



Planning & Transportation Commission

Staff Report (ID # 14347)

Report Type: Action Items **Meeting Date:** 5/25/2022

Summary Title: 2850 West Bayshore Road: 48 Townhomes

Title: PUBLIC HEARING / QUASI-JUDICIAL. 2850 West Bayshore [21PLN-00178]: Recommendation on Applicant's Request for Approval of a Vesting Tentative Map for a single-lot subdivision for condominium purposes for 48 attached townhomes. Environmental Assessment: Exempt per CEQA Guidelines Section 15332. Zoning District: ROLM (Research, Office, and Manufacturing). For More Information Contact the Project Planner Garrett Sauls at Garrett.Sauls@cityofpaloalto.org.

From: Jonathan Lait

Recommendation

Staff recommends the Planning and Transportation Commission (PTC) take the following action(s):

1. Recommend approval of the proposed vesting tentative map to the City Council based on findings and subject to conditions of approval.

Report Summary

On June 22 and June 23, 2021, the applicant submitted applications for Architectural Review (AR) and Tentative Map (Subdivision) to demolish a 32,500 square foot office building, subdivide the parcel into 48 condominium units, and construct 48 townhomes at 2850 West Bayshore Road with access via a private street on West Bayshore Road. The newly created units will range in size from 1,600 square feet to 2,100 square feet. Seven of the proposed 48 units will be allocated as below market rate.

This residential project utilizes the RM-30 development standards, as required by the ROLM zoning district, and requests a concession to the required floor area ratio (FAR) through state Density Bonus Law to provide for 1.14:1.0 FAR where 0.6:1.0 is the typical allowance.¹

¹ This is the FAR at the time of publication. The applicant is revising their architectural plans based on ARB comments and a new FAR will be provided when available.

As there are more than four proposed condominium units, the project must follow the Tentative Map/Final Map process and must be reviewed by the Planning and Transportation Commission and the City Council. The subject Vesting Tentative Map is consistent with the Palo Alto Comprehensive Plan, and Zoning Ordinance. Therefore, staff recommends approval of the proposed Vesting Tentative Map application.

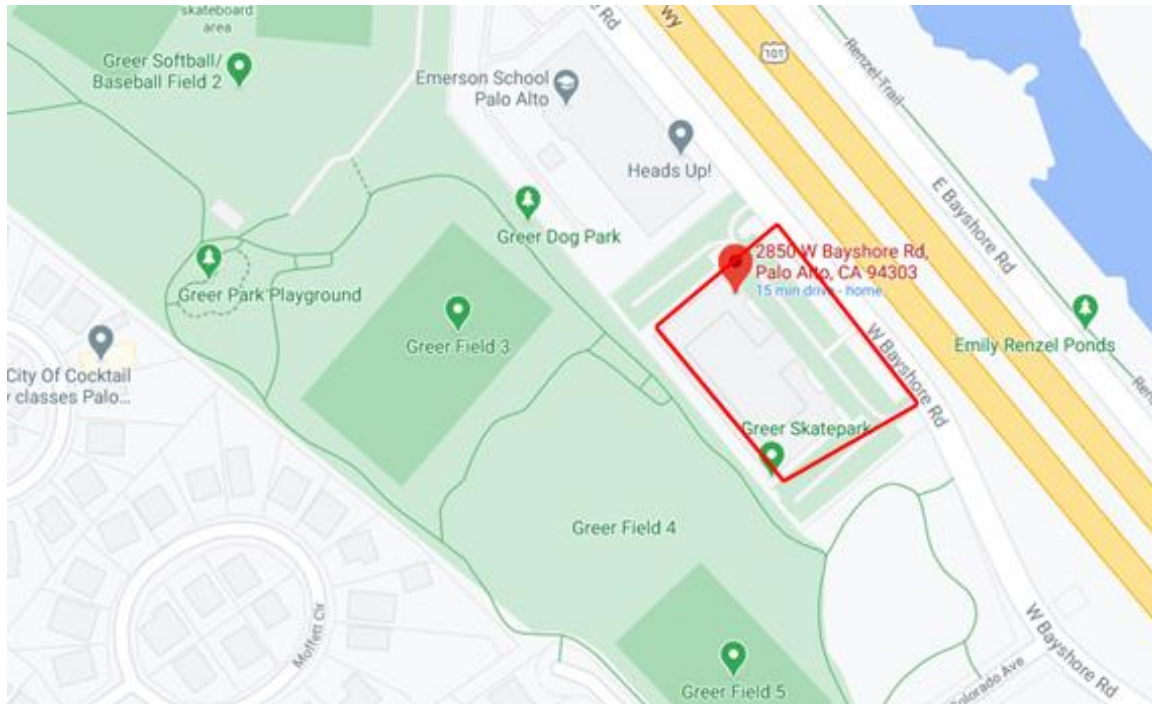
Background

Project Information

Owner:	C & J Office Buildings, LLC
Architect:	SDG Architects, Inc.
Representative:	SummerHill Homes LLC
Legal Counsel:	David Blackwell; Allen Matkins Leck Gamble Mallory & Natsis, LLP

Property Information

Address:	2850 W Bayshore Road
Neighborhood:	Midtown
Lot Dimensions & Area:	~239 feet deep by ~425 feet wide, 2.34 acres
Housing Inventory Site:	Not Applicable
Located w/in a Plume:	Not Applicable
Protected/Heritage Trees:	Street trees present (see discussion below)
Historic Resource(s):	Not Applicable
Existing Improvement(s):	34,296 sf, single-story office building constructed in 1977
Existing Land Use(s):	Research and Development (currently vacant)
Adjacent Land Uses & Zoning:	North: PC-1889 Zoning (Institutional land use [school/daycare]) West: PF Zoning (Park land use [Greer Park]) East: PF Zoning (Open Space land use [Baylands across Highway 101]) South: PF Zoning (Park land use [Greer Park])
Special Setbacks:	24 feet along West Bayshore Road
Aerial View of Property:	



Source: Google Maps

Land Use Designation & Applicable Plans/Guidelines

Zoning Designation:	ROLM (Research Office and Limited Manufacturing)
Comp. Plan Designation:	Research/Office Park
Context-Based Design:	Applicable
Downtown Urban Design:	Not Applicable
SOFA II CAP:	Not Applicable
Baylands Master Plan:	Not Applicable
ECR Guidelines ('76 / '02):	Not Applicable
Proximity to Residential Uses or Districts (150'):	Not Applicable
Located w/in AIA (Airport Influence Area):	Not Applicable (just outside the boundary)

Prior City Reviews & Action

City Council:	Associated Major AR (File No. 21PLN-00177) will be heard by City Council on June 20, 2022
PTC:	None
HRB:	None
ARB:	Preliminary ARB Hearing [21PLN-00041] – April 1, 2021; ARB Hearing [21PLN-00177] – January 20 & April 21, 2022

Project Description

The applicant wishes to create a one lot subdivision for use by 48 condominium units. The project also includes four private streets proposed to connect to the public street (West Bayshore Road) and utilities are proposed within the private street improvement. New sidewalk is proposed along West Bayshore Road along with a Right of Way easement recorded against the property to provide for a new bicycle lane. Other off-site improvements include curb and gutter replacement, landscape maintenance and tree removal along the shared property line at Greer Park and 2800 West Bayshore Road, as well as modification of existing utilities which run through 2800 West Bayshore Road and Greer Park.

As there are more than four proposed condominium units, the project must follow the Tentative Map/Final Map process and must be reviewed by the Planning and Transportation Commission (PTC) and the City Council. The applicant has elected to pursue a Vesting Tentative Map.

ARB Review

Pursuant to Palo Alto Municipal Code (PAMC) Title 21, all entitlements must be completed prior to formal review of the Vesting Tentative Map. The Architectural Review process is an entitlement process and has yet to receive a final decision. However, the primary purpose of the requirement to complete entitlements is to delay the date on which a Vesting Tentative Map “freezes” local zoning standards. Recent state law, SB 330, created a preliminary application process that has already frozen local standards for this project. SB 330 also limits the City to five total hearings on this project, which may not be feasible with sequential review processes. Therefore, staff have elected to process review of the AR and Subdivision map applications concurrently. These applications will be considered simultaneously at the City Council at the June 20, 2022 hearing.

Commission Purview on Vesting Tentative Map

The necessary findings for approval of the Vesting Tentative Map are contained in State law and incorporated into Title 21 of the Municipal Code. Under the Subdivision Map Act, the PTC and Council must make a series of “reverse” findings to justify approval. Unless one or more of these findings is made in the affirmative, the subdivision must be approved. In particular, under Government Code Section 66474, the PTC shall recommend denying a Tentative Map if it makes any of the following findings:

- a) That the proposed map is not consistent with applicable general and specific plans.
- b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- c) That the site is not physically suitable for the type of development.
- d) That the site is not physically suitable for the proposed density of development.
- e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure to fish or wildlife or their habitat.

- f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Several of these findings relate to the "design" and "improvement" of the proposed subdivision. The design and improvement of the subdivision should be distinguished from the design of the approved structure to be located within the subdivision, which is the subject of the Architectural Review process by the ARB, Director of Planning, and City Council. In this context, the terms "design" and "improvement" are defined in the Subdivision Map Act as follows:

"Design" means: (1) street alignments, grades and widths; (2) drainage and sanitary facilities and utilities, including alignments and grades thereof; (3) location and size of all required easements and rights-of-way; (4) fire roads and firebreaks; (5) lot size and configuration; (6) traffic access; (7) grading; (8) land to be dedicated for park or recreational purposes; and (9) other specific physical requirements in the plan and configuration of the entire subdivision that are necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan as required pursuant to Section 66473.5 (Government Code, Subdivision Map Act Section 66418).

The Subdivision Map Act (Government Code, section 66419), defines "improvement" as:

- (a) any street work and utilities to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final map thereof; and
- (b) any other specific improvements or types of improvements, the installation of which, either by the subdivider, by public agencies, by private utilities, by any other entity approved by the local agency, or by a combination thereof, is necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan.

Any time an application proposes private streets, staff reaches out to the Palo Alto Historical Association (PAHA) regarding the potential names for the private streets. PAHA, as well as the Police and Fire departments, vet the list of names to ensure that they are not in use in Palo Alto as well as neighboring jurisdictions. That list of recommended street names is provided to City Council on the consent calendar. Attachment B includes the list of names PAHA suggested to be used at this location.

Requested Entitlements, Findings and Purview:

The following discretionary applications are being requested and subject to PTC purview:

- ***Vesting Tentative Map.*** The process for evaluating this type of application is set forth in Title 21 of the Palo Alto Municipal Code (PAMC) and California Government Code 66474.

The process for approval of a Vesting Tentative Map for a condominium subdivision is outlined in PAMC Sections 21.12.010 and 21.13.020. Vesting Tentative maps require Planning and Transportation Commission (PTC) review. The PTC reviews whether the amended subdivision is consistent with the Subdivision Map Act (in particular Government Code 66474), Title 21 of the Palo Alto Municipal Code, the Palo Alto Comprehensive Plan, and other applicable provisions of the Palo Alto Municipal Code and State Law. The PTC's recommendation is forwarded to the City Council for final approval. In accordance with Title 21 of the Palo Alto Municipal Code, all entitlements must be completed prior to formal review of the Vesting Tentative Map.

In addition to the Vesting Tentative Map, the Director has deferred the following applications to the City Council (PAMC 18.40.170). A City Council hearing is scheduled for June 20, 2022:

- **Architectural Review – Major (AR).** The process for evaluating this type of application is set forth in PAMC 18.77.070.
- **Conditional Use Permit (CUP).** A CUP is needed for residential use within the ROLM zone. The process for this type of application is set forth in PAMC 18.77.060. PAMC 18.76.010 outlines the findings for the granting of approval of a Conditional Use Permit.

The project is also subject to the following State regulations:

- **Housing Accountability Act.** The Housing Accountability Act (HAA) (Government Code Section 65589.5) acknowledges the lack of housing as a critical problem in California. The HAA applies to all "housing development projects" which the State defines as: "residential units; mixed-use developments (with at least two-thirds of the square footage designated for residential use), and transitional or supportive housing."

The HAA states that a city cannot disapprove a project or reduce its 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 consistent with objective standards if "there is substantial evidence that would allow a reasonable person to conclude" that a project complies. Receipt of a density bonus, including incentives, concessions, waivers, or reductions, is not a valid basis to find a project is inconsistent with objective standards.

- **SB330 Permit Review.** Effective January 1, 2020, SB330 made several changes to existing State housing law, including the HAA and Permit Streamlining Act. For the purposes of the work described herein, the important elements are as follows:

- Requires that jurisdictions only subject a housing development project to review pursuant to the ordinances, policies, and standards adopted and in effect when a preliminary application is submitted.
- Limits jurisdictions to reviewing the project in five hearings in total once the project is deemed complete. This includes the hearings needed under the Vesting Tentative Map.

Analysis²

Neighborhood Setting and Character

The subject site is bounded by Greer Park, West Bayshore (a Highway 101 frontage road)), and the property at 2800 West Bayshore Road. Except for the adjacent park, the only other land use on this block is the Emerson School and HeadsUp! preschool at 2800 West Bayshore Road. Across from Greer Park are the single-family neighborhoods and Colorado Apartments in Midtown. Both 2800 and 2850 West Bayshore Road were developed in the late 1970's with commercial buildings.

The existing building on 2800 West Bayshore is residential in appearance due to its low gable roof and use of softer wood elements that blends the facility into the background of the vegetation that surrounds the site. As the residential properties across from Greer Park are roughly 400+ feet away, there are no other sites that provide a relevant building context for the project at 2850 West Bayshore Road.

Zoning Compliance³

A detailed review of the proposed project's consistency with applicable zoning standards has been performed. A summary table is provided below under Table 1. The proposed project complies with all applicable codes in a manner that is consistent with the Zoning Ordinance.

Table 1: COMPARISON WITH CHAPTER 18.20 (ROLM DISTRICT)			
Regulation	Required	Existing	Proposed
Minimum Site Area	1 acre	101,786 sf (2.34 acres)	101,786 sf (2.34 acres)
Minimum Site Width	100 feet	425 feet	425 feet

² The information provided in this section is based on analysis prepared by the report author prior to the public hearing. Planning and Transportation Commission 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 recommended action.

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

Minimum Site Depth	150 feet	239 feet	239 feet
Minimum/Maximum Density	37/70 units	0	48 units
BMR Units	7.2	0	7 units; 0.2 will be paid via in-lieu fee

Consistency with the Comprehensive Plan, Area Plans and Guidelines⁴

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 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 C provides a detailed review of the project's consistency with the Comprehensive Plan.

Multi-Modal Access & Parking

The private streets provided on site will be 32 feet wide as required by PAMC 21.20.240 as measured from building face to building face. This will provide for a 26-foot-wide drive aisle with three-foot driveway aprons on both sides of the street to support vehicles entering and exiting from their garages. In addition to this, the applicant is proposing a public right of way easement that will expand the bike lane along West Bayshore Road as well as a pedestrian ramp to access Greer Park from the project site. These modifications will support additional bicycle and pedestrian access to and from the site.

Consistency with Application Findings

Attachment C provides draft findings for approval of the Vesting Tentative Map application.

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.

⁴ The Palo Alto Comprehensive Plan is available online: <http://www.cityofpaloalto.org/gov/topics/projects/landuse/compplan.asp>

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 May 11, 2022 which is 14 days in advance of the meeting. Postcard mailing occurred on May 10, 2022 which is 15 days in advance of the meeting.

Public Comments

As of the writing of this report, no project-related, public comments were received.

Alternative Actions

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

1. Approve the project with modified findings or conditions;
2. Recommend project denial based on revised findings.

Report Author & Contact Information

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PTC⁵ Liaison & Contact Information

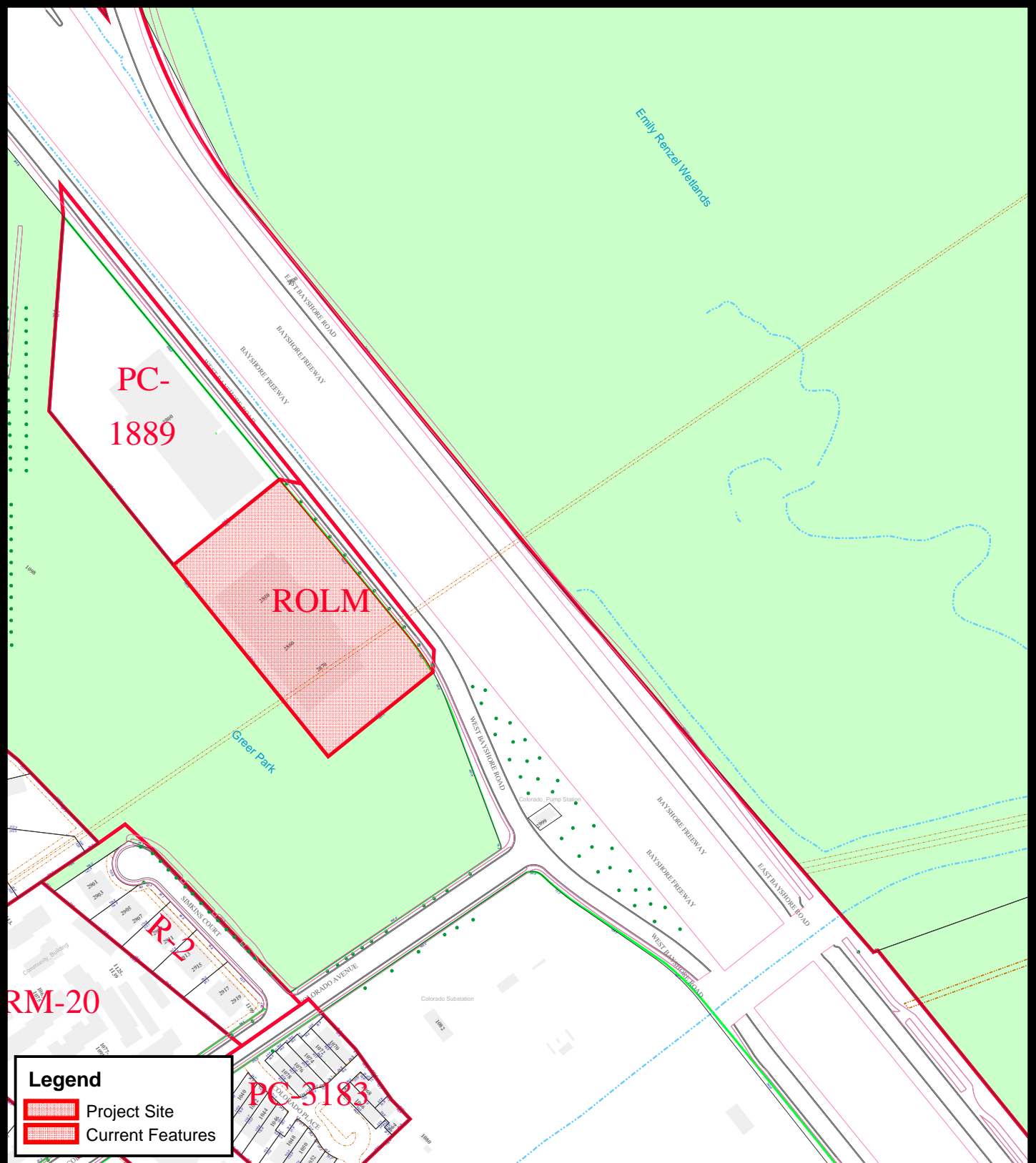
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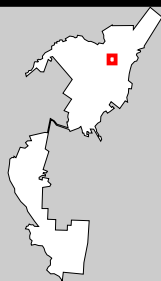
Attachments:

- Attachment A: Location Map (PDF)
- Attachment B: Project Description and Street Names (PDF)
- Attachment C: Draft Record of Land Use Action (DOCX)
- Attachment D: Project Plans and Environmental Documents (DOCX)

⁵ Emails may be sent directly to the PTC using the following address: planning.commission@cityofpaloalto.org



The City of
Palo Alto



Location Map: 2850 W Bayshore

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



0' 237'



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.



May 11, 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
Vesting Tentative Map – 21PLN00178
4th Submittal – Summary of Revisions

Dear Garrett,

As discussed, we have revised the proposed vesting tentative map to incorporate the changes to the project reflected in the 4th, 5th and 6th submittals of the proposed plans for Major Architectural Review (21PLN00177), as well as the following changes which are intended to address comments received from the Architectural Review Board on April 21st:

1. The footprint and floor plans of Buildings 4 and 5 have been modified. As a result, the setback from Buildings 4 and 5 to the rear property line has increased to approximately 15.3'. The setback from Building 4 to the side property line remains 11', and the distance between Buildings 4 and 5 remains 32'.
2. The alignment of the upper retaining wall has been modified at the end of C Street to allow the landscape terrace to be widened between the upper and lower retaining walls.
3. The guest parking stalls at the end of C Street have been shifted to allow for a landscape strip between the parking stall and the upper retaining wall.
4. The landscape space between Buildings 4 and 5 and the upper retaining wall has been widened to allow more room for the proposed tree canopy.

Garrett Sauls
May 11, 2022
Page 2

We have uploaded the revised proposed vesting tentative map to <https://aca-prod.accela.com/PALOALTO>.

Please let us know if you have any questions.

Sincerely,



John Hickey

Vice President of Development

cc: Elaine Breeze, SummerHill Housing Group

Palo Alto Historical Association
P.O. Box 193
Palo Alto, CA 94302

February 3, 2022

To: City of Palo Alto

The Palo Alto Historical Association Board met to discuss and approve a list of suggested street names for the project on West Bayshore Road that requires 4 names. In situations like this, PAHA prefers to suggest a list of names with a theme, rather than 4 unrelated names. In the past we have provided names with a theme of shorebirds, rivers of California and the like.

A committee of the board had previously met, and came up with 5 thematic groupings of names. These groupings included Colorado city names (since Colorado is a nearby major street); names of fish found in local creeks; and names of bayside communities in the Bay Area. There was also support for using Ohlone language names to honor the original residents of Palo Alto.

The grouping that found favor and is the recommended group for the development is first names of well-known or significant women of Palo Alto. We are providing 7 names, and leave it to others to choose the final four. All of the persons so honored are deceased.

The names (in no particular order):

ELLEN for Ellen Fletcher former Councilmember and bicycle advocate.

JUANA for Juana Briones one of the pioneer residents of both San Francisco and Palo Alto.

ANNA for Anna Zschokke one of the first residents of the new town of Palo Alto who wrote the first history of the town.

SARAH for Sarah Wallis who came to California in the first wagon train, later became a leading suffragette.

JOSEPHINE for Josephine Duveneck an early promoter of education and the environment.

ESTHER for Esther Clark one of the first woman doctors in Palo Alto.

KATHLEEN for Kathleen Norris the Palo Alto writer who was the highest paid woman in the country in the early 20th century.

If you have any questions, please contact me at 650-329-2353 or
steve.staiger@cityofpaloalto.org

Steve Staiger
Historian, Palo Alto Historical Association

Brief biographical information on each of suggested street names submitted by Steve Staiger, PAHA historian.

ELLEN FLETCHER: Ellen was born in Germany and as a 10 year old child was allowed to leave Nazi Germany as one of the thousands of refugee Jewish children. She was reunited with her family in New York in 1946 where she completed her education. She came to Palo Alto and raised a family. As a long-time bicyclist she supported bicycling for both recreation and transportation uses. Ellen ran for City Council in 1977 and served for 12 years. She was responsible for the Bryant Street Bike Boulevard which was renamed in honor in 2002.

JOSEPHINE DUVECK: Josephine came to Palo Alto during WWI with her children while her husband served in the Signal Corps. After the war she became active in the Palo Alto Community House which led to a term on the City Council (1923-27). She and her husband bought 100 acres in the Los Altos Hills in 1924 and moved there in 1929. Eventually the property grew to more than 400 acres and is the Hidden Villa Ranch. She was one of the founders of the Peninsula School in 1925, and served as a teacher and director for 16 years. July 3, 1978 was proclaimed "Josephine Duvenek Day" by the City.

DOCTOR ESTHER CLARK: Dr. Esther Clark was one of the first female pediatricians in the country. She was born in Mayfield, graduated from Stanford and Stanford Medical School. She was one of the founders of the Palo Alto Medical Clinic. She was the founder of the Children's Health Council. Late in her life, she sold 22 acres of land to the City that became Esther Clark Park.

LYDIA MITCHELL: She came to Palo Alto in 1910 for the educational opportunities for her son, future Councilmember J.P. Mitchell. She was a member of the Palo Alto Woman's Club, a founder of the Fortnightly Music Club and was a longtime leader in the local American Red Cross.

SARAH WALLIS: Sarah came to California as a young wife in the first wagon train to cross the Sierras. She learned to read at Sutter's Fort while her husband was fighting in the Bear Flag Revolt. With a financial settlement from a second husband, she was able to buy land on the Peninsula now known as the Barron Park neighborhood. She became a supporter of woman's suffrage, eventually becoming the leader of the movement in California. She welcomed visitors to her home such as U.S. Grant and leading national suffragettes. In my opinion, she was perhaps the most interesting person to have lived in Palo Alto.

ANNA ZSCHOKKE: came to the new town of Palo Alto with her 3 children as a recent widow. Her family was one of the first 6 families to spend that first winter in the new town in 1890. Anna could be considered as the mother of the Palo Alto schools. She was able to determine that the new town was far enough away from Mayfield to allow for a new school in town. And a few years later, with a loan from a family trust, she built a second house that was initially used as the first high school. In 1897 she wrote the first published history of Palo Alto entitled "Pioneer history of Palo Alto".

KATHLEEN NORRIS: was born in San Francisco and became the highest paid woman in American in the 1920s and 30s. She wrote more than 80 novels, 300 short stories and numerous magazine articles for the American female audience. She and her husband, also a writer, but far less successful, were able to build the finest house in Palo Alto, designed by Birge Clark on Cowper Street.

JUANA BRIONES: was born near Santa Cruz when California was part of Spain, grew up a Mexican citizen living in San Francisco and spent the last several decades of her life in Palo Alto as an American citizen. She was an entrepreneur and medicine women in San Francisco selling food and supplies to the soldiers

of the Presidio and caring for sick native peoples and sailors coming into San Francisco Bay. She later acquired a vast tract of land on the Peninsula where she and her family lived for many years. Her home, at one time the oldest residence in Palo Alto was torn down by its owner several years ago.

SUMMERHILL HOMESSM

COMMUNITIES OF DISTINCTION

May 17, 2022

Jodie Gerhardt
Planning Manager
City of Palo Alto

Via Email: jodie@cityofpaloalto.org

Re: 2850 West Bayshore Road – Street Names

Dear Ms. Gerhardt:

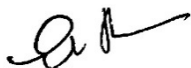
On behalf of SummerHill Homes, we request that the following street names be approved for the private streets located within our proposed 2850 West Bayshore Road residential project.

SummerHill selected these names from the attached list of first names of well-known or significant women of Palo Alto provided to us by the Palo Alto Historical Association to be considered for our street names. The Fire and Police Departments subsequently reviewed the list and indicated that Anna and Sara should be avoided due to duplicity with surrounding cities' street names and coordinated emergency services.

A Street: Kathleen
B Street: Ellen
C Street: Juana
D Street: Esther

Thank you for your consideration.

Best Regards,



Elaine Breeze
Senior Vice President of Development

Enclosure

Cc: John A. Hickey, SummerHill Homes

ACTION NO. 2022-____
DRAFT RECORD OF THE COUNCIL OF THE CITY OF PALO ALTO LAND USE ACTION FOR
2850 WEST BAYSHORE ROAD: VESTING TENTATIVE MAP
[21PLN-00178] (SUMMERHILL HOMES, APPLICANT)

At its meeting on June 20, 2022, the City Council of the City of Palo Alto (“City Council”) approved a Major Architectural Review and a Vesting Tentative Map application for the development of a 48-unit condominium subdivision request making the following findings, determinations and declarations:

SECTION 1. Background.

- A. On June 22, 2021, SummerHill Homes applied for entitlements for a development project including a Vesting Tentative Map for the development of a 48-unit subdivision of airspace for a residential project (“The Project”).
- B. Following review from the Planning and Transportation Commission, the Commission recommended _____ for the Vesting Tentative Map on May 25, 2022, subject to conditions of approval.
- C. On June _____, 2022, the City Council held a duly noticed public hearing, at which evidence was presented and all persons were afforded an opportunity to be heard in accordance with the Palo Alto Municipal Code and the Council’s policies and procedures.

SECTION 2. 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. The City’s consultant, Rincon, evaluated the existing building and found it ineligible for the California Register of Historic Resources. Attachment ____ of the staff report includes links to access the Categorical Exemption document 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.

SECTION 3. Tentative Map Findings

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

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

The site is consistent with the Comprehensive Plan as described below.

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

The Project is consistent with the following Comprehensive Plan policies:

Comprehensive Plan Goal/Policy	Consistency
Policy L-1.6: Encourage land uses that address the needs of the community and manage change and development to benefit the community.	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 address 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.
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 be 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-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 2012 Palo Alto Bicycle + Pedestrian Transportation Plan. Policy T-1.19: Provide facilities that encourage	The project proposes a right of way easement along the site frontage in order to expand the bike lane across the site.

Comprehensive Plan Goal/Policy	Consistency
and support bicycling and walking.	
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 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 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.

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

The Project site is suitable for residential use development; it is comprised of one large relatively flat lot that is 2.34 acres in size. The lot would be subdivided into air parcels for condominium purposes not to exceed 48 residential condominium units. The minimum site area, width, and depth for development in the ROLM zoning district is already met by the existing parcel boundaries and the site does not seek to modify that. A public right of way easement will be dedicated with the Final Map to provide for an expanded bicycle lane along West Bayshore Road. The Project site would allow for 48 multi-family residential units as permitted for RM-30 development standards in the ROLM zoning district.

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

The project would create 48 multi-family residential units which are compliant with the minimum/maximum allowable residential density as calculated for the total site area (16/30 dwelling units per acre = 37/70 dwelling units, respectively).

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

The City's consultant determined that the project qualifies under a Class 32 Exemption from CEQA. As a result, the Project will not cause environmental damage or injure fish, wildlife, or their habitat, in that the property is currently developed and not adjacent to sensitive habitat areas.

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

The City's consultant determined that the project qualifies under a Class 32 Exemption from CEQA. As a result, the Project will not cause serious public health problems.

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

The design of the subdivision will not conflict with any easements for access through or use of the property. A public right of way easement will be dedicated with the Final Map to the provide for an expanded bicycle lane along West Bayshore Road.

SECTION 4. Tentative Map Approval Granted

Tentative Map Approval is filed and processed in accordance with PAMC Section 21.12.090 and granted by the City Council under PAMC Sections 21.12 and 21.20 and the California Government Code Section 66474, subject to the conditions of approval herein of this Record.

SECTION 5. Final Map

The Final Map submitted for review and approval by the City Council shall be in substantial conformance with the Tentative Map prepared by CBG, Inc. titled "Vesting Tentative Map for Condominium Purposes," consisting of 14 pages, stamped as received May 11, 2022, except as modified to incorporate the conditions of approval contained herein of this record. A copy of the Tentative Map is on file with the Department of Planning & Development Services, Current Planning Division. Prior to the expiration of the Tentative Map approval, the subdivider shall cause the subdivision or any part thereof to be surveyed, and a Final Map, as specified in Chapter 21.08, to be prepared in conformance with the

Tentative Map as conditionally approved, and in compliance with the provisions of the Subdivision Map Act and PAMC Title 21 and submitted to the City Engineer (PAMC Section 21.16.010[a]).

SECTION 6. Conditions of Approval (Vesting Tentative Map)

PLANNING DIVISION

1. **PROJECT PLANS.** The Vesting Tentative Map submitted for review and approval by the City Council shall be in substantial conformance with the Vesting Tentative Map titled “Vesting Tentative Map for Condominium Purposes”, dated May 11, 2022, except as modified to incorporate the conditions of this approval.
2. **FINAL MAP COVER PAGE.** At such time as the Final Map is filed, the cover page shall include the name and title of the Director of Planning and Development Services.
3. **STANDARD CC&R REQUIREMENTS.** Section 16.38 of Palo Alto’s Municipal Code provides that all condominium and other “community housing projects” shall submit Covenants, Conditions and Restrictions (CC&R’s) to the City Attorney for approval before issuance of the Parcel Map. The City Attorney has developed the following standard covenants which shall be included in all CC&R’s.
 - a. **PROPERTY SHALL COMPLY WITH CITY ZONING ORDINANCES.** The property, including all common areas, private streets and, parks within the property, shall at all times comply with the City’s Zoning Code and shall not be used for any purpose other than as permitted in the City Zoning Code.
 - b. **MODIFICATIONS TO PROPERTY.** Any alterations, modifications, or other improvements to the property shall comply with all applicable City Codes.
 - c. **MAINTENANCE AND LANDSCAPING OF COMMON AREAS.** The Association is responsible for maintenance and landscaping of all parts of the community housing project which are held in common and such maintenance shall be performed to the standard of maintenance prevalent in the neighborhood. (See PAMC Section 16.38.030(a)).
 - d. **TERMINATION OF MANAGER OR MAINTENANCE CONTRACTS.** The association may terminate the contract of any person or organization engaged by the developer to perform management or maintenance duties three months after the association assumes control of the community housing project or any time thereafter. (See PAMC Section 16.38.030(b).)
 - e. **PROTECTION OF STORM WATER FACILITIES.** Neither the association, its residents, nor their agents, employees, representatives, invitees, licensees, customers, or contractors shall alter or modify any storm water facilities in any way including but not limited to placing, maintaining, constructing, or planting any improvements, landscaping or other items, including without

limitation decks, stairs, walls, irrigation systems, trees, or any vegetation on any storm water facilities.

- f. TRASH DISPOSAL AND RECYCLING AREAS SHALL COMPLY WITH CITY ORDINANCES. All trash disposal and recycling areas shall be kept in a clean and sanitary condition and shall comply with all applicable City Ordinances.
- g. PROHIBITION AGAINST AIR AND WATER POLLUTION. Neither the association, its residents, nor their agents, employees, representatives, invitees, licensees, customers, or contractors shall use the property in any way which emits pollution into the atmosphere in excess of environmental standards set forth by City, State, and Federal laws, ordinances, and regulations. Neither the association, its residents, nor their agents, employees, representatives, invitees, licensees, customers, or contractors shall discharge garbage, trash, waste, or any other substance or materials of any kind into any private or public sewer or waterway on the property in violation of any regulations of any private or public body having jurisdiction over such matters.
- h. AMENDMENTS TO ORGANIZATION DOCUMENTS REQUIRE CITY APPROVAL. Any amendments or modifications to the organizational documents shall be submitted to the city attorney for approval. No amendment or modification to the organizational documents shall be effective without prior written consent of the city attorney.
- i. CITY'S RIGHT TO ENFORCE COVENANTS AND RESTRICTIONS. The City is hereby granted the right, but in no event the duty, to enforce the covenants and restrictions set forth in this section of the organizational documents. The association shall recognize that it has the primary responsibility for enforcement of the organizational documents and unequivocally guarantees to institute and expeditiously prosecute any required legal action to obtain compliance with all provisions set forth in the organizational documents.
- j. NO WAIVER OF CITY'S RIGHTS. No failure of the City to enforce any of the covenants or restrictions contained in the organizational documents will in any event render them ineffective.
- k. CITY'S REMEDIES TO CURE A BREACH OR VIOLATION. Remedies available to the City to cure any breach or violation of the organizational documents shall be cumulative to any other provisions of law. The City's failure to exercise any remedy provided for in the organizational documents shall not, under any circumstances, be construed as a waiver of the remedy.
- l. SEVERABILITY. Invalidation of any one of the City's required covenants or restrictions by judgment or court order shall in no way affect any other provisions which shall remain in full force and effect.

4. **FINAL MAP EXPIRATION.** A Final Map, in conformance with the approved Vesting Tentative Map, all requirements of the Subdivision Ordinance (PAMC Section 21.16), and to the satisfaction of the City of Palo Alto and its representatives, shall be filed with the Planning Division and the Public Works Engineering Division within one year of the Vesting Tentative Map approval date or this approval will expire.
5. **INDEMNITY.** To the extent permitted by law, the Applicant shall indemnify and hold harmless the City, its City Council, its officers, employees and agents (the “indemnified parties”) from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside or void, any permit or approval authorized hereby for the Project, including (without limitation) reimbursing the City for its actual attorneys’ fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its own choice.

PUBLIC WORKS ENGINEERING

6. **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>.
7. **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.
8. **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.
9. **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.”

10. **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".
11. **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.
12. **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).
13. **CLOMR-F:** Evidence that this document has been executed shall be provided prior to building permit issuance.
14. **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.
15. **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.
16. **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.
17. **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.
18. **CALTRANS PERMIT FOR SOUNDWALL:** If any portion of the proposed work is within Caltrans right-of-way a permit must be obtained from the applicable agency. If a permit is required, evidence of the outside agency's permit approval shall be submitted to the Planning and Public Works Departments prior to issuance of any Building or Streetwork/Encroachment permits.

19. 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.
20. STORMWATER POLLUTION PREVENTION: All improvement plan sets shall include the "Pollution Prevention – It's Part of the Plan" sheet.
21. C.3 THIRD-PARTY CERTIFICATION: Applicant shall provide certification from a qualified third-party reviewer that the proposed permanent storm water pollution prevention measures comply with the requirements of Provision C.3 and Palo Alto Municipal Code Chapter 16.11.

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

- a. Stamped and signed C.3 data form (September 2019 version) from SCVURPPP.
<https://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.
22. 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.
 23. 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.
 24. 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.

25. 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.
26. 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.

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.

27. 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. Payment of the fractional in-lieu is required prior to building permit issuance.
28. All BMR units constructed shall be in conformance with the City’s BMR Program rules and regulations such as the unit mix and sizes of the BMR units should reflect the unit mix and sizes of the market rate units. Failure to comply with the timing of this condition and any adopted BMR Program rules and regulations shall not waive its later enforcement.
29. 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.

TRANSPORTATION

30. 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.
31. 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.
32. 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>
33. 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.

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

APPROVED:

 City Clerk

 Director of Planning and
 Development Services

APPROVED AS TO FORM:

 Assistant City Attorney

PLANS AND DRAWINGS REFERENCED:

Those plans prepared by CBG titled "Vesting Tentative Map for Condominium Purposes" consisting of 14 pages, stamped as received, May 11, 2022.

Attachment D

Project Plans

Project plans are only available to the public online. Hardcopies of the plans have been provided to Board members, Commissioners, and Council members.

Directions to review Project plans online:

1. Go to: bit.ly/PAPendingprojects
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>