



Architectural Review Board

Staff Report (ID # 14307)

Report Type: Action Items **Meeting Date:** 4/21/2022

Summary Title: 2850 West Bayshore Road: 48 Townhouses (2nd Formal)

Title: PUBLIC HEARING / QUASI-JUDICIAL. 2850 West Bayshore [21PLN-00177]: Recommendation on Applicant's Request for a Major Architectural Review to allow for the demolition of an existing office building and construction of 48 townhomes with associated private streets, utilities, landscaping, and amenities. The project also includes a bike lane and 14-foot sound wall along West Bayshore Road. A Conditional Use Permit for residential uses within the ROLM zone district is required. Environmental Assessment: Exempt per CEQA Guidelines Section 15332. Zoning District: ROLM (Research Office and Limited Manufacturing).

From: Jonathan Lait

Recommendation

Staff recommends the Architectural Review Board (ARB) take the following action(s):

1. Recommend approval of the proposed project to the Director of Planning and Development Services based on findings and subject to conditions of approval.

Report Summary

The subject project was previously reviewed by the ARB. An earlier staff report includes extensive background information, project analysis and evaluation to city codes and policies; that report is available online: <https://bit.ly/3C8QEK5>.

The purpose of this report is to restate the comments made by the Board and describe the applicant's response to those comments. The analysis section below builds upon the information contained in the earlier report and modified to reflect recent project changes.

Background

City of Palo Alto
Planning & Development Services
250 Hamilton Avenue
Palo Alto, CA 94301
(650) 329-2442

On January 20, 2022, the ARB reviewed the project. A video recording of the Board's meeting is available online: <https://bit.ly/3CcjoSa>. The Board's comments and the applicant's response are summarized in the following table:

ARB Comments/Direction	Applicant Response
Include pedestrian ramp that connects internally from the project site to Greer Park.	<ul style="list-style-type: none"> • Added a pedestrian ramp at the southeast corner of the site to provide a direct, accessible connection to Greer Park and the on-street parking along Colorado Avenue. • To accommodate the direct pedestrian connection to Greer Park and the on-street parking along Colorado Avenue, the applicant introduced a new building type at Buildings 7 and 8 with a different unit mix.
Interface with retaining wall and Greer Park needs to be studied further. Seek to reduce height transition of retaining wall from project site to Greer Park.	<ul style="list-style-type: none"> • Increased the height of the upper retaining wall at the perimeter of the site to the extent feasible to reduce the height of the lower retaining wall. As in the previous plans, the upper retaining wall will be screened by shrubs in the landscape tier between the two retaining walls, and vines will trail over the top of the lower retaining wall. • Added a slope to the rear section of the common area to further reduce the height of the lower retaining wall.
Consider putting parking underground to increase parking, site circulation, and landscaping elements to site.	<ul style="list-style-type: none"> • Underground parking would make the project financially infeasible and the applicant will not pursue the project if forced to build underground parking (noted during 1/20 ARB hearing).
Parapets and flat walls at roof does not integrate well with building design and should be reconsidered.	<ul style="list-style-type: none"> • All buildings have been redesigned to eliminate the parapet elements at the middle units. To differentiate the building types, the parapets have been replaced with hipped roof elements in some buildings and with shed roof elements in other buildings.
The building types appear too similar and need to be differentiated more. The plans do not appear to differentiate building type	<ul style="list-style-type: none"> • Revised the massing and materials at the second story in a number of locations to further differentiate the

enough to meet the Context Based Design Criteria.

Adding additional guest parking on site should be strongly considered to improve site functionality.

Reconsider white trim fascia and use a less bright color.

Unclear if garage space will provide adequate clearance for vehicles.

Increase the amount of native, drought-tolerant, and habitat forming species in the plant palette.

Increase landscape buffer for the site.

buildings.

- To make the unit entries more distinctive, the applicant introduced a variety of designs and materials, including brick veneer, shed roofs and scored stucco. In addition, some of the units continue to have 4-inch lap siding.
- Enhanced the exterior materials by adding brick veneer at key locations and upgrading the stucco to 20/30 light sand finish.
- Revised building types and the additional materials, each building will have a unique combination of building type and color scheme.
- Upgraded all of the operable windows to casement windows with a substantial frame.
- The site exceeds the City's current parking requirements. With the addition of the pedestrian ramp at the Southwest corner of the site, this creates opportunities for guests to park on Colorado Avenue to access the site. Access to the site from the pedestrian ramp is roughly 500 feet.
- Revised the color schemes to use warmer tones and avoid bright white.
- Modified the unit floor plans to ensure at least 7.5 feet of vertical clearance for every parking space.
- Revised the plant palette so that approximately 80% of the shrub, groundcover and sod species will be native. All of the plants will be native, habitat-forming and/or drought tolerant.
- With the introduction of a new building type at Buildings 7 and 8, the applicant created more space to plant trees and other landscaping as an additional buffer between the buildings and the park.

Need to see more detail on the sound wall.

- Changed the color of the sound wall to a warmer tone similar to the existing sound wall located approximately ¼ mile north of the project site. The warmer tone will complement the Ficus pumila climbing vines that will be planted along the base of the wall.
- Added details and elevations to show the design of the sound wall and the Ficus pumila climbing vines.

Provide additional details and perspectives which shows relationship between the project and adjacent properties.

- Added illustrative and enlarged section details to the plans to show the relationship between the project and the adjacent properties.
- Added enlarged street scenes to the plans to better illustrate how the project will look from off site.

Analysis¹

The applicant withdrew the Design Enhancement Exception request and reduced the floor area concession request, to better articulate and differentiate the buildings from one another. The proposed project plans adequately address the January 20th, 2022, ARB comments and staff input. Attachment C provides an analysis of the project with respect to AR approval findings.

Consistency with the Comprehensive Plan, Area Plans and Guidelines²

The Comprehensive Plan Goals, Policies, and Programs guide the physical form of the City. The Comprehensive Plan land use designation for the project site is Research/Office Park, which allows for a variety of commercial uses as well as mixed-use and exclusively residential projects.

The Research/Office Park land use designation allows for floor area ratios (FAR) ranging from 0.3:1 to 0.5:1. This project requests a concession, in accordance with the state density bonus (Government Code (GC) Section 65915), to exceed the maximum FAR. As outlined in GC 65915 code, “the granting of a density bonus shall not require, or be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval.” Therefore, neither a Comprehensive Plan amendment, nor a Zoning Code Text Amendment is required to accommodate the proposed floor area requested under the state density bonus.

¹ The information provided in this section is based on analysis prepared by the report author prior to the public hearing. The Architectural Review Board in its review of the administrative record and based on public testimony may reach a different conclusion from that presented in this report and may choose to take an alternative action from the recommendation in this report.

² The Palo Alto Comprehensive Plan is available online: <http://www.cityofpaloalto.org/gov/topics/projects/landuse/compplan.asp>

The proposed use is consistent with the property's Comprehensive Plan land use designation. The City's Comprehensive Plan, particularly the Land Use and Housing Elements, includes several goals and policies that encourage housing development. Attachment D provides a detailed review of the project's consistency with the Comprehensive Plan.

Zoning Compliance³

The project is located on a site zoned Research, Office and Limited Manufacturing (ROLM). The ROLM zoning allows multi-family residential uses with approval of a CUP. Under the ROLM zoning, exclusively residential projects must comply with the RM-30 Zone District development standards. Staff presents an analysis of the project's consistency with the multifamily standards in PAMC Chapter 18.13 in Attachment C and Attachment E. Attachment F describes the project's conformance with the Performance Criteria in PAMC Chapter 18.23.

State Density Bonus

The applicant proposes 15% of the units on-site as moderate-income affordable units; this is in-line with the City's minimum affordability requirements, enabling the applicant to take advantage of the state density bonus and concession policies under PAMC Chapter 18.15. Per PAMC Section 18.15.050 Table 2, any project that provides 10%-20% moderate-income, for-sale units, qualifies for one concession from the City. The applicant will provide seven units on site with 0.2 units paid through in-lieu housing fees.

The proposed residential density (approximately 20 dwelling units per acre) is consistent with the site's allowable density. As noted in the applicant's project description (Attachment B), the applicant requests to utilize the "off-menu" concession provisions of PAMC Section 18.15.080 to request an FAR of 1.142:1. The applicant has provided evidence, in the form of a cost analysis, in accordance with PAMC Section 18.15.080, to show that a floor area ratio of this amount provides "identifiable and actual cost reductions for the purposes of providing affordable housing." Staff has performed a peer review of this analysis with the City's consultant, Keyser Marston, and agree that the project would meet the findings for approval of a concession request as noted in PAMC 18.15.090(a). This analysis is provided as a supporting document on the project webpage.

Housing Accountability Act

Because the applicant has withdrawn its Design Enhancement Exception request, the project, with the requested concession, is in conformance with all of the City's objective development standards. As a result, the City's discretion to deny or reduce the density of the project is constrained by the Housing Accountability Act (Gov. Code § 65589.5). The HAA states that a city cannot disapprove a project or impose a condition that requires a lower density, when the project complies with objective standards. The only exception to this is when a project would have a specific adverse impact, which is narrowly defined. Modifications to the HAA in 2018 made it easier to claim compliance with objective standards; a project must be considered

³ The Palo Alto Zoning Code is available online: http://www.amlegal.com/codes/client/palo-alto_ca

consistent with objective standards if "there is substantial evidence that would allow a reasonable person to conclude" that a project complies. For purposes of the HAA, "'lower density' includes any conditions that have the same effect or impact on the ability of the project to provide housing."

Consistency with Application Findings

Attachment D provides draft findings for approval of the Architectural Review and Conditional Use Permit applications.

Environmental Review

The subject project was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the City's environmental regulations. As noted earlier in this report, the City's consultant, Rincon evaluated the existing building and found it ineligible for the California Register of Historic Resources. Attachment H is the Categorical Exemption staff prepared pursuant to CEQA. The Categorical Exemption is also available for review on the project webpage at <https://bit.ly/3CnpVJT>. The project would not cause significant impacts to the environment and qualified as a Class 32 (In-Fill Development Projects) Exemption.

Public Notification, Outreach & Comments

The Palo Alto Municipal Code requires notice of this public hearing be published in a local paper and mailed to owners and occupants of property within 600 feet of the subject property at least ten days in advance. Notice of a public hearing for this project was published in the *Daily Post* on April 8, which is 13 days in advance of the meeting. Postcard mailing occurred on April 5, which is 16 in advance of the meeting.

Public Comments

As of the writing of this report, no additional project-related, public comments were received other than what was disclosed previously.

Alternative Actions

In addition to the recommended action, the Architectural Review Board may:

1. Approve the project with modified findings or conditions;
2. Continue the project to a date (un)certain; or
3. Recommend project denial based on revised findings.

Report Author & Contact Information

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ARB⁴ Liaison & Contact Information

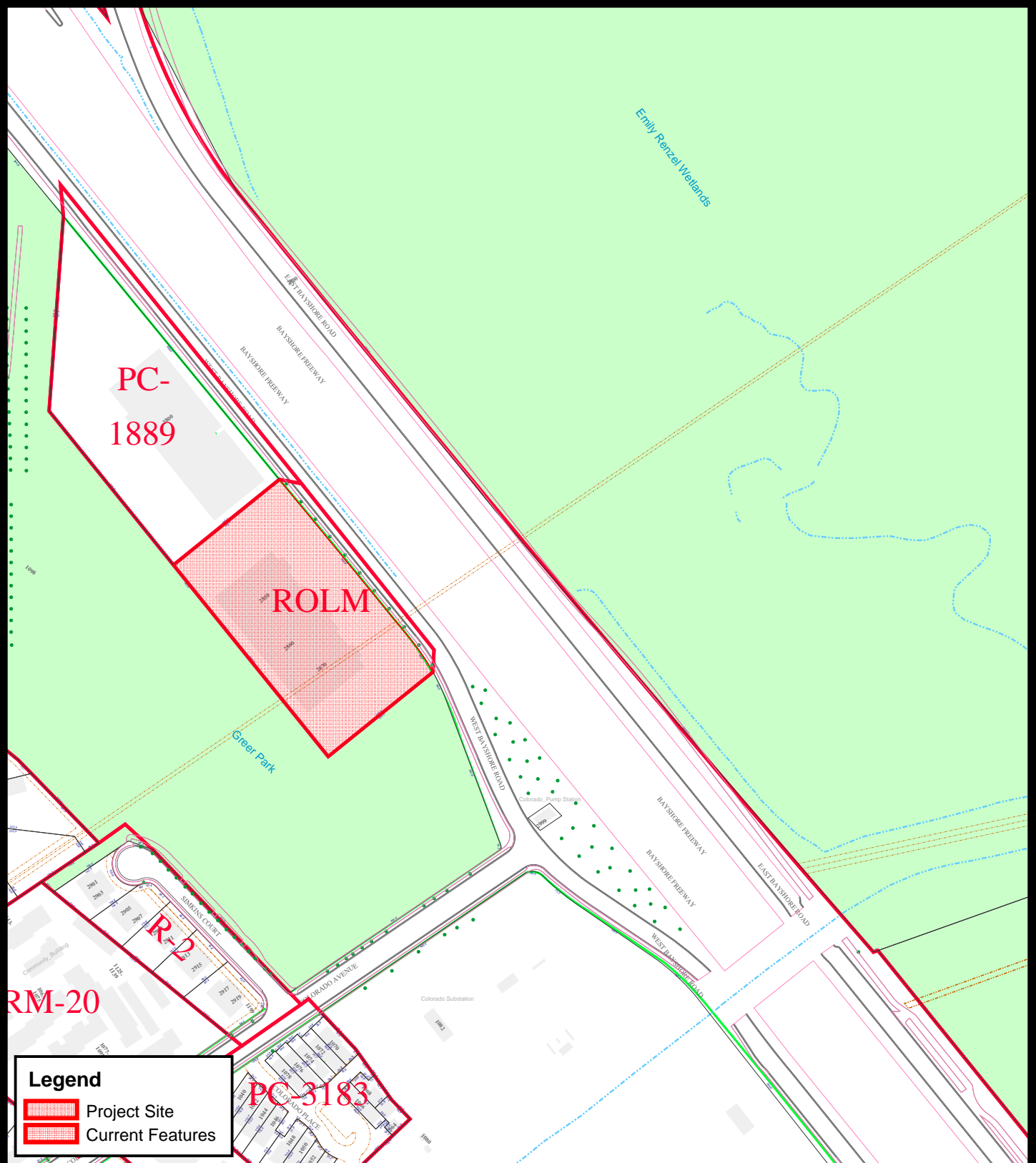
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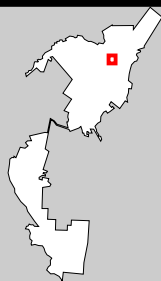
⁴ Emails may be sent directly to the ARB using the following address: arb@cityofpaloalto.org

Attachments:

- Attachment A: Location Map (PDF)
- Attachment B: Applicant's Project Description and ARB Response (PDF)
- Attachment C: Zoning Comparison Table (DOCX)
- Attachment D: Draft ARB, CUP, and Concession Findings (DOCX)
- Attachment E: Context-Based Design Criteria (DOCX)
- Attachment F: Performance Criteria (DOCX)
- Attachment G: Draft Conditions of Approval (DOCX)
- Attachment H: Project Plans (DOCX)



The City of
Palo Alto



Location Map: 2850 W Bayshore

This map is a product of the
City of Palo Alto GIS



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SummerHill Homes Townhome Community at 2850 W. Bayshore Project Description

SummerHill Homes proposes to redevelop a 2.34-acre site on West Bayshore Road in Palo Alto with a new 48-unit townhome community. The project will take advantage of the site's close proximity to Greer Park, a short walk or bike ride to nearby schools, and convenient access to neighborhood shops and services at Edgewood Plaza and Midtown. With attractive landscaping, outdoor amenities and contemporary architecture, SummerHill expects the project to be a great homeownership opportunity for people living or working in Palo Alto.

Location & Setting

The project site is located at 2850 West Bayshore Road. The property currently contains a 32,500-square foot single-story commercial building, built in 1976. To the southeast and southwest, the site is bordered by Greer Park. To the northwest of the site is the Emerson Montessori School, and to the northeast of the site, across W. Bayshore Road, are the Bayshore Freeway and the Emily Renzel Wetlands.

Project Overview

- SummerHill proposes to develop the 2.34-acre site with 48 new three-story townhomes in eight buildings, with attractive landscaping and common area amenities, at an overall density of approximately 20 dwelling units per acre.
- The project will offer a variety of three- and four-bedroom home plans, with an average living area of approximately 1,717 square feet.
- The architecture is proposed as a contemporary style that combines pitched roofs, tower elements, and classic materials with a sophisticated color palette that complements the landscape and surrounding context.
- The buildings are configured to provide an activated street presence along W. Bayshore Road and southeastward towards Greer Park with unit entries and ground-level patios facing outward. In addition, to integrate the project with the neighboring park space, SummerHill will replace the existing chain link fence with a low guardrail over tiered retaining walls, with vines in select locations and a natural style to complement the project architecture. In addition, the project will include a direct pedestrian connection to the park at the southeast corner of the site, which will also provide convenient access for guests to on-street parking along Colorado Avenue.
- Vehicular circulation is provided through an entry drive from W. Bayshore Road and on-site private streets. The project will provide approximately 100 off-street parking spaces. Each unit will have an attached private two-car garage — side-by-side garages for 30 of the units and

Project Description

SummerHill Homes Townhome Community at 2850 W. Bayshore

tandem garages for 18 of the units. Bike storage for residents is provided in the garages, and bike racks for guests will be located in the central common area for convenience and security.

- Consistent with City standards for private streets, the project will provide 32-foot wide streets, including paving, sidewalks, and garage aprons. Columnar trees will be provided between garages to create a vertical green softscape with low colorful planting beneath, and 26 of the units will have decks overlooking the private street or the common area to enliven the space.
- All of the units will have private decks or ground-level patios, and the project will also feature a large central community open space — approximately 8,402 square feet.
- For the privacy and quiet of the residents, SummerHill will construct a 14-foot sound wall along the east side of W. Bayshore Road, across from the project frontage.
- To preserve eight of the existing Street Trees along the project frontage, SummerHill will provide an extra-wide planting strip and public sidewalk easement. In addition, for the benefit of the community, SummerHill will widen the existing northbound bike lane and install a new southbound bike lane along the project frontage and extending to Colorado Avenue.

Requested Approvals

The site is designated Research/Office Park in the 2017 Comprehensive Plan and is zoned Research, Office and Limited Manufacturing (ROLM). The ROLM District allows multifamily residential use, subject to the approval of a conditional use permit and the development standards prescribed for the RM-30 zoning district.

SummerHill will request Major Architectural Review approval, a Conditional Use Permit, a concession and/or waivers pursuant to the State Density Bonus Law and the City's Density Bonus ordinance, a tree removal permit, a Vesting Tentative Subdivision Map and CEQA review for the project.

Conditional Use Permit

As noted above, the Zoning Ordinance allows multi-family residential use in the ROLM District, subject to the approval of a conditional use permit and the development standards prescribed for the RM-30 zoning district. With the Density Bonus concession and/or waivers and the Combined Common Open Space described below, the project is fully consistent with the Comprehensive Plan and the Zoning Ordinance.

Density Bonus

SummerHill proposes to designate 7 of the 48 units as below-market rate units affordable to moderate-income households and pay an in lieu fee for a fractional 0.2 unit. Pursuant to the State Density Bonus Law and the City's Density Bonus ordinance, SummerHill will request that the City allow the site to be developed at a floor area ratio of approximately 1.142:1 to accommodate the project. The additional floor area ratio will allow SummerHill to provide more market-rate and below-market rate units than would otherwise be feasible and will reduce the cost of providing the below-market rate units through economy of scale.

Project Description

SummerHill Homes Townhome Community at 2850 W. Bayshore

Combined Common Open Space

SummerHill proposes to comply with the development standards for usable open space by providing approximately 2,052 square feet of private usable open space and approximately 8,402 square feet of common usable open space. Every unit will have at least 50 square feet of private open space, either as a ground-level patio or a second-floor balcony. For 30 of the units, the private open space will meet or exceed the minimum dimensions for “usable” open space in accordance with section 18.13.040(e) of the Zoning Ordinance.

In order to achieve a more efficient overall design for the landscaping and usable open space for the project, SummerHill proposes to provide additional common usable open area in lieu of expanding the private patios for 18 of the units, as allowed by section 18.13.040(e)(2)(B) of the Zoning Ordinance. Providing the additional usable open space as common open space will improve the design and the enjoyability of the open space by shifting the usable open space farther from the freeway and W. Bayshore Road to a protected area close to the park, while still maintaining at least 50 square feet of private open space for each unit.

CEQA

SummerHill anticipates that the project will qualify as a Class 32 Infill Development Project categorically exempt from project-specific environmental review. The project is consistent with the applicable Comprehensive Plan and zoning designations and regulations; the project site has no value as habitat for endangered, rare or threatened species; approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services.

Vesting Tentative Subdivision Map

SummerHill will prepare a Vesting Tentative Subdivision Map to establish appropriate access, utility and service easements and condominium plans to define exclusive use areas and areas of separate undivided interests for the individual units. SummerHill will include the proposed Vesting Tentative Map and subdivision improvements with the application for the Major Architectural Review, the Conditional Use Permit and the other project entitlements so that all aspects of the project can be reviewed concurrently.

Tree Removal Permit

There are 36 trees on the project site or along the project frontage which are considered Regulated Trees under the Zoning Ordinance. There are no Protected Trees on the project site or along the project frontage. SummerHill proposes to retain 8 Street Trees along the project frontage and remove 37 trees on site or along the project frontage to accommodate the project. SummerHill will plant approximately 121 24-inch box trees and 3 36-inch box trees on site as replacements, consistent with the City’s Tree Technical Manual, 2016 edition. SummerHill also proposes to remove three glossy privets, one coast beefwood and three eucalyptus trees from the area immediately adjacent to the site because the trees — several of which are already in poor condition and dying back — could be adversely affected by

Project Description

SummerHill Homes Townhome Community at 2850 W. Bayshore

grading on site. SummerHill will work with the City and the adjacent property owner to plant 18 new 24-inch box trees on their respective properties as replacements, consistent with the Tree Technical Manual.

Design and Construction

The townhomes will be mapped as separate legal units pursuant to a condominium plan. The townhomes will be designed as R2 condominiums per the 2019 California Building Code with an NFPA 13 sprinkler system. Electric meters and telecommunications services will be grouped at the ends of each building, and service to the individual units will run through soffits in the garages of the units.

During construction, SummerHill will implement measures to reduce potential noise and vibration, including installing a temporary sound barrier between the project site and the adjacent school and avoiding the use of heavy vibration-generating construction equipment within 20 feet of adjacent buildings. SummerHill will also implement measures to control dust and emissions, such as the use of Tier 4 equipment for grading and site improvement, avoidance of portable diesel equipment (*e.g.*, generators and air compressors) and other best management practices, which are expected to reduce overall dust and emissions by approximately 80%.

For the comfort of the residents, SummerHill will design the windows, doors and exterior wall assemblies to dampen noise and vibration from the nearby freeway. In addition, MERV 13 or MERV 16 filtration will be installed on the air intake for the HVAC systems to protect indoor air quality.

Community Amenities & Landscaping

The community will be maintained by a professionally managed homeowners association. The homeowners association will be responsible for maintaining the landscaping, common area amenities, and private streets. In addition to decorative landscaping throughout the community, common area amenities will include casual seating and dining areas with a fireplace and an outdoor grill and play space for active use.

West Bayshore Improvements

For the privacy and comfort of the residents, SummerHill will construct a 14-foot sound wall along the east side of W. Bayshore Road, across from the project frontage. In addition, for the benefit of the community, SummerHill will install a new 6-foot wide bike lane in the southbound direction along W. Bayshore Road at the project frontage, extending south of the project to Colorado Avenue, and SummerHill will replace the existing 5-foot wide bike lane in the northbound direction with a new 6-foot wide bike lane. To accommodate the sound wall and the bike lane and to preserve the existing street trees along the project frontage, SummerHill will shift the curb and gutter for the southbound lane of W. Bayshore Road approximately 3 feet over and construct a new detached sidewalk with a planting strip within a pedestrian access easement.

No Displacement

The site is currently developed for commercial use, so the project will not displace any residents.

Sustainability

The project will be constructed in compliance with the current California Green Building Standards Code (Title 24) and the City's Energy REACH Code and Green Building Code Tier 2. The units will be all-electric for heating and cooling, water heating and appliances. In addition, SummerHill will install a solar energy system for each unit, and each unit will have a Level 2 EV-ready parking space. To reduce water demand, the irrigation system will be designed so that it can switch to reclaimed water when service is available at the site.

Utilities, Public Services and Stormwater Management

- Domestic water service will connect to an existing public water main in W. Bayshore Road through a master public meter and individual private submeters for each unit. Irrigation service will be provided through a separate meter, and the fire sprinklers and hydrants will be served through a dedicated line.
- Existing sewer service for the site connects to a public main in Greer Park via a private 8-inch sewer lateral located in a private easement conveyed to the owners of the site by the City. SummerHill will remove and replace the existing lateral.
- Stormwater will be treated on site as required to meet municipal stormwater permit requirements. Stormwater will be treated with bioretention areas and other low impact development (LID) treatment measures before being discharged to an existing public storm drain that currently serves the site.
- Overland release for 100-year storm events will be directed primarily towards W. Bayshore Road.
- Electric, cable, and telephone service is anticipated to connect to existing service lines along W. Bayshore Road. There are no existing overhead lines along the project frontage. New on-site utilities will be placed underground.
- Garbage and recycling service will be provided by GreenWaste of Palo Alto. Each garage will include designated space for waste, compost, and recycling bins. Residents will place their bins at their driveway apron for pickup.

FEMA Flood Zone

The project site is located within an area designated on a Preliminary Flood Insurance Rate Map (FIRM) as FEMA Special Flood Hazard Zone AE12. The project will be designed with the finish floor elevation (FFE) of each building at least 1 foot above the Base Flood Elevation (BFE) identified on the Preliminary FIRM, and CLOMR-F and LOMR-F will be obtained for the project. The existing elevation of the paved and landscaped areas of the site is approximately 6 – 10 feet, which means that the elevation of the proposed finished floors will be raised approximately 3 – 7 feet above the existing grade at the curb in order to be at least 1 foot above BFE.



June 14, 2021, revised April 8, 2022

Jodie Gerhardt
 Manager of Current Planning
 City of Palo Alto
 250 Hamilton Avenue
 Palo Alto, CA 94301

RE: 2850 W. Bayshore Road, Palo Alto
 Project Request Letter and Letter of Application

Dear Ms. Gerhardt,

SummerHill Homes respectfully submits this Project Request Letter and Letter of Application in compliance with the City's Submittal Requirements Checklists for Conditional Use Permits and Major Subdivisions.

Project Summary

As explained in the attached project description, SummerHill proposes to redevelop a 2.34-acre site at 2850 West Bayshore Road with a new 48-unit townhome community. The project will offer a variety of three- and four-bedroom home plans, with an average living area of approximately 1,717 square feet. All of the units will have private decks or front patios, but the project will also feature a large central community open space — approximately 8,402 square feet.

Vehicular circulation is provided through an entry drive from W. Bayshore Road and on-site private streets. The project will provide approximately 100 off-street parking spaces. Each unit will have an attached private two-car garage — side-by-side garages for 30 of the units and tandem garages for 18 of the units. Bike storage for residents is provided in the garages, and bike racks for guests will be located near the central common area for convenience. Consistent with City standards for private streets, the project will provide 32-foot wide streets, including paving, sidewalks, and garage aprons.

For the privacy and quiet of the residents, SummerHill will construct a 14-foot sound wall along the east side of W. Bayshore Road within the City right-of-way, across from the project frontage.

The property currently contains a 32,500 square-foot single-story commercial building, built in 1976, which will be demolished to accommodate the project. To the southeast and southwest, the site is bordered by Greer Park. To the northwest of the site is the Emerson Montessori School, and to the northeast of the site, across W. Bayshore Road, are the Bayshore Freeway, E. Bayshore Road and the Emily Renzel Wetlands.

Requested Approvals

The site is designated Research/Office Park in the 2017 Comprehensive Plan and is zoned Research, Office and Limited Manufacturing (ROLM). The ROLM District allows multifamily residential use, subject to the approval of a conditional use permit and the development standards prescribed for the RM-30 zoning district.

SummerHill requests Major Architectural Review approval, a Conditional Use Permit, a concession and/or waivers pursuant to the State Density Bonus Law and the City's Density Bonus ordinance, approval to provide additional common usable open space to meet the overall usable open space requirements, a tree removal permit, a Vesting Tentative Subdivision Map and CEQA review for the project.

Conditional Use Permit

Consistent with section 18.76.010 of the Municipal Code, the proposed project will (1) not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience; and (2) be located and conducted in a manner in accord with the Comprehensive Plan and the purposes of the Zoning Code.

Not Detrimental or Injurious

The project site is well-suited to multi-family residential development, because it is close to public parks and schools and has convenient access to neighborhood retail. The density of the project is within the range of existing residential development in the area, and the project will fully comply with the City's parking requirements. The project will not significantly increase the A.M. or P.M. peak hour vehicle trips generated by the current use of the site, and by providing new homes close to major employment centers, the project is expected to reduce total vehicle miles traveled. In addition, the project will comply with all applicable public health and safety standards during construction and use.

Consistent with Comprehensive Plan and Zoning Code

The site is designated Research/Office Park in the 2017 Comprehensive Plan and is zoned Research, Office and Limited Manufacturing (ROLM). The Comprehensive Plan allows residential use in the Research/Office Park designation in certain locations. (Comprehensive Plan at p.34.) The ROLM District allows multifamily residential use, subject to the approval of a conditional use permit and the development standards prescribed for the RM-30 zoning district. (PAMC §§ 18.20.030, 18.20.040(b)(6).)

With the approval of the requested Density Bonus concession pursuant to chapter 18.15 of the Zoning Code, the proposed project is fully consistent with the Comprehensive Plan and the development standards for the RM-30 zoning district. For further detail, please refer to the attached table (Compliance with RM-30 Development Standards).

Density Bonus

SummerHill proposes to designate 7 of the 48 units as below-market rate units affordable to moderate-income households and pay an in-lieu fee for a fractional 0.2 unit. Pursuant to the State Density Bonus Law and the City's Density Bonus ordinance, as a Common Interest Development project that will make more than 10% of the units affordable to Moderate Income Households, the project is eligible for one concession or incentive. (PAMC § 18.15.050(c).)

As a concession or incentive, SummerHill requests that the City allow the site to be developed at a floor area ratio of approximately 1.142:1. The additional floor area ratio will allow SummerHill to provide more market-rate and below-market rate units than would otherwise be feasible and will reduce the cost of providing the below-market rate units through economy of scale.

In accordance with section 18.15.080 of the Zoning Code, SummerHill provides the attached Summary of Costs, comparable to the information in a pro forma, which shows that the requested concession will result in identifiable and actual cost reductions.

The proposed project includes five main unit plans, ranging in size from approximately 1,601 SF to approximately 2,128 SF of floor area, with an average floor area of approximately 1,867 SF. If the project were subject to a maximum FAR of 0.6:1, the project would only be able to provide approximately 25 units. The cost of demolition, site grading, the construction of the sound wall and other fixed costs that are not dependent on the number of units would be spread over 25 units.

Alternatively, if the maximum FAR is increased to 1.142:1, the project is able to provide 48 units and the cost of demolition, site grading, the construction of the sound wall and other fixed costs that are not dependent on the total unit count will be spread over 48 units, reducing the fixed cost per unit by approximately 24%.

The attached Summary of Costs shows that allowing the site to be developed at a floor area ratio of approximately 1.142:1 will result in identifiable and actual cost reductions for the site improvements for the seven below-market rate units. The cost reduction for the seven below-market rate units is estimated to be approximately \$286,789, or \$40,970 per unit.

Combined Common Open Space

SummerHill requests to add 1,800 square feet of common usable open space to the amount of common usable open space required for the project in order to meet the usable open space requirements of section 18.13.040(e) of the Zoning Code. In the RM-30 district, section 18.13.040(e)(2)(B) of the Zoning Code allows part or all of the required private usable open space areas to be added to the required common usable open space for purposes of improved design, privacy, protection and increased play area for children.

The project is designed so that each unit will have its own private usable open space, either as a deck or a ground-level patio or both. Thirty of the units have a private deck or patio that meets the minimum size and

Jodie Gerhardt
 June 14, 2021, revised April 8, 2022
 Page 4

dimensional requirements in section 18.13.040(e)(2)(A) of the Zoning Code. The other eighteen units have a front patio with an area of at least 50 square feet and a minimum dimension of 6 feet, which provides enough private space for casual seating and a small table or a grill, but does not meet the minimum size and dimensional requirements for a ground-level open space to qualify as private usable open space.

In order to achieve a more efficient overall design for the landscaped and usable open space for the project, SummerHill proposes to comply with the usable open space requirements by providing additional common usable open space to meet the technical requirements for private usable open space for the eighteen units, as allowed by section 18.13.040(e)(2)(B) of the Zoning Code. Combining the open space will improve the design and the enjoyability of the open space by shifting the open space farther from the freeway and W. Bayshore Road to a protected area close to the park. In total, the project will provide more than 10,476 SF of usable open space, which is approximately 15% more than the amount required.

Vesting Tentative Subdivision Map

SummerHill will prepare a Vesting Tentative Subdivision Map to establish appropriate access, utility and service easements and condominium plans to define exclusive use areas and areas of separate undivided interests for the individual units. SummerHill has submitted the proposed Vesting Tentative Map at the same time as the application for Major Architectural Review, a CUP and the other project entitlements so that all aspects of the project can be reviewed concurrently.

The proposed Vesting Tentative Map fully complies with the design standards and improvement standards in chapters 21.20 and 21.28 of the Municipal Code. Following approval of the Vesting Tentative Map, SummerHill will prepare a Final Map and condominium plans.

We look forward to working with the City regarding the proposed project. Please let us know if you have any questions regarding this Project Request Letter and Letter of Application.

Thank you.

Sincerely,



John Hickey
 Vice President of Development

Attachment: Compliance with RM-30 Development Standards
 Summary of Costs: Site Improvement Cost Comparison

cc: Garrett Sauls, City of Palo Alto
 Elaine Breeze, SummerHill Housing Group

**Compliance with RM-30 Development Standards
PAMC § 18.13.040**

	Required/Allowed	Proposed
Minimum Site Specifications		
Site Area (ft)	8,500	101,786 ±
Site Width (ft)	70	425 ±
Site Depth (ft)	100	239 ±
Minimum Setbacks		
Setback lines imposed by a special setback map pursuant to Chapter 20.08 (ft)	24	≥ 24
Front Yard (ft)	20, but see special setback line	≥ 24
Interior Side Yards for lots with width of 70 feet or greater (ft)	10	≥ 10
Interior Rear Yards (ft)	10	≥ 10
Maximum Height (ft)	35	35
Daylight Plane for side and rear lot lines for sites abutting a RM-30, RM-40, Planned Community, or nonresidential district that does not contain a single-family or two-family residential use, for lots with width of 70 feet or greater	None	None
Maximum Site Coverage		
Base	40%	35.5%
Additional area permitted to be covered by covered patios or overhangs otherwise in compliance with all applicable laws	5%	2.8%
Maximum Floor Area Ratio (FAR)	0.6:1	1.142:1 with Density Bonus Concession
Residential Density (units)		
Maximum number of units per acre	30	20.5
Minimum number of units per acre	16	20.5
Minimum Site Open Space	30%	30.4%
Minimum Usable Open Space (sf per unit)	150	≥ 192 (Average: 218)

	Required/Allowed	Proposed
Minimum Common Usable Open Space (sf per unit)	75	138
Minimum Private Usable Open Space (sf per unit)	<ul style="list-style-type: none"> • 50 at balconies; or • 100 at patios or yards; or • 100 at additional Common Usable Open Space per PAMC § 18.13.040(e)(2)(B) 	<ul style="list-style-type: none"> • ≥ 54 at balconies (Average: 62); or • ≥ 100 at patios (Average: 107); or • 100 at additional Common Usable Open Space
Performance Criteria	Not applicable	
Parking		
Resident	96 (2 per 2-bedroom or larger unit)	96
Resident Covered	48 (At least one space per unit must be covered)	96
Resident Tandem	24 (Maximum of 25% of total required spaces)	18
Guest	0 (No additional guest parking required)	4
Bicycle – Resident (Long-Term)	48 (1 per unit)	48
Bicycle – Guest (Short-Term)	5 (1 per 10 units)	6

SUMMARY OF COSTS: Site Improvement Cost Comparison**2850 W. Bayshore Road: Proposed Townhouse Community**

Pursuant to section 18.15.050(c) of the Zoning Ordinance, SummerHill requests that the City allow the project to be developed at a floor area ratio (FAR) of approximately 1.142:1. The requested concession would reduce the site improvement costs by an estimated amount of \$40,970 per unit, which would result in an identifiable and actual cost reduction of \$286,789 to provide the seven proposed Below-Market Rate units.

	0.60:1 FAR 25 Units		1.142:1 FAR 48 Units	
	Total	Per Unit	Total	Per Unit
DEMOLITION	\$476,632	\$19,065	\$476,632	\$9,930
SITEWORK DEMOLITION	\$476,632	\$19,065	\$476,632	\$9,930
ASBESTOS REMOVAL	\$0	\$0	\$0	\$0
GRADING	\$565,302	\$22,612	\$914,092	\$19,044
ROUGH GRADING	\$440,848	\$17,634	\$789,638	\$16,451
EROSION CONTROL	\$124,454	\$4,978	\$124,454	\$2,593
UTILITIES	\$900,214	\$36,009	\$1,231,864	\$25,664
STORM DRAINS	\$262,989	\$10,520	\$398,185	\$8,296
SANITARY SEWER	\$318,414	\$12,737	\$318,414	\$6,634
WATER	\$318,811	\$12,752	\$515,265	\$10,735
POWER UTILITIES	\$228,635	\$9,145	\$407,460	\$8,489
GAS AND ELECTRIC INSTALLATION	\$238,635	\$9,545	\$426,660	\$8,889
UTILITY REFUND	(\$10,000)	(\$400)	(\$19,200)	(\$400)
STREET LIGHTING	\$47,042	\$1,882	\$72,200	\$1,504
STREET LIGHTS, POLES, CONDUCTOR, CONDUIT ETC.	\$47,042	\$1,882	\$72,200	\$1,504
HARDSURFACES	\$632,144	\$25,286	\$878,303	\$18,298
CURB, GUTTER & SIDEWALK	\$326,216	\$13,049	\$437,407	\$9,113
BASE & A.C.	\$255,928	\$10,237	\$344,896	\$7,185
REPAIRS	\$50,000	\$2,000	\$96,000	\$2,000
WALLS & FENCES	\$353,345	\$14,134	\$739,965	\$15,416
BOUNDARY WALLS	\$333,000	\$13,320	\$333,000	\$6,938
RETAINING WALLS	\$20,345	\$814	\$406,965	\$8,478
LANDSCAPING	\$513,504	\$20,540	\$713,377	\$14,862
IRRIGATION & LANDSCAPING	\$513,504	\$20,540	\$713,377	\$14,862
SIGNS	\$22,161	\$886	\$22,161	\$462
STREET SIGNS & PAVEMENT MARKINGS	\$22,161	\$886	\$22,161	\$462
CONTINGENCY	\$527,947	\$21,118	\$769,891	\$16,039
SITE CONTINGENCY	\$527,947	\$21,118	\$769,891	\$16,039
TOTAL		\$170,677		\$129,707
COST REDUCTION				\$40,970

Note: All costs are estimates based on current information; actual costs may vary.



April 8, 2022

Via <https://aca-prod.accela.com/PALOALTO>

Garrett Sauls
Associate Planner
Planning and Development Services Department
City of Palo Alto
250 Hamilton Avenue
Palo Alto, CA 94301

RE: 2850 W. Bayshore Road, Palo Alto
Major Architectural Review – 21PLN00177
6th Submittal – Summary of Revisions

Dear Garrett,

SummerHill Homes thanks the Architectural Review Board for providing comments at the hearing on January 20, 2022, regarding SummerHill's proposed 48-unit townhome project at 2850 W. Bayshore Road. SummerHill has revised the project to address the Board's comments and is submitting the revised plans to the City in conjunction with this letter.

For the convenience of the Board, the following is a summary of the revisions that SummerHill has made to the project to address the Board's comments:

Site Plan

- We added a pedestrian ramp at the southeast corner of the site to provide a direct, accessible connection to Greer Park and the on-street parking along Colorado Avenue.
- We changed the construction method and the material for the upper retaining wall at the perimeter of the site in order to balance the height of the upper and lower retaining walls to the extent feasible. As in the previous plans, the upper retaining wall will be screened by shrubs in the landscape tier between the two retaining walls, and vines will trail over the top of the lower retaining wall.

- We added a slope to the rear section of the common area so that we could further reduce the height of the lower retaining wall.

Architecture

- We redesigned the tower elements to comply with the City's 35-foot height limit. The tower elements continue to be integrated into the design of the units to provide volume ceilings and additional light.
- All of the buildings have been redesigned to eliminate the parapet elements at the middle units. To differentiate the building types, the parapets have been replaced with hipped roof elements in some buildings and with shed roof elements in other buildings.
- To accommodate the direct pedestrian connection to Greer Park and the on-street parking along Colorado Avenue, we introduced a new building type at Buildings 7 and 8 with a different unit mix.
- We revised the massing and materials at the second story in a number of locations to further differentiate the buildings.
- To make the unit entries more distinctive, we introduced a variety of designs and materials, including brick veneer, shed roofs and scored stucco. In addition, some of the units continue to have 4-inch lap siding.
- We enhanced the exterior materials by adding brick veneer at key locations and upgrading the stucco to 20/30 light sand finish.
- We upgraded all of the operable windows to casement windows with a substantial frame.
- We revised the color schemes to use warmer tones and avoid bright white.
- We modified the unit floor plans to ensure at least 7.5 feet of vertical clearance for every parking space.
- With the revised building types and the additional materials, each building will have a unique combination of building type and color scheme.

Landscaping

- We revised the plant palette so that approximately 80% of the shrub, groundcover and sod species will be native. All of the plants will be native, habitat-forming and/or drought tolerant.
- With the introduction of a new building type at Buildings 7 and 8, we created more space to plant trees and other landscaping as an additional buffer between the buildings and the park.

Garrett Sauls
April 8, 2022
Page 3

- We changed the color of the sound wall to a warmer tone similar to the existing sound wall located approximately ¼ mile north of the project site. The warmer tone will complement the ficus pumila climbing vines that will be planted along the base of the wall.

Graphics

- We added illustrative and enlarged section details to the plans to show the relationship between the project and the adjacent properties.
- We added enlarged street scenes to the plans to better illustrate how the project will look from off site.
- We added details and elevations to show the design of the sound wall and the ficus pumila climbing vines.

Project Description

- The project description has been updated to reflect the revisions to the project.

We look forward to the Architectural Review Board hearing tentatively scheduled for April 21st. SummerHill will provide a separate letter with additional detail about the revisions prior to the hearing. In the meantime, please let us know if you have any questions.

Thank you.

Sincerely,



John Hickey
Vice President of Development

cc: Elaine Breeze, SummerHill Housing Group

ATTACHMENT C
ZONING COMPARISON TABLE
 2850 W Bayshore, 21PLN-00177

Table 1: COMPARISON WITH CHAPTER 18.13 (RM-30 DISTRICT)

Regulation	Required	Proposed
Minimum/Maximum Site Area, Width and Depth	8,500 sf area, 70-foot width, 100-foot depth	101,800 sf (2.337 AC), 361-foot width, 234-foot depth. Net lot area of 78,035 sf
Minimum/Maximum Density	16/30 units per acre	20.51 units per acre
Minimum Front Yard	20 feet	24 feet
Rear Yard	10 feet	15 feet
Interior Side Yard	6 feet	Not Applicable
Street Side Yard	16 feet	10 feet; 23 feet
Special Setback	24 feet	24 feet (special setback on West Bayshore)
Setback from major roadways [18.13.040(b)(1)(A)]	25 feet	Not Applicable – West Bayshore is a local street
Max. Building Height*	35 feet	35 feet
Side Yard Daylight Plane	None	Not Applicable
Rear Yard Daylight Plane	None	Not Applicable
Max. Site Coverage	40% (40,714 sf)	35.5% (36,124 sf) +2.8% for covered patios (2,900 sf) = 39,024
Max. Total Floor Area Ratio**	0.6:1 (61,080 sf)	1.14:1 (89,528 gfa: 78,035 sf net lot area) (Concession requested per state density bonus law and PAMC Chapter)
Minimum Site Open Space	30% (30,536 sf)	30.4% (30,961 sf)
Minimum Usable Open Space	150 sf per unit (7,200 sf)	218 sf per unit (On Average)
Minimum Common Open Space	75 sf per unit (3,600 sf)	138 sf per unit
Minimum Private Open Space	50 sf per unit (2,400 sf)	50+ sf per unit (16 units will request to provide private open space as common open space in accordance with 18.13.040(e)(2)(B))

* Design Enhancement Exception requested.

** Increase per 18.15.080

**Table 2: CONFORMANCE WITH CHAPTER 18.52 (Off-Street Parking)
for Multiple-Family Residential**

Type	Required	Proposed
Vehicle Parking	1.5 spaces per unit (per Assembly Bill 2345 for density bonus projects). 72 spaces required	96 private/garage spaces 4 guest/drop-off/delivery spaces 100 total parking spaces
Bicycle Parking	1 space per unit (100% long term) 48 required; 1 space for every 10 units (100% short term) 5 required	48 provided (LT); 6 (ST)

ATTACHMENT D
ARB FINDINGS FOR APPROVAL
 2850 West Bayshore Road
 21PLN-00177

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

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

The project is consistent with the following Comprehensive Goals/Policies:

Comprehensive Plan Goal/Policy	Consistency
<p>Policy L-1.3: Infill development in the urban service area should be compatible with its surroundings and the overall scale and character of the city to ensure a compact, efficient development pattern.</p>	<p>The project provides building that is stepped back from the adjacent commercial uses at 2800 West Bayshore Road and incorporates landscaping as a buffer to minimize impacts from the new building. The site also incorporates access to the Greer Park for tenants and visitors to have access to neighborhood amenities. There are articulations to break up the vertical massing so that the building does not appear overwhelming. Where the project could utilize state law to reduce the parking requirements for the site, it has instead provided parking in conformance with PAMC 18.52. All utilities can serve the site.</p>
<p>Policy L-1.6: Encourage land uses that address the needs of the community and manage change and development to benefit the community.</p>	<p>The project provides 48 for-sale housing units at a site that was previously used as office space. 15% of the units will be sold at moderate income levels. The project seeks to addresses the housing crisis that the City Council has identified as a top priority. The project will not result in an increase in trips to the site during peak hours and will provide a connection to Greer Park for residents and guests.</p>

Comprehensive Plan Goal/Policy	Consistency
Policy L-1.11: 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.	The architectural review process includes findings and context-based design criteria necessary to develop the project. The project is subject to the Architectural Review process.
Policy L-2.5: Support the creation of affordable housing units for middle to lower income level earners, such as City and school district employees, as feasible.	The project proposes seven for-sale units that will sold at moderate income levels in accordance with PAMC 18.15.
Policy L-2.11: Encourage new development and redevelopment to incorporate greenery and natural features such as green rooftops, pocket parks, plazas and rain gardens.	The project includes a communal park area at the center of the site and incorporates landscaping around and throughout the site. Additionally, the project provides an internal connection to Greer Park so that residents and visitors may access the neighborhood amenities.
Policy L-2.12: Ensure that future development addresses potential risks from climate change and sea level rise.	The project site will be filled in order to raise the units to meet the AE10.5 flood zone requirements for the property.
Policy L-3.1: Ensure that new or remodeled structures are compatible with the neighborhood and adjacent structures.	The project has a contemporary design which is distinct from the adjacent building at 2800 West Bayshore Road but it is not opulent in the manner that it would diminish or detract from the aesthetic quality of the neighborhood or create disparate and irreconcilable building designs.
Policy L-3.4: 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 proposed project modifies the site so that Buildings 1, 2, and 3 and their entries and primary facades face 2850 W. Bayshore Road.
Policy L-6.1: Promote high-quality design and site planning that is compatible with surrounding development and public spaces.	The project utilizes high quality materials and breaks up its facades so that the building is not overly massive in scale to adjacent properties. The project also provides a connection to Greer Park at the Southwest corner of the site for residents and guests. The project also expands the bike lane on W. Bayshore Road by recording a right-of-way easement along the front of the property.

Comprehensive Plan Goal/Policy	Consistency
Policy L-6.2: 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 utilizes high quality materials and breaks up its facades so that the building is not overly massive in scale to adjacent properties.
Policy L-9.3: 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.	The project proposes to maintain most of the existing street trees along the W. Bayshore frontage. In addition to this, the project modifies the street frontage to incorporate additional landscaping and bioswales.
Policy T-1.17: 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> . Policy T-1.19: Provide facilities that encourage and support bicycling and walking.	The project proposes a right of way easement along the site frontage in order to expand the bike lane across the site.
Policy T-5.1: 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.	The project provides all its required parking onsite.
Policy N-2.10: 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 strategies for expanding tree protection in Palo Alto.	The project protects eight of the existing street trees on the site and a majority of the existing trees which are shared between Greer Park and the project site. No protected species are proposed for removal. Any removed regulated tree is replaced pursuant to City requirements.
Policy N-6.6: Apply site planning and architectural design techniques that reduce overall noise pollution and reduce noise impacts on proposed and existing projects within Palo Alto and surrounding communities.	The project includes a sound wall along the 101 Highway in order to reduce noise impacts to residents.

Comprehensive Plan Goal/Policy	Consistency
Policy S-2.8 Minimize exposure to flood hazards by protecting existing development from flood events and adequately reviewing proposed development in flood prone areas.	The project site will be filled in order to raise the units to meet the AE10.5 flood zone requirements for the property.
H3.1.2 PROGRAM. Implement the BMR ordinance to reflect the City's policy of requiring: a) At least 15 percent of all housing units in projects must be provided at below market rates to very low-, low-, and moderate-income households.	The project includes 15% of the proposed units as below market rate.

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 design of the project is well ordered and provides a coherent plan that is readily understood in the site's context. The site planning has been arranged to provide for a 24-foot street setback along the West Bayshore Road frontage, with existing and proposed landscaping providing a unifying design element. The design creates an internal sense of order by providing a well-landscaped public realm along the West Bayshore Road frontage, expansion of the bike lane, park access to Greer Park, and integrating the central park area as a focal point for the site. This integration provides a desirable environment for occupants and visitors. Natural features are appropriately integrated with the project and the proposed landscaping along the West Bayshore Road frontage serving as important elements that define the streetscape. The scale, mass and character of the building is appropriate for the existing context, which is surrounded by Greer Park and the buildings at 2800 West Bayshore Road. The site's compliance with Finding #2.c. is discussed in a separate attachment.

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

The Project includes a variety of high-quality materials conveying a contemporary architectural design. Together these materials create a cohesive design that is compatible with the surrounding developments.

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 design is appropriate to the function of the project in that retention of existing street trees softens the massing of the new building frontage along West Bayshore Road while relegating parking improvements to the rear of the site. The project presents a functional and accessible design for multiple modes of travel. Circulation from the street to the site would be improved by reducing the number of drive aisle cuts along West Bayshore Road, and providing a single, logical location for the main vehicle entrance. Pedestrian and bicycle access to the building entrances is significantly enhanced by the sidewalk improvements and right of way easement for the expanded bike lane that are included with the project as well as the new pedestrian ramp provided to Greer Park at the Southwest corner of the site. Bicycle parking is convenient and located inside the buildings and in the central park area. Adequate vehicle parking is located in the attached garages for each unit. The amount and arrangement of the central open space is appropriate to the design and the function of the site and encourages use by residents.

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.

Plant material is suitable and adaptable to the site, capable of being properly maintained, and is of a variety that is drought-tolerant and reduces consumption of water in its installation and maintenance. The landscape plan maintains most of the existing street trees along the West Bayshore Road frontage, which will provide a visual buffer between the street and the proposed building. As the site is in a developed portion of the City, it is not considered prime habitat. However, the project would enhance the landscape elements on the site in the 24-foot special setback along West Bayshore Road, which would be the most likely location to support desirable habitat.

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

The project will meet the current Green Building Code requirements. Most of the proposed landscape palette has a low water use.

CONDITIONAL USE PERMIT FINDINGS

2850 West Bayshore Road
21PLN-00177

In order to make a recommendation of approval, the project must comply with the following Findings for Conditional Use Permit approval as required in Chapter 18.76.010 of the PAMC.

Finding #1: Not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience;

As proposed, the application conforms to all requirements in the zoning code except for the allowed floor area ratio for RM-30 lots. The applicant has proposed the use of a development concession in accordance with state density bonus law and PAMC 18.15.090 in order to receive the additional floor area to support their project. As a part of the project, the applicant will be placing fill on the site in order to raise up the proposed units in accordance with the AE 10.5 flood zone requirements. This will help protect the new units from inundation during a 100-year flood plain event.

In addition to this, the project will result in a reduction of vehicle trips to the site compared with the existing office use. As benefits to the City and the future residents, the applicant has proposed expanding the City's bike lane along West Bayshore Road, including a pedestrian connection from the site to Greer Park, and has proposed a sound wall to reduce noise impacts from the 101 Highway across from the property.

The project qualifies for a Class 32 CEQA exemption and will not create adverse impacts on the environment that would be detrimental to the public health, safety, general welfare, or convenience of the public.

Finding #2: Be located and conducted in a manner in accord with the Palo Alto Comprehensive Plan and the purposes of this title (Zoning).

Residential units are conditionally permitted in Research, Office, and Limited Manufacturing districts. The site is well situated for a residential development given its proximity to Greer Park and the adjacent pre-school and day care facilities. As noted in Finding #1 in the Architectural Review findings, the project conforms to the Comprehensive Plan goals and policies for the site.

CONCESSION REQUEST FINDINGS

2850 West Bayshore Road

21PLN-00177

In order to make a recommendation of approval, the project must comply with the following Findings (i – vi) for granting a Density Bonus, Incentive, Concession, Waiver, Modification or revised parking standard as required in Chapter 18.15.090(a) of the PAMC:

Finding (i): The development is eligible for the density bonus and any concessions, waivers, modifications, or revised parking standards requested.

In order to qualify for a density bonus, concession, waiver, modification, or revised parking standard under state law, the applicant must propose at least 10% affordable housing on site. The City's BMR regulations under PAMC 16.65 require a minimum of 15% of the proposed units be affordable for sites of less than five acres. The project proposes a 48-unit townhome development and seven (7) of those units will be sold at moderate income levels with 0.2 units paid through an in-lieu fee. As a result, the project is eligible to request one concession from the City.

Finding (ii): Any requested concession or incentive will result in identifiable and actual cost reductions based upon the financial analysis and documentation provided. The city finds that the concessions and incentives included in Section 18.15.050(c) will result in identifiable and actual cost reductions.

The project proposes a 48-unit townhome development and requests a Floor Area Ratio (FAR) of 1.142 in order to develop their proposal.

Finding (iii): If the density bonus is based all or in part on donation of land, a finding that all the requirements included in Government Code Section 65915(g) have been met.

The project is not the recipient of a donation of land; therefore, this finding is not applicable.

Finding (iv): If the density bonus, concession or incentive is based all or in part on the inclusion of a childcare facility, a finding that all the requirements included in Government Code Section 65915(h) have been met.

The project does not include a concession request based on the inclusion of a childcare facility; therefore, this finding is not applicable.

Finding (v): If the concession or incentive includes mixed-use development, a finding that all the requirements included in Government Code Section 65915(k)(2) have been met.

The project does not include mixed-use development; therefore, this finding is not applicable.

Finding (vi): If a waiver or modification is requested, a finding that the development standards for which the waiver is requested would have the effect of physically precluding the construction of the development with the density bonus and concessions permitted.

The project does not request any waivers or modifications; therefore, this finding is not applicable. The request for increased FAR is a concession, as analyzed in *Finding (ii)*.

**Attachment E:
Context-Based Design Criteria
2850 West Bayshore Road
21PLN-00177**

Pursuant to PAMC 18.13.060(b), the following context-based design considerations and findings are applicable to this project. These context-based design criteria are intended to provide additional standards to be used in the design and evaluation of development in a commercial district. The purpose is to encourage development in a commercial district to be responsible to its context and compatibility with adjacent development as well as to promote the establishment of pedestrian oriented design.

1. Massing and Building Facades

Massing and building facades shall be designed to create a residential scale in keeping Palo Alto neighborhoods, and to provide a relationship with the street(s).

Findings

This finding can be made in the affirmative in that the proposed designs of each unit utilizes varying materials, colors, and articulation along the building facades to help distinguish volumes, scale and mass. The street facing units provide front entries and walkways visible from the street that help engage visually from the street perspective and pedestrian walkways.

2. Low-Density Residential Transitions

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

This finding can be made in the affirmative in that the adjacent sites are not residential properties. In addition to that, the project proposes to replace existing trees. These new trees will serve to screen views from the new units toward the adjacent school and park.

3. Project Open Space

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

This finding can be made in the affirmative in that the proposed site design satisfies the open space requirements of the RM-30 zoning district providing adequate private and usable open space for residents and guests to utilize. For additional recreational space, direct access to Greer Park is provided via a ramp at the rear of the project site.

4. Parking Design

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

This finding can be made in the affirmative in that the site planning and proposed parking design ensure parking does not overwhelm the project. Each unit is provided with a two-car garage attached to the rear of the unit. Additionally, there is landscape planting adjacent to the garage locations that will soften and break up the driveway areas with opportunities for vertical tree elements and ground cover to grow which will prevent the structures from becoming visually detractive from the internal pedestrian environment to the project. Four additional guest surface parking spaces are provided as well as a drop-off space for ride-sharing services. The project also incorporates a ramp to Greer Park which provides quicker access to the park.

parking opportunities.

5. Large (multi-acre) Sites

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

This finding can be made in the affirmative in that the project proposes a 24-foot front setback in accordance with the special setback requirements. This is consistent with the existing setback for the adjacent property on 2800 West Bayshore Road.

6. Housing Variety and Units on Individual Lots

Multifamily projects may include a variety of unit types such as small-lot detached units, attached row houses/townhouse, and cottage clusters in order to achieve variety and create transitions to adjacent existing development.

This finding can be made in the affirmative in that while the proposed project only includes townhouses, each building introduces varying articulation and building materials so that the units do not appear homogeneous and uninteresting. Additionally, each building is separated by landscaping and streets so they do not become overly large and repetitive structures; therefore, reducing their massing impact.

7. Sustainability and Green Building Design

Project design and materials to achieve sustainability and green building design shall be incorporated into the project. Green building design considers the environment during design and construction. Green building design aims for compatibility with the local environment: to protect, respect and benefit from it. In general, sustainable buildings are energy efficient, water conserving, durable and nontoxic, with high-quality spaces and high recycled content materials.

This finding can be made in the affirmative in that the proposed development will be required to comply with the California Green Building Code and the City of Palo Alto's local amendments; see PAMC Section 16.14.

Performance Criteria 18.23
2850 W Bayshore Road
21PLN-00177

Performance criteria are intended to provide additional standards to be used in the design and evaluation of developments in the multi-family, commercial, and industrial zones. The purpose is to balance the needs of the uses within these zones with the need to minimize impacts to surrounding neighborhoods and businesses. The criteria are intended to make new developments and major architectural review projects compatible with nearby residential and business areas, and to enhance the desirability of the proposed developments for the site residents and users, and for abutting neighbors and businesses.

18.23.020 Trash Disposal and Recycling

Assure that development provides adequate and accessible interior areas or exterior enclosures for the storage of trash and recyclable materials in appropriate containers, and that trash disposal and recycling areas are located as far from abutting residences as is reasonably possible.

Project Consistency

Each unit will be serviced by a 32 cubic foot trash container, a 64 cubic foot compost container, and a 96 cubic foot recycling container. Each container has designated storage spaces within the garage for each unit. The site will also be serviced weekly by GreenWaste waste hauler who will collect the waste bins in front of each units. This conforms with the requirements in PAMC 5.20 and 18.23.020.

18.23.030 Lighting

To minimize the visual impacts of lighting on abutting or nearby residential sites and from adjacent roadways.

There are no abutting residential sites to this property. Along property lines that face toward the school on 2800 W. Bayshore Road and residences across from Greer Park, the foot candle will not exceed 0.5 at the property line.

18.23.040 Late Night Uses and Activities

The purpose is to restrict retail or service commercial businesses abutting (either directly or across the street) or within 50 feet of residentially zoned properties or properties with existing residential uses located within nonresidential zones, with operations or activities between the hours of 10:00 p.m. and 6:00 a.m. Operations subject to this code may include, but are not limited to, deliveries, parking lot and sidewalk cleaning, and/or clean up or set up operations, but does not include garbage pick up.

The site is not a retail or commercial business and would therefore not be subject to this requirement.

18.23.050 Visual, Screening and Landscaping

Privacy of abutting residential properties or properties with existing residential uses located within nonresidential zones (residential properties) should be protected by screening from public view all mechanical equipment and service areas. Landscaping should be used to integrate a project design into the surrounding neighborhood, and to provide privacy screening between properties where appropriate.

The landscape plans seek to replace trees on site in accordance with Tree Technical Manual and No Net Loss of Canopy policies. When mature, these new trees will provide screening for the site between the adjacent school and residences across from Greer Park. The applicant also proposes to screen all AC units for each unit as shown on L2-1

18.23.060 Noise and Vibration <p>The requirements and guidelines regarding noise and vibration impacts are intended to protect residentially zoned properties or properties with existing residential uses located within nonresidential zones (residential properties) from excessive and unnecessary noises and/or vibrations from any sources in abutting industrial or commercially zoned properties. Design of new projects should reduce noise from parking, loading, and refuse storage areas and from heating, ventilation, air conditioning apparatus, and other machinery on nearby residential properties. New equipment, whether mounted on the exterior of the building or located interior to a building, which requires only a building permit, shall also be subject to these requirements.</p>	Project Consistency <p>The applicant has provided a noise study that identifies measures they will implement to reduce the noise and vibration impacts during construction. This document has been incorporated into the environmental documents. After construction, noise will primarily be generated from the AC units associated with each unit. An updated noise report will be required prior to Building Permit issuance, which staff will review in accordance with the requirements in PAMC 9.10, when the models for the AC units will be chosen.</p>
18.23.070 Parking <p>The visual impact of parking shall be minimized on adjacent residentially zoned properties or properties with existing residential uses located within nonresidential zones.</p>	<p>All parking for the units on site are proposed in two-car garages on the ground floor of each unit. No garage is proposed to face towards West Bayshore Road or any other property. There are four additional guest parking spaces provided on-site, in excess of the code requirements, as well as a drop-off space for ride-sharing services.</p>
18.23.080 Vehicular, Pedestrian and Bicycle Site Access <p>The guidelines regarding site access impacts are intended to minimize conflicts between residential vehicular, pedestrian, and bicycle uses and more intensive traffic associated with commercial and industrial districts, and to facilitate pedestrian and bicycle connections through and adjacent to the project site.</p>	<p>As a part of the project, the applicant has proposed an easement on their property in order to expand the existing bike lanes on West Bayshore Road; which will expand bike services within the area for those traveling along West Bayshore Road. Vehicle access and exit to this site is concentrated through a single driveway which prevents vehicles from spilling out onto the street at multiple points which could cause conflicts with existing traffic patterns. Additionally, the applicant has proposed a pedestrian ramp at the southwestern corner of the lot to connect the site to Greer Park. This provides easier access to and from the site for residents and guests.</p>
18.23.090 Air Quality <p>The requirements for air quality are intended to buffer residential uses from potential sources of odor and/or toxic air contaminants.</p>	<p>There are no adjacent manufacturing or industrial uses to this site that would expose residents to potential sources of odor and/or toxic air contaminants. During construction, the applicant will be required to follow Best Management Practices (BMP) to reduce dust or other contaminants from spilling over to adjacent properties.</p>

18.23.100 Hazardous Materials

In accordance with Titles 15 and 17 of the Palo Alto Municipal Code, minimize the potential hazards of any use on a development site that will entail the storage, use or handling of hazardous materials (including hazardous wastes) on-site in excess of the exempt quantities prescribed in Health and Safety Code Division 20, Chapter 6.95, and Title 15 of this code.

The applicant is not proposing to store any hazardous materials or waste on site. The hazardous materials that will likely be stored on site are normal cleaning products associated with residential uses by residents.

ATTACHMENT G
CONDITIONS OF APPROVAL
 2850 West Bayshore Road
 21PLN-00177

PLANNING DIVISION

1. **CONFORMANCE WITH PLANS.** Construction and development shall conform to the approved plans entitled, "2850 West Bayshore Road" dated February 25, 2022 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 all conditions of the departments listed in this letter.
3. **BUILDING PERMIT PLAN SET.** The ARB approval letter including all Department conditions of approval for the project shall be printed on the plans submitted for building permit.
4. **PROJECT MODIFICATIONS:** All modifications to the approved project shall be submitted for review and approval prior to construction. If during the Building Permit review and construction phase, the project is modified by the applicant, it is the responsibility of the applicant to contact the Planning Division/project planner directly to obtain approval of the project modification. It is the applicant's responsibility to highlight any proposed changes to the project and to bring it to the project planner's attention.
5. **LANDSCAPE MAINTENANCE.** All existing and proposed landscape material shall be well maintained and replaced if the plant material dies or if the irrigation equipment fails. Planters shall not drain onto sidewalk, ground, or public right of ways.
6. **DENSITY BONUS CONCESSION:** Staff has found the project to be in compliance with all of the City's development standards. In accordance with State Density Bonus Law and PAMC Section 18.15.090, a housing project providing 15 percent of the units, as affordable to lower income households, is eligible for one concession. With the following concessions, staff finds the project in compliance with the City's development standards. The applicant has shown the following concessions will reduce the per unit cost of the development as noted in the **Density Bonus Analysis: 2850 West Bayshore Road:**
 - a. Floor Area Ratio - Exceed 0.60:1 FAR limitation with a proposed FAR of 1.14:1
7. **ESTIMATED IMPACT FEE:** Development Impact Fees, currently estimated in the amount of **\$2,495,303.78**, per PAMC 16.58, shall be paid prior to the issuance of the related building permit. These fees are subject to increase through annual increases every August, after City Council adoption of the new municipal fee schedule, as well as the inclusion of the Public Art fee.

8. **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.
9. **PROJECT EXPIRATION.** The project approval shall automatically expire after two years from the original date of approval if, within such two year period, the proposed use of the site or the construction of buildings has not commenced pursuant to and in accordance with the provisions of the permit or approval. Application for a one year extension of this entitlement may be made prior to the expiration. (PAMC 18.77.090(a))
10. **LIGHTING.** Between the hours of 10:00pm-6:00am, lighting on the property should be reduced to its minimum necessary to facilitate resident security in order to minimize light glare at night.
11. **NUISANCES AND NOISE.** The outdoor space shall not be operated in a manner to produce excessive noise, odors, lighting or other nuisances from any sources. Noise levels emanating from the property shall not exceed the maximum level established in the PAMC Chapter 9.10. Amplified sound equipment is not included in this approval, and any such equipment proposed for this site shall be submitted for review by the Planning Department at the building permit phase.
12. **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.
13. **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, Garrett Sauls at Garrett.Sauls@CityofPaloAlto.org to schedule this inspection.

PUBLIC WORKS ENGINEERING

14. 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://bit.ly/2QosO9A>.
15. IMPROVEMENT PLANS: The applicant shall arrange a meeting with the Public Works Engineering, Water/Gas/Wastewater Engineering, Electric Utilities Engineering, Planning, and Transportation Divisions and the Fire Department after Council approval of the Vesting Tentative Map to discuss the on-site and off-site improvements that will be required. The improvement plans must then be reviewed and approved by the City prior to submittal of the parcel or final map. 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.
16. 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.
17. GRADING PERMIT: A Grading Permit is required per PAMC Chapter 16.28. The permit application and all applicable documents (see Section H of application) shall be submitted to Public Works Engineering. ADVISORY -- A grading permit only authorizes grading and storm drain improvements, therefore, the following note shall be included on each grading permit plan sheet: "THIS GRADING PERMIT WILL ONLY AUTHORIZE GENERAL GRADING AND INSTALLATION OF THE STORM DRAIN SYSTEM. OTHER BUILDING AND UTILITY IMPROVEMENTS ARE SHOWN FOR REFERENCE INFORMATION ONLY AND ARE SUBJECT TO SEPARATE BUILDING PERMIT APPROVAL."
18. 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".
19. RETAINING WALLS: The grading plan shall clearly indicate all site retaining walls needed along the project to accommodate the fill. These walls shall be located completely onsite, and at a minimum 5-feet from the existing street trees to be protected.
20. FLOOD ZONE: This project is in a FEMA Special Flood Hazard Area and shall comply with the requirements in Palo Alto Municipal Code Chapter 16.52 and the California Residential Code Section 322 (CRC 322).
21. CLOMR-F: Evidence that this document has been executed shall be provided prior to building permit issuance.

22. **FINAL 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.
23. **STREETWORK PERMIT:** The applicant shall obtain a Streetwork Permit from the Department of Public Works for all offsite and public improvements. Note that the engineer's estimate is directly related to this permit's scope of work.
24. **ENCROACHMENT PERMIT:** Prior to any work in the public right-of-way, the applicant shall obtain an encroachment permit from the Public Works Department for any work that encroaches onto the City right-of-way.
25. **LOGISTICS PLAN:** A construction logistics plan shall be provided addressing all impacts to the public and including, at a minimum: work hours, noticing of affected businesses, 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, which outlines truck routes available throughout the City of Palo Alto.
26. **CALTRANS PERMIT FOR SOUNDWALL:** A portion of the proposed work is within Caltrans right-of-way. A permit must be obtained from the applicable agency. Evidence of the outside agency's permit approval shall be submitted to the Planning and Public Works Departments prior to issuance of City permits.
27. **SWPPP:** The proposed development will disturb more than one acre of land. Accordingly, the applicant will be required to comply with the State of California's General Permit for Storm Water Discharges Associated with Construction Activity. This entails filing a Notice of Intent to Comply (NOI), paying a filing fee, and preparing and implementing a site-specific storm water pollution prevention plan (SWPPP) that addresses both construction-stage and post-construction BMP's for storm water quality protection.
28. **STORMWATER POLLUTION PREVENTION:** All improvement plan sets shall include the "Pollution Prevention – It's Part of the Plan" sheet.
29. **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.
30. 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://bit.ly/3J3gtxJ>

- b. Final stamped and signed letter confirming which documents were reviewed and that the project complies with Provision C.3 and PAMC 16.11.

31. 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.
 - a. 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.
32. 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.
33. 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.
34. IMPERVIOUS SURFACE AREA: The project will be creating or replacing 500 square feet or more of impervious surface. Accordingly, the applicant shall provide calculations of the existing and proposed impervious surface areas with the building permit application. The Impervious Area Worksheet for Land Developments form and instructions are available at the Development Center or on our website. To determine the impervious surface area that is being disturbed, provide the quantity on the site plan.
35. 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.

TRANSPORTATION

36. The applicant shall be responsible for planning/design, coordination with regional agencies, replacement/relocation of existing public utilities, easement approvals, procurement of required services/materials/equipment, and construction for the proposed West Bayshore Road off-site improvements. Any changes in proposed site plans shall require Office of Transportation approval.
37. Provide continuous sidewalk through driveway without diverting it towards W Bayshore Rd. As a result, the proposed ADA ramps will be unnecessary and should be removed.
38. The driveway approach shall meet the City of Palo Alto Driveway design requirements. Public Works Driveway standard requirements can be found here:
<https://www.cityofpaloalto.org/Departments/Public-Works/Engineering-Services/Public-Works-Standard-Drawings-and-Specifications>
39. In accordance with PAMC 18.54.050, the proposed load-break cabinet near the project driveway shall be less than 3 feet in height to maintain sight distance visibility from the driveway.

RECYCLING

40. REQUIRED DECONSTRUCTION.

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

41. 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.

43. SOURCE SEPARATION FOR RECYCLING.

The applicant shall source separate deconstruction materials into specific categories for recycling. Additional staging areas for source separated materials will need to be considered. All materials shall be delivered to one of the City approved materials recovery facilities listed in Green Halo, all records shall be uploaded to www.greenhalosystems.com. For more information, refer to www.cityofpaloalto.org/deconstruction.

URBAN FORESTRY

44. 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.

45. 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.
46. 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, Trenching and Tunneling Distance, shall be printed on the final plans to be implemented by Contractor.
47. TREE PROTECTION VERIFICATION. Prior to any site work verification from the contractor that the required protective fencing is in place shall be submitted to the Urban Forestry Section. The fencing shall contain required warning sign and remain in place until final inspection of the project.
48. PLAN CHANGES. Revisions and/or **changes to plans before or during construction** shall be reviewed and responded to by the (a) project site arborist, or (b) landscape architect with written letter of acceptance before submitting the revision to the Building Department for review by Planning, PW or Urban Forestry.

ELECTRICAL ENGINEERING

49. Electric Utilities will need to place a padmount, loadbreak cabinet preferably in the planter area on the south side of Building 3 with (4) 4" high voltage conduits in/out. Approximately 3'x5' footprint. Coordinate with Utilities Eng.

WATER, GAS, WASTEWATER

PRIOR TO ISSUANCE OF DEMOLITION PERMIT

50. The applicant shall submit a request to disconnect utility services and remove meters. The utilities demo to be processed within 10 working days after receipt of request. The demolition permit will be issued by the building inspection division after all utility services and/or meters have been disconnected and removed.

FOR BUILDING PERMIT

51. The applicant shall submit a completed water-wastewater service connection application - load sheet for City of Palo Alto Utilities. The applicant must provide all the information requested for utility service demands (domestic water and irrigation in fixture units/g.p.m., fire in g.p.m., and sewer in fixture units/g.p.d.).

52. No new gas service installation for this project (All Electric Project).
53. The WGW utility department is working with a consultant to utilize the hydraulic capacity performance analysis of the City's wastewater system to determine the impacts to the wastewater capacity needed to service the development and adjacent properties during anticipated peak flow demands. We will notify the applicant's engineer when the analysis is completed.
54. The applicant to conduct the onsite/private fire water system studies per the City of Palo Alto fire department requirements; to determine the impacts to the City's water system to service the development during anticipated peak demands and fire flow.
55. The subdivision sewer system will be considered private and shall be privately maintained by the home association. The CC&Rs and final map should mention the private sewer system along the private road and maintenance responsibility. The City will be responsible for the maintenance of the main in the public street right of way and not the private sewer system.
56. The applicant to provide WGW utility department a share maintenance responsibility agreement between the two buildings' owner (2850 and 2800 W Bayshore Rd.) for the proposed private sewer line (common/shared sewer facility).
57. 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 the new private sewer facility to include details of connection to City's sewer manhole for review and approval.
58. 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).
59. The applicant shall be responsible for installing and upgrading the existing utility mains and/or services as necessary to handle anticipated peak loads. This responsibility includes all costs associated with the design and construction for the installation/upgrade of the utility mains and/or services.
60. An approved reduced pressure principle assembly (RPPA backflow preventer device) and (reduced pressure detector assembly) are required for all new water and fire connections from Palo Alto Utilities to comply with requirements of California administrative code, title 17, sections 7583 through 7605 inclusive. The RPPA and RPDA shall be installed on the owner's property and directly behind the water meter and the City's fire service within 5 feet of the property line. RPPA's for domestic service shall be lead free. 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.

61. 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.
62. The applicant shall provide to the engineering department a copy of the plans for fire system including all fire department's requirements.
63. The applicant shall secure a public utilities easement (P.U.E.) for the new master water meter installed on private property. The applicant's engineer shall obtain, prepare, record with the county of Santa Clara, and provide the utilities engineering section with copies of the public utilities easement on the front of the property adjacent to the City right of way at the water point of service.
64. Show the location of the new private sewer facility within the existing P.U.E. on the plans. The proposed private sewer facility connection to the City's manhole required WGW utility engineering review and approval and CPAU Inspector inspection.
65. All existing water and wastewater services that will not be reused shall be abandoned at the main per the latest WGW utilities standards.
66. Utility vaults, transformers, utility cabinets, concrete bases, or other structures cannot be placed over existing water, gas, or wastewater mains/services. Maintain 1' horizontal clear separation from the vault/cabinet/concrete base to existing utilities as found in the field. If there is a conflict with existing utilities, Cabinets/vaults/bases shall be relocated from the plan location as needed to meet field conditions. Trees may not be planted within 10 feet of existing water and wastewater mains/laterals/water services/or meters. New water or wastewater services/laterals/meters may not be installed within 10' of existing trees. Maintain 10' between new trees and new water and wastewater services/laterals/meters.
67. All utility installations shall be in accordance with the latest edition of the City of Palo Alto utility standards for water & wastewater.

WATER QUALITY

68. Since the project triggers polychlorinated biphenyls (PCBs) sampling as identified on the "Planning Application Form," the project shall conduct representative sampling of PCBs concentration in accordance with the "Protocol for Evaluating Priority PCBs-Containing Materials before Building Demolition (2018)." The PCBs Application Package and other resources are outlined at <http://www.cityofpaloalto.org/pcbdemoprogram>. The Applicant's Package will outline PCBs sampling and reporting requirements that must be met.
 - a. If the representative sample results or records DO NOT indicate PCB concentrations ≥ 50 ppm in one or more "priority materials," then the screening assessment is complete. Applicant submits screening form and the supporting sampling documentation with the demolition permit application. No additional action is required.

- b. If the representative sample results or records DO indicate PCBs concentrations ≥ 50 ppm in one or more “priority materials,” then the screening assessment is complete, but the Applicant MUST also contact applicable State and Federal Agencies to meet further requirements. Applicant submits screening form and the supporting sampling documentation with the demolition permit application, and also must contacts the State and Federal Agencies as indicated on Page 3 of the “PCBs Screening Assessment Form.”

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

69. Stormwater Treatment Measures

- a. All Bay Area Municipal Regional Stormwater Permit requirements shall be followed.
- b. Refer to the Santa Clara Valley Urban Runoff Pollution Prevention Program C.3 Handbook for details.
- c. 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.boylerothriguez@cityofpaloalto.org. Add this bullet as a note to the building plans.
- d. Staff from Stormwater Program (Watershed Protection Division) may be present during installation of stormwater treatment measures. Contact Pam Boyle Rodriguez, Stormwater Program Manager, at (650) 329-2421 before installation. Add this bullet as a note to building plans on Stormwater Treatment (C.3) Plan.

70. Stormwater Quality Protection

- a. Temporary and permanent waste, compost and recycling containers shall be covered to prohibit fly-away trash and having rainwater enter the containers.
- b. Drain downspouts to landscaping (outward from building as needed).
- c. Drain HVAC fluids from roofs and other areas to landscaping.
- d. Offsite downgrade storm drain inlets shall also be identified on this plan set and protected. If City staff removes protection from an inlet in the ROW during a rain event, the contractor shall replace the inlet protection by the end of the following business day.

PUBLIC ART

- 71. The project is subject to the public art in private development ordinance requiring that 1% of the estimated construction valuation is used to either commission public art on site or pay the equivalent contribution to the public art fund, whichever is greater. If the applicant chooses to commission art on site, then they must complete both initial and final reviews and receive approval from the Public Art Commission prior to the issuance of a building permit. This actual amount to be paid shall be determined during building permit submittal and be paid prior to building permit issuance.

HOUSING

The project as proposed includes 48 residential ownership units. The project is subject to the Below Market Rate (BMR) requirement as set forth by Palo Alto Municipal Code (PAMC) 16.65.060.

72. When the BMR requirement results in a fractional unit, an in-lieu payment to the Residential Housing Fund may be made for the fractional unit instead of providing an actual BMR unit, except that larger projects of 30 or more units must provide a whole BMR unit for any fractional unit of one-half (0.50) or larger. The proposed project – 48 ownership units – is subject to a BMR requirement of 7.2 units and is proposing seven units, with 0.2 paid through an in-lieu fee. All of the units will be made affordable to moderate income households.
73. All BMR units constructed shall be in conformance with the City's BMR Program rules and regulations. Failure to comply with the timing of this condition and any adopted BMR Program rules and regulations shall not waive its later enforcement.
74. A BMR Agreement in a form acceptable to the City Attorney for the seven BMR units shall be executed and recorded prior to final map approval or building permit issuance, whichever occurs first. Failure to comply with the timing of this condition and any adopted BMR Program rules and regulations shall not waive its later enforcement.

Attachment H

Project Plans

Project plans are available to the public online. Hardcopies of the plans have been provided to Board members.

Directions to review Project plans online:

1. Go to: bit.ly/PAppendingprojects
2. Scroll down to find “2850 W. Bayshore” and click the address link
3. On this project specific webpage you will find a link to the project plans and other important information

Direct Link to Project Webpage:

<https://www.cityofpaloalto.org/News-Articles/Planning-and-Development-Services/2850-W.-Bayshore-21PLN-00177>