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## Architectural Review Board

Staff Report

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**Agenda Date:** March 21, 2013

**To:** Architectural Review Board

**From:** Amy French, Chief Planning Official      **Department:** Planning and  
Community Environment

**Subject:** 611 - 651 Cowper Street [13PLN-00028]: Request by The Hayes Group, on behalf of R&M Properties, for Preliminary Architectural Review of a concept for a new four-story mixed use building on a 13,992 square foot site, with parking facilities providing 57 spaces in two levels below grade, 28,392 square feet of office space and one residential unit. Zone: CD-C(P). **This item was continued to this date from March 7, 2013.**

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### RECOMMENDATION

Staff recommends the Architectural Review Board (ARB) conduct a Preliminary Review of the conceptual project plans, receive public testimony and provide comments on the conceptual design to staff and the applicant. No formal action may be taken at a preliminary review; comments made at a preliminary review are not binding on the City or the applicant. Staff has summarized key issues to provide a framework for comments.

### BACKGROUND

#### Site Information

The project site, located in Downtown Palo Alto, is zoned Commercial Downtown – Community with Pedestrian Combining District (CD-C(P)), but is located outside the Parking Assessment District. The site is on the north side of Cowper Street between Hamilton and Forest Avenues. It is bordered on the west by CD-C(P) zoned properties containing one-story commercial buildings, including 609 Cowper, which has zero building setback from the property line shared with 611-619 Cowper. Abutting the rear of the project site is a ten foot wide alley, Lane 39, which abuts the side property line of the new three-story mixed use building site at 524 Hamilton, located opposite the rear property line of 611-619 Cowper. Also behind the site and abutting Lane 39 is the parking structure serving residents of The Marc Palo Alto, located adjacent to 451-487 Cowper. The Marc, a Planned Community (PC-2130) formerly known as Forest Towers (a building reaching a height of 152 feet), is located at 501 Forest Avenue and has a 45-foot building setback from Cowper Street. The zoning of the parcels on the south site of Cowper Street is also CD-C(P).

The project site has a single curb cut on Cowper Street to access the existing one-way driveway serving diagonal, surface parking spaces on the two parcels. Lane 39 is currently used for egress from the site. The site is 13,992 s.f. in area, comprised of two parcels of land: 611 - 619 Cowper Street (APN 120-04-036) and 651-687 Cowper Street (APN 120-04-035). Each parcel has 6,996 s.f. of site area.

#### 611-619 Cowper Street

The structure at 611-619 Cowper was approved in 1989 via the ARB and Variance processes as two one-story buildings, separated by a small courtyard, comprising a total of 2,208 s.f. of floor area with nine (9) associated parking spaces as required (8.8 spaces for office use at a ratio of one space per 250 square feet of office space) so that no deficit of parking was included in approved plans. The Variance was issued to allow a ten-foot front setback where a 45 foot setback was required based upon the 45-foot setback of the nearby Forest Towers PC. Records also show a 1996 tenant improvement was requested and approved, but further research is needed to determine if improvement included an addition that connected the buildings. The applicant's submittal describes one building totaling 2,516 s.f of floor area, which is 308 square feet greater than the building approved in 1989.

#### 651-687 Cowper Street

A two-story building was constructed in 1953 at 651 Cowper Street, prior to the establishment of the ARB. In 1980, a second floor 1,270 s.f., one-bedroom residential unit (687 Cowper), was approved via the ARB process, subject to provision of two off-site parking spaces on 'the property to the north via deed restriction'. The residential unit was constructed in 1981 above and adjacent to the existing first and second floor office space. It is not clear if the unit remained in residential use or was converted to office space. The City's records indicate a total floor area of 5,176 s.f. on this parcel and 1,270 s.f. of this area is residential area; additional research is required to clarify what is existing on site today. The office parking demand on this parcel (at a ratio of one space per 250 square feet 3,906 s.f. of office space) is 16 spaces (15.58 spaces). The existing site appears to have at least 11 existing parking spaces striped on the asphalt, possibly 12 spaces, as viewed in the attached aerial photo. Assuming that 11-12 parking spaces are located on this parcel, that the two deed-restricted spaces provided offsite as required by ARB conditions for the 1,270 s.f. residential unit still exist as conditioned previously, and that the floor area is the same as that reflected in city documents, the parking deficit for the office component is 4 to 5 spaces.

The applicant reports a total existing floor area of 6,153 s.f. for this parcel, noting the presence of a 212 s.f. basement, 2,814 s.f. first floor and 3,127 s.f. second floor, and calculations imply that this space is all used as office space today.

#### Parking Lot

The existing parking lot is a shared facility. The applicant refers to this as a "grandfathered facility" and states that only 19 spaces are currently provided on the two parcels together (though 20 to 21 spaces appear to be provided, as seen in the aerial). The applicant indicates there is a current parking demand of 35 spaces (assuming the existence of 8,669 sf office floor area, which

would indicate conversion of the residential unit to office use and an expansion not yet found in city records), such that (with the assumption of 19 existing spaces rather than at least 20 spaces), there is a current parking deficit of 16 parking spaces. Staff has not yet performed research into the current use of the residential unit, location of the two deed-restricted parking spaces to the north are; if these spaces are still being provided and are to be provided in the future via deed restriction, the existing parking deficit may be much less than 16 spaces, along the lines of 4 to 5 spaces.

### Project Description

The applicant is considering demolishing the existing structures, transferring floor area to each parcel using the Transferrable Development Rights (TDR) code provisions, then merging the parcels and constructing a 50-foot tall, four-story, mixed use building with a parking facility on two levels below grade. The first, second and third floors would be office space. The fourth floor would be one 3-bedroom residential unit (reduced from two units). The proposed Floor Area Ratio (FAR) is 2.47:1, comprised of 28,392 s.f. of commercial space (total of 2.03:1 FAR including shared stairways, elevator; allowed via use of TDR floor area) and 6,109 s.f. of residential space (.44:1 FAR comprised of a 4,681 s.f. unit, plus residential-only elevator measured at each floor, shared stairways measured at each floor, and a first floor lobby, totaling 1,428 s.f.).

The concept includes open space fronting Cowper Street, cement plaster walls, exposed concrete, siding and sun shade fins, with clear dual-glazed anodized aluminum storefront windows, along with frameless glass for the ground floor lobby. Plans indicate 57 automobile parking spaces would be provided below grade, and 11 bike parking spaces.

## DISCUSSION

### Site Coverage, Floor Area Ratio and Transferrable Development Rights

A table indicating how the concept plans reflect compliance with the Development Standards of the Commercial Downtown will be prepared for the ARB at places. There is no maximum site coverage for the CD-C(P) zone. The maximum FAR for development of a new mixed-use project in the CD-C (P) zone district is 2.0:1. Outside the Parking Assessment District, an additional 0.5:1 FAR above the maximum (2.0:1) FAR is allowed for mixed use projects, with the use of additional floor area gained via TDR code provisions allowing floor area to be transferred to non-historic receiver sites. On top of that, a "minor bonus floor area" may be available for any CD zoned building that is not listed as a Category 1 or 2 Historic resource on the City's inventory, nor in one of three seismic categories. The 200 square foot increase in floor area as "bonus floor area" does not count toward the maximum FAR. In the Downtown Assessment District, and for office use outside the District, this area for one building is less than the floor area associated with one parking space (250 s.f.).

In this case, there are two parcels; since the existing buildings on these parcels are not historic, each parcel is considered an eligible receiver site to receive TDR floor area. Because the parcels are outside the Downtown Assessment District, the TDR area transferred cannot result in buildings (or a building on the combined site) with a greater FAR than 2.5:1. The combined site is 13,992 s.f.; a 2.0:1 FAR would be 27,984 s.f. and a 2.5:1 FAR would be 34,980 s.f. (2.5:1). A

200 s.f. "bonus floor area" may be added to each building or parcel (a 400 s.f. bonus area to the combined parcels), but this bonus would not count toward the 2.5:1 FAR nor result in additional parking required on site.

The concept plans currently indicate proposed office area as 28,392 s.f. (this is, approximately, the 2.0:1 FAR (27,984 s.f.) plus the bonus floor area of 400 s.f. that "doesn't count" toward FAR). The 27,984 is comprised of 1:1 FAR (13,992) plus 1:1 TDR area (13,992); the additional 8 s.f. comes from the delta between the 13,992 s.f. TDR and the 14,000 s.f. that the applicant desires to transfer to the site. The applicant states 34,501 s.f. as total floor area equaling a proposed 2.47:1 FAR. The FAR cited, 2.03:1 commercial FAR plus .44:1 residential FAR, is really 2.44 FAR; the additional .03:1 FAR is not really called FAR since it is represented by the two, 200 square foot "minor bonus floor area" for each site (400 divided by 13,992 s.f. = .03:1) that "doesn't count" as FAR.

#### "Grandfathered" Facilities

PAMC Chapter 18.18 describes grandfathered uses and facilities as those existing on August 28, 1986, and which, when conducted or built were a complying facility. These facilities can remodel, improve or replace site improvements as long as the improvements do not result in increased floor area, shifting of the building footprint, increase of the building envelope, height, length or other increase in degree of noncompliance.

Regarding 651-687 Cowper, uses, building floor area and facilities on this parcel may be considered "grandfathered" since they were constructed prior to 1986. Assuming 11 spaces seen in the aerial actually exist on this parcel, plus the two spaces that may exist on a deed restricted parcel to the north, 13 spaces are provided as the "grandfathered" parking facilities for the building. If 6,153 s.f. exist (to be determined by a site inspection), and all space has been used for office space since 1986, a total of 25 spaces are required for the existing building, and 12 of those spaces are not provided. If only 5,176 s.f. exist on the site, and 11 to 12 spaces are on site with 2 residential spaces off site, then there are only 4 or 5 spaces not provided for the commercial use.

Regarding 611-619 Cowper, it was built after 1989 as a complying building and parking facility, with 9 parking spaces provided for 2,208 s.f. of office space (where 8.8 spaces were required). This facility is not considered "grandfathered" as set forth in PAMC Chapter 18.18.

#### Open Space Requirements

Mixed-use development in the CD-C zone is required to provide 20% Landscape Open Space in addition to 200 square feet of Usable Open Space per residential unit. "Usable" open space can be private or common, but must have a minimum dimension of six feet to be considered usable. The project provides private balconies for each of the residential units exceeding the usable open space area requirement (3,105 s.f. is proposed). The landscape open space requirement may be fulfilled by providing 20% of the site, 2,800 s.f., as landscaped; 4,859 s.f. is proposed, exceeding the 20% requirement. The application for formal ARB review would be required to include details on the landscape treatments of these areas.

#### Pedestrian Shopping Combining District

The project site is within the Pedestrian Shopping Combining District (P), which requires new construction and building alterations to provide design features intended to create pedestrian or shopper interest, to provide weather protection for pedestrians, and to preclude inappropriate or inharmonious building design and siting. The required features include: (1) Display windows, or retail display areas; (2) Pedestrian arcades, recessed entryways, or covered recessed areas designed for pedestrian use with an area not less than the length of the adjoining frontage times 1.5 feet; and (3) Landscaping or architectural design features intended to preclude blank walls or building faces. The concept plans include a glass front for the majority of the ground floor elevations, meeting the retail/display window requirements. The project has 100 feet of street frontage, and therefore is required to provide 150 sf of covered recessed area for pedestrian use. The concept plans reflect the provision of this amenity.

### Parking

The required parking for 2.0:1 FAR (27,984 s.f.) of office space or general business service space (outside the assessment district, only these commercial uses have the 1:250 sf parking formula) is 111 parking spaces. For one two bedroom unit, a total of two parking spaces are required. Therefore, a total of 113 spaces would be required, without factoring in any “grandfathered” parking deficit or parking spaces associated with “exempt” TDR floor area. Each parcel, separately, would be eligible for 5,000 square feet of TDR floor area not associated with the 20 required parking spaces normally required for non-TDR floor area. Any additional TDR floor area would have to be parked. Again, the transfer of the total 5,000 s.f. of floor area per parcel cannot result in a mixed use project that exceeds 2.5:1 FAR.

The concept for the parking facility is 57 spaces provided on site. Assuming 113 are required, 56 would not be provided on site. As noted, the applicant states there are 16 “grandfathered spaces” counting as deficit; however, without a walk through, staff understands the grandfathered parking deficit to be only be 4-5 spaces (assuming two spaces are still provided by deed restriction off site; if not, then the deficit is 6-7 spaces) for the existing documented floor area and uses existing at 651-687 Cowper. Up to 10,000 s.f. to the combined site via TDRs may be associated with an exemption of 40 of the parking spaces. If the walk-through and research prove a 6-7 space deficit exists (if the deed restriction for residential parking off-site is no longer in effect), adding to the “exempt” 40 spaces for 10,000 s.f. of TDR floor area, 47 spaces subtracted from the 56 spaces not provided on site, leaves 9 spaces (or 7% of the 113) “missing” and needed to be provided in the proposed parking facility or paid “in-lieu” if not provided. The applicant has noted a 1.7% parking reduction would be requested.

### Downtown Urban Design Guide

The Downtown Urban Design Guide (Guide) provides direction to the applicant, staff and ARB regarding development and design in the downtown area. The Guide divides the downtown area into districts, each having a unique identity and design characteristics. The project site is in the Hamilton Avenue District, which extends from Alma Street to Middlefield Road. The Guide recommends promoting this area as “an active mixed use district which comfortably accommodates larger scale commercial office, civic, and institutional buildings” while maintaining the “tree-lined pedestrian environment with complementary outdoor amenities to offset the urban intensity.”

### Context-Based Design Considerations and Findings

In addition to Zoning Compliance and Architectural Review approval findings, Context-Based Design Considerations and Findings found in PAMC Chapter 18.18 are applicable to projects in the downtown commercial zone district. The four findings listed below provide opportunity for discussion by the ARB with respect to the project concepts.

**Pedestrian and Bicycle Environment.** The design of new projects shall promote pedestrian walkability, a bicycle friendly environment, and connectivity through design elements such as:

- Climate and weather protection where possible, such as covered waiting areas, building projections and colonnades, and awnings; and
- Streetscape or pedestrian amenities that contribute to the area's streetscape environment such as street trees, bulb-outs, benches, landscape elements, and public art.

**Street Building Facades.** Street facades shall be designed to provide a strong relationship with the sidewalk and the street(s), to create an environment that supports and encourages pedestrian activity through design elements such as:

- Placement and orientation of doorways, windows, and landscape elements to create strong, direct relationships with the street;
- Facades that include projecting eaves and overhangs, porches, and other architectural elements that provide human scale and help break up building mass; and
- Entries that are clearly defined features of front facades, and that have a scale that is in proportion to the size and type of the building and number of units being accessed; larger buildings should have a more prominent building entrance, while maintaining a pedestrian scale.

**Massing and Setbacks.** Buildings shall be designed to minimize massing and conform to proper setbacks through elements such as:

- Building facades articulated with a building base, body and roof or parapet edge; and
- Buildings set back from the property line to create an effective 8' sidewalk.

**Project Open Space.** Private and public open space shall be provided so that it is usable for residents, visitors, and/or employees of the site through elements such as:

- The type and design of the usable private open space shall be appropriate to the character of the building(s), and shall consider dimensions, solar access, wind protection, views, and privacy;
- Open space should be sited and designed to accommodate different activities, groups, active and passive uses, and should be located convenient to the users (e.g., residents, employees, or public)
- Common open spaces should connect to the pedestrian pathways and existing natural amenities of the site and its surroundings;
- Open space should be located to activate the street façade and increase "eyes on the street" when possible; and

- Open space situated over a structural slab/podium or on a rooftop shall have a combination of landscaping and high quality paving materials, including elements such as planters, mature trees, and use of textured and/or colored paved surfaces.

### **ENVIRONMENTAL REVIEW**

No environmental review is required for a Preliminary Review as it is not considered a project under the California Environmental Quality Act (CEQA).

### **ATTACHMENTS**

- Attachment A: Zoning Compliance Table (to be provided at places)
- Attachment B: City Department Comments (to be provided at places)
- Attachment C: Development Plans (Board Members Only)\*

\* Prepared by Applicant; all other attachments prepared by Staff

### **COURTESY COPIES**

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