existing R&D space and 4,707 sf of existing office space to remain at the site. The project includes modifications to, including partial demolition of, the former Cannery Building, which is eligible for the California Register of Historic Resources. The project would also include dedication of lands and funds to the City for an affordable housing development as well as land for a park or other public open space use adjacent Matadero Creek.

B. The project site consists of eleven (11) existing parcels located at 200-404 Portage Avenue, 3201-3225 Ash Street, 3040-3250 Park Boulevard, and 278 Lambert (APNS 132-32-036, -037, -042; -043, and 132-38-043 and -071) totaling 14.65 acres. Existing uses include 154,506 sf of Research and Development Uses, 4,707 sf of office use, 7,600 sf of Automotive Service use, and approximately 84,000 sf of vacant retail space.

C. On August 1, 2022 Council conducted a prescreening review of the proposed legislative actions in accordance with PAMC 18.79.

D. On October 12, 2022 and October 26, 2022 Planning and Transportation Commission held study sessions to provide feedback and allow for public comment on the proposed project. On November 30, 2023 The Planning and Transportation Commission recommended that the applicant submit the proposed plans to the Architectural Review Board for review based on the conceptual design and proposed project in accordance with the Planned Community Rezoning process in 18.38 of the code.

E. Following staff review, the Historical Resources Board (HRB) reviewed the project

and recommended specific conditions of approval of the Project on May 25, 2023.

F. Following staff and the HRB's review, the Architectural Review Board (ARB) reviewed the project and recommended approval with conditions on June 15, 2023.

G. Following the HRB and ARB's review, the Planning and Transportation Commission (PTC) reviewed the project and recommended approval with conditions on July 12, 2023.

H. On September 5, 2023 and continued to September 12, 2023, the City Council reviewed the request for a Development Agreement, Comprehensive Plan Land Use Map and Text Amendment, as well as the application for Planned community Rezoning and a Vesting Tentative Map with Exceptions. After hearing public testimony, the Council voted to approve/adopt:

- a. Resolution 10123 adopting the EIR and making findings of overriding considerations for the project;
- b. Ordinance 5595 approving the Development Agreement between the City and Sobrato;
- c. Resolution 10124 amending the Comprehensive Plan Land Use Map and Text;
- d. Ordinances 5596, 5597, 5598, 5559, 5600 amending the zoning of the proposed resulting parcels to Planned Community; and
- e. This Record of Land Use Action.

I. These applications are subject to the conditions set forth in Sections 6 and 7 of this Record of Land Use Action.

## SECTION 2. ENVIRONMENTAL REVIEW.

With the California Environmental Quality Act (CEQA) the City prepared an Environmental Impact Report ("EIR") for the 200 Portage Avenue Townhome Project to provide an assessment of the potential environmental consequences of approving and constructing the Project. A Draft EIR was circulated for public review for a 60-day period from September 16, 2022, through November 15, 2022. A Final EIR/EA was prepared to respond to comments and published on May 15, 2023. A revised Final EIR was prepared and released on June 2, 2023 and included a comment letter and associated responses to comments that were inadvertently omitted from the Final EIR. the City Council certified and made related findings by Resolution No 10123 on September 12, 2023, prior to approval of the decision that is the subject of this RLUA. All mitigation measures as stated in the approved Mitigation Monitoring and Reporting Program (MMRP) have been incorporated into the conditions of approval. The MMRP is included in Exhibit A of this Record of Land Use Action.

## SECTION 3. 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 and Chapter 16.49 of the PAMC.

### Architecture Review Findings

**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:*

With approval of the requested Comprehensive Plan Amendment and Planned Community Rezoning in accordance with the Development Agreement, the proposed project complies with the zoning code. The project complies with the context-based design criteria (as outlined under finding #2). The project is not located within a coordinated area plan area. The proposed project is consistent with the Comprehensive Plan, below is an analysis of the applicable goals and policies:

<b>Comp Plan Goals and Policies</b>	<b>How project adheres or does not adhere to Comp Plan</b>
<i>The Comprehensive Plan land use designation for the site is Multi-family Residential</i>	The project proposes to add a new public park and multi-family residential uses (74 townhomes and an affordable housing project) on the proposed City dedication parcel. These uses are consistent with the multi-family residential land use designation, which encourages high density residential uses within 0.5 miles of transit. As part of the negotiated Development Agreement, nonconforming uses within existing structures would be allowed to remain. The project includes a Comprehensive Plan Land Use Map Amendment to change the land use designation of three of the parcels to commercial services. This would align the existing uses with an appropriate underlying comprehensive plan land use designation that is consistent with the land use designation of surrounding areas.
<b>Land Use and Community Design</b>	
<b>Policy L-1.2:</b> Limit future urban development to currently developed lands within the urban service area. The boundary of the urban service area is otherwise known as the urban growth boundary. Retain undeveloped land west of Foothill Expressway and Junipero Serra as open space, with allowances made	The project is located on currently developed lands within the urban service area.

<p>for very low-intensity development consistent with the open space character of the area. Retain undeveloped land northeast of Highway 101 as open space.</p>	
<p><b>Policy L-1.3:</b> 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.</p>	<p>The project is an urban infill development proposal in the urban service area of the city.</p>
<p><b>Policy L-1.5:</b> Regulate land uses in Palo Alto according to the land use definitions in this Element and Map L-6.</p>	<p>With approval of the Comprehensive Plan text Amendment and Land Use Map Amendment, the project will be consistent with the land use definitions in this element and Map L-6, identifying the site as multi-family residential land use for the city dedication parcel and townhome parcel and service commercial for the areas with existing commercial uses.</p>
<p><b>Policy L-1.6:</b> Encourage land uses that address the needs of the community and manage change and development to benefit the community.</p>	<p>The project provides 74 market rate units and dedicates land and funds to support a future affordable housing development on the City dedication parcel. The project seeks to addresses the housing crisis that the City Council has identified as a top priority, particularly targeting the deepest affordability levels.</p>
<p><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</p>	<p>The project utilizes high-quality material including high quality, durable, corrugated metal, thick, quality glass, wood, and stucco and the design is high quality, meeting the ARB findings for approval.</p>
<p><b>Policy L-2.5:</b> Support the creation of affordable housing units for middle to lower income level earners, such as City and school district employees, as feasible.</p>	<p>The project includes dedication of a 3.25-acre parcel, one acre of which is anticipated to be used for an approximately 75-unit 10% affordable housing project.</p>
<p><b>Policy L-2.8:</b> When considering infill redevelopment, work to minimize displacement of existing residents.</p>	<p>The project replaces vacant retail with a multi-family residential use. No residents would be displaced as a result of this project.</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 includes greenery and relief spaces along pedestrian mews between buildings as well as dedicating land for a new public park adjacent Matadero Creek. New tree plantings and greenery (bioretention areas) are provided</p>

	between the single-family residential uses and proposed structures.
<b>Policy L-3.1:</b> Ensure that new or remodeled structures are compatible with the neighborhood and adjacent structures.	Although the development is taller than adjacent single-story developments, the project complies with the single-family residential daylight plane requirements where adjacent to a single-family use. The townhome design provides an appropriate transition between single family residential and higher density residential development. Landscaping is provided to buffer between uses.
<b>Policy L-3.4:</b> Ensure that new multi-family buildings, entries and outdoor spaces are designed and arranged so that each development has a clear relationship to a public street.	The project includes new stoops across the park frontage, connecting each of the park facing units to the street, providing a clear relationship to the street. Some units also face out onto Private Street A in order to create a sense of connection to the city dedication parcel in the anticipation that this will be redeveloped into a public park.
<b>Policy L-6.2:</b> Use the Zoning Ordinance, design review process, design guidelines and Coordinated Area Plans to ensure high quality residential and commercial design and architectural compatibility.	The project is consistent with the City's Zoning Ordinance and, on balance, meets the City's design guidelines and the ARB findings for approval.
<b>Policy L-6.7:</b> 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 project includes retention of two existing single-story buildings, retention of a portion of the cannery building, and a new three-story townhome development. The proposed townhomes are an appropriate transition between single family residential uses and higher density multi-family housing. The townhomes and new parking garage meet or exceed the daylight plane requirements for the most restrictive abutting district (single-family residential).
<b>Policy L-6.8:</b> Support existing regulations that preserve exposure to natural light for single-family residences	The project complies with daylight plane and setbacks that would otherwise be required under the base zoning (and that meet or exceed the single-family residential zone district requirements) where it abuts R-1 zoning.

<p><b>Policy L-9.2:</b> Encourage development that creatively integrates parking into the project, including by locating it behind buildings or underground wherever possible, or by providing for shared use of parking areas. Encourage other alternatives to surface parking lots that minimize the amount of land devoted to parking while still maintaining safe streets, street trees, a vibrant local economy and sufficient parking to meet demand.</p>	<p>The current site is primarily paved parking lot. The proposed project removes one of the surface parking lots and consolidates much of the commercial parking toward the rear of the site in order to accommodate dedication of a parcel to the City for a public park. The proposed parking aligns with the existing ratios and is therefore anticipated to be sufficient to meet the demand. The townhome parcel has additional parking to support guests as well as parking for each unit in an area that would not be visible to the public.</p>
<p><b>Policy L-9.3:</b> Treat residential streets as both public ways and neighborhood amenities. Provide and maintain continuous sidewalks, healthy street trees, benches and other amenities that promote walking and “active” transportation.</p>	<p>The project improves the street right-of-way through improved street planting and clear separation of the public sidewalk from the private property. The project increases the sidewalk along El Camino Real by providing a public easement to allow for a 12-foot effective sidewalk width. The clear walking path has been increased to 7'6" and additional planting on the interior yard and development that corresponds to the street provides a more inviting pedestrian environment.</p>
<p><b>Policy T-1.17:</b> Require new office, commercial and multi-family residential developments to provide improvements that improve bicycle and pedestrian connectivity as called for in the <i>2012 Palo Alto Bicycle + Pedestrian Transportation Plan</i>.</p> <p><b>Policy T-1.19:</b> Provide facilities that encourage and support bicycling and walking.</p>	<p>The project includes a new dedicated two-way bicycle lane to align with the trail connections outlined in the 2012 Palo Alto Bicycle and Pedestrian Transportation Plan and improves existing conditions by adding bicycle spaces on the site.</p>
<p><b>Policy T-5.1:</b> All new development projects should manage parking demand generated by the project, without the use of on-street parking, consistent with the established parking regulations. As demonstrated parking demand decreases over time, parking requirements for new construction should decrease.</p>	<p>The project provides required parking onsite. A TDM plan is required for the proposed office uses and is required to reduce trip generation by 30%. A draft of the TDM plan has been prepared and is still being reviewed by the City's Transportation Division.</p>
<p><b>Policy N-2.10:</b> Preserve and protect Regulated Trees, such as native oaks and other significant trees, on public and private property, including landscape trees approved as part of a development review process and consider</p>	<p>The project includes the removal of some protected trees in a manner that is consistent with the tree protection ordinance and replaces all trees to be removed in accordance with the Tree technical manual's requirements</p>

strategies for expanding tree protection in Palo Alto.	to ensure no net loss of canopy. protects existing trees over 15-inches. The project's compliance with all code requirements is reflected in the landscape and T-1, 2, etc. sheets in the plan set.
<b>Program H2.1.2:</b> Allow increased residential densities and mixed-use development only where adequate urban services and amenities, including roadway capacity, are available.	The project is located within an urban area near the El Camino Real corridor in close proximity (less than 0.5 miles) to high-quality transit (Cal Ave Caltrain and bus stops).
<b>Goal H-2:</b> Support the construction of housing near schools, transit, parks, shopping, employment and cultural institutions	The project replaces existing vacant retail and paved parking with a new multi-family housing development and a future park in a transit-oriented location that is also near schools, shopping, and employment along El Camino Real and within the immediate vicinity of Stanford Research Park.

The project has also been reviewed for conformance with the development standards in the zoning code and found to be in compliance with the intent and regulations contained therein. A comprehensive review of the project to applicable development standards is included in the administrative record (See Attachment B for a complete zoning consistency analysis).

**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:*

The proposed project creates an internal sense of order and desirable environment for occupants, visitors, and the general community by dedicating land for a new public park to help the City realize its vision to have a public open space in the North Ventura neighborhood adjacent to Matadero Creek, improving pedestrian and bicycle connections through the site, and creating pedestrian mews and seating areas outside the office space, retail area, and multi-family

residential uses. The townhome units are well designed to provide for all modes of transportation and provide a desirable living space for future occupants.

Although the project includes demolition of a historic resource deemed eligible for the California Register of Historic Resources, the project seeks to retain key character defining features that are recognizable (monitor roofs) and includes modifications to the building that help to convey the history of the site in a meaningful way that is publicly accessible, including through the creation of views from the retail space into the monitor roof, through the dedication of land for a public park across from the cannery building and townhomes, through the addition of an interpretive display that relays the history of the site and through the public art, which is anticipated to reflect the history of the site.

The area consists of single-family residences along Olive Avenue and existing one-to-three story buildings with office and Research and Development uses. The proposed project would include three-story, multi-family residential townhomes and a single-story (two total levels with ground floor level) parking garage. The project transitions appropriately in scale from the low-density residential areas to mid-rise (three-level) townhome design, which is an appropriate transition. The parking garage and the residences would all be set back from lower density uses, comply with the daylight plane, and provide screening between these uses. Overall the project greatly enhances living conditions on the site, providing a desirable environment for future residents. The project is consistent with the context based-design criteria as detailed in Attachment F for both the new townhome development and the remaining cannery building/proposed parking garage.

**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 proposes a design that is of high aesthetic quality and uses high quality materials that are durable. The proposed textures, including the standing seam metal are deferential to the historic cannery building, restoring and replacing this material, which is a character defining features of the site. Overall, many of the colors are neutral with pops of accent color and blues to help break up the massing and highlight and differentiate pedestrian entries. The project incorporates landscaping and reduces paving in comparison to the existing condition at the site in order to enhance the appearance of the site, particularly along the street frontages.

**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, allowing for ease and safety of pedestrian and bicycle traffic in that it provides separated walkways as well as a separated two-way bicycle path with a public access easement across the project site. There is convenient and orderly vehicular access and the utilities across the site will be undergrounded. The pedestrian paseos serve as open space areas as well as providing orderly access through the site and lead into the open retail space as well as the future public park area. Trash pickup will continue to occur on site for both the commercial uses and the new townhomes and updates the site to meet the current code requirements.

**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 will provide drought-tolerant planting, the majority of which were selected from a California native palette. The selected varieties of trees would provide appropriate habitat for wildlife as a part of a bigger neighborhood and community wide system. The plantings along the pedestrian mews are designed to grow larger, providing both shade for southern facing frontages in time as well as providing privacy between residences across the pedestrian paseo.

**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 project will satisfy the requirements for CALGreen Mandatory + Tier 2. This includes providing solar and being an all-electric building. Drought tolerant native planting would also help to reduce water use and the planting palette complies with the Model Water Efficiency Landscape Ordinance requirements.

#### SECTION 4. VESTING TENTATIVE MAP FINDINGS.

A legislative body of a city shall deny approval of a tentative map, if it makes any of the following findings (California Government Code Section 66474). The City Council cannot make these findings for the following reasons:

*1. That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451:*

With approval of the proposed associated legislative actions and Council's adoption of a statement of overriding considerations for the demolition of a California Register Eligible

Resource, the proposed map would be consistent with the Comprehensive Plan. There are no adopted specific plans for the project area.

*2. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans*

With approval of the proposed associated legislative actions to amend the Comprehensive Plan Land Use Map and Text to align historic, proposed and future uses of the site, the design and improvement of the proposed subdivision would be consistent with the applicable general plan.

*3. That the site is not physically suitable for the type of development:*

The project includes development of multi-family housing and dedication of land for a public park, consistent with the existing zoning designation of the site as well as the retention of existing Research and Development and an Office Use on the site. These proposed uses and the physical improvements associated with them are physically suitable for the resulting parcels. A public access easement to dedicate multi-modal access across the private site, connecting Park Boulevard and Ash Street/Portage Avenue for the public benefit would be provided and is consistent with the Countywide Trails Master Plan and City Bicycle and Pedestrian Transportation Plan.

*4. That the site is not physically suitable for the proposed density of development:*

The project would include retention of 142,744 sf of Research and Development Use, 74 new townhome units, a new parking garage, and dedication of 3.25 acres to the city for the purposes of a new public park and affordable housing project. The proposed multi-family residential use complies with the density allowed under the existing zoning (RM-30) which allows between 16 and 30 DU/AC. The project provides 28 DU/AC based on the net lot area and 18 DU/AC based on the gross lot area. Therefore, the site is physically suitable for the proposed density of development.

*5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat:*

As detailed in the environmental impact report (SCH# 2021120444) the project would not result in a significant impact on biological resources. With incorporation of standard mitigation for the protection of nesting birds during the nesting season, impacts would be less than significant. The property is currently fully developed and the existing creek that runs through the site is concretized. The project does not include any physical improvements on or immediately adjacent to the channel. Future improvements would be evaluated once a design sufficient to complete an analysis is available.

*6. That the design of the subdivision or type of improvements is likely to cause serious public health problems:*

The project would not cause serious public health issues. The continuation of existing uses and the addition of multi-family housing and a park would not introduce new hazardous materials. All new structures as well as modifications to the existing cannery building would require compliance with current building, green building, and fire code requirements, bringing the existing site into conformance with current code requirements. The project was evaluated as part of an Environmental Impact Report (SCH # 2021120444) and the analysis concluded that the project would have a less than significant impact related to hazards and hazardous materials and other measures related to public health such as air quality and transportation.

*7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.*

The design of the subdivision will not conflict with any existing easements for access through or use of the property. All existing street, utility and creek easements would remain. New public utility easements would be dedicated as appropriate, bringing the site into conformance with the City's requirements with respect to required easements. Additionally, a public access easement would be dedicated for the public benefit to provide multi-modal access between Park Boulevard and Portage Avenue.

**SECTION 5. MAP EXCEPTION FINDINGS.**

The proposed map with the exception to the private street width, complies with the exception findings as required in PAMC Chapter 21.32.

*1. There are special circumstances or conditions affecting the property.*

The proposed project is part of a development agreement with the City and includes preservation of a portion of the existing cannery building, particularly the monitor roofs, the provision to provide 74 townhome units, and dedication of 3.25 acres of parkland to the City. The area in which the 74 townhomes is proposed to be provided is limited by the setbacks from Park Boulevard as well as the cannery building and the area being dedicated to the City. In order to provide the housing units while still maintaining these other features and benefits of the development agreement, the proposed street width between the townhome units would be reduced. The private streets along the perimeter of the development will continue to be 32' and provide additional parking, consistent with the intent of the code.

2. *The exception is necessary for the preservation and enjoyment of a substantial property right of the petitioner.*

The proposed footprint of the townhome units is the minimum size necessary to accommodate vehicle parking in private garages on the ground floor and reasonably sized bedrooms on the upper levels while also providing the 74-units consistent with the broad terms of the development agreement and complying with the other benefits of the development agreement (land dedication and maintaining the monitor roofs). In order to comply with the required 32-foot private street width, the project would either needed to substantially reduce the number of units (removing an entire row of units) or reduce the size of the units in a manner that would render the housing development infeasible.

3. *The granting of the exception will not be detrimental to the public welfare or injurious to other property in the territory in which the property is situated.*

The proposed reduction in the street width would not be detrimental to the public welfare or injurious to other property in the territory in which the property is situated. The project would still provide 32 wide streets along exterior private streets and the reduction in private street widths would still be sufficient to accommodate safe backup space for vehicles, fire access in accordance with all applicable fire code requirements, as well as trash pickup.

4. *The granting of the exception will not violate the requirements, goals, policies, or spirit of the law.*

The proposed reduction in the street width will not violate the requirements, goals, policies, or spirit of the law. The purpose of the street width is to provide for sufficient vehicular circulation while also allowing for parking on site. The proposed townhome development exceeds the code requirements for parking on site, regardless of the width of private streets serving individual garages. In addition, parking could not be provided along the private streets for which the exception is provided due to conflicts with fire, trash, and vehicular circulation even if the 32-foot width is maintained.

**SECTION 6. CONDITIONS OF APPROVAL FOR DEVELOPMENT PLAN UNDER PLANNED COMMUNITY REZONING.**

**PLANNING**

The following conditions of approval apply to the resulting parcels as specified in parenthesis following each. Consistent with the definitions in the Development Agreement, the lots refer to the Townhomes (lot 1), BMR/Park Dedication Parcel (Lot 2), remaining cannery (Lot 3), Ash building (Lot 4), and the 3250 Park Boulevard Building (Lot 5).

1. **CONFORMANCE WITH PLANS.** Construction and development shall conform to the approved plans entitled, "3200 Park Boulevard, Palo Alto California City Submittal," submitted to the City on August 21, 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. (All Parcels)
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. (All Parcels)
5. ENTITLEMENT EXPIRATION. The Development Agreement shall govern the terms of the project expiration for this project. (All Parcels)
6. LANDSCAPE PLAN. Plantings shall be installed in accordance with the approved plan set and shall be permanently maintained and replaced as necessary. (All Parcels)
7. NOISE THRESHOLDS PROPERTY. All noise producing equipment shall be located outside of required 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. In accordance with PAMC Section 9.10.040, 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 eight dB above the local ambient at any point outside of the property plane. (All Parcels)
8. COVENANT. A covenant shall be recorded with the City as a third-party beneficiary to document the 17 off-site parking spaces for the benefit of the Ash Street parcel as required in accordance with the Ash Street Parcel ordinance (PC Ordinance 5598). (Lot 4)
9. MAINTENANCE. The applicant or its successor shall be responsible for the maintenance of the shared multi-modal path proposed between Park Boulevard and Portage Avenue/Ash Street. (Lots 1, 2, 3 and 4)
10. ARB AD HOC. Prior to the issuance of building permits for the townhomes, 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. The paseo shall be a minimum of 28 feet wide; the drive aisles may be a minimum of 29 feet at the ground level (Lot 1)
  - b. The end unit of Building #1 (closest to Olive Avenue) be redesigned to eliminate the angled roof form that is incompatible with the rest of the building. (Lot 1)

11. HABS DOCUMENTATION. The HABS required in accordance with MM CR-2 shall be augmented by the best current technology available and an appropriate repository for this information shall be established, subject to the approval of the Planning and Development Services Director. (Lot 1 and 3)
12. POST CONSTRUCTION HISTORIC ANALYSIS. Post construction, the eligibility of the remaining portion of the existing cannery structure to evaluate it for local listing, California landmark status, California historical point of interest status, and National Register listing. The building shall be nominated to any of the four categories for which it is eligible. (Lot 3)
13. 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. (Lot 1 and 3)
14. 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. (Lot 1 and 3)
15. 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. (All Parcels)
16. DRAINAGE. Plans submitted for building permit for the cannery parcel and townhome development shall provide clear notes on civil sheets to indicate how the historic drainage patterns between the site and Olive Avenue residents will be maintained to the satisfaction of the Director of Public Works (Lots 1 and 3).
17. ESTIMATED IMPACT FEE. Development Impact Fees, currently estimated in the amount of \$883,115.71, shall be paid prior to the issuance of the related building permit. This is separate from the public art fees, as required per the public art conditions of approval. (Lot 1)
18. IMPACT FEE 90-DAY PROTEST PERIOD. California Government Code Section 66020 provides that a project applicant who desires to protest the fees, dedications, reservations, or other exactions imposed on a development project must initiate the protest at the time the development project is approved or conditionally approved or within ninety (90) days after the date that fees, dedications, reservations or exactions are imposed on the Project. Additionally, procedural requirements for protesting these development fees, dedications, reservations and exactions are set forth in Government Code Section 66020. IF

YOU FAIL TO INITIATE A PROTEST WITHIN THE 90-DAY PERIOD OR FOLLOW THE PROTEST PROCEDURES DESCRIBED IN GOVERNMENT CODE SECTION 66020, YOU WILL BE BARRED FROM CHALLENGING THE VALIDITY OR REASONABLENESS OF THE FEES, DEDICATIONS, RESERVATIONS, AND EXACTIONS. If these requirements constitute fees, **taxes, assessments, dedications, reservations, or other exactions** as specified in Government Code Sections 66020(a) **or 66021**, this is to provide notification that, as of the date of this notice, the 90-day period has begun in which you may protest these requirements. This matter is subject to the California Code of Civil Procedures (CCP) Section 1094.5; the time by which judicial review must be sought is governed by CCP Section 1094.6. (Lots 1 and 3)

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, Claire Raybould at [Claire.Raybould@cityofpaloalto.org](mailto:Claire.Raybould@cityofpaloalto.org) to schedule this inspection. (Lots 1, 2, 3)
20. 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. (All parcels)
21. 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. (All Parcels)
22. 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. (All Parcels)
23. 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. (All Parcels)

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

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](http://www.cityofpaloalto.org/deconstruction). (Lot 1 and 3)

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@theresusepeople.org](mailto:info@theresusepeople.org). More information can be found at [www.TheReusePeople.org](http://www.TheReusePeople.org). Please upload a completed copy to the deconstruction permit. (Lot 1 and 3)
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](http://www.greenhalosystems.com). (Lots 1 and 3)
27. TRASH SERVICE LOADING. On the plans submitted for building permit show a loading zone/signage that restricts parking on street A during trash services hours to ensure that cars do not block the service area. The applicant shall bear the cost for any curb painting and signage. (Lot 1)
28. TRASH SERVICING. On the plans submitted for building permit revise the layout of the main trash collection room to provide 36 inches between each of the metal bins. No stacking of bins and carts will be allowed, each bin and cart must be equally and easily accessible. The service aisle used to maneuver the bins and carts must be 1.5 times the width of the largest bin. The plans submitted for building permit shall also note that GreenWaste will not be servicing the refuse enclosure for the first-floor residents and that a maximum of 4 – 96gal carts will be brought to the main trash collection room for service. There shall be 6 inches between each of the carts. (Lot 1)
29. TRASH ENCLOSURES. The trash enclosure rooms shall comply with the trash enclosure area guidelines requirements. Any changes to the trash room at building permit shall ensure compliance with the requirements. If a hose bib is installed, additional requirements may apply. (Lots 1 and 3)
30. REFUSE SEPARATION AND COLOR-CODING. Cut sheets for the color-coded internal and external containers, related color-coded millwork, and colored signage must be included in the building plans prior to receiving approval from zero waste. Containers, signage and millwork shall comply with Palo Alto Municipal Code 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 lobby, community room, open 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, 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. Mail area must have either a recycle and trash bin only, or all three refuse receptacles (green compost, blue recycle, and black landfill container). Gym must minimally have a blue recycle 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. (All Parcels)

## **PUBLIC WORKS ENGINEERING**

31. 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 \(All Parcels\)](https://www.cityofpaloalto.org/Departments/Public-Works/Engineering-Services/Forms-and-Permits (All Parcels))

32. OVERVIEW AND GUIDELINES FOR THE REVIEW OF SUBDIVISION PROJECTS: Developer shall familiarize themselves with the guidelines described in the November 2007 revision of the document titled "Overview and Guidelines for the Review of Subdivision Projects". Particularly Section II (items 5 through 12) and Section V (items A through C).

[https://www.cityofpaloalto.org/files/assets/public/planning-and-development-services/file-migration/current-planning/forms-and-guidelines/overview-and-guidelines-for-the-review-of-subdivision-projects.pdf \(All Parcels\)](https://www.cityofpaloalto.org/files/assets/public/planning-and-development-services/file-migration/current-planning/forms-and-guidelines/overview-and-guidelines-for-the-review-of-subdivision-projects.pdf (All Parcels))

33. SUBDIVISION IMPROVEMENT AGREEMENT: The applicant shall execute a Subdivision Improvement Agreement and provide improvement securities (Bonds) for all proposed public improvements. THE AGREEMENT SHALL BE EXECUTED PRIOR TO MAP RECORDATION OR ISSUANCE OF ANY PERMITS FOR CONSTRUCTION, ONSITE AND OFFSITE. ADVISORY -- The applicant shall provide a detailed itemized stamped and signed engineer's estimate for all off-site public improvements which will be reviewed to determine the security amount. (All parcels)

34. PARCEL MAP/FINAL MAP: This project is subject to, and contingent upon the approval of a Final map and recordation of a Final Map. The submittal, approval and recordation of the Map shall be in accordance with the provisions of the California Subdivision Map Act and Palo Alto Municipal Code Title 21 Subdivision requirements. All existing and proposed property lines,

easements, dedications shown on the tentative map are subject to City's technical review and staff approval during the map process prior to issuance of any construction permits. (All parcels)

35. 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. (All Parcels)
36. STREETWORK PERMIT: The applicant shall obtain a Streetwork Permit from the Department of Public Works for all public improvements. (All Parcels)
37. 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." (Lots 1, 2, and 3)
38. 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. (Lots 1, 2, and 3)
39. 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". (Lots 1, 2, and 3)
40. SWPPP: This proposed development will disturb more than one acre of land. Accordingly, the applicant shall apply for coverage under the State Water Resources Control Board's (SWRCB) NPDES general permit for storm water discharge associated with construction activity. A Notice of Intent (NOI) shall be filed for this project with the SWRCB in order to obtain coverage under the permit. The General Permit requires the applicant to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP). The applicant is required to submit two copies of the NOI and the draft SWPPP to the Public Works Department for review and approval prior to issuance of the building permit. The SWPPP should include both permanent, post-development project design features and temporary measures employed during construction. (Lots 1, 2, and 3)

41. 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. (All Parcels)

42. LOGISTICS PLAN: A construction logistics plan shall be provided addressing all impacts to the public including, at a minimum: work hours, noticing of affected businesses, bus stop relocations, construction signage, dust control, noise control, storm water pollution prevention, job trailer, contractors' parking, truck routes, staging, concrete pours, crane lifts, scaffolding, materials storage, pedestrian safety, and traffic control. All truck routes shall conform to the City of Palo Alto's Trucks and Truck Route Ordinance, Chapter 10.48, and the route map. NOTE: Some items/tasks on the logistics plan may require an encroachment permit. (Lots 1, 2, 3, and 4)

43. 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. (Lots 1 and 3)

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](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.

44. 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 issuance. (Lots 1 and 3)

45. 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. (Lots 1 and 3)

46. 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. (Lots 1 and 3)

47. EXISTING EASEMENTS: Provide documentation showing approval from the entities affected by the onsite easements to verify that the work within said easements is permitted. (All Parcels)
48. 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. (All Parcels)
49. 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. (All Parcels)

#### **OFFICE OF TRANSPORTATION**

50. TDM PROGRAM AND ANNUAL REPORTING REQUIREMENT: The applicant shall abide by the Final Transportation Demand Management (TDM) plan, entitled "340 Portage Ave Research & Development Transportation Demand Management Plan (TDM)", 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 15%. 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. The owner or the future tenant shall provide free transit passes to all R&D employees as part of the TDM plan. (Lot 3)

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

##### **PRIOR TO ISSUANCE OF DEMOLITION PERMIT**

51. 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. (Lots 1 and 3)

##### **FOR BUILDING PERMIT**

52. 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. (Lots 1, 2, and 3)
- 53. The applicant shall submit improvement plans for utility construction. The plans must show the size and location of all underground utilities within the development and the public right of way including meters, backflow preventers, fire service requirements, sewer mains, sewer cleanouts, sewer lift stations, and any other required utilities. Plans for new wastewater laterals and mains need to include new wastewater pipe profiles showing existing potentially conflicting utilities, especially storm drain pipes, and electric and communication duct banks. Existing duct banks need to be daylighted by potholing to the bottom of the duct bank to verify the 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. (Lots 1,2, 3, and 4)
- 54. 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.). (Lots 1 and 3)
- 55. 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. (Lots 1 and 3)
- 56. 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. (Lots 1 and 3)
- 57. 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. (Lots 1 and 3)
- 58. 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. (Lots 1 and 3)

59. 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. (Lots 1 and 3)
60. Each parcel shall have its own water service and sewer lateral connection shown on the plans. (All Parcels)
61. All existing water, and gas. and wastewater services/laterals that will not be reused shall be abandoned at the main per the latest WGW utilities standards. (All Parcels)
62. 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. (Lots 1, 2, and 3)
63. All utility installations shall be in accordance with the City of Palo Alto utility standards for water, gas, & wastewater. (All Parcels)

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

64. **PLAN SET REQUIREMENTS.** The final Plans submitted for building permit shall include
  - 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. #2-6 applies; with landscape plan: Insp. #7 applies.) (Lots 1, 2, and 3)
  - b. [The Tree Preservation Report \(TPR\)](#). All sheets of the Applicant's TPR approved by the City for full implementation by Contractor, ArborResources, Inc., shall be printed on numbered Sheet T-1 (T-2, T-3, etc) and added to the sheet index. (Lots 1, 2 and 3)
65. **PLANS--SHOW PROTECTIVE TREE FENCING.** The Plan Set (esp. site, demolition, grading & drainage, foundation, irrigation, tree disposition, utility sheets, etc.) must delineate/show Type I or Type II fencing around each Regulated Trees, using a bold dashed line enclosing the Tree Protection Zone as shown on Standard Dwg. #605, Sheet T-1, and the City Tree Technical Manual, Section 6.35-Site Plans; **or using the Project Arborist's unique diagram for each Tree Protection Zone enclosure.** (Lots 1, 2, and 3)
66. **SITE PLAN REQUIREMENTS.** Plans with Public Trees shall show (a) Type II street tree fencing enclosing the entire parkway strip or, (b) Type I protection to the outer branch dripline (for rolled curb & sidewalk or no-sidewalk situations.) (Lots 1, 2, 3)

a. Add Site Plan Notes.

- i. Note #1. Apply to the site plan stating, "*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 plans*".
- ii. Note #2. All civil plans, grading plans, irrigation plans, site plans and utility plans and relevant sheets shall add a note applying to the trees to be protected, including neighboring trees stating: "*Regulated Tree--before working in this area contact the Project Site Arborist at 650-654-3351*";
- iii. Note #3. Utility (sanitary sewer/gas/water/backflow/electric/storm drain) plan sheets shall include the following note: "*Utility trenching shall not occur within the TPZ of the protected tree. Contractor shall be responsible for ensuring that no trenching occurs within the TPZ of the protected tree by contractors, City crews or final landscape workers. See sheet T-1 for instructions.*"
- iv. Note #4. "*Basement or foundation plan. Soils Report and Excavation for basement construction within the TPZ of a protected tree shall specify a vertical cut (stitch piers may be necessary) in order to avoid over-excavating into the tree root zone. Any variance from this procedure requires Urban Forestry approval, please call (650) 496-5953.*"
- v. Note #5. "*Pruning Restrictions. No pruning or clearance cutting of branches is permitted on City trees. Contractor shall obtain a Public Tree Permit from Urban Forestry (650-496-5953) for any work on Public Trees*"

67. TREE PROTECTION VERIFICATION. Prior to demolition, grading or building permit issuance, a written verification from the contractor that the required protective fencing is in place shall be submitted to the Building Inspections Division. The fencing shall contain required warning sign and remain in place until final inspection of the project. (Lots 1, 2, and 3)

DURING CONSTRUCTION

68. 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. (Lots 1, 2, and 3)

69. PLAN CHANGES. Revisions and/or **changes to plans before or during construction** shall be reviewed and responded to by the (a) project site arborist, ArborResources, (650-496-5953, 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. (Lots 1, 2, and 3)

70. TREE PROTECTION COMPLIANCE. The owner and contractor shall implement all protection and inspection schedule measures, design recommendations and construction scheduling as stated in the TPR & Sheet T-1, and is subject to code compliance action pursuant to PAMC 8.10.080. The required protective fencing shall remain in place until final landscaping and inspection of the project. Project arborist approval must be obtained and documented in the monthly activity report sent to the City. The mandatory Contractor and Arborist Monthly Tree Activity Report shall be sent monthly to the City ([pwps@cityofpaloalto.org](mailto:pwps@cityofpaloalto.org)) beginning with the initial verification approval, using the template in the Tree Technical Manual, Addendum 11. (All Parcels)
71. TREE DAMAGE. Tree Damage, Injury Mitigation and Inspections apply to Contractor. Reporting, injury mitigation measures and arborist inspection schedule (1-5) apply pursuant to TTM, Section 2.20-2.30. Contractor shall be responsible for the repair or replacement of any publicly owned or protected trees that are damaged during the course of construction, pursuant to Title 8 of the Palo Alto Municipal Code, and city Tree Technical Manual, Section 2.25. (All Parcels)
72. 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. (All Parcels)

#### POST CONSTRUCTION

73. MAINTENANCE. All landscape and trees shall be maintained, watered, fertilized, and pruned according to Best Management Practices-Pruning (ANSI A300-2008 or current version) and the City [Tree Technical Manual](#), Section 5.00. Any vegetation that dies shall be replaced or failed automatic irrigation repaired by the current property owner within 30 days of discovery. (All Parcels)

#### BUILDING DIVISION

74. Building Permits submitted after 1/1/2023 shall comply to the 2022 Ca Building Standards Code as amended by the city of Palo Alto. (All Parcels)
75. Illustrate CALGREEN compliance in accordance to the 2022 CALGREEN as amended by the city of Palo Alto. Additional information can be found at this link: [https://www.cityofpaloalto.org/Departments/Planning-Development-Services/Development-Services/Green-Building/Compliance \(Lots 1, 2, and 3\)](https://www.cityofpaloalto.org/Departments/Planning-Development-Services/Development-Services/Green-Building/Compliance (Lots 1, 2, and 3))
76. All new buildings shall be all electric, no gas is allowed. (Lots 1, 2, and 3)

77. Submit a soil report and structural calculations as part of the building permit submittal.
78. Submit complete Mechanical, Electrical, and Plumbing design/plans and completed T24 documentation (calculations/forms) as part of the building permit submittal.

### **Water Quality**

79. 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. (Lots 1, 2, and 3)
80. Add these bullets as notes to building plans on Stormwater Treatment (C.3) Plan –
  - a. 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)
  - b. 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. (Lots 1, 2, and 3)

### **Public Art**

81. PUBLIC ART IN PRIVATE DEVELOPMENT. The project triggers the Public Art in Private Development ordinance, requiring that 1% of the estimated cost of construction be spent either on art on-site, or the payment of the equivalent funds to the Public Art Fund in-lieu of commissioning artwork on site. The applicant has submitted a public art application indicating a total public art value of \$840,000. The applicant intends to commission art on site during phase one of the project in the amount of \$420,000 and pay the final \$420,000 as an in-lieu contribution to the Public Art Fund at the time they apply for that phase two building permit. The applicant must complete their final approval with the Public Art Commission prior to the issuance of a building permit. (Lots 1 and 3)

## **SECTION 7. CONDITIONS OF APPROVAL FOR VESTING TENTATIVE MAP.**

### **Planning Division**

1. PROJECT PLANS. The Vesting Tentative Map submitted for review and approval by the City Council shall be in substantial conformance with the Vesting Tentative Map titled "Vesting Tentative Map: A five lot subdivision, Lot 1 for Residential Condominium Purposes for a Maximum of 74 Residential Condominiums 200 Park Boulevard" dated July 3, 2023, except as modified to incorporate the conditions of this approval.
2. FINAL MAP COVER PAGE. At such time as the final map is filed, the cover page shall include the name and title of the Director of Planning and Development Services

3. STANDARD CC&R REQUIREMENTS. PAMC Section 16.38 provides that all condominium and other “community housing projects” shall submit Covenants, Conditions, and Restrictions (CC&Rs) to the City Attorney for approval before issuance of the Final Map. The City Attorney has developed standard covenants which shall be included in all CC&Rs.
4. ADDITIONAL CC&R Requirements. Additional CC&Rs shall be included for the townhome condominiums to:
  - a. dictate the responsibilities of tenants and maintenance staff for the trash pickup for the townhomes on private Streets G and F as shown in the approved plan set.
  - b. Include a provision that precludes residents of the 74 residential condominiums from participating in a Residential Parking Permit program, in the event one is established for the area adjacent to the site (Lot 1)
5. The applicant shall comply with City of Palo Alto Resolution 5739, which requires a recommendation from the Palo Alto Historical Association (PAHA) and approval by Council for new street names prior to recordation of a final map.
6. 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**

7. PUBLIC WORKS APPLICATIONS, FORMS, AND DOCUMENTS: Applicant shall be advised that all 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>
8. OVERVIEW AND GUIDELINES FOR THE REVIEW OF SUBDIVISION PROJECTS: Developer shall familiarize themselves with the guidelines described in the November 2007 revision of the document titled “Overview and Guidelines for the Review of Subdivision Projects”. Particularly Section II (items 5 through 12) and Section V (items A through C).  
<https://www.cityofpaloalto.org/files/assets/public/planning-and-development-services/file-migration/current-planning/forms-and-guidelines/overview-and-guidelines-for-the-review-of-subdivision-projects.pdf>
9. SUBDIVISION IMPROVEMENT AGREEMENT: The applicant shall execute a Subdivision

Improvement Agreement and provide improvement securities (Bonds) for all proposed public improvements. The Agreement shall be executed prior to map recordation or issuance of any permits for construction, onsite and offsite. ADVISORY -- The applicant shall provide a detailed itemized stamped and signed engineer's estimate for all off-site public improvements which will be reviewed to determine the security amount.

10. PARCEL MAP/FINAL MAP: This project is subject to, and contingent upon the approval of a tentative map and recordation of a Final Map. The submittal, approval and recordation of the Map shall be in accordance with the provisions of the California Subdivision Map Act and Palo Alto Municipal Code Title 21 Subdivision requirements. All existing and proposed property lines, easements, dedications shown on the tentative map are subject to City's technical review and staff approval during the map process prior to issuance of construction permits.
11. 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.
12. STREETWORK PERMIT: The applicant shall obtain a Streetwork Permit from the Department of Public Works for all public improvements.
13. 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."
14. 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".
15. ENCROACHMENT PERMIT: Prior to any work in the public right-of-way, the applicant shall obtain an encroachment permit from the Public Works Department for any work that encroaches onto the City right-of-way.
16. LOGISTICS PLAN: A construction logistics plan shall be provided addressing all impacts to the public including, at a minimum: work hours, noticing of affected businesses, bus stop relocations, construction signage, dust control, noise control, storm water pollution prevention, job trailer, contractors' parking, truck routes, staging, concrete pours, crane lifts, scaffolding, materials storage, pedestrian safety, and traffic control. All truck routes shall conform to the City of Palo Alto's Trucks and Truck Route Ordinance, Chapter 10.48, and the

route map. NOTE: Some items/tasks on the logistics plan may require an encroachment permit.

17. SWPPP: This proposed development will disturb more than one acre of land. Accordingly, the applicant shall apply for coverage under the State Water Resources Control Board's (SWRCB) NPDES general permit for storm water discharge associated with construction activity. A Notice of Intent (NOI) shall be filed for this project with the SWRCB in order to obtain coverage under the permit. The General Permit requires the applicant to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP). The applicant is required to submit two copies of the NOI and the draft SWPPP to the Public Works Department for review and approval prior to issuance of the building permit. The SWPPP should include both permanent, post-development project design features and temporary measures employed during construction.
18. STORMWATER POLLUTION PREVENTION: All improvement plan sets shall include the "Pollution Prevention – It's Part of the Plan" sheet.
19. 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.

The third-party reviewer shall provide the following documents to Public Works prior to building permit approval:

- 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](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.

20. 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.

21. 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. EXISTING EASEMENTS: Provide documentation showing approval from the entities affected by the onsite easements to verify that the work within said easements is permitted.

22. 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.
23. EXISTING EASEMENTS: Provide documentation showing approval from the entities affected by the onsite easements to verify that the work within said easements is permitted.
24. PRIOR TO PUBLIC WORKS FINAL/ACCEPTANCE:
  - a. Storm Drain Logos: 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
  - b. 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.

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**SECTION 8. TERMS OF APPROVAL.** The approvals in this document shall be valid per the terms provided in the Development Agreement.

INTRODUCED: Mayor Kou, Council Member Burt

PASSED: 7-0

AYES: Burt, Kou, Lauing, Lythcott-Haims, Stone, Tanaka, Veenker

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

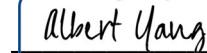
DocuSigned by:

  
Mahualani Ah Yuen

City Clerk

APPROVED AS TO FORM:

DocuSigned by:

  
Albert Yang

Assistant City Attorney

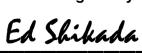
DocuSigned by:

  
Lydia Kou

Mayor

APPROVED:

DocuSigned by:

  
Ed Shikada

City Manager

DocuSigned by:

  
Director of Planning and Development Services

**Exhibit A:**  
**Mitigation Monitoring and Reporting Plan**



## MITIGATION MONITORING + REPORTING PROGRAM

**PROJECT NAME**

3200 Park Development Agreement

**APPLICATION NUMBER**

22PLN-00287; 22PLN-00288

**APPROVED BY**

City of Palo Alto, Planning and Development Services

**DATE**

8/24/2023

**APPLICANT/OWNER**

Sobrato Organization  
 599 Castro Street, Suite 400  
 Mountain View, CA 94041  
 (650) 876-7010

The Final Environmental Impact Report (EIR) for the 200 Portage Avenue Townhome Project identifies the mitigation measures that must be implemented to reduce the impacts associated with the project and its alternatives. 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.

The following Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the "Development Agreement Alternative" identified as Alternative No. 3 in the EIR. The mitigation monitoring table lists those mitigation measures that are 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

Mitigation Measure	Responsible for Implementation	Timing of Compliance	Oversight of Implementation
<b>BIOLOGICAL RESOURCES</b>			
<b>BIO-1 Nesting Bird Surveys and Avoidance.</b> Construction of the project and any other site disturbing activities that would involve vegetation or tree removal, shall be prohibited during the general avian nesting season (February 1 – August 31), if feasible. If nesting season avoidance is not feasible, the applicant shall retain a qualified biologist, as approved by the City of Palo Alto, to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and activity status of any active nests on or adjacent to the project site. The extent of the survey buffer area surrounding the site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the MBTA and CFGC, nesting bird surveys shall be performed not more than 14 days prior to scheduled vegetation clearance and structure demolition. In the event that active nests are discovered, a suitable buffer (typically a minimum buffer of 50 feet for passerines and a minimum buffer of 250 feet for raptors) shall be established around such active nests and no construction shall be allowed within the buffer areas until a qualified biologist has determined that the nest is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest). No ground disturbing activities shall occur within this buffer until the qualified biologist has confirmed that breeding/nesting is completed, and the young have fledged the nest. Nesting bird surveys are not required for construction activities occurring between August 31 and February 1.	Property owner or its designee	Within 14 days prior to the initiation of construction activities	City of Palo Alto Planning & Development Services Department
<b>Cultural Resources and Tribal Cultural Resources</b>			
<b>CR-1 Building Recordation.</b> Impacts resulting from the partial demolition of the warehouse building at 200 Portage Avenue, also known as 340 Portage Avenue, shall be minimized through archival documentation of as-built and as-found condition. Prior to issuance of demolition permits, the lead agency shall ensure that documentation of the buildings and structures proposed for demolition is completed that follows the general guidelines of Historic American Building Survey (HABS)- Level	Property owner or its designee in coordination with a qualified	Prior to issuance of demolition permits	City of Palo Alto Planning & Development Services Department

Mitigation Measure	Responsible for Implementation	Timing of Compliance	Oversight of Implementation
<p>III documentation. The documentation shall include high resolution digital photographic recordation, a historic narrative report, and compilation of historic research. The documentation shall be completed by a qualified architectural historian or historian who meets the Secretary of the Interior's Professional Qualification Standards for History and/or Architectural History. The original archival-quality documentation shall be offered as donated material to repositories that will make it available for current and future generations. Archival copies of the documentation also would be submitted to the City of Palo Alto and the Palo Alto Public Library, where it would be available to local researchers. Completion of this mitigation measure shall be monitored and enforced by the City of Palo Alto.</p>			
<p><b>CR-2 Interpretive Display.</b> Impacts resulting from the partial demolition of the warehouse building at 200 Portage Avenue, also known as 340 Portage Avenue, shall be minimized through the installation of a high-quality, on-site interpretive display in a publicly-accessible location, preferably near or within a portion of the retained warehouse building at 200 Portage Avenue at the applicant's expense. The display could focus on the property's history, particularly the agricultural past of Santa Clara County and the cannery operations of Bayside Canning Company. The interpretive display should be prepared by a professional exhibit designer and historian; historic information contained in Page &amp; Turnbull's HRE can serve as the basis for the interpretive display. The goal of the interpretive display would be to educate the public about the property's historic themes and associations within broader cultural contexts. The content of the display shall be approved by the Director of Planning &amp; Development Services or designee.</p>	<p>Property owner or its designee</p>	<p>During project design</p>	<p>City of Palo Alto Planning &amp; Development Services Department</p>
<p><b>CR-3 Worker Environmental Awareness Program.</b> In the event that archaeological resources are unexpectedly encountered during ground-disturbing activities, work in the immediate area shall 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 shall 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 appropriate recommendations regarding additional work necessary to evaluate the significance of the find and the appropriate treatment of the resource. All cultural resources identified shall be evaluated for CRHR eligibility and local listing. Additional work may be necessary to evaluate the resource for inclusion in the CRHR or local listing. Recommendations could include, but are not limited to, invasive or non-invasive testing, sampling, laboratory analysis, preservation in place, or data recovery.</p>		<p>During ground disturbing activities</p>	<p>City of Palo Alto Planning &amp; Development Services Department</p>

Mitigation Measure	Responsible for Implementation	Timing of Compliance	Oversight of Implementation	
<p>A report of findings documenting any data recovered during monitoring shall be prepared by a qualified archaeologist and submitted to the Director of Planning. If the discovery is determined to be Native American in nature, the on-site Native American monitor, if applicable, shall be consulted to determine the appropriate treatment of the resource. In the event that no Native American monitor is contracted, locally affiliated Native American tribes shall be invited to consult regarding the appropriate treatment of any Native American resources identified during project construction.</p>	<p><b>CR-4 Unanticipated Discovery of Archaeological Resources.</b> In the event that archaeological resources are unearthed during project construction, all earth-disturbing work near the find must be temporarily suspended or redirected until an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for Archaeology (NPS 1983) has evaluated the nature and significance of the find. If the discovery proves to be significant under CEQA (Section 15064.5f, PRC 21082), additional work, such as preservation in place or archaeological data recovery, shall occur as recommended by the archaeologist in coordination with City staff and if applicable, descendants and/or stakeholder groups. Once the resource has been properly treated or protected, work in the area may resume. A Native American representative shall be retained to monitor mitigation work associated with Native American cultural material.</p>	<p>Property owner or its designee in coordination with a qualified historic architect and native American monitor as appropriate</p>	<p>During ground disturbing activities</p>	<p>City of Palo Alto Planning &amp; Development Services Department</p>
			<p>City of Palo Alto Planning + Reporting Program Page   4</p>	

Mitigation Measure	Responsible for Implementation	Timing of Compliance	Oversight of Implementation
<b>HAZARDS AND HAZARDOUS MATERIALS</b>			
<p><b>HAZ-1 Regulatory Agency Notification and Approval.</b> Prior to the issuance of deconstruction, demolition, grading, building, or other permits necessary for beginning of construction or development, the project applicant shall contact an appropriate oversight agency such as the Santa Clara County Department of Environmental Health (SCCDEH), Department of Toxic Substances Control (DTSC), or San Francisco Bay Regional Water Quality Control Board (SFRWQCB), to discuss the proposed redevelopment project, the proposed residential land use, and the prior environmental investigations, and determine the lead agency for assessment and/or remediation at the project site. The project applicant shall provide the oversight agency with the proposed site use plans regarding the conversion of commercial and use to residential land use, copies of the 2020 and 2021 PES investigative reports, and discuss the onsite presence of groundwater impacted by VOCs at the project site as well as any concerns regarding potentially impacted soils or soil vapor.</p> <p>The oversight agency may require the project applicant to conduct additional investigation/studies, including, but not limited to, soil investigation, soil vapor surveys, and/or groundwater investigations to delineate the extent of contaminated soil, soil vapor, and groundwater. The oversight agency may require approval of the final Site Management Plan (SMP) required by Mitigation Measure HAZ-2, below, prior to issuance of any required project permits. The project applicant shall comply with the oversight requirements, conduct further investigations as required, and submit the results to the oversight agency.</p> <p>The oversight agency's (SCCDEH, SFRWQCB, or DTSC) agency approval documents shall be delivered to and reviewed by the project applicant. The project applicant shall furnish copies of the documents, including the final Site Management Plan or equivalent document required by Mitigation Measure HAZ-2, to the City Planning Department prior to issuance of grading permits.</p> <p>If groundwater wells or soil vapor monitoring probes are identified during demolition, subsurface demolition, or construction at the project site, they will be abandoned, protected in place, or relocated per Santa Clara Valley Water District specifications. Abandonment activities will be documented in a letter report submitted to Santa Clara Valley Water District within 60 days of the completion of abandonment activities.</p>	Property owner or its designee	Prior to the issuance of construction, demolition, grading, building, or other permits necessary for beginning of construction	City of Palo Alto Planning & Development Services Department in coordination with selected oversight agency (SCCDEH, RWQCB, or DTSC)

<p><b>HAZ-2 Site Management Plan for Impacted Soils, Soil Vapor and/or Groundwater.</b> The project applicant shall retain a qualified environmental consultant, California Professional Geologist (PG) or California Professional Engineer (PE), to prepare a Soil</p>	Property owner or its designee	Prior to construction	City of Palo Alto Planning & Development
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Mitigation Measure	Responsible for Implementation	Timing of Compliance	Oversight of Implementation
<p>Management Plan (SMP) prior to construction. The SMP, or equivalent document, will be prepared to address onsite handling and management of impacted soils, soil vapor, groundwater, or other impacted wastes, and reduce hazards to construction workers and offsite receptors during construction. The plan shall establish remedial measures and/or soil management practices to ensure construction worker safety, the health of future workers and visitors, and the off-site migration of contaminants from the project site. These measures and practices may include, but are not limited to:</p> <ul style="list-style-type: none"> <li>■ Stockpile management, including stormwater pollution prevention and the installation of BMPs</li> <li>■ Soil sampling procedures for imported fill material (in accordance with DTSC's 2001 Information Advisory Clean Imported Fill Material)</li> <li>■ Proper disposal procedures for contaminated materials</li> <li>■ Monitoring, reporting, and regulatory oversight notifications</li> <li>■ A health and safety plan for contractors working at the project site that addresses the safety and health hazards of each phase of site construction activities with the requirements and procedures for employee protection</li> <li>■ The health and safety plan will also outline proper soil handling procedures and health and safety requirements to minimize worker and public exposure to hazardous materials during construction.</li> </ul>	Services	Department in coordination with selected oversight agency (SCCDEH, RWQCB, or DTSC)	
<p>The City of Palo Alto and/or the oversight agency (SCCDEH, DTSC, or RWQCB) will review and approve the SMP for impacted soils, soil vapor, and groundwater prior to issuance of any permits necessary for the beginning of construction. The project applicant will review and implement the SMP prior to and during demolition and grading (construction).</p>	Property owner or its designee in coordination with a qualified engineer	Prior to demolition or construction activities	City of Palo Alto Planning & Development Services Department

## Certificate Of Completion

Envelope Id: CFA51237B0224EF1AE7574BD0A83B634

Status: Declined

Subject: Complete with DocuSign: RLUA 2023-03 Final RLUA for Sobrato DA (002).pdf

Source Envelope:

Document Pages: 37

Signatures: 2

Envelope Originator:

Certificate Pages: 2

Initials: 0

Madina Klicheva

AutoNav: Enabled

250 Hamilton Ave

Enveloped Stamping: Enabled

Palo Alto , CA 94301

Time Zone: (UTC-08:00) Pacific Time (US &amp; Canada)

Madina.Klicheva@CityofPaloAlto.org

IP Address: 199.33.32.254

## Record Tracking

Status: Original

11/15/2023 5:29:09 PM

Holder: Madina Klicheva

Location: DocuSign

Madina.Klicheva@CityofPaloAlto.org

Security Appliance Status: Connected

Pool: StateLocal

Storage Appliance Status: Connected

Pool: City of Palo Alto

Location: DocuSign

## Signer Events

### Signature

### Timestamp

Jodie Gerhardt

**Completed**

Sent: 11/15/2023 5:33:20 PM

Jodie.Gerhardt@CityofPaloAlto.org

Using IP Address: 199.33.32.254

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Manager Planning

Signed: 11/27/2023 4:02:49 PM

COPA

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Signed: 11/27/2023 4:54:40 PM

### Electronic Record and Signature Disclosure:

Not Offered via DocuSign

Albert Yang

Albert.Yang@CityofPaloAlto.org

Assistant City Attorney

City of Palo Alto

Security Level: Email, Account Authentication  
(None)Signature Adoption: Uploaded Signature Image  
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### Electronic Record and Signature Disclosure:

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Jonathan Lait

Jonathan.Lait@CityofPaloAlto.org

Interim Director Planning and Community

Environment

City of Palo Alto

Security Level: Email, Account Authentication  
(None)Signature Adoption: Uploaded Signature Image  
Using IP Address: 99.88.42.180

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### Electronic Record and Signature Disclosure:

Not Offered via DocuSign

Mahealani Ah Yu

Mahealani.AhYun@CityofPaloAlto.org

Interim City Clerk

Security Level: Email, Account Authentication  
(None)

Declined

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Decline Reason: I am supposed to sign after the City Manager and the Mayor sign. Please reroute to me

Viewed: 12/1/2023 10:58:48 AM

after, thank you! Please let me know if you have any  
questions or concerns.

Declined: 12/1/2023 11:01:04 AM

Best,

Mahea

### Electronic Record and Signature Disclosure:

Not Offered via DocuSign

Signer Events	Signature	Timestamp
Ed Shikada Ed.Shikada@CityofPaloAlto.org Security Level: Email, Account Authentication (None)		
<b>Electronic Record and Signature Disclosure:</b> Not Offered via DocuSign		
Lydia Kou Lydia.Kou@CityofPaloAlto.org Security Level: Email, Account Authentication (None)		
<b>Electronic Record and Signature Disclosure:</b> Not Offered via DocuSign		
In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
Claire Raybould Claire.Raybould@CityofPaloAlto.org Security Level: Email, Account Authentication (None)		
<b>Electronic Record and Signature Disclosure:</b> Not Offered via DocuSign		
Witness Events	Signature	Timestamp
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