ACTION NO. 2004—
RECORD OF THE COUNCIL OF THE CITY OF PALO ALTO
LAND USE ACTION FOR 800 HIGH STREET: TENTATIVE
MAP 03-PM-04 (BKF ENGINEERS, APPLICANT ON BEHALF
OF PALO ALTO HIGH STREET PARTNERS)

At its meeting on March 15, 2004, the City Council of the
City of Palo Alto approved the Tentative Map for the development of
a previously approved condominium project, making the following
findings, determination and declarations:

SECTION 1. Background. The City Council of the City of
Palo Alto ("City Council") finds, determines, and declares as
follows:

A. On December 15, 2003, BKF Engineers, on behalf of Palo
Alto High Street Partners, property owners, applied for a Tentative
Map for the development of a previously approved condominium
project ("The Project").

B. The Tentative map indicates the location and extent of
proposed easements associated with the development of the
condominium units. The property owner will grant to the City a
five-foot wide public access easement on the 800 High Street
property adjacent to the entire length of Lane 8 West. The
developer will improve the area within the easement to match Lane 8
West improvements, to essentially create a 20-foot wide alley that
will accommodate fire trucks and other public safety equipment.

C. The City would grant two easements to the developer.
The first easement, a 7'-wide below-grade easement measured from
the project property line along Lane 8 West and extended to the
centerline of the alley, would be granted for the construction of a
below-grade parking garage and future subterranean connection
points to the City-owned substation site at 841 Alma Street. The
second easement would be a 3'-wide below-grade easement under the
High Street sidewalk measured from the project property line to
accommodate the below grade parking garage along the High Street
side of the site.

D. These easements would be reviewed and recorded during
the Final map process. The Final map would describe the terms and
conditions of the easements, including how the easements may be
used and maintained and the identification of the parties
responsible for payment of costs, fees and maintenance issues.
D. Following staff review, the Planning and Transportation Commission reviewed the project and recommended approval on February 11, 2004, subject to conditions of approval. The Planning and Transportation Commission recommendations are contained in the City Manager's Report, CMR:___, and the attachments to it.

SECTION 2. Environmental Review. The City Council certified an Environmental Impact Report (EIR) for the project on February 3, 2003. The EIR acknowledged existing conditions of three parcels that would be merged to form one parcel of approximately 42,000 square feet, on which the 60-unit condominium project would be constructed.

SECTION 3. 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):

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

   The site is consistent with the Comprehensive Plan.

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

   The Project is consistent with the following Comprehensive Plan policies: Policy L-1: Continue current City policy limiting future urban development to currently developed lands within the urban service area. The existing parcel is located within the urban growth boundary and the Project is consistent with this policy by continuing the reuse of land within this area; and Policy L-9: Enhance the character of the South of Forest Area (SOFAR) as a mixed-use area. The project site lies within the South of Forest Phase 2 Coordinated Plan area. The Project is required prior to redevelopment of the site into a condominium development with retail space. The development would bring housing and commercial uses to the area.

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

   The site containing the Project has been previously approved for the development of a 60-unit condominium project.

4. That the site is not physically suitable for the proposed density of development:
The Project does not affect site density, and the Tentative Map, as conditioned, is suitable for the previously approved development of a 60-unit condominium project.

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

The Project will not cause environmental damage or injure fish, wildlife, or their habitat, as the site is not located in the vicinity of fish or wildlife habitat.

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

The Project will not cause serious public health problems, as the environmental concerns have been reviewed in the Environmental Impact Report that was certified for the condominium development, and mitigation measures and conditions of approval have been approved to reduce impacts to a less than significant level.

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 Project will not conflict with easements on or off the site, as all easements will be maintained and any adjustments or new easements shall only be allowed or established by the conditions of approval.

SECTION 4. Tentative Map Approval Granted. Tentative Map approval is granted by the City Council under Palo Alto Municipal Code ("PAMC") Sections 21.12 and 21.20 and the California Government Code Section 66474, subject to the conditions of approval in Section 6 of this Record.
SECTION 5. Final Map Approval.

The Final Map submitted for review and approval by the City Council shall be in substantial conformance with the Tentative Map prepared by BKF Engineers titled "Preliminary Tract Map", consisting of 1 page, dated January 20, 2004 (revised on March 10, 2004) except as modified to incorporate the conditions of approval in Section 6. A copy of this plan is on file in the Department of Planning and Community Environment, Current Planning Division. Within two years of the approval date of the Tentative Map, the subdivider shall cause the subdivision or any part thereof to be surveyed, and a Final Map, as specified in Chapter 21.08, to be prepared in conformance with the Tentative Map as conditionally approved, and in compliance with the provisions of the Subdivision Map Act and PAMC Section 21.16 and submitted to the City Engineer (PAMC Section 21.16.010[a]).

SECTION 6. Conditions of Approval.

Department of Planning and Community Environment

Planning Division

1. A Final Map, in conformance with the approved Tentative Map, all requirements of the Subdivision Ordinance (PAMC Section 21.16), and to the satisfaction of the City Engineer, shall be filed with the Planning Division and the Public Works Engineering Division within two years of the Tentative Map approval date.

PRIOR TO SUBMITTAL OF FINAL MAP

Planning Division

1. The applicant shall submit the Below Market Rate (BMR) agreement, Grant of Parking Easement, and Underground Development Rights- Easement Dedications for staff review prior to submittal of the Final map. The approved documents shall be recorded with the Final Map with the County Recorder.

Public Works

2. Subdivision Agreement is required to secure compliance with condition of approval and security of improvements onsite and offsite. No grading or building permits will be issued until Final or Parcel Map is recorded with County Recorder.

3. The applicant shall arrange a meeting with Public Works Engineering, Utilities Engineering, Planning, Fire, and Transportation Departments after approval of this map and prior to
submitting the improvement plans. These improvement plans must be completed and approved by the City prior to submittal of a parcel or final map.

4. The project subdivision includes significant complexity involving, final map and coordination of infrastructure design and construction. Developer shall appoint a Project Manager to coordinate with City, Public Works and Utility, engineering staff. Public Works will conduct daily and longer term communication with appointed project manager in order to facilitate timely review and approval of design and construction matters.

5. All construction within the City right-of-way, easements or other property under City's jurisdiction shall conform to standard specifications of the Public Works and Utility Department. Sec. 12.08.060.

6. A maintenance agreement is required for the private maintenance of the garage within the alley as well as the within High Street. All future plans shall show the proposed easements and include notation that they are to be privately maintained. This maintenance agreement will be part of the license agreement entitling the City to use of a certain number of parking spaces without charge.

7. A detailed site-specific soil report prepared by a licensed soils or geo-technical engineer must be submitted which includes information on water table and basement construction issues. This report shall identify the current groundwater level, if encountered, and by using this and other available information, as well as professional experience, the engineer shall estimate the highest projected ground-water level likely to be encountered in the future. If the proposed basement is reasonably above the projected highest water level, then the basement can be constructed in a conventional manner with a subsurface perimeter drainage system to relieve hydrostatic pressure. If not, measures must be undertaken to render the basement waterproof and able to withstand all projected hydrostatic and soil pressures. No pumping of ground water is allowed. In general, however, Public Works Engineering recommends that structures be constructed in such a way that they do not penetrate existing or projected ground water levels.

PRIOR TO RECORDATION OF FINAL MAP

Public Works

8. The subdivider shall post a bond prior to the recording of the final parcel or subdivision map to guarantee the completion of the "on" and "off" site condition(s) of approval. The amount of
the bond shall be determined by the Planning, Utilities and Public Works Departments.

9. The applicant shall post a bond prior to the issuance of a street work permit to guarantee the completion of the "on" and "off" site condition(s) of approval. The amount of the bond shall be determined by the Planning, Utilities, and Public Works Departments.

DEVELOPMENT SPECIFIC CONDITIONS

Public Works

10. All sidewalks and curb and gutters bordering the project, along Homer from the Alley to High Street, the High Street frontage, and along Channing from High to the Alley, shall be repaired and/or removed and replaced in compliance with Public Works approved standards. Sec. 12.08.010.

11. The unused driveway located along the High Street frontage shall be removed and replaced with curb and gutter. Sec. 12.08.090.

12. The applicant shall install additional conduits under the new sidewalk for future fiber optic/utility use. Number, size, and location of conduits to be determined by PWE.

13. The applicant shall slurry seal High Street from Homer Street to Channing Avenue as part of this development.

Utilities- Water, Gas, Wastewater

14. Water service abandonment procedure: It is the applicant's responsibility to abandon all existing water services that will not be reused.

- Excavate the existing water service at the main.
- For service with a corporation stop and service saddle, turn off the corporation stop and Check for leaks. Cut the copper tubing with a tubing cutter and bend both cut ends over approximately 1" from cut end.
- For a service with a corporation stop with no service saddle. Notify all effected water Customers of the service interruption. Coordinate water shutdown with affected customers and C.P.A. Utilities. Remove the corporation stop and install a Mueller repair clamp. Any leaks, failures, or defective repairs shall be promptly repaired by the contractor.
- Remove the water meter and salvage to the City of Palo
Alto corporation yard water meter repair shop.

- Remove the abandoned water meter vault and backfill and compact hole to City standards with top soil or clay dirt.
- Backfill, compact and pave hole at the main per trench backfill standard detail Std. WD-01.

Abandonment of all existing water services shall be witnessed by Palo Alto's Utilities inspector. Schedule WGW utilities inspections at 650/566-4504 five working days before start of abandonment.

15. Sewer lateral abandonment procedure: It is the applicants responsibility to abandon all existing wastewater laterals that will not be reused.

- Excavate the existing sewer lateral at the main. Replace the section of sewer main containing the abandoned lateral wye or tee.
- Remove cleanout and fill with clean sand, cement slurry or other flowable compacting fill. Plug lateral ends with concrete.
- Backfill, compact and pave hole at the main per trench backfill standard detail Std. WD-01.

Abandonment of all existing sewer laterals shall be witnessed by Palo Alto's Utilities inspector. Schedule WGW utilities inspections at 650/566-4504 five working days before start of abandonment.

Utilities- Electric

16. Applicant shall be responsible for identification and location of all utilities, both public and private, within the work area. Prior to any excavation work at the site, Applicant shall contact Underground Service Alert at 1-800-227-2600, at least 48 hours prior to beginning work.

17. The developer/owner shall provide space for installing pad mount equipment and associated substructure as required by the City. In addition, the owner shall grant a Public Utilities Easement for facilities installed on private property as required by the City.

Fire Department

18. An Opticom transmitter shall be provided at applicant's expense for one emergency response vehicle, and the intersection of Homer Av. and Alma St. shall be upgraded to be compatible with the
SECTION 7. Term of Approval.

1. Tentative Map. All conditions of approval of the Tentative Map shall be fulfilled prior to approval of a Final Map (PAMC Section 21.16.010[c]). Unless a Final Map is filed, and all conditions of approval are fulfilled within a two-year period from the date of Tentative Map approval, or such extension as may be granted, the Tentative Map shall expire and all proceedings shall terminate. Thereafter, no Parcel Map shall be filed without first processing a Tentative Map (PAMC Section 21.16.010[d]).

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST: APPROVED:

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City Clerk

______________________________
Director of Planning and Community Environment

APPROVED AS TO FORM:

______________________________
Senior Asst. City Attorney

PLANS AND DRAWINGS REFERENCED:

Those plans prepared by BKF Engineers titled “Preliminary Tract Map”, consisting of 1 page, dated January 20, 2004 (revised March 10, 2004).