



City of Palo Alto

City Council Staff Report

(ID # 10006)

Report Type: Action Items

Meeting Date: 6/24/2019

Summary Title: 1700 & 1730 Embarcadero Road: Mercedes/Audi Dealerships

Title: PUBLIC HEARING / QUASI-JUDICIAL. 1700 & 1730 Embarcadero Road [18PLN-00186]: Request for a Zoning Map Amendment, Site and Design Review & Design Enhancement Exception to Allow the Demolition of an Existing 18,000 Square Foot Vacant Restaurant Building and a 15,700 Square Foot Audi Service Building and Construction of two new Automobile Dealerships Totaling 84,900 Square Feet. The Zoning Map Amendment Would Change the Zoning Designation From CS(D) and PC to CS(D)(AD) for both parcels. Environmental Assessment: An Initial Study/Mitigated Negative Declaration was Circulated for Public Comment From March 15, 2019 to April 22, 2019. The Planning and Transportation Commission Reviewed and Made a Recommendation for Approval on March 27, 2019.

From: City Manager

Lead Department: Planning and Community Environment

Recommendation:

1. Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program;
2. Adopt the Ordinance changing the zoning district on the subject properties to CS(D)(AD) (Attachment B); and
3. Adopt the Record of Land Use Action approving the request for Site and Design and a Design Enhancement Exception based on findings and subject to the conditions of approval contained in Attachment C.

Executive Summary:

The project seeks to redevelop two separate parcels adjacent to the Baylands: 1700 Embarcadero Road, which includes the former Ming's Restaurant building, and 1730 Embarcadero Road, which includes the existing Audi dealership. The applicant, Holman Automotive Group, Incorporated, proposes to demolish the former Ming's Restaurant building

and the service building of the Audi Dealership to construct a new two-story Mercedes-Benz automobile dealership, a new two-story Audi service building, with roof deck parking and a detached car wash facility. The project will also design and construct a new bicycle path along East Bayshore Road and Embarcadero Road as envisioned in the City's Bicycle and Pedestrian Transportation Plan.

The applicant requests the following:

- Add the Automobile Dealership Combining District zoning standards to 1700 Embarcadero Road.
- Change the zoning at 1730 Embarcadero Road parcel from Planned Community (PC-4846) to Community Service with Site and Design and Automobile Dealership Combining Districts CS(D)(AD).
- Design Enhancement Exception (DEE) approval to allow a greater building setback from Bayshore Road and Embarcadero Road.
- Site and Design approval for the construction of the two buildings and ancillary site improvements.

The purpose of this report is for the City Council to consider the applicant's requests, the previous public hearing meeting materials (staff reports and meeting minutes), written correspondence, and findings for the project. This report also elaborates on issues identified as concerns through the review process related to massing, adjacency to the Baylands Preserve, lighting, noise, and the proposed bicycle path.

On March 27, 2019, the Planning and Transportation Commission (PTC) recommended that the City Council adopt the Zoning Amendment, Site and Design Review findings, and the Initial Study/Mitigated Negative Declaration (IS/MND) prepared in accordance with the California Environmental Quality Act (CEQA).

The Architectural Review Board (ARB) held three public hearings since the application was filed one year ago and requested a fourth meeting to explore refinement to project-related details. These outstanding items, however, do not substantively impact the overall mass and design and as conditioned, would return to the ARB following Council's decision on the project and prior to issuing a building permit.

Background:

Prior City Reviews & Action
A previous application for a project at 1700 Embarcadero was considered by the PTC, ARB and City Council. The applicant ultimately withdrew and sold the property to the current owner following City Council direction for project modifications in June 6, 2016.

Architectural Review Board

The current project was reviewed by the ARB on three occasions. These staff reports are linked below:

- September 20, 2018:
<http://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?BlobID=66721>
- April 4, 2019:
<http://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?BlobID=70111>
- June 6, 2019:
<https://www.cityofpaloalto.org/civicax/filebank/documents/71733>

On June 6, 2019, the ARB discussed and evaluated the project and had the following outstanding concerns, all of which will return to the Board under a separate application:

- Colors Selection. The ARB prefers more muted colors to include charcoal or rich browns colors as opposed to black.
- Parapet Material. Applicant to modify planned opaque material to one with more transparent qualities.
- Street Trees. More trees are requested at the base of the building to soften the Bayshore Road elevation.
- Curb Ramp at Corner. A better transition between the sidewalk, bicycle path and intersection is needed.
- Green Screen Along Baylands Building Elevation. This is a desired feature that requires more design development to ensure it is integrated into the building and can be maintained overtime. Some limited building articulation at this elevation may be required to achieve design integration.
- Perimeter Landscaping. The ARB requested a 10 foot setback between the carwash and adjacent property line and the removal of any existing barbed wire fencing.

The ARB in its previous meetings discussed the building mass, circulation and other project components. The items above are the remaining areas of concern where the ARB focused its attention at the last meeting. Staff concurs that refinements of these details are important and has included a condition of approval requiring the applicant return to the Board to address these outstanding issues. At the same time, the municipal code encourages a streamlined review of ARB applications limiting the Board to three meetings. While the planning director may authorize additional meetings, given that these changes do not have a significant impact to the overall building mass or design and that it has been one year since the application was filed, a decision was made to advance this project to the City Council.

Planning & Transportation Commission

The project was reviewed by the PTC on March 27, 2019. Staff's report is online: <https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?BlobID=70015>.

Following discussion of the appropriateness of the zoning designation, the issues associated with the adjacency of the project to the Baylands Preserve, and traffic circulation in the area, the PTC recommended approval of the proposal with the following conditions (#12 in the Record of Land Use Action):

1. The owner or designee shall evaluate migratory patterns affecting the site and if the trees scheduled for removal are found to be recurring nesting sites then shall ensure the installation of replacement nesting facilities until the replacement trees on the property have matured enough to be used by the birds. (Condition #12 in the RLUA)
2. Impose a site specific lighting restriction that are sensitive to the Baylands environment. (Condition #6 in the RLUA)
3. Construction logistics plan shall be as restrictive as possible to mitigate traffic related impacts to avoid blocking streets during peak hours. (Condition #31 in the RLUA)

Discussion:

The project site consists of two contiguous parcels totaling 4.82 acres. The site is located on the southeast corner of Embarcadero Road and East Bayshore Road (see location map, Attachment A). The site has a Comprehensive Plan land use designation of Service Commercial and includes two different zoning districts corresponding with the separate parcels. 1730 Embarcadero, the current Audi dealership parcel, is zoned Planned Community (PC), while 1700 Embarcadero, site of the proposed Mercedes Benz dealership, is zoned Commercial Service (CS) with Site and Design Review (D) combining district. The site is also located within the City's Baylands Master Plan (Privately Owned Lands) area and the City's Comprehensive Plan identifies the site within the "East Bayshore Employment Center".

1700 Embarcadero is developed with a single-story commercial building, formerly Ming's restaurant, and a large surface parking lot. The architecture of the existing building is characteristic of mid-century modern architecture with some roof elements reminiscent of an Asian style, the cuisine of the former restaurant. 1730 Embarcadero includes the currently operating Audi Dealership with a 15,049 sf service building and 22,929 sf showroom (completed in 2017). The new showroom is indicative of the current Audi branding, while the service and repair building is a typical, industrial architectural style.

The site includes an approximate 80-foot-wide easement along East Bayshore Road to accommodate PG&E owned and maintained overhead high voltage electric transmission lines that run parallel to East Bayshore Road, and a sub-surface storm drain line. Surface improvements such as landscaping, driveways and parking, are allowed within the easement to a limited extent. PG&E does not allow vegetation that would be taller than 15 feet in height at

maturity and this height limitation includes any light fixtures.

Neighborhood Setting and Character

The project is located within the Baylands Master Plan Area in an area designated as “Privately Owned Lands”. This is an urbanized built-out area that includes office buildings and automobile dealerships. The Audi portion of the site directly abuts the Baylands preservation property (former ITT, Inc. lands) where the site is visible from the Renzel Trail within the Baylands. See plans for photographs of surrounding areas (Attachment G).

The majority of sites in the vicinity are zoned Research, Office and Limited Manufacturing (ROLM) with the Automobile Dealership (AD) Combining District. The ROLM allowable Floor Area Ratio (FAR) is 0.4:1 , whereas, the AD Combining District allows an FAR of 0.6:1 for automobile dealerships. The area with the ROLM district is generally characterized by two story buildings surrounded by parking lots with large street-facing setbacks. The PG&E easement along East Bayshore includes tall towers carrying high voltage transmission electric lines. One tower is located on the property at the Embarcadero Road and East Bayshore Road intersection.

Proposed

Project

The applicant proposes to construct a two-story automobile dealership with roof deck parking and a detached car wash facility. The applicant will maintain the two separate parcels with appropriate easements; however, the project will function as a single site with two separate brands.

As proposed, the completed site would include a two-story automobile dealership with two different vehicle brands: Mercedes-Benz and Audi. The facility would include two adjacent buildings that will meet all the required building and safety codes. The automobile dealerships would include separate sales and administrative offices, vehicle storage, and service/repair areas integrated into the buildings. On-site improvements include an ancillary car wash facility (on the Audi parcel), customer parking, vehicle merchandise display, solid waste/recycling facilities, and landscaping. The brands would share access to the site, the roof deck for vehicle parking, the onsite car wash, and portions of the service and repair drive aisle. The Mercedes Benz dealership would include an internal automated parking system capable of displaying 300 new vehicles within a showroom area.

Due to the utility easement along East Bayshore Road, the proposed building has a large setback and the developer is requesting to deviate from the “build-to-line” setback, which encourages buildings be placed closer to the street. The proposed setback of 83 feet is consistent with the surrounding development and outside of the 80 foot wide easement. However, the existing Audi showroom is closer to the street at 18’-10”. The proposed setback is inconsistent with the CS zoning front setback development standard (0’ to 10’), hence a DEE has

been requested.

Summary of Key Issues:

During the PTC and ARB public hearings there were discussions and comments regarding the appropriateness of the proposed CS designation for the project.

Massing

While the proposed dealership buildings appear to be connected, the uniqueness of each brand is expressed through the architecture of the showroom portions of the buildings. The existing Audi showroom will remain unchanged. The service portions of the building will share complementary architectural themes. The new Mercedes Benz building will include metal, stucco and clear fenestrations, which is consistent with the materials used on the Audi showroom. There is a cantilevered element extending from the showroom providing a transition in building mass to Embarcadero Road. The project includes a combination of colors including white, earth-tone elements and darker and metallic colors associated with the brand identity used as accents. Glass and fiberglass are used to minimize the mass of the buildings where possible.

The proposed two-story project is mostly between 36 and 43 feet with the stair and elevator towers being between 48 and 50 feet. The increased setbacks along Bayshore Road and Embarcadero Road help reduce the perception of mass upon the streets. The City expressed concern regarding the height of the previously proposed development, which extended 50 feet and three stories. The proposed design seeks to address this concern while still maintaining a functional design.

Gross Floor Area

The AD combining district allows for a different set of development standards for automobile dealerships. For instance, the floor area ratio for car dealerships can be up to 0.6:1 (0.4:1 base plus 0.2:1 bonus for showroom area), which is 0.3:1 larger than the surrounding properties with other types of uses. In commercial buildings, certain floor area within the buildings are exempted from the definition of gross floor area pursuant to the Zoning Code (PAMC 18.04.030(65)(B)(i) and 18.30(F)(a)), such as parking facilities for employees and customers, drive-through areas for service facilities and vaulted areas except for showroom space. It is acknowledged that the existing Audi showroom has a taller ceiling height (21 feet), given it was developed under the current PC zone, whereas the maximum showroom height in the AD combining district is 20 feet.

The Mercedes Benz branded dealership proposes to store new inventory vehicles within a fully automated vehicle stacking system as opposed to a conventional garage or surface parking lot. The new car inventory is located within a high-volume portion of the building that includes a

puzzle lift system for vehicle storage. Floor area is calculated based on the number of floors in the building (PAMC 18.04.030(65)(A)¹. This portion of the building only contains one floor on the ground level, portions of a second floor along the periphery of the building, the rest of the building area is volumetric space. The stacking system does cantilever over a portion of first floor offices towards the front of the building. The vehicle stackers add capacity and some community members (Attachment F) consider this enhanced capacity as floor area, but staff has interpreted this space to be equivalent to a vaulted ceiling, which has consistently been counted once towards FAR on other commercial buildings.

Height

A major consideration of the previously proposed automobile dealership was that it was too tall. That project had a height of 50 feet and three stories. The proposed two-story project is mostly between 36 and 43 feet with the stair and elevator towers being between 48 and 50 feet. The increased setbacks along Bayshore Road and Embarcadero Road help reduce the perception of mass upon the streets. This report seeks the City Council's perspective on this issue.

Adjacency to Baylands Preserve

The project is located within the Baylands area, and within the area designated as Privately-Owned Land. The Site Assessment and Design Guidelines for the Palo Alto Baylands Nature Preserve, developed in 2005, are intended to be used when designing or reviewing projects located in any part of the Baylands—including projects on Privately-Owned Land. Conformance with these Guidelines helps ensure compatibility with the special aesthetic qualities and environmental conditions unique to the Baylands.

The General Design Guidelines for the Baylands encourage using only muted, natural colors; preserving the horizon line with low and horizontal elements and design for practicality. The majority of vertical landscaping is provided by properties within the Privately-Owned areas of the Baylands. To the extent practical, projects within this area maintain horizontally designed buildings.

Noise

Comments arose regarding noise emitting from the proposed car wash. The facility would be located towards the rear of the 1730 Embarcadero property. The car wash would be operated during the operating hours of the dealership. As demonstrated in both the applicant's and the project's CEQA documentation, the noise from the car wash would exceed the City's noise thresholds. Proposed mitigation for the project includes the installation of automated doors on the car wash tunnel entrance and exit and that the car wash blower system will be configured such that it will not operate unless both the entrance and exit doors are closed.

¹ The complete definition of Gross Floor Area is included in Attachment E.

Implementation of this mitigation will ensure that any noise emitted from the project is under the City's thresholds.

Lighting

Animals living in the Baylands are sensitive to light from the Privately-Owned properties. Light sources from the project include lighting in parking areas, exterior building lighting, roof-deck parking lighting and interior building lighting. As depicted in the applicant's lighting plan, the project will implement a lighting control system that will automate the on/off and dimming functions for interior and exterior lighting. The lighting control system will activate changes to the light intensity based upon a pre-programmed schedule and input from photocells, occupancy sensors and timeclock functions. These features coupled with the design of the lighting fixtures, focusing the light away from the edges of the property, will ensure low impacts to the surrounding properties, including the Baylands.

Bicycle Path

There is a gap in the City's bicycle network at this location. At the recommendation of the City, the project includes a multi-use path that can accommodate bicyclists and pedestrians, along Bayshore Road and Embarcadero Road with a rest area along Embarcadero Road. There are constraints in locating the pathway, such as the existing electrical utility easement and limitations on vertical features within the easement; the location of the electrical transmission tower and its maintenance parking space; existing mature street trees; the need to have native and drought tolerant landscaping; and the project's objective in having locations for display and inventory merchandise to support the viability of the automobile dealership.

The PTC discussed the bike path and the anticipated tree removal and expressed a preference to retain the trees and find some other means to accommodate the bike path or eliminate it. The ARB discussed trying to maintain both the trees and the pathway. As depicted in the project plans, the proposal is to eliminate the existing street trees and replace them with five additional trees. Because of the overall enhancement to the landscaping on site, the previous request to deviate from the parking lot shading requirement is now unnecessary. The City's Urban Forestry team provided the applicant with information regarding the recommended distances to maintain the existing trees. If the existing trees are preserved, the pathway would need to be located on private property leading to the elimination of the display and inventory spaces closest to Bayshore Road. These are the only surface parking spaces provided for the Mercedes dealership. At the June 6, 2019 ARB meeting, the Board concurred that a bicycle path was necessary and that new trees were okay, however, a different type of tree should be considered.

Policy Implications:

The proposed project requires an amendment to the City's zoning map and a design

enhancement exception from the build to line (setback) development standard. With approval of these requests, the project would be generally consistent with the City's Comprehensive Plan and includes a component that enhances a bike path connection near the Baylands.

Environmental Review:

The subject project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. Specifically, the project requires the adoption of a Mitigated Negative Declaration because an initial determination was made that implementation of the project would result in significant impacts. The Initial Study/Mitigated Negative Declaration public circulation period was between March 15 and April 22, 2019.

The Mitigated Negative Declaration identified that the project would create significant impacts to the following topics: Biological resources, cultural resources, geology and soils and transportation/traffic. Each significant impact can be reduced to less than significant with the implementation of mitigation measures. See Attachment C.

Comments on document

During the public circulation period the City received one comment from Canopy regarding the amount of trees being removed and replaced. The comment further states that the project should consider a diverse plan to enhance and support native biodiversity. See Attachment G.

As described in the "Landscape" section of this report, the project proposes to replace the trees removed with a significant amount and diversity.

Oral communication

During the public hearings, the following comments were made regarding the environmental document:

- Referral to the Santa Clara County Airport Land Use Commission
 - The applicant applied to the County and a hearing is scheduled in May for the Commission to consider the project.
- Project description accuracy
 - The project description will be revised to reconcile the differences
- Car Wash noise and water pollution
 - The project will be consistent with the City's noise standards. The project revisions include extending the CMU wall of the building at the entry and exits; installing doors at the ends of the tunnel and locating the blower 10 feet from the edge of the tunnel
 - The car wash will operate under the City's stormwater water codes

Attachments:

Attachment A: Location Map(PDF)

Attachment B: Draft Rezoning Ordinance (DOCX)

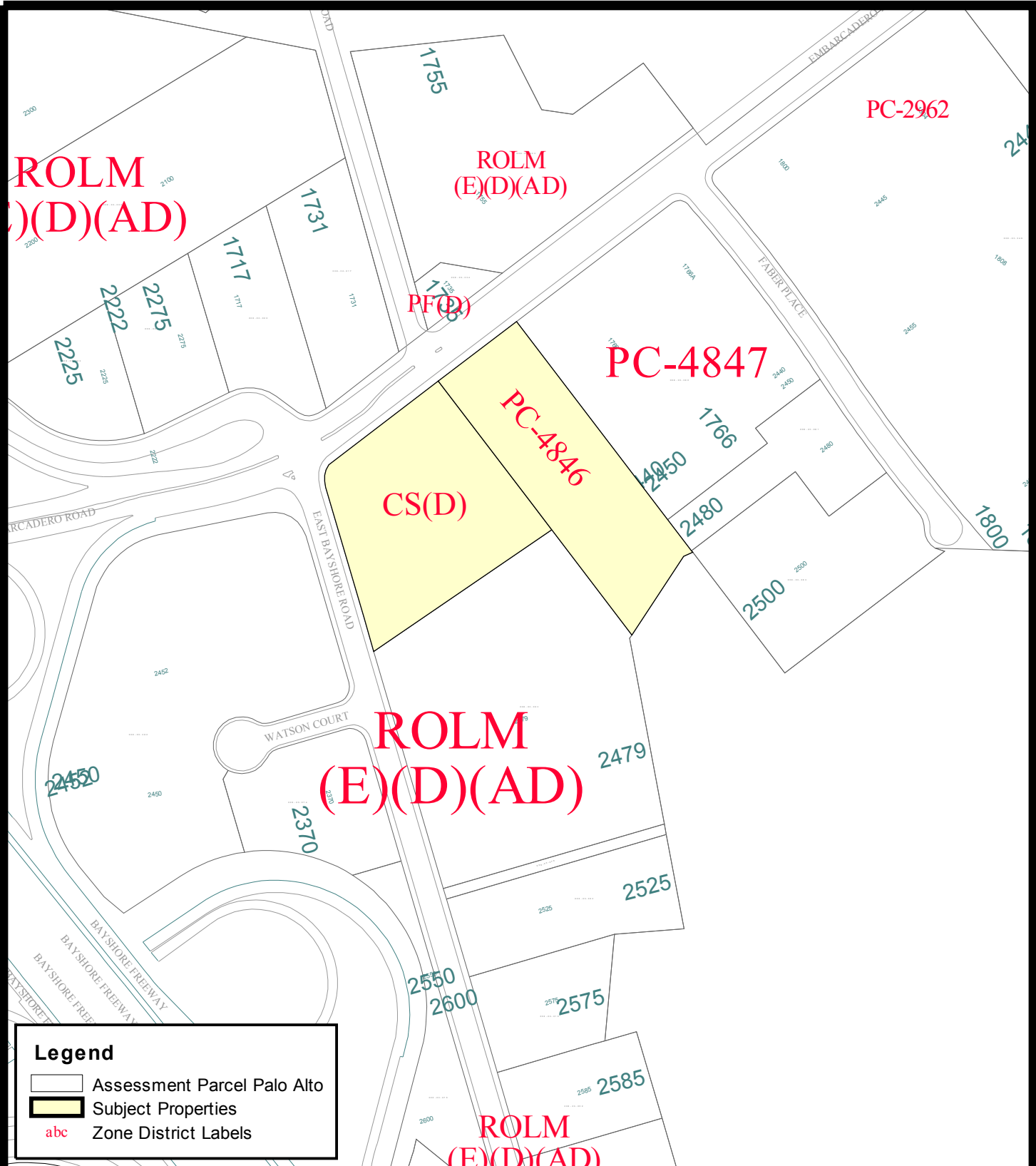
Attachment C: Record of Land Use Action (DOCX)

Attachment D: Zoning Comparison Table (DOCX)



Attachment E: Gross Floor Area Definition (DOCX)

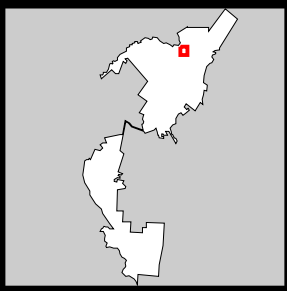
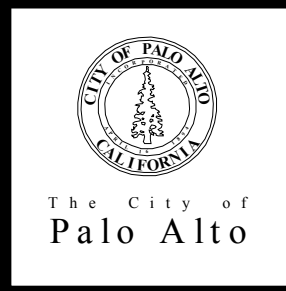
Attachment F: Comment Letters (PDF)

Attachment G: Project Plans and Environmental (DOCX)



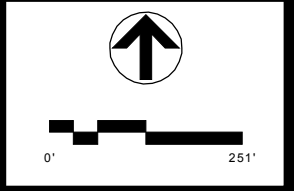
Legend

-  Assessment Parcel Palo Alto
-  Subject Properties
- abc Zone District Labels



700 & 1730 Embarcadero Road
 18PLN-00186

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



Not Yet Approved

Ordinance No. _____

Ordinance of the Council of the City of Palo Alto Amending the Zoning Map of the City of Palo Alto for 1700 Embarcadero Road to Change the Zoning from Commercial Service with Site and Design Review Overlay (CS(D)) to Commercial Service with Site and Design Review and Automobile Dealership Combining Districts (CS(D)(AD)) and Amending the Zoning Map of the City of Palo Alto for 1730 Embarcadero Road to Change the Zoning from Planned Community (PC-4846) to Commercial Service with Site and Design Review and Automobile Dealership Combining Districts (CS(D)(AD))

The Council of the City of Palo Alto ORDAINS as follows:

SECTION 1. Findings and Declarations. The City Council finds and declares as follows:

A. The Planning and Transportation Commission conducted a duly noticed public hearing on March 27, 2019, at which it reviewed, considered, and recommended Palo Alto Municipal Code (PAMC) Section 18.08.040 (the Zoning Map) be amended: (1) to rezone that certain real property commonly known as 1700 Embarcadero Road, more particularly described in Exhibit 1, to change the zoning from the Commercial Service with Site and Design Review Overlay (CS(D)) zoning district to the Commercial Service with Site and Design Review and Automobile Dealership Combining Districts (CS(D)(AD)) zoning district; and (2) to rezone that certain real property commonly known as 1730 Embarcadero Road, more particularly described in Exhibit 2, to change the zoning from the Planned Community (PC-4846) zoning district to the Commercial Service with Site and Design Review and Automobile Dealership Combining Districts (CS(D)(AD)) zoning district.

B. The City Council held a duly noticed public hearing on _____, and considered the subject amendment of the Zoning Map, including the recommendation by staff and the Planning and Transportation Commission and all public comments received prior to or at the hearing.

SECTION 2. Amendment of Zoning Map

(a) Section 18.08.040 of the Palo Alto Municipal Code, the "Zoning Map," is hereby amended by changing the zoning from the Commercial Service with Site and Design Review Overlay (CS(D)) zoning district to the Commercial Service with Site and Design Review and Automobile Dealership Combining Districts (CS(D)(AD)) zoning district for all that real property situated in the City of Palo Alto, County of Santa Clara, State of California, described in Exhibit 1 (Legal Description and Map) attached hereto and incorporated herein by reference, and commonly known as 1700 Embarcadero Road.

Not Yet Approved

(b) Section 18.08.040 of the Palo Alto Municipal Code, the "Zoning Map," is hereby further amended by changing the zoning from the Planned Community (PC-4846) zoning district to the Commercial Service with Site and Design Review and Automobile Dealership Combining Districts (CS(D)(AD)) zoning district for all that real property situated in the City of Palo Alto, County of Santa Clara, State of California, described in Exhibit 2 (Legal Description and Map) attached hereto and incorporated herein by reference, and commonly known as 1730 Embarcadero Road.

SECTION 3. The City as the lead agency for the Project, including the zoning map amendments, has determined that the project is subject to environmental review under provisions of the California Environmental Quality Act (CEQA) under Guideline section 15070, Decision to Prepare a Negative or Mitigated Negative Declaration. An Initial Study/Mitigated Negative Declaration was prepared in January 2019 for the project and identified potential significant impacts with the implementation of the project. Those impacts can be reduced to a level of less than significant with the incorporation of mitigation measures. On the basis of the whole record before it, that there is no substantial evidence that the project will have significant effect on the environment and that the mitigated negative declaration reflects the lead agency's independent judgment and analysis. The City of Palo Alto Planning & Community Environment Department is the custodian of these documents. The Negative Declaration was made available for public review beginning March 15, 2019 through April 22, 2019. The City Council approved the Mitigated Negative Declaration on _____.

SECTION 4. This Ordinance shall be effective on the thirty-first (31st) day after its passage and adoption.

- INTRODUCED:
- PASSED:
- AYES:
- NOES:
- ABSENT:
- ABSTENTIONS:
- ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Deputy City Attorney

City Manager

Director of Planning and Community Environment

Not Yet Approved

Exhibit 1 – Legal Description and Map

REAL PROPERTY IN THE CITY OF PALO ALTO, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA.
DESCRIBED AS FOLLOWS:

BEING ALL OF PARCEL 3 AS SHOWN ON THAT CERTAIN PARCEL MAP FILED FOR RECORDED ON JULY 1, 1969 IN BOOK 255 OF MAPS AT PAGE 54 SANTA CLARA COUNTY RECORDS AND A PORTION OF PARCEL 1 AS SHOWN ON THAT CERTAIN RECORD OF SURVEY FILED FOR RECORD ON OCTOBER 22, 1967 IN BOOK 229 OF MAPS AT PAGE 24, SANTA CLARA COUNTY RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE EASTERLY LINE of EAST BAYSHORE ROAD AT THE NORTHWEST CORNER OF SAID PARCEL 3;

THENCE ALONG SAID EASTERLY LINE NORTH 16°19'50" WEST, 248.63 FEET;
THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET, THROUGH A CENTRAL ANGLE OF 49°05'08" FOR AN ARC DISTANCE OF 42.84 FEET TO A POINT ON THE SOUTHERLY LINE OF EMBARCADERO ROAD;

THENCE ALONG SAID SOUTHERLY LINE NORTH 52°42'10" EAST 251.52 FEET TO THE MOST NORTHERLY CORNER OF THE LANDS OF THE HC INVESTMENT ASSOCIATES LP AS DESCRIBED IN THAT CERTAIN GRANT DEED RECORDED ON JULY 11, 2006 AS DOCUMENT NO. 19010187, SANTA CLARA COUNTY RECORDS;

THENCE ALONG THE EASTERLY LINE OF SAID LANDS OF HC INVESTMENT ASSOCIATES LP AND THE EASTERLY LINE OF SAID PARCEL 3, SOUTH 37°17'50" EAST, 341.83 TO A POINT ON THE SOUTHERLY LINE OF SAID PARCEL 3;

THENCE ALONG SAID SOUTHERLY LINE, SOUTH 55°41'07" WEST, 393.67 FEET TO A POINT ON THE EASTERLY UNE OF EAST BAYSHORE ROAD;

THENCE ALONG SAID EASTERLY LINE NORTH 16°19'50" WEST, 64.13 FEET TO THE POINT OF BEGINNING AS DESCRIBED IN THAT CERTIFICATE OF COMPLIANCE (LOT LINE ADJUSTMENT-MERGER).
RECORDED DECEMBER 17, 2009 AS INSTRUMENT NO. 20544106 OF OFFICIAL RECORDS.

FROM: FIRST AMERICAN TITLE REPORT ORDER NO. NCS-840390-SM, DATED MARCH 7, 2017.

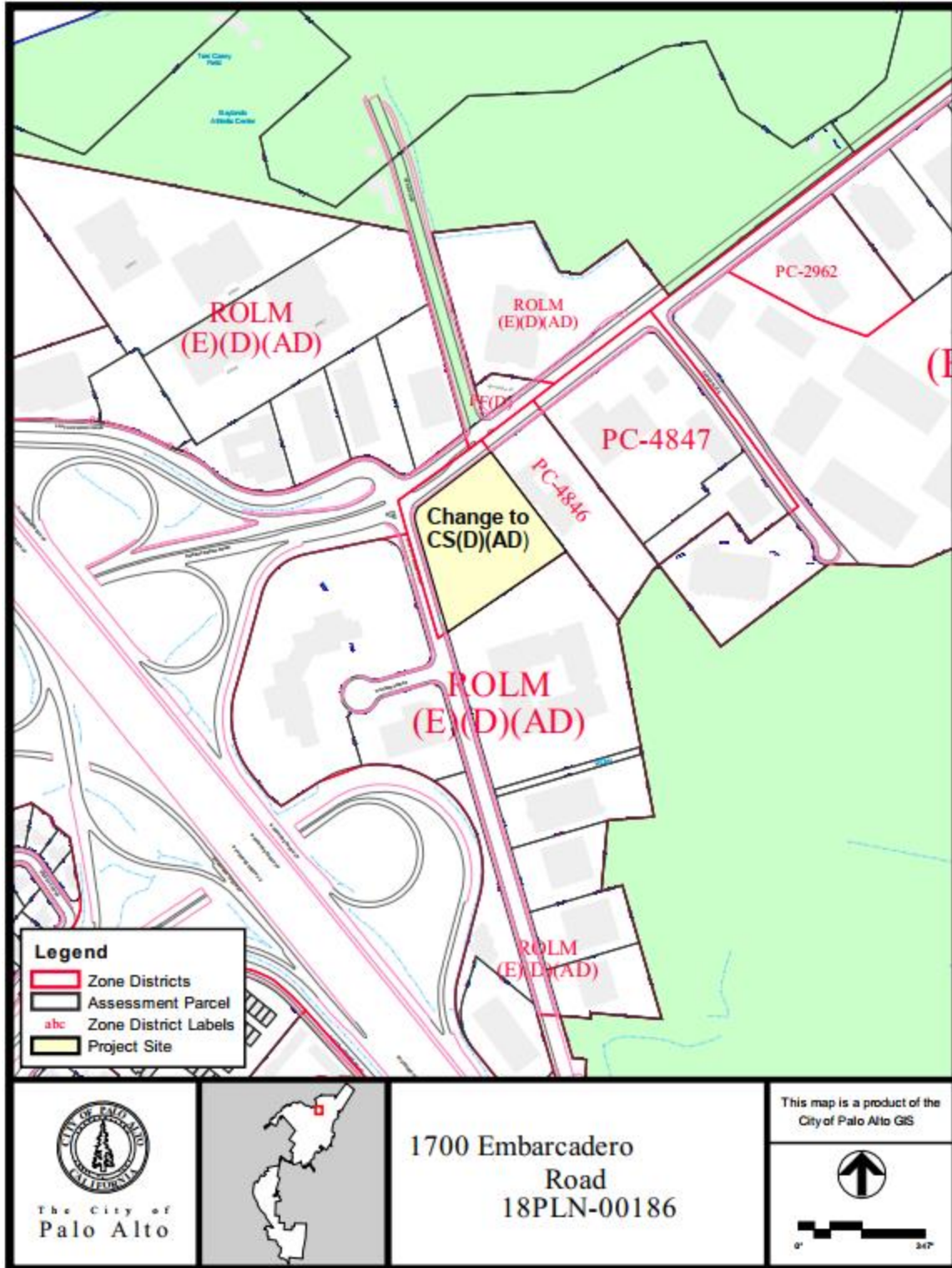


Exhibit 2 – Legal Description and Map

REAL PROPERTY IN THE CITY OF PALO ALTO, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA,
DESCRIBED AS FOLLOWS:

PARCEL ONE:

PARCEL 4, AS SHOWN ON THAT CERTAIN PARCEL MAP RECORDED JULY 1, 1969 IN BOOK 255, PAGE
54 OF MAPS, RECORDS OF SANTA CLARA COUNTY, CALIFORNIA.

PARCEL TWO:

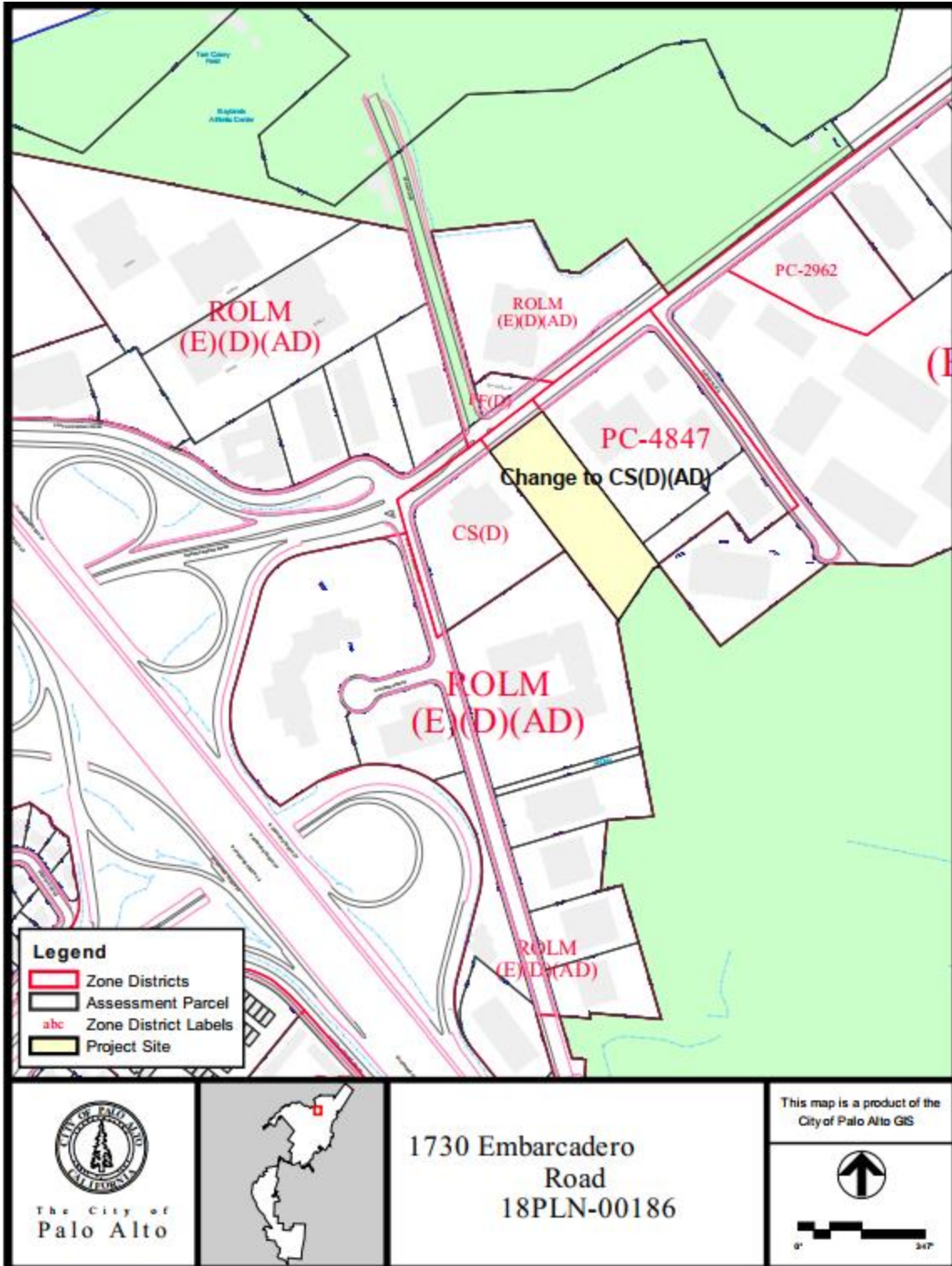
AN EXCLUSIVE EASEMENT: 20.00 FEET IN WIDTH FOR THE PURPOSE OF INGRESS AND EGRESS, AS
CREATED BY THAT CERTAIN EASEMENT AGREEMENT DATED FEBRUARY 13, 1998 AND RECORDED
FEBRUARY 13, 1998. INSTRUMENT NO. 14053158, UPON THE TERMS AND PROVISIONS CONTAINED
THEREIN, THE CENTERLINE OF SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS
FOLLOWS:

BEING A PORTION OF PARCEL 1 OF THAT CERTAIN PARCEL MAP FILED APRIL 29, 1981 IN BOOK 483
OF MAPS, AT PAGE 40, OFFICIAL RECORDS OF SANTA CLARA COUNTY, FURTHER DESCRIBED AS
FOLLOWS:

COMMENCING AT THE MOST EASTERLY CORNER OF THE AFOREMENTIONED PARCEL 1 (483 M 40),
SAID MOST EASTERLY CORNER BEING A POINT ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF
FABER PLACE 60 FEET IN WIDTH AS SAID RIGHT OF WAY SHOWN ON THAT CERTAIN RECORD OF
SANTA CLARA COUNTY; THENCE NORTHWESTERLY ALONG SAID SOUTHWESTERLY RIGHT OF WAY
LINE ALONG THE ARC OF A 3030.00 FOOT RADIUS CURVE TO THE RIGHT, THE CENTER OF WHICH
BEARS, NORTH 52°38'11" EAST THROUGH A CENTRAL ANGLE OF 3°31'03" AN ARC DISTANCE OF
186.02 FEET, TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE LEAVING SAID
SOUTHWESTERLY RIGHT OF WAY LINE. SOUTH 56°06'34" WEST, 4.74 FEET; THENCE
SOUTHWESTERLY ALONG THE ARC OF 20.00 FOOT RADIUS TANGENT CURVE TO THE LEFT,
THROUGH A CENTRAL ANGLE OF 35°21'55" AN ARC DISTANCE OF 12.34 FEET TO A POINT OF
REVERSE CURVATURE, THENCE WESTERLY ALONG A 20.00 FOOT RADIUS TANGENT CURVE TO THE
RIGHT, THROUGH A CENTRAL ANGLE OF 32°01'57", AND ARC DISTANCE OF 11.18 FEET; THENCE
SOUTH 52°46'36" WEST, 82.58 FEET; THENCE WESTERLY AND SOUTHERLY ALONG THE ARC ON A
20.00 FEET RADIUS, TANGENT CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 90°13'34", AN
ARC DISTANCE OF 31.49 FEET, THENCE SOUTH 37°26'58" EAST, 0.74 FEET; THENCE SOUTHERLY
AND SOUTHWESTERLY ALONG THE ARC OF 20.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT
THROUGH A CENTRAL ANGLE OF 90°09'21", AN ARC DISTANCE OF 31.47 FEET; THENCE SOUTH
52°42'23" WEST, 181.99 FEET; THENCE SOUTHWESTERLY AND WESTERLY ALONG THE ARC OF A
20.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 67°04'48"
AN ARC DISTANCE OF 23.42 FEET TO A POINT OF REVERSE CURVATURE; THENCE WESTERLY AND
SOUTHWESTERLY ALONG ARC OF A 20.00 FOOT RADIUS TANGENT CURVE TO THE LEFT, THROUGH
A CENTRAL ANGLE OF 67°05'02", AN ARC DISTANCE OF 23.42 FEET; THENCE SOUTH 52°42'10"

Not Yet Approved

WEST 7.16 FEET TO THE WESTERLY LINE OF SAID PARCEL 1 (483 MAPS 40) AND THE SOUTHWESTERLY TERMINUS OF THE DESCRIPTION. THE SIDELINES OF SAID STRIP ARE TO BE SHORTENED OR LENGTHENED TO TERMINATE AT THE EASTERLY AND WESTERLY BOUNDARY LINE OF SAID PARCEL 1 (483 MAPS 40).



Not Yet Approved

ACTION NO. 2019-_____

**RECORD OF THE COUNCIL OF THE CITY OF PALO ALTO LAND USE
ACTION FOR 1700 AND 1730 EMBARCADERO ROAD: SITE AND DESIGN
REVIEW, DESIGN ENHANCEMENT EXCEPTION, AND MITIGATED
NEGATIVE DECLARATION (18PLN-00186)**

On _____, 2019, the City Council of the City of Palo Alto approved the Site and Design Review and a Design Enhancement Exception to allow the demolition of an existing 18,000 square foot vacant restaurant building and a 15,700 square foot Audi service building to allow construction of a two-story, two building 103,984 square foot automobile dealership that combines two brands (Mercedes/Audi). In approving the application, the Council make the following findings, determination and declarations:

SECTION 1. Background.

A. Lyle Hutson on behalf of Holman Automotive Group, Inc, property owner, has requested the City's approval of a development project that includes a zone change for 1700 & 1730 Embarcadero from CS (D) & PC to CS(D)(AD); Site and Design Review, and Design Enhancement Exception to allow for the demolition of existing structures and the construction of a two-story automobile dealership with two separate brands ("The Project").

B. The project site includes two parcels (APN 008-03-084 [2.54 acres] & APN 008-03-066 [2.28 acres]) totaling 4.82 acres in size. The site is currently developed with an existing single-story 17,942 square foot vacant restaurant and a 22,429 square foot automobile dealership. The site contains and is accessible to existing utilities. The site includes an 80-foot utility easement along East Bayshore Road. The site is designated on the Comprehensive Plan land use map as Service Commercial and is located within the Service Commercial (CS) zoning district and Planned Community (PC) zoning district.

The project includes the demolition of existing on-site structures with the exception of the Audi Showroom building and the construction of two new two-story automobile dealership with service facilities, structured parking and a detached car wash building.

C. The Planning and Transportation Commission (Commission) reviewed and recommended approval of the Project on March 27, 2019. The Commission's recommendations are contained in CMR #9892 and the attachments to it.

D. The Architectural Review Board (ARB) reviewed and recommended approval of the Project on June 6, 2019.

E. On June 24, 2019, the City Council held a duly noticed public hearing, at which evidence was presented and all person were afforded an opportunity to be heard in accordance with the Palo Alto Municipal Code and the Council's Policies and Procedures.

F. Concurrent with the adoption of this Record of Land Use Action, the City Council

adopted an ordinance changing the zoning district of the subject properties to CS(D)(AD).

SECTION 2. Environmental Review. The City as the lead agency for the Project has determined that the project is subject to environmental review under provisions of the California Environmental Quality Act (CEQA) under Guideline section 15070, Decision to Prepare a Negative or Mitigated Negative Declaration. An Initial Study/Mitigated Negative Declaration was prepared in January 2019 for the project and identified potential significant impacts with the implementation of the project. Those impacts can be reduced to a level of less than significant with the incorporation of mitigation measures. On the basis of the whole record before it, that there is no substantial evidence that the project will have significant effect on the environment and that the mitigated negative declaration reflects the lead agency's independent judgment and analysis. The City of Palo Alto Planning & Community Environment Department is the custodian of these documents. The Negative Declaration was made available for public review beginning March 15, 2019 through April 22, 2019. The City Council hereby approves the Mitigated Negative Declaration and incorporates the Mitigation and Monitoring Report attached as Exhibit A into the Record of Land Use.

SECTION 3. Site and Design Review Findings.

Site and Design Approval is granted by the City Council under Palo Alto Municipal Code Section 18.82.70 for application 18PLN-00186, effective [DATE] and subject to the conditions of approval in Section 6 of this Record:

1. To ensure construction and operation of the use in a manner that will be orderly, harmonious, and compatible with existing or potential uses of adjoining or nearby sites.

The project includes sufficient façade articulation and material changes along Embarcadero Road and Bayshore Road. A variety of glass, metal, stucco materials with earth tone and darker colors to a limited extent will make the building complement the surrounding. As conditioned, the project will provide additional variation along the south facing elevations. As conditioned, the project will include a logistics plan to coordinate construction activity and limit disruptions to neighboring properties.

Currently two automobile dealerships operate in the area including one that is a part of this project. The surrounding parcels are zoned with the Automobile Dealership combining district that would anticipate additional automobile dealerships in the future. The project is designed to have all of the deliveries and parking occur onsite so that no spillover of activity to the streets or neighboring properties is anticipated. As conditioned, the lighting of the project will not spillover to adjoining areas.

2. To ensure the desirability of investment, or the conduct of business, research, or educational activities, or other authorized occupations, in the same or adjacent areas.

The project proposes a business that is allowed in the zoning district and is an established business type in the area. The design of the project complements the other surrounding buildings and does not detract from the use of the Baylands recreational area. A component of the project includes the construction of a bicycle path that would provide a safe connection between the existing bicycle lanes and the Bay Trail.

3. To ensure that sound principles of environmental design and ecological balance shall be observed.

The project is consistent with the Baylands design guidelines. Lighting is designed and conditioned to not shine onto the adjacent properties. Windows are designed to avoid bird-strikes. The project will implement green building measures as required by the Palo Alto Municipal Code.

4. To ensure that the use will be in accord with the Palo Alto Comprehensive Plan.

The project is consistent with the following Comprehensive Plan Goals and Policies:

Service Commercial: Facilities providing citywide and regional services and relying on customers arriving by car. These uses do not necessarily benefit from being in high volume pedestrian areas such as shopping centers or Downtown. Typical uses include auto services and dealerships, motels, lumberyards, appliance stores and restaurants, including fast service types. In almost all cases, these uses require good automobile and service access so that customers can safely load and unload without impeding traffic. In some locations, residential and mixed-use projects may be appropriate in this land use category. Examples of Service Commercial areas include San Antonio Road, El Camino Real and Embarcadero Road northeast of the Bayshore Freeway. Non-residential FARs will range up to 0.4. Consistent with the Comprehensive Plan's encouragement of housing near transit centers, higher density multi-family housing may be allowed in specific locations.

Policy L-1.3 Infill development in the urban service area should be compatible with its surroundings and the overall scale and character of the city to ensure a compact, efficient development pattern.

Policy L-5.1 Foster compact Employment Districts developed in a way that facilitates transit, pedestrian and bicycle travel. Provide mixed uses to reduce the number of auto trips.

Policy L-5.2 Provide landscaping, trees, sidewalks, pedestrian path and connections to the citywide bikeway system within Employment Districts. Pursue opportunities to include sidewalks, paths, low water use landscaping, recycled water and trees and remove grass turf in renovation and expansion projects.

Policy L-5.3 Design paths and sidewalks to be attractive and comfortable and consistent with the character of the area where they are located.

Policy L-5.4 Maintain the East Bayshore and San Antonio Road/Bayshore Corridor areas as diverse business and light industrial districts.

Policy L-6.1 Promote high-quality design and site planning that is compatible with surrounding development and public spaces.

Policy L-6.3 Encourage bird-friendly design.

Policy L-6.6 Design buildings to complement streets and public spaces; to promote personal safety, public health and wellbeing; and to enhance a sense of community safety.

Policy L-9.2 Encourage development that creatively integrates parking into the project, including by locating it behind buildings or underground wherever possible, or by providing for shared use of parking areas. Encourage other alternatives to surface parking lots that minimize the amount of land devoted to parking while still maintaining safe streets, street trees, a vibrant local economy and sufficient parking to meet demand.

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-5.6 Strongly encourage the use of below-grade or structured parking, and explore mechanized parking instead of surface parking for new developments of all types while minimizing negative impacts including on groundwater and landscaping where feasible.

SECTION 4. Architectural Review Findings

The design and architecture of the proposed improvements, as conditioned, complies with the Findings for Architectural Review as required in Chapter 18.76 of the PAMC.

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

This finding can be made in the affirmative because the project is consistent with the following Comprehensive Plan goals and policies:

Comprehensive Plan Goal/Policy	Consistency
<p>Service Commercial: Facilities providing citywide and regional services and relying on customers arriving by car. These uses do not necessarily benefit from being in high volume pedestrian areas such as shopping centers or Downtown. Typical uses include auto services and dealerships, motels, lumberyards, appliance stores and restaurants, including fast service types. In almost all cases, these uses require good automobile and service access so that customers can safely load and unload without impeding traffic. In some locations, residential and mixed-use projects may be appropriate in this land use category. Examples of Service Commercial areas include San Antonio Road, El Camino Real and Embarcadero Road northeast of the Bayshore Freeway. Non-residential FARs will range up to 0.4. Consistent with the Comprehensive Plan’s encouragement of housing near transit centers, higher density multi-family housing may be allowed in specific locations.</p>	<p>The project proposes an expansion to the existing Audi automobile dealership and a new Mercedes Benz automobile dealership. The project is consistent with the uses described in the Service Commercial land use designation.</p>
<p>Policy L-1.3: Infill development in the urban service area should be compatible with its surroundings and the overall scale and character of the city to ensure a compact, efficient development pattern.</p>	<p>The project is on land that already has development and is consistent with the surrounding development pattern, including larger buildings and larger street setbacks.</p>
<p>Policy L-5.2 Provide landscaping, trees, sidewalks,</p>	<p>A bicycle path will be constructed along East</p>

Comprehensive Plan Goal/Policy	Consistency
pedestrian path and connections to the citywide bikeway system within Employment Districts. Pursue opportunities to include sidewalks, paths, low water use landscaping, recycled water and trees and remove grass turf in renovation and expansion projects.	Bayshore Road and Embarcadero Road. Consistent with the City's Bicycle and Pedestrian Transportation Plan, the existing bicycle lanes on Geng Road connect to the Bay Trail. The proposed bicycle path would provide a safe connection where one does not exist currently. In front of the project will include a rest area for cyclists with benches and a water fountain.
Policy L-5.3 Design paths and sidewalks to be attractive and comfortable and consistent with the character of the area where they are located.	The bicycle path will be designed to fit with the character of the surrounding and include a rest area. Landscaping complements the design aesthetic of the Baylands.
Policy L-5.4 Maintain the East Bayshore and San Antonio Road/Bayshore Corridor areas as diverse business and light industrial districts.	The former restaurant will be demolished and, in its place, a new automobile dealership will operate, which will complement the diverse businesses within the district. The existing Audi dealership will be renovated and expanded.
Policy L-6.1 Promote high-quality design and site planning that is compatible with surrounding development and public spaces.	The project uses a variety of materials such as stucco, metal and glass. These materials use bold colors at the base of the buildings and muted colors in a way that is consistent with the surrounding uses and the Baylands Design Guidelines. The 80-foot utility easement along East Bayshore limits the site in design and landscaping, however, these materials complement a design that includes variegated facades. The project's design provides the appropriate transitions between the site and adjacent buildings. As conditioned, the project will have the appropriate transition to the Baylands.
Policy L-6.3 Encourage bird-friendly design.	The project includes bird safe glazing for windows and guardrails.
Policy L-6.6 Design buildings to complement streets and public spaces; to promote personal safety, public health and wellbeing; and to enhance a sense of community safety.	Frontages for the project include East Bayshore Road and Embarcadero Road. Both frontages include building facades that provide interest through the use of materials, colors and elevations that include visual relief. Along Embarcadero Road includes a bicycle rest area for uses of the bicycle path.
Policy L-9.2 Encourage development that creatively integrates parking into the project, including by locating it behind buildings or underground wherever possible, or by providing	A limited percentage of the overall parking for the project is at the surface level or visible from the streets. Parking is included within the building for the most part.

Comprehensive Plan Goal/Policy	Consistency
for shared use of parking areas. Encourage other alternatives to surface parking lots that minimize the amount of land devoted to parking while still maintaining safe streets, street trees, a vibrant local economy and sufficient parking to meet demand.	
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.].	As proposed, the project will implement a bicycle path along the street frontages. The proposed bicycle path would provide a safe connection where one does not exist currently. This would connect with the overall city bicycle system and the greater Baylands bicycle network. A bicycle rest area is included along the Embarcadero Road frontage.
Policy T-5.6 Strongly encourage the use of below-grade or structured parking, and explore mechanized parking instead of surface parking for new developments of all types while minimizing negative impacts including on groundwater and landscaping where feasible.	Structured parking is provided for the project. Most of the parking for the project including vehicle inventory is included within the building. The project includes an innovative showroom display system that stacks cars within the building.

The project site includes two separate parcels with two separate automobile dealership brands. With the use of cross easements, the site will share some operations and create more operational efficiencies than if they were to stand alone. The use complements the existing automobile dealerships along Embarcadero Road and is a permitted use within the land use district. The project includes a bicycle path along East Bayshore Road and Embarcadero Road that would provide a connection between the existing bicycle lanes and the Bay Trail system. The project includes a limited amount of surface parking, with most of the project’s parking provided in structured parking facilities. This is an unusual design for automobile dealerships because typically there are large surface parking areas associated with these types of uses. The project proposes to deviate from the “build-to-line” setback requirement for East Bayshore Road and Embarcadero Road and the tree shade canopy requirements for parking facilities through the Design Enhancement Exception process.

2. The project has a unified and coherent design, that:

- a. creates an internal sense of order and desirable environment for occupants, visitors, and the general community,**
- b. preserves, respects and integrates existing natural features that contribute positively to the site and the historic character including historic resources of the area when relevant,**
- c. is consistent with the context-based design criteria of the applicable zone district,**
- d. provides harmonious transitions in scale, mass and character to adjacent land uses and land use designations,**
- e. enhances living conditions on the site (if it includes residential uses) and in adjacent residential areas.**

This finding can be made in the affirmative. The project includes three driveways (one from East

Bayshore Road and two from Embarcadero Road). Vehicular access is provided around the perimeter of the site, allowing for trash pick-up, deliveries and general access around the properties. The driveway in front of the showroom creates a better overall circulation pattern because instead of vehicles being forced onto the roadway, vehicles being serviced or displayed can be moved onsite without ever leaving the site. The Mercedes showroom includes two pedestrian entries (one facing Embarcadero Road and another facing Bayshore Road).

The design of the buildings convey they are automobile dealerships and do not appear to portray a different type of use. The entries to the sites are distinctive and attractive with landscaping that is appropriate to the Baylands as well as consistent with the design of the buildings. The site includes outdoor areas with benches for its occupants and visitors. While the street trees along East Bayshore Road are being removed for the bicycle path, the bicycle path provides a separated connection from the street to other areas within the City’s bicycle network. New trees are planted resulting in more trees than the existing condition. The rear of the site is adjacent to the Baylands and the project provides Oak trees along the boundary with the Baylands. Big Leaf Maple trees are also included along the boundary of site adding to the canopy. The rear of the buildings includes flow-through planters placed just below the parapet of the building and will provide some greenery and visual relief as viewed from the Baylands Renzel Trail. Green screens are located on the building to provide additional visual relief and relationship with the Baylands. The site’s large setbacks are consistent with the surrounding development pattern and these setbacks help with the streetscape perception of the massing of the buildings.

The project is consistent with the following context-based design criteria:

1. Pedestrian and Bicycle Environment	
<p>The design of new projects shall promote pedestrian walkability, a bicycle friendly environment, and connectivity through design elements</p>	
<p>The project will provide a new bicycle path along the street frontages. This will include a rest area for cyclists with three benches and a water fountain. The bicycle path will separate the bicyclists from the street lanes for added safety and reduction in conflict points.</p>	
2. Street Building Facades	
<p>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</p>	
<p>A request of the project is to have an exception from the “build-to-line” setback along Embarcadero and East Bayshore. Both frontages are impacted by an 80-foot utility easement parallel with East Bayshore that prohibits any building placement or structure/vegetation over 15 feet within the easement area. The area is categorized by large street setbacks. The proposed project’s setbacks are consistent with the surrounding. The design of the building including a façade with visual interest and use of a variety of materials and muted colors.</p>	
<p>A bicycle path will be constructed along East Bayshore and Embarcadero Road. Consistent with the City’s Bicycle and Pedestrian Transportation Plan, the existing bicycle lanes on Geng Road connect to the Bay Trail. The proposed bicycle path would provide a safe connection where one does not exist currently. In front of the project will include a rest area for cyclists with benches and a water fountain.</p>	

3. Massing and Setbacks	
Buildings shall be designed to minimize massing and conform to proper setbacks	
The project meets the required setbacks or seeks relief from the setbacks to comply with easement requirements and to be consistent with the surrounding properties. Relief is sought for the “build-to-line” setback along Embarcadero Road and given the opportunities and constraints of the site, adherence to the requirement does not create a better project layout. Additionally, the project includes varied materials such as metal, stucco, glass with contrasting colors providing visual interest. The project includes additional glass that reduces the massing.	
4. Low Density Residential Transitions	
Where new projects are built abutting existing lower scale residential development, care shall be taken to respect the scale and privacy of neighboring properties	
The project is not adjacent to any residential areas.	
5. Project Open Space	
Private and public open space shall be provided so that it is usable for the residents and visitors of the site.	
The project includes an outdoor seating area on the ground floor facing East Bayshore Road as well as in front of the building along Embarcadero Road. In addition, the project provides a new bicycle path along the streets and a rest area with benches and a water fountain.	
6. Parking Design	
Parking shall be accommodated but shall not be allowed to overwhelm the character of the project or detract from the pedestrian environment	
The project includes two automobile dealerships. Typically, these uses include large parking lot areas. This project provides a limited percentage of overall parking within surface parking areas surrounding the buildings. Multi-level structured parking provides most of the parking for the site. In addition, the project includes an innovative display area for stacked automobiles within the showroom of one of the dealerships.	
7. Large Multi-Acre Sites	
Large sites (over one acre) shall be designed so that street, block, and building patterns are consistent with those of the surrounding neighborhood	
The proposed setbacks for the project are consistent with other large sites within the vicinity. The setbacks for the surrounding buildings are large and the buildings are spread out over the site.	
8. Sustainability and Green Building Design	
Project design and materials to achieve sustainability and green building design should be incorporated into the project	
The project will be consistent with the City’s Green Building Ordinance and be consistent with Cal Green Tier 2.	

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

The project includes two adjacent buildings that would have cross-functionality for two automobile dealerships. The frontages of each building include their own brand identity and the colors and materials used reflect those differences. The buildings are designed to have a commercial frontage

along Bayshore road and Embarcadero Road and respect the Baylands at the rear of the buildings. The landscaping chosen ties the buildings to the Baylands and softens the architectural style of the dealerships. The use of bolder colors at the base and muted colors in conjunction with the execution of the mixture of metal, stucco and glass applied to a façade with variegated elevations enhance the building and complements the surrounding.

4. The design is functional, allowing for ease and safety of pedestrian and bicycle traffic and providing for elements that support the building's necessary operations (e.g. convenient vehicle access to property and utilities, appropriate arrangement and amount of open space and integrated signage, if applicable, etc.).

With an automobile dealership, it is expected that vehicles will be entering and exiting the site providing potential conflicts with pedestrians and cyclists. The site is adjacent to the Baylands which is a large and popular recreational area. The project includes the construction of a new bicycle path along East Bayshore Road and Embarcadero Road. A rest area will also be included along Embarcadero Road. The bicycle path will separate pedestrians and cyclists from the street adding a level of safety and improving sight awareness for users of potential conflict areas such as the driveways. Onsite circulation is provided along the perimeter of the site and includes three loading spaces. Landscaping is provided along the perimeter of the site as well as along the buildings. While the project includes two separate adjacent parcels, the landscape palette is consistent. The location of the 80-foot utility easement limits the amount and the type of landscaping that can be provided along East Bayshore Road and affects a small portion of Embarcadero Road frontage at the intersection where the electric transmission tower is located.

5. The landscape design complements and enhances the building design and its surroundings, is appropriate to the site's functions, and utilizes to the extent practical, regional indigenous drought resistant plant material capable of providing desirable habitat that can be appropriately maintained.

Landscaping is provided along the perimeter of the site as well as along the buildings. While the project includes two separate adjacent parcels, the landscape palette is consistent using drought tolerant and regional species. The location of the 80-foot utility easement limits the amount and the type of landscaping that can be provided along East Bayshore Road and affects a small portion of Embarcadero Road at the intersection where the electric transmission tower is located. Vegetation can be no taller than 15-feet. The landscaping palette embraces the Baylands and many of the plants were chose because they were on the Santa Clara Valley Water District approved plant list, bay-friendly rated plant list and other plants from the Santa Clara Valley Urban Runoff Pollution Prevention Program. Specifically, the plants that directly interface with the Baylands are only native species and are complementary of the Baylands, including Oak, Western Red Bud, Deer Grass, native grasses and sedges. The project is consistent with other newer projects that were designed to be consistent with the Baylands Design Guidelines. To minimize the architectural materials and height that faces the Baylands, flow-through planters are placed approximately four feet from the parapet of the rear facades of the buildings. Additionally, green screens are added to the upper portions of the buildings. The landscaping chosen for the base of the buildings emphasize the modern entrances of the buildings.

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

The project is consistent with the City's Green Building ordinance and will comply with Cal Green Tier 2 requirements. Some examples include:

- Electric vehicle parking
- Cool roof
- Water reduction
- Recycled content

SECTION 5. Design Enhancement Exception Findings

In order for the ARB to make a recommendation of approval, the project must comply with the following Findings for Design Enhancement Exceptions as required in Chapter 18.76.050 of the PAMC.

(1) There are exceptional or extraordinary circumstances or conditions applicable to the property or site improvements involved that do not apply generally to property in the same zone district.

The project includes two parcels. The parcel with the proposed Mercedes Benz building includes an 80-foot wide utility easement with development constraints below and above ground along East Bayshore Road. The purpose of the easement is to allow for the conveyance of high voltage electric power and stormwater for the region and for the City. Pacific Gas & Electric holds rights to the easement as well as the City. An electric transmission tower is located near the corner of the property. This easement precludes the placement of any building and any structure, as well as limiting vegetation height to 15 feet.

Build-to-line Exception

East Bayshore Road

Adhering to the "build-to-line" setback requirements is not possible for East Bayshore Road.

Based on the "build-to-line" requirement along Embarcadero Road, the project would need at least 126 feet of the building to be set near the property line. The site has an approximate 252-foot frontage along Embarcadero Road and therefore would require at least 126 lineal feet of the building to be placed between zero and 10 feet of the property line. The utility easement along East Bayshore causes the building edge to be located approximately 65 feet from the corner of the property at Embarcadero Road and East Bayshore Road because of the shape of the property. The remaining distance between the easement edge and the north property line is 189 feet and that leaves enough distance to meet the requirement.

As mentioned previously, it is expected that the primary entrance for customers will be from Embarcadero Road. A driveway cannot be located too close to the intersection and therefore the proposed location is the farthest from the intersection and a safe distance from the existing Audi driveway. The proposed driveway location creates efficiencies for the site because the driveway entry is located adjacent to the property line leading to the service drive within the building that is shared with Audi. Some of the required parking for the project is located within the utility easement along East Bayshore Road and as proposed the project includes a driveway between the Embarcadero Road property line and the building to access this parking lot from the Embarcadero Road entry. The driveway in front of the showroom creates a better overall circulation pattern because instead of vehicles being forced onto the roadway, vehicles being serviced or displayed can be moved onsite without ever leaving the site.

SECTION 6. Conditions of approval

PLANNING DIVISION

1. CONFORMANCE WITH PLANS. Construction and development shall conform to the approved plans entitled, "Mercedes Benz / Audi of Palo Alto, 1730 Embarcadero Road," stamped as received by the City on May 22, 2019 on file with the Planning Department, 250 Hamilton Avenue, Palo Alto, California except as modified by these conditions of approval.
2. BUILDING PERMIT. Apply for a building permit and meet any and all conditions of the Planning, Fire, Public Works, and Building Departments.
3. BUILDING PERMIT PLAN SET. All Department conditions of approval for the project shall be printed on the plans submitted for building permit.
4. PROJECT MODIFICATIONS: All modifications to the approved project shall be submitted for review and approval prior to construction. If during the Building Permit review and construction phase, the project is modified by the applicant, it is the responsibility of the applicant to contact the Planning Division/project planner directly to obtain approval of the project modification. It is the applicant's responsibility to highlight any proposed changes to the project and to bring it to the project planner's attention.
5. PROJECT EXPIRATION. The project approval shall automatically expire after two years from the original date of approval, if within such two year period, the proposed use of the site or the construction of buildings has not commenced pursuant to and in accordance with the provisions of the permit or approval. Application for a one year extension of this entitlement may be made prior to the expiration. (PAMC 18.77.090(a)).
6. LIGHTING. The owner or designee shall ensure that light does not spill over the property lines from the project. Lighting levels shall be reduced during the nighttime period to security levels (between 10pm and dawn) and consider the current levels of light in the area.
7. BICYCLE PATH REST AREA: As depicted in the project plans, the owner or designee shall construct and maintain the rest area along the Embarcadero Road frontage.
8. 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.
9. DEVELOPMENT IMPACT FEES: Development Impact Fees, currently estimated in the amount of \$2,701,625 plus the applicable public art fee, per PAMC 16.61.040, shall be paid prior to the issuance of the related building permit.

10. **IMPACT FEE 90-DAY PROTEST PERIOD.** California Government Code Section 66020 provides that a project applicant who desires to protest the fees, dedications, reservations, or other exactions imposed on a development project must initiate the protest at the time the development project is approved or conditionally approved or within ninety (90) days after the date that fees, dedications, reservations or exactions are imposed on the Project. Additionally, procedural requirements for protesting these development fees, dedications, reservations and exactions are set forth in Government Code Section 66020. **IF YOU FAIL TO INITIATE A PROTEST WITHIN THE 90-DAY PERIOD OR FOLLOW THE PROTEST PROCEDURES DESCRIBED IN GOVERNMENT CODE SECTION 66020, YOU WILL BE BARRED FROM CHALLENGING THE VALIDITY OR REASONABLENESS OF THE FEES, DEDICATIONS, RESERVATIONS, AND EXACTIONS.** If these requirements constitute fees, taxes, assessments, dedications, reservations, or other exactions as specified in Government Code Sections 66020(a) or 66021, this is to provide notification that, as of the date of this notice, the 90-day period has begun in which you may protest these requirements. This matter is subject to the California Code of Civil Procedures (CCP) Section 1094.5; the time by which judicial review must be sought is governed by CCP Section 1094.6.
11. **MITIGATION MONITORING AND REPORTING PROGRAM.** The Mitigation Monitoring and Reporting Program (MMRP) associated with the project and attached here as Exhibit 1 is incorporated by reference and all mitigation measures shall be implemented as described in said document. Prior to requesting issuance of any related demolition and/or construction permits, the applicant shall meet with the Project Planner to review and ensure compliance with the MMRP, subject to the satisfaction of the Director of Planning of Planning and Community Environment.
12. **FINAL INSPECTION:** A Planning Division Final inspection will be required to determine substantial compliance with the approved plans prior to the scheduling of a Building Division final. Any revisions during the building process must be approved by Planning, including but not limited to; materials, landscaping and hard surface locations. Contact your Project Planner, Sheldon S. Ah Sing at sahsing@m-group.us to schedule this inspection.
13. **PLANNING COMMISSION CONDITION:** The owner or designee shall evaluate migratory patterns affecting the site and if the trees scheduled for removal are found to be recurring nesting sites then the applicant shall ensure the installation of replacement nesting facilities until the replacement trees on the property have matured enough to be used by the birds.
14. **ARB APPLICATION REQUIRED:** Prior to issuance of a building permit, the applicant shall return to the ARB to address the following issues. This review shall require a new ARB application, subject to application fees and the City's appeal procedures.
 - *Colors:* The project shall adhere to the Baylands Design Guidelines muted colors by providing alternatives to the proposed colors shown to the ARB on June 6, 2019. In particular, black and shiny colors shall be avoided. Use charcoal or a rich brown for darker accents.
 - *GL-2 Parapet:* The material should match the transparent qualities depicted in the plans/photos and not the opaque material sample that was presented to the ARB. Special attention should be made to avoid light emission from behind the material.

- *Street Trees:* Add more trees to the base of the building to soften the Bayshore Road side of the building. It was suggested to consider another option instead of the Western Redbud plantings along Bayshore. The alternative trees should provide some shading.
- *Curb Ramp at Corner:* The applicant shall work with City Transportation staff regarding the transition at the Bayshore/Embarcadero Road intersection for the bicycle path.
- *Green Screen:* The project shall keep the same amount of greenery along the building elevations, however, the project should look at other solutions and/or provide details on the screens to ensure they are high quality, can be maintained over time, and better integrated into the project.
- *Perimeter Landscape:* The project should provide at least 10 feet of setback between the carwash and the property line. Demonstrate removal of any existing barbed wire.

Building Department

15. Provide an exiting analysis for the second and third/ roof-top floors of the proposed automotive dealership building. Sheets ZA020 – ZA025 were not received in the resubmittal package.
 - It appears that two (2) exit stair enclosures are provided on the 2nd & 1st floor plans. One of the exit enclosures terminates to the interior of the building. Please clarify how this interior exit stairway will comply with CBC 1028.1 for Exit Discharge. Sheet ZA102 and ZA502 still shows one of the interior stair enclosures opening into the Shop area on the first floor.
 - If more than one exit is required from the 2nd and 3rd floor, each accessible portion of the space shall be served by the same number of accessible means of egress. Show the locations of the accessible means of egress on the 2nd and 3rd floors.
16. Show the locations of the accessible parking for the employee and customer parking. Sheet ZA003 shows the location of the accessible parking, but sheets ZA105 and ZA106 does not.
17. For new Non-Residential construction of any size, CALGreen Mandatory + Tier 2 requirements are required per PAMC16.14.430, Section A5.106.5.3.3. The following standards apply:
 - In general. The property owner shall provide Conduit Only, EVSE-Ready Outlet, or EVSE Installed for at least 25% of parking spaces, among which at least 5% (and no fewer than one) shall be EVSE Installed. Please indicate on the plans the location of the EVSE-Ready and EVSE Installed spaces. Sheet ZA100 shows that 269 parking spaces are required. The required installed EVSE parking is $269 \times 5\% = 13$ spaces and the required EVSE ready parking should be $269 \times 20\% = 54$ spaces. Please revise sheet ZA100 for compliance.
 - Accessible spaces. Projects shall comply with the 2016 California Building Code requirements for accessible electric vehicle parking. Please show the location of the EVSE accessible spaces. (CBC 11B-228.3, 11B-812) Base on CBC Table 11B-228.3.2.1, 1 van accessible EVSE installed and 1 standard accessible EVSE installed spaces are required. Please show compliance on the plans.

18. For new Non-Residential construction of any size, CALGreen Mandatory + Tier 2 requirements are required per PAMC16.14.080. Complete a preliminary Green Building Checklist "GB-1 Non-Residential Mandatory Plus Tier 2" sheet and include this sheet with Planning Application package. The GB-1 + Tier 2 sheet can be downloaded from the City's website address: http://www.cityofpaloalto.org/gov/depts/ds/green_building/compliance.asp On sheet ZA600 for the GB-1 sheet, check the appropriate "Y" or "N" boxes for the Mandatory items and the appropriate "Y" or "N" boxes for the electives to begin preliminary planning to address the Green Building Mandatory plus Tier 2 requirements.

Public Works Engineering Department

19. STORM WATER TREATMENT: Applicant will be required to provide an updated third-party certification for the previously permitted and C.3 regulated Audi project at 1730 Embarcadero. A stamped and signed letter confirming they reviewed these plans and find the existing project to still be in compliance with MRP 2.0 Provision C.3 and PAMC 16.11 shall be provided prior to this project's Building permit and/or Grading Permit issuance.
20. Applicant will be required to provide approval from PG&E for all work proposed within their easements prior to Grading & Excavation Permit issuance or Building Permit issuance.
21. Applicant proposes to relocate the existing storm main running through these properties into the public right of way. This proposal in concept is acceptable to the City but the technical design review will be done through the Street Work Permit process and it is ultimately up to the applicant to verify that this could work. That includes verifying that there are no utility conflicts, make sure that storm drain line would be the same size, at a minimum, flow by gravity and be clear through PGE's easement. This shall be built by the developer and phased construction so that a storm drain line is always available for flow. This shall be completed to the satisfaction of the Public Works Engineering Department.
22. Applicant will be required to abandon any existing easement where new structure(s) or improvements are proposed and record new easements as requested by the City, and obtain an encroachment permit for all proposed improvements within existing and to remain public utility easements prior to Grading & Excavation Permit issuance or Building Permit issuance.
23. The project currently shows both parcels separate. In doing so this does not allow any cross lot drainage. If cross lot drainage or cross lot use of C.3 stormwater treatment devices is proposed at the building permit stage, subsequent requirements will be required prior to Grading & Excavation Permit issuance or Building Permit issuance.
24. A private access easement will need to be recorded against both properties prior to Grading & Excavation Permit issuance or Building Permit issuance to allow access between two parcels.
25. GRADING & EXCAVATION PERMIT: An application for a grading & excavation permit must be submitted to Public Works when applying for a building permit. The application and guidelines are available at the Development Center and on our website.
26. STORM WATER POLLUTION PREVENTION: The City's full-sized "Pollution Prevention - It's Part of

the Plan" sheet must be included in the plan set. The sheet is available here: <http://www.cityofpaloalto.org/civicax/filebank/documents/2732>

27. SWPPP: The proposed development will disturb more than one acre of land. Accordingly, the applicant will be required to comply with the State of California's General Permit for Storm Water Discharges Associated with Construction Activity. This entails filing a Notice of Intent to Comply (NOI), paying a filing fee, and preparing and implementing a site specific storm water pollution prevention plan (SWPPP) that addresses both construction-stage and post-construction BMP's for storm water quality protection. The applicant is required to submit two copies of the NOI and the draft SWPPP to the Public Works Department for review and approval prior to issuance of the building permit. Also, include the City's standard "Pollution Prevention - It's Part of the Plan" sheet in the building permit plan set. Copies are available from Public Works at the Development Center.
28. STREET TREES: Show all existing street trees in the public right-of-way. Any removal, relocation or planting of street trees; or excavation, trenching or pavement within 10 feet of street trees must be approved by Public Works' arborist (phone: 650-496-5953). This approval shall appear on the plans. Show construction protection of the trees per City requirements.
29. WORK IN THE RIGHT-OF-WAY: The plans must clearly indicate any work that is proposed in the public right-of-way, such as sidewalk replacement, driveway approach, or utility laterals. The plans must include notes that the work must be done per City standards and that the contractor performing this work must first obtain a *Street Work Permit* from Public Works at the Development Center. If a new driveway is in a different location than the existing driveway, then the sidewalk associated with the new driveway must be replaced with a thickened (6" thick instead of the standard 4" thick) section. Additionally, curb cuts and driveway approaches for abandoned driveways must be replaced with new curb, gutter and planter strip.
30. 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.
31. **At the time of Excavation and Grading Permit submittal:** Applicant shall submit the final C.3 certification including a stamped and signed letter from the third party reviewer confirming which documents they reviewed and that the proposed C.3 design is in compliance with MRP 2.0 Provision C.3 and PAMC 16.11 and this C.3 Data Form (http://www.scvurpppw2k.com/pdfs/1112/SCVURPPP_C.3_Data_Form_final_2012.pdf) completely filled out and stamped and signed as approved by the qualified third party reviewer. **Applicants will not be allowed to submit for an excavation and grading permit unless those required C.3 certification items are included in the submittal package.**
30. STORMWATER MAINTENANCE AGREEMENT: The applicant shall designate a party to maintain the control measures for the life of the improvements and must enter into a **maintenance agreement** with the City to guarantee the ongoing maintenance of the permanent C.3 storm water discharge compliance measures. **The maintenance agreement shall be executed prior to issuance of the building or grading permit.** The City will inspect the treatment measures yearly and charge an inspection fee.

31. LOGISTICS PLAN: The contractor must submit a logistics plan to the Public Works Department at time of Grading and Building permit issuance that addresses all impacts to the City's right-of-way, including, but not limited to: pedestrian control, traffic control, truck routes, material deliveries, contractor's parking, concrete pours, crane lifts, work hours, noise control, dust control, storm water pollution prevention, contractor's contact, noticing of affected businesses, and schedule of work. This condition shall be restrictive as possible so that traffic conditions at the Embarcadero Road/Bayshore Road intersection are not aggravated during the course of construction. The streets shall not be blocked during peak commute hours.
32. SIDEWALK, CURB & GUTTER: As part of this project, the applicant must all of the existing sidewalks, curbs, gutters or driveway approaches in the public right-of-way along the frontage(s) of the property. The site plan submitted with the building permit plan set must show the extent of the replacement work. The plan must note that any work in the right-of-way must be done per Public Works' standards by a licensed contractor who must first obtain a *Street Work Permit* from Public Works at the Development Center.
33. SUBSTANTIAL IMPROVEMENT: The existing structure is located within a Special Flood Hazard Area. If the construction cost of the improvements (remodeling and/or addition) is greater than 50% of the existing value of the structure, then the improvements will be classified as a "substantial improvement" and the existing structure and all new construction will be required to meet the City's Flood Hazard Regulations. In particular, the finished first floor must be at or above the base flood elevation (BFE). If the project is a "substantial improvement", then upon submittal for a building permit, the applicant must provide a copy of the FEMA Elevation Certificate showing that the existing finished first floor is at or above the BFE or, if the floor is below the BFE, the plans must show the floor being raised. The plans must include:
 - The *Elevation Certification Submittal Requirements for Construction in the Special Flood Hazard Area* form
 - The BFE on sections, elevations and details
 - Flood vents, if there is a crawl space
 - A table calculating the flood vents required and provided
 - If the crawl space is subgrade, meaning that the bottom of the crawl space is below the adjacent exterior grade on all four sides of the house, then it must be filled in until it is either no longer subgrade or until it is 18" from the floor framing (to meet the minimum CBC requirement)
 - If the crawl space is still subgrade after filling, then include a sump, pump and outlet pipe to pump flood waters out
 - The garage slab can be below the BFE, but the garage will then need to be flood vented separately from the house
 - Notes that all materials and equipment below the BFE are water-resistant

Public Works will prepare a flood zone screening form, including a "substantial improvement" screening form, at the Development Center when plans are submitted for a building permit. In order to determine if your project is a "substantial improvement" prior to submitting for a building permit, you can have a preliminary screening performed by Public Works' staff at the Development Center.

34. FLOOD ZONE: The proposed improvements are located within a Special Flood Hazard Area. Accordingly, the proposed construction must meet all of the City's and Federal Emergency Management Agency's (FEMA) requirements for construction within a flood zone, such as: the finished bottom floor must be at or above the base flood elevation (BFE); the crawl space (if used) must have flood vents; and all construction materials and equipment below the BFE must be water-resistant. Garage slabs can be below the BFE, but the garage will then need flood vents. See Palo Alto Municipal Code Section 16.52, Flood Hazard Regulations, and our website for more information. The plans must show the BFE on all applicable elevations, sections and details; must include a calculation of the required amount of flood vents; must include the flood vents on the elevations and foundation plan; must note all materials below the BFE as water resistant; and must include the *Elevation Certification Submittal Requirements for Construction in the Special Flood Hazard Area* form, which is available from Public Works at the Development Center or on our website. Please note that FEMA recently (May 2009) changed the vertical datum of the flood zones. You must use the new vertical datum (NAVD88) on plans submitted for a building permit.
35. Per applicant's meeting with the City's Floodplain Administrator, the following flood zone requirements must be shown on Building permit plans:
- The carwash can be below the BFE with appropriate venting but the mechanical area and/or room in the car wash must be elevated above the BFE.
 - Any other building structures onsite including the mechanized parking garage must be elevated above the BFE and must follow all other FEMA requirements for structures in a SFHA such as no electrical or mechanical equipment below the BFE. The ramp to the garage can be at the BFE but at a distance of 28.5' away from the building.
 - The elevator shaft can be below the BFE if it is flood-proofed. A flood proofing certificate needs to be submitted for the elevator shaft that is inside the building that is going to be below the BFE.
36. The applicant will be required to resurface the full width (curb to curb) of all adjacent streets along the project frontages.
37. Based on the City's GIS there may be plume monitoring wells within the project site. Typically these wells are maintained by Santa Clara Valley Water District (SCVWD). The proposed work shall not destroy any of the monitoring well or affect the function and use of these. Contact SCVWD to verify the well location. Plot and label them on the plans and provide notes to protect wells as required by the district.
38. As one of the stormwater treatment devices (SCM-5) proposed for C.3 compliance showed 12" of ponding depth, applicant will need to select plants that can withstand that 12" of ponding. Appendix D of the C.3 Handbook has a list of recommended plants and notes as to whether they can tolerate wet roots or standing water.

Public Art

39. If the applicant chooses to pay to the public art fund in-lieu of commissioning art on site, the funds must be received prior to the issuance of a building permit.

Water Quality

The owner or designee shall address the following prior to building permit issuance.

40. Stormwater treatment measures

- Clear, detailed maintenance agreement shall be drafted and approved before occupancy approval.
- Installation vendor specs should be followed and provided to city staff. Add this bullet as a note to the building plans.
- Shall meet all Bay Regional Municipal Regional Stormwater Permit requirements.
- Refer to the Santa Clara Valley Urban Runoff Pollution Prevention Program C.3 Handbook (download here: http://scvurppp-w2k.com/c3_handbook.shtml) for details. Staff from Stormwater Program (Watershed Protection Division) may be present during installation of stormwater treatment measures. Contact Pam Boyle Rodriguez, Stormwater Program Manager, at (650) 329-2421 before installation. Add this bullet as a note to building plans on Stormwater Treatment (C.3) Plan.

41. Bay-friendly Guidelines (rescapeca.org)

- Do not use chemicals fertilizers, pesticides, herbicides or commercial soil amendment. Use Organic Materials Review Institute (OMRI) materials and compost. Refer to the Bay-Friendly Landscape Guidelines: <http://www.stopwaste.org/resource/brochures/bay-friendly-landscape-guidelines-sustainable-practices-landscape-professional> for guidance. Add this bullet as a note to the building plans.
- Avoid compacting soil in areas that will be unpaved. Add this bullet as a note to the building plans.

42. Stormwater quality protection

- Trash and recycling containers shall be covered to prohibit fly-away trash and having rainwater enter the containers.
- Drain downspouts to landscaping (outward from building as needed).
- Drain HVAC fluids from roofs and other areas to landscaping.

Recycling

43. Recommended refuse service level for this project is as follows:

Trash one x 6 cubic yard bin picked up 1 time per week.

Recycling one x 6 cubic yard bin picked up 5 times per week.

Compost one x 1 cubic yard bin picked up 1 time per week.

The site is required to have a trash enclosure. Please refer to trash enclosure guidelines and dimensions (refer to attached documents).

- a. Trash enclosure must be covered.
- b. Collection vehicle access (vertical clearance, street width and turnaround space) and street parking are common issues pertaining to new developments. Adequate space must be provided for vehicle access.
- c. Weight limit for all drivable areas to be accessed by the solid waste vehicles (roads, driveways, pads) must be rated to 60,000 lbs. This includes areas where permeable

pavement is used.

- d. Carts and bins must be able to roll without obstacles or curbs to reach service areas "no jumping curbs"
- e. Containers must be within 25 feet of service area or charges will apply.
- f. All service areas must have a clearance height of 20' for bin service.
- g. New enclosures should consider rubber bumpers to reduce wear-and-tear on walls.
- h. All solid waste bins (dumpsters) must be located in a trash enclosure.
- i. A trash enclosure must be included in the plans.
- j. Service must be provided for garbage, recycling, and compost.
- k. All service areas must have a clearance height of 20' for bin service.

Owner/Tenant must maintain all waste containers in a clean and sanitary condition and prevent interference with pedestrian use of the area.

Owner/Tenant may not allow waste to pile up around service containers and must work closely with hauler to prevent overflow.

All cardboard must be broken down and placed inside the recycle container(s) with the lid(s) closed.

Electrical Utilities

- 44. Comply with CPAU service standards for the location of the pad-mount transformer. Refer to CPAU standard drawing DT-CL-U-1031.
- 45. Comply with CPAU service standards for the location of the utility meter and service equipment. Refer to Section III of CPAU Service Requirements.
- 46. Show on the plan a public utility easement (PUE) as it will be required for the transformer and the underground electrical duct bank.
- 47. Show bollard protection for the pad-mount transformer.
- 48. Contractor shall obtain permit from the Department of Public Works before digging in the street right-of-way.
- 49. At least 48 hours prior to starting any excavation, the customer must call Underground Service Alert (USA) at 1-800-227-2600 to have existing underground utilities located and marked. The areas to be checked for underground facility marking shall be delineated with white paint. All USA markings shall be removed by the customer or contractor when construction is complete.
- 50. The customer is responsible for installing all substructures (conduits, boxes, and pads) required for the electric service. No more than 270 degrees of bends are allowed in a secondary conduit run. All conduits must be sized according to California Electric Code requirements and no ½" size conduits are permitted. All off-site substructure work will be constructed and no ½" size conduits are permitted.
- 51. All primary electric conduits shall be concrete encased with the top of the encasement at the depth of 30". Install a pull box when a conduit run exceeds 500 feet in length or has a total of 180

degree bends.

52. All new underground conduits and substructures shall be installed per City standards and shall be inspected by CPAU underground inspector prior to backfilling.
53. For services larger than 1600 amps, a transitional cabinet as the interconnection point between the utility's pad-mount transformer and the customer's main switchgear may be required. Refer to CPAU standard drawing SR-XF-E-1020. The cabinet design drawings must be submitted to the Electric Utility Engineering Division for review and approval.
54. For underground services, no more than four (4) 750 MCM conductors per phase can be connected to the transformer secondary terminals; otherwise, bus duct or x-flex cable must be used for connections to pad-mount transformers. If customer installs a bus duct directly between the transformer secondary terminals and the main switchgear, the installation of a transition cabinet will not be required.
55. The customer is responsible for installing all underground electric service conductors, bus duct, transition cabinets, and other required equipment. The installation shall meet the California Electric Code and the City Standards.
56. Meter and switchboard requirements shall be in accordance with Electric Utility Service Equipment Requirements Committee (EUSERC) drawings accepted by Utility and CPA standards for meter installations.
57. Shop/factory drawings for switchboards (400A and greater) and associated hardware must be submitted for review and approval prior to installing.
58. For 400A switchboards only, catalog cut sheets may be substituted in place of factory drawings.
59. All new underground electric services shall be inspected and approved by both the Building Inspection Division and the Electrical Underground Inspector before energizing
60. The customer shall provide as-built drawings showing the location of all switchboards, conduits (number and size), conductors (number and size), splice boxes, vaults and switch/transformer pads.
61. The follow must be completed before Utilities will make the connection to the utility system and energize the service:
 - All fees must be paid.
 - All required inspections have been completed and approved by both the Building Inspection Division and the Electrical Underground Inspector.
 - All Special Facilities contracts or other agreements need to be signed by the City and applicant.
 - Easement documents must be completed.

Utilities WGW

PRIOR TO ISSUANCE OF DEMOLITION PERMIT

62. Prior to demolition, the applicant shall submit the existing water/wastewater fixture unit loads (and building as-built plans to verify the existing loads) to determine the capacity fee credit for the existing load. If the applicant does not submit loads and plans they may not receive credit for the existing water/wastewater fixtures.

63. The applicant shall submit a request to disconnect all utility services and/or meters including a signed affidavit of vacancy. Utilities will be disconnected or removed within 10 working days after receipt of request. The demolition permit will be issued by the building inspection division after all utility services and/or meters have been disconnected and removed.

FOR BUILDING PERMIT

64. The applicant shall submit a completed water-gas-wastewater service connection application - load sheet per parcel/lot for City of Palo Alto Utilities. The applicant must provide all the information requested for utility service demands (water in fixture units/g.p.m., gas in b.t.u.p.h, and sewer in fixture units/g.p.d.). The applicant shall provide the existing (prior) loads, the new loads, and the combined/total loads (the new loads plus any existing loads to remain).

65. The owner or designee shall address comments dated February 4, 2019 on four annotated sheets (1700 Embarcadero RR2 C04 01, RR2 C01 03, RR2 C01 02, 1700 RR2 C01 01) by the WGW Utilities Department prior to issuance of a grading permit.

66. The applicant shall submit improvement plans for utility construction. The plans must show the size and location of all underground utilities within the development and the public right of way including meters, backflow preventers, fire service requirements, sewer mains, sewer cleanouts, sewer lift stations and any other required utilities. Plans for new wastewater laterals and mains need to include new wastewater pipe profiles showing existing potentially conflicting utilities especially storm drain pipes, electric and communication duct banks. Existing duct banks need to be daylighted by potholing to the bottom of the ductbank to verify cross section prior to plan approval and starting lateral installation. Plans for new storm drain mains and laterals need to include profiles showing existing potential conflicts with sewer, water and gas.

67. The applicant shall submit improvement plans for utility construction. The plans must show the size and location of all underground utilities within the development and the public right-of-way including meters, backflow preventers, fire service requirements, sewer mains, sewer cleanouts, sewer lift stations and any other required utilities.

68. The applicant must show on the site plan the existence of any auxiliary water supply, (i.e. water well, gray water, recycled water, rain catchment, water storage tank, etc).

69. The applicant shall be responsible for installing and upgrading the existing utility mains and/or services as necessary to handle anticipated peak loads. This responsibility includes all costs associated with the design and construction for the installation/upgrade of the utility mains and/or services.

70. An approved reduced pressure principle assembly (RPPA backflow preventer device) is required for all existing and new water connections from Palo Alto Utilities to comply with requirements of California administrative code, title 17, sections 7583 through 7605 inclusive. The RPPA shall be installed on the owner's property and directly behind the water meter within 5 feet of the property line. RPPA's for domestic service shall be lead free. Show the location of the RPPA on the plans.
71. An approved reduced pressure detector assembly is required for the existing or new water connection for the fire system to comply with requirements of California administrative code, title 17, sections 7583 through 7605 inclusive (a double detector assembly may be allowed for existing fire sprinkler systems upon the CPAU's approval). reduced pressure detector assemblies shall be installed on the owner's property adjacent to the property line, within five feet of the property line. Show the location of the reduced pressure detector assembly on the plans.
72. All backflow preventer devices shall be approved by the WGW engineering division. Inspection by the utilities cross connection inspector is required for the supply pipe between the meter and the assembly.
73. The applicant shall pay the capacity fees and connection fees associated with new utility service/s or added demand on existing services. The approved relocation of services, meters, hydrants, or other facilities will be performed at the cost of the person/entity requesting the relocation.
74. Each unit or place of business shall have its own water and gas meter shown on the plans. Each parcel shall have its own water service, gas service and sewer lateral connection shown on the plans.

PUBLIC WORKS URBAN FORESTRY SECTION

75. NEW TREES—PERFORMANCE MEASURES. New trees shall be shown on all relevant plans: site, utility, irrigation, landscape, etc. in a location 10' clear radius from any (new or existing) underground utility or curb cut.
 - a. Add note on the Planting Plan that states, "Tree Planting. Prior to in-ground installation, Urban Forestry inspection/approval required for tree stock, planting conditions and irrigation adequacy. Contact (650-496-5953)."
 - b. Landscape Plan tree planting shall state the Urban Forestry approved species, size and using Standard Planting Dwg. #604 (root channel sidewalk base) for street trees or those planted in a parking median, and shall note the tree pit dug at least twice the diameter of the root ball. Wooden cross-brace is prohibited.
 - c. Add note on the Planting & Irrigation Plan that states, "Irrigation and tree planting in the right-of-way requires a street work permit per CPA Public Works standards."
 - d. Landscape plan shall include planting preparation details for trees specifying digging the soil to at least 30-inches deep, backfilled with a quality topsoil and dressing with 2-inches of wood or bark mulch on top of the root ball keeping clear of the trunk by 1-inch.
 - e. Automatic irrigation bubblers shall be provided for each tree. Standard Dwg. #513 shall be included on the irrigation plans and show two bubbler heads mounted on

flexible tubing placed at the edge of the root ball. The tree irrigation system shall be connected to a separate valve from other shrubbery and ground cover, pursuant to the City's Landscape Water Efficiency Standards. Bubblers mounted inside an aeration tube are prohibited.

76. All imported soils shall be tested and the results provided to the City for approval before import. Import soil shall be amended with compost per City standards in place of other soil amendments. Street trees require an automatic irrigation/bubbler system and may require tree grates.
77. As part of the project submittal, the applicant will provide a Consulting Arborist review of soil and drainage tests to recommend soil remediation and drainage improvement actions to be provided or made available thru channeling for (new and existing) trees in the public right of way areas. The City requires adequate rootable soil volume areas for healthy public trees. The volume of rootable soil to be provided per tree is based on the size of the tree at maturity:
 - e. 400 cubic feet of rootable soil volume shall be available per small tree,
 - f. 800 cubic feet per medium-sized tree and
 - g. 1200 cubic feet per large-sized tree
78. TREE PROTECTION COMPLIANCE. The owner and contractor shall implement all protection and inspection schedule measures, design recommendations and construction scheduling as stated in the TPR & Sheet T-1, and is subject to code compliance action pursuant to PAMC 8.10.080. The required protective fencing shall remain in place until final landscaping and inspection of the project. Project arborist approval must be obtained and documented in the monthly activity report sent to the City. The mandatory Contractor and Arborist Monthly Tree Activity Report shall be sent monthly to the City (pwps@cityofpaloalto.org) beginning with the initial verification approval, using the template in the Tree Technical Manual, Addendum 11.
79. PLAN CHANGES. Revisions and/or **changes to plans before or during construction** shall be reviewed and responded to by the (a) project site arborist, or (b) landscape architect with written letter of acceptance before submitting the revision to the Building Department for review by Planning, PW or Urban Forestry.
80. TREE DAMAGE. Tree Damage, Injury Mitigation and Inspections apply to Contractor. Reporting, injury mitigation measures and arborist inspection schedule apply pursuant to TTM, Section 2.20-2.30. Contractor shall be responsible for the repair or replacement of any publicly owned or protected trees that are damaged during the course of construction, pursuant to Title 8 of the Palo Alto Municipal Code, and city Tree Technical Manual, Section 2.25.
81. GENERAL. The following general tree preservation measures apply to all trees to be retained: No storage of material, topsoil, vehicles or equipment shall be permitted within the tree enclosure area. The ground under and around the tree canopy area shall not be altered. Trees to be retained shall be irrigated, aerated and maintained as necessary to ensure survival.
82. BUILDING PERMIT SUBMITTAL- PROJECT ARBORIST CERTIFICATION LETTER. Prior to submittal for staff review, attach a Project Arborist Certification Letter that he/she has; (a) reviewed the entire building permit plan set submittal and, (b) verified all his/her updated TPR mitigation measures and changes are incorporated in the plan set, (c) affirm that ongoing Contractor/Project Arborist

site monitoring inspections and reporting have been arranged with the contractor or owner (see Sheet T-1) and, (d) understands that design revisions (site or plan changes) within a TPZ will be routed to Project Arborist/Contractor for review prior to approval from City.

83. TREE PROTECTION VERIFICATION. Prior to any site work verification from the contractor that the required protective fencing is in place shall be submitted to the Urban Forestry Section.
84. The fencing shall contain required warning sign and remain in place until final inspection of the project.
85. EXCAVATION RESTRICTIONS APPLY (TTM, Sec. 2.20 C & D). Any approved grading, digging or trenching beneath a tree canopy shall be performed using 'air-spade' method as a preference, with manual hand shovel as a backup. For utility trenching, including sewer line, roots exposed with diameter of 1.5 inches and greater shall remain intact and not be damaged. If directional boring method is used to tunnel beneath roots, then Table 2-1, Trenching and Tunneling Distance, shall be printed on the final plans to be implemented by Contractor.
86. OBLIGATION TO MONITOR AND PROTECT NEIGHBORING TREES. Project site arborist will protect and monitor neighboring trees during construction and share information with the tree owner. All work shall be done in conformance with State regulations so as to ensure the long term health of the tree. Project site arborist will request access to the tree on the neighboring property as necessary to measure an exact diameter, assess condition, and/or perform treatment. If access is not granted, monitoring and any necessary treatment will be performed from the project site.

GREEN BUILDING

87. **Green Building Requirements for Non-Residential Projects.** For design and construction of non-residential projects, the City requires compliance with the mandatory measures of Chapter 5, in addition to use of the Voluntary Tiers. (Ord. 5220 § 1 (part), 2013). The following are required for Building Approval:
88. **The project is a new nonresidential construction project greater than 1,000 square feet** and therefore must comply with California Green Building Standards Code Mandatory plus Tier 2 requirements, as applicable to the scope of work. PAMC 6.14.180 (Ord. 5220 § 1 (part), 2013). The project applicant shall indicate the requirements on the Permit Plans. The submittal requirements are outlined here: www.cityofpaloalto.org/gov/depts/ds/green_building/default.asp.
89. **The project is a new building over 10,000 square feet** and therefore must meet the commissioning requirements outlined in the California Energy Code section. The project team shall submit the Owner's Project Requirements (OPR), and Basis of Design (BOD), and Commissioning Plan in accordance with 5.410.2.3.
90. **The project is a nonresidential projects exceeding \$100,000 valuation** and therefore must acquire an Energy STAR Portfolio Manager Rating and submit the rating to the City of Palo Alto once the project has been occupied after 12 months. PAMC 16.14.250 (Ord. 5220 § 1 (part), 2013). The Energy Star Project Profile shall be submitted to the Building Department prior to permit issuance. Submittal info can be found at: https://www.cityofpaloalto.org/gov/depts/utl/business/benchmarking_your_building.asp.

91. **The project is a nonresidential new construction projects with a landscape of any size included in the project scope** and therefore must comply with Potable water reduction Tier 2. Documentation is required to demonstrate that the Estimated Total Water Use (ETWU) fall within a Maximum Applied Water Allowance (MAWA) using the appropriate evapotranspiration adjustment factor (ETAF) designated by the prescribed potable water reduction tier. PAMC 16.14.220 (Ord. 5220 § 1 (part), 2013). The project applicant shall indicate the requirements on the Permit Plans. The submittal requirements are outlined on the following site: <http://www.cityofpaloalto.org/gov/depts/utl/residents/resrebate/landscape.asp>.
92. **The project is outside the boundaries of the recycled water project area and is greater than 1,000 square feet** and therefore must install recycled water infrastructure for irrigation systems. PAMC 16.14.230 (Ord. 5220 § 1 (part), 2013). The project applicant shall indicate the requirements on the Permit Plans.
93. **The project is either new construction or a rehabilitated landscape and is greater than 1,000 square feet and therefore must install** a dedicated irrigation meter related to the recycled water infrastructure. PAMC 16.14.230 (Ord. 5220 § 1 (part), 2013). The project applicant shall indicate the requirements on the Permit Plans.
94. **The project includes a new or altered irrigation system** and therefore must be designed and installed to prevent water waste due to overspray, low head drainage, or other conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, parking lots, or structures. PA 16.14.300 (Ord. 5220 § 1 (part), 2013).
95. **The project includes a new or altered irrigation system** and therefore the irrigation must be scheduled between 8:00 p.m. and 10:00 a.m. unless weather conditions prevent it. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance. Total annual applied water shall be less than or equal to maximum applied water allowance (MAWA) as calculated per the potable water use reduction tier. PAMC 16.14.310 (Ord. 5220 § 1 (part), 2013).). The project applicant shall indicate the requirements on the Permit Plans.
96. **The project is a nonresidential new construction project and has a value exceeding \$25,000** and therefore must meet Enhanced Construction Waste Reduction Tier 2. PAMC 16.14.240 (Ord. 5220 § 1 (part), 2013). The project shall use the Green Halo System to document the requirements.
97. **The project includes non-residential demolition** and therefore must meet the Enhanced Construction Waste Reduction - Tier 2. PAMC 16.14.270 (Ord. 5220 § 1 (part), 2013). The project shall use the Green Halo System to document the requirements.
98. **The project is a new non-residential structure** and therefore must comply with the City of Palo Alto Electric Vehicle Charging Ordinance 5263. The project shall provide Conduit Only, EVSE-Ready Outlet, or EVSE Installed for at least 25% of parking spaces, among which at least 5% (and no fewer than one) shall be EVSE Installed. The requirements shall be applied separately to accessible parking spaces. See Ordinance 5263 for EVSE definitions, minimum circuit capacity, and design detail requirements. PAMC 16.14.380 (Ord. 5263 § 1 (part), 2013) See <https://www.cityofpaloalto.org/civicax/filebank/documents/43818> for additional details.

The following are required at Post-Construction after 12 months of occupancy.

- 99. **The project is a nonresidential projects exceeding \$100,000 valuation** and therefore must acquire an Energy STAR Portfolio Manager Rating and submit the rating to the City of Palo Alto once the project has been occupied after 12 months. PAMC 16.14.250 (Ord. 5220 § 1 (part), 2013). Submittal info can be found at:
https://www.cityofpaloalto.org/gov/depts/utl/business/benchmarking_your_building.asp.

SECTION 7. Term of Approval.

- 1. Effective Date. The approvals memorialized in this Record of Land Use Action shall be effective on the same date that the accompanying ordinance rezoning the subject properties takes effect.
- 2. Site and Design Approval. In the event actual construction of the project is not commenced within two years of the date of council approval, the approval shall expire and be of no further force or effect, pursuant to Palo Alto Municipal Code Section 18.82.080.
- 3. Design Enhancement Exceptions. The time limits for any Design Enhancement Exceptions shall be the same as the time limits for the accompanying design review approval.

PASSED:
 AYES:
 NOES:
 ABSENT:
 ABSTENTIONS:

ATTEST:

APPROVED:

 City Clerk

 Director of Planning and Community Environment

APPROVED AS TO FORM:

 Senior Asst. City Attorney

PLANS AND DRAWINGS REFERENCED:

- 1. Those plans prepared by YSM Design titled “Mercedes Benz/Audi of Palo Alto”, consisting of 128 pages, dated May 26, 2019

Exhibit A: Mitigation & Monitoring Reporting Program

PROJECT NAME	1700-1730 Embarcadero Road Auto Dealership	Application Number	18PLN-00186
Applicant	Lyle Hutson 305 North Coast Highway Laguna Beach, CA 92651	Date	March 19, 2019

The Draft Mitigated Negative Declaration for the 1700-1730 Embarcadero Road Auto Dealership Project identifies the mitigation measures that will be implemented to reduce the impacts associated with the project. The California Environmental Quality Act (CEQA) was amended in 1989 to add Section 21081.6, which requires a public agency to adopt a monitoring and reporting program for assessing and ensuring compliance with any required mitigation measures applied to proposed development. As stated in section 21081.6(a)(1) of the Public Resources Code, "... the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment."

Section 21081.6 also provides general guidelines for implementing mitigation monitoring programs and indicates that specific reporting and/or monitoring requirements, to be enforced during project implementation, shall be defined as part of adopting a Mitigated Negative Declaration.

The mitigation monitoring table lists those mitigation measures that would be included as conditions of approval for the project. To ensure that the mitigation measures are properly implemented, a monitoring program has been devised which identifies the timing and responsibility for monitoring each measure.

Environmental Impact	Mitigation Measure	Responsible for Implementation	Timing of Compliance	Oversight of Implementation
BIOLOGICAL RESOURCES				
BIO-1: Light Spillover Minimization	On the project boundaries adjacent to the Baylands Nature Preserve, project light sources shall be shielded, directed downward, and focused on the project site, such that light spillover onto the Baylands does not exceed 1.0 foot candle.	Applicant	Prior to building permit	CPA Planning Department
BIO-2: Nesting Bird Surveys and Avoidance	Construction of the project, shall be prohibited during the general avian nesting season (February 1 – August 31), if feasible. If nesting season avoidance is not feasible, the applicant shall retain a qualified biologist, as approved by the City of Palo Alto, to conduct a preconstruction nesting bird survey of adjacent street trees to determine the presence/absence, location, and activity status of any active nests. The extent of the survey buffer area surrounding the site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the MBTA and CFGC, nesting bird surveys shall be performed not more than 14 days prior to scheduled vegetation clearance and structure demolition. In the event that active nests are discovered, a suitable buffer (typically a minimum buffer of 50 feet for passerines and a minimum buffer of 250 feet for raptors) shall be established around such active nests and no construction shall be allowed within the buffer areas until a qualified biologist has determined that the nest is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest). No ground disturbing activities shall occur within this buffer until the qualified biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting bird surveys are not required for construction activities occurring between August 31 and February 1.	Applicant or designee/Construction contractor	Prior to and during construction	CPA Planning Department
CULTURAL RESOURCES				
CR-1: Resource Recovery Procedures.	In the event that archaeological or paleontological resources are unearthed during project construction, all earth-disturbing work in the vicinity of the find shall be temporarily suspended or redirected until an archaeologist or paleontologist has evaluated the nature and significance of the find. If the discovery proves to be significant under CEQA, additional work such as preservation in place, archaeological data recovery, and/or paleontological salvage shall occur as required by the archeologist or paleontologist in coordination with City staff and descendants and/or stakeholder groups, as warranted. After the find has been appropriately treated, depending on the nature of the discovery, work in the area may resume. A Native American representative shall be	Applicant or designee/Construction contractor	During construction	CPA Planning Department

Environmental Impact	Mitigation Measure	Responsible for Implementation	Timing of Compliance	Oversight of Implementation
	retained to monitor mitigation work associated with Native American cultural material.			
CR-2: Human Remains Recovery Procedures	If human remains are unearthed, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition pursuant to the Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission.	Applicant or designee/Construction contractor	During construction	CPA Planning Department
TCR-1: Unanticipated Discovery of Tribal Cultural Resources	In the event that cultural resources of Native American origin are identified during construction, all earth disturbing work within the vicinity of the find must be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find and an appropriate Native American representative, based on the nature of the find, is consulted. If the City determines that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with state guidelines and in consultation with Native American groups. The plan would include avoidance of the resource or, if avoidance of the resource is infeasible, the plan would outline the appropriate treatment of the resource in coordination with the archeologist and the appropriate Native American tribal representative.	Applicant or designee/Construction contractor	During construction	CPA Planning Department
GEOLOGY AND SOILS				
GEO-1: Geotechnical Design Considerations	The recommendations included in the 2015 Geotechnical Investigation conducted by Romig Engineers, Inc. (Appendix C) related to soil engineering shall be incorporated into the proposed project grading and building plans. The recommendations are related to: <ul style="list-style-type: none"> ◆ Foundation design; ◆ Surface improvements; ◆ Slabs-on-grade; ◆ Retaining walls; ◆ Vehicle pavements; and, ◆ Earthwork. 	Applicant or designee	Prior to building permit	CPA Planning Department
NOISE				
N-1: Car Wash Noise Reduction	Prior to operation of the car wash, the project applicant shall implement the following noise reduction measures to ensure car wash noise does not exceed 73 dBA at the nearest property line in order to comply with PAMC Section 9.10.040: <ul style="list-style-type: none"> ◆ Housings or silencers shall be installed on 	Applicant or designee	Prior to building permit	CPA Planning Department

Environmental Impact	Mitigation Measure	Responsible for Implementation	Timing of Compliance	Oversight of Implementation
	<p>the dryers/blower fans.</p> <ul style="list-style-type: none"> ◆ Noise attenuation mats shall be installed on the interior of the car wash tunnel ◆ Dryers/blowers shall be installed as far into the tunnel as feasible. 			
TRANSPORTATION/TRAFFIC				
TRA-1: East Bayshore Road/Embarcadero Road Intersection Improvements	<p>The applicant shall construct the following improvements prior to Certificate of Occupancy for the project: Reconfigure the northbound approach from one left-turn and one through/right-turn lane to one left-turn and one all movement lane. Improvements would include a new crosswalk on the north leg, a right-turn overlap phase (right turn arrow) for the southbound East Bayshore to westbound Embarcadero right turn, and a right-turn overlap phase for the eastbound Embarcadero to southbound East Bayshore right turn. Improvements shall occur prior to occupancy clearance.</p>	Applicant or designee	Prior to occupancy clearance	CPA Planning Department
TRA-2: Payment of Transportation Impact Fee	<p>The applicant shall pay the Citywide Transportation Impact Fee (as updated in 2019) which will fund improvements to the East Bayshore Road/Embarcadero Road intersection to address cumulative plus project conditions impacts. The payment shall be calculated by City of Palo Alto transportation division staff and paid prior to occupancy clearance. Payment of the Transportation Impact Fee would represent the project's fair share contribution to intersection improvements. Intersection improvements would be either widening the intersection and maintaining signal control or building a roundabout, to be determined by the City at the time of implementation, and shall be designed to ensure the intersection operates at acceptable Level of Service levels under cumulative conditions.</p>	Applicant or designee	Prior to occupancy clearance	CPA Planning Department

ATTACHMENT D
ZONING COMPARISON TABLE
1700 & 1730 Embarcadero Road, 18PLN-00186

Table 1: COMPARISON WITH CHAPTER 18.16 (CS DISTRICT with AD Combining District) Exclusively Non-residential Development Standards			
Regulation	Required	Existing	Proposed
Minimum Site Area, width and depth	None	2.28 acres (MB) 2.54 acres (Audi)	2.28 acres (MB) 2.54 acres (Audi)
Minimum Front Yard	0-10 feet to create an 8-12 foot effective sidewalk width (1), (2), (8)	37 feet (MB) 18'-10" feet (Audi)	55'-5" (MB) 45'-7" (MB) to the canopy 18'-10" (Audi)
Rear Yard	None	154 feet (MB) 200 feet (Audi)	33'-9" (MB) 92'-8" (Audi)
Interior Side Yard	None	52 feet (MB) 48 feet/ 8 feet (Audi)	0 feet (MB) 31'-5" (Audi) Left 48'-6" (Audi) Right 5'-0" to carwash
Street Side Yard	None	87 feet (MB) Not Applicable (Audi)	83'-11" (MB)
Min. yard for lot lines abutting or opposite residential districts or residential PC districts	10 feet ⁽²⁾	Not Applicable	Not Applicable
Build-to-lines	50% of frontage built to setback Embarcadero Road 33% of side street built to setback on East Bayshore Road ⁽⁷⁾	Unknown	No Build-to proposed Proposing DEE 83'-11" (MB) (Embarcadero) 47'-7" (MB) (Bayshore)
Max. Site Coverage	50%	20% (43,408 sf)	49% (58,487 SF) MB 46% (45,551 SF) Audi
Max. Building Height	50 ft or 35 ft within 150 ft. of a residential district (other than an RM-40 or PC zone) abutting or located within 50 feet of the site	30 feet (MB) 22 feet (Audi Service) 27'-6" (Audi Showroom)	36-43 feet to top of roof deck. 50 feet to top of elevator shaft
Max. Floor Area Ratio (FAR)	0.4:1 18.18.060(e) 0.2:1 Additional FAR for Automobile Dealership Showrooms on the first floor.	0.2:1 (43,408 sf)	0.4:1 Dealership 0.09:1 Showroom (MB) 0.4:1 Dealership 0.09:1 Showroom (Audi)

(1) No parking or loading space, whether required or optional, shall be located in the first 10 feet adjoining the street property line of any required yard.

(2) Any minimum front, street side, or interior yard shall be planted and maintained as a landscaped screen excluding areas required for access to the site. A solid wall or fence between 5 and 8 feet in height shall be constructed along any common interior lot line.

(6) The initial height and slope shall be identical to those of the most restrictive residential zone abutting the site line in question.

- (7) 25 foot driveway access permitted regardless of frontage, build-to requirement does not apply to CC district.
- (8) A 12 foot sidewalk width is required along El Camino Real frontage

Table 1: COMPARISON WITH CHAPTER 18.16 (CS DISTRICT) continued
Exclusively Non-residential Development Standards

Topic	Requirement	Proposed
Hours of Operation (18.16.040 (b))	Shall be required to obtain a conditional use permit. The director may apply conditions of approval as are deemed necessary to assure compatibility with the nearby residentially zoned	The proposed dealerships will operate between the hours of 6:00 am and 10:00 pm.
Outdoor Sales and Storage (18.16.040 (h))	Not Applicable because the site is proposed to be subject to the AD combining district	Not Applicable
Recycling Storage (18.16.040 (i))	Provide adequate and accessible recyclable collection.	Recycling will be provided in the rear of the building

18.16.080 Performance Standards. All development in the CS district shall comply with the performance criteria outlined in [Chapter 18.23](#) of the Zoning Ordinance, including all mixed use development

18.16.090 Context-Based Design Criteria. As further described in a separate attachment, development in a commercial district shall be responsible to its context and compatible with adjacent development, and shall promote the establishment of pedestrian oriented design.

Table 2: CONFORMANCE WITH CHAPTER 18.52 (Off-Street Parking and Loading)
for Automobile Dealerships

Type	Required	Proposed at Audi (1730 Embarcadero)	Proposed at Mercedes (1700 Embarcadero)
Vehicle Parking	Automobile Dealership: 1 space per 400 SF Automotive Display: 1 space per 500 SF Audi Dealership: 123.4 Display: 2.21 MB Dealership: 136.5 Display: 4.45 $103,984/400 = 260$ $3,330/500 = 6.66$ Total: 266.66	Surface: 19 2 nd Floor: 56 Roof Deck: <u>128</u> 203 spaces	Surface: 13 2nd Floor: 54 Roof Deck: <u>92</u> 159 spaces
Bicycle Parking	1/10 employees (Short-term) = $114/10 = 12$	7 spaces	8 spaces
Loading Space	30,000 – 69,000 sf = 2 spaces Audi: 2 spaces MB: 2 spaces Total: 4 spaces	2 spaces	2 spaces



Excerpt from the Palo Alto Municipal Code 18.04.030(a)

(57) “Floor area ratio” means the maximum ratio of gross floor area on a site to the total site area.

(65) “Gross floor area” is defined as follows:

(A) Non-residential & Multifamily Inclusions: For all zoning districts other than the R-E, R-1, R-2 and RMD residence districts, “gross floor area” means the total area of all floors of a building measured to the outside surfaces of exterior walls, and including all of the following:

- (i) Halls;
- (ii) Stairways measured at each floor;
- (iii) Elevator shafts measured at each floor;
- (iv) Service and mechanical equipment rooms;
- (v) Basement, cellar or attic areas deemed usable by the director of planning and community environment;
- (vi) Open or roofed porches, arcades, plazas, balconies, courts, walkways, breezeways or porticos if located above the ground floor and used for required access;
- (vii) Permanently roofed, but either partially enclosed or unenclosed, building features used for sales, service, display, storage or similar uses; and
- (viii) In residential districts other than the R-E, R-1, R-2 and RMD residence districts, all roofed porches, arcades, balconies, porticos, breezeways or similar features when located above the ground floor and substantially enclosed by exterior walls.

(B) Non-residential & Multifamily Exclusions: For all zoning districts other than the R-E, R-1, R-2 and RMD residence districts, “gross floor area” shall not include the following:

- (i) Parking facilities accessory to a permitted or conditional use and located on the same site;
- (ii) Roofed arcades, plazas, walkways, porches, breezeways, porticos, and similar features not substantially enclosed by exterior walls, and courts, at or near street level, when accessible to the general public and not devoted to sales, service, display, storage or similar uses.
- (iii) In residential districts other than the R-E, R-1, R-2 and RMD residence districts, all roofed porches, arcades, balconies, porticos, breezeways or similar features when located above the ground floor and not substantially enclosed by exterior walls, but not to exceed more than 5% of the site.
- (iv) For existing structures, minor additions of floor area approved by the director of planning and community environment for purposes of resource conservation or code compliance, upon the determination that such minor additions will increase compliance with environmental health, safety or other federal, state or local standards. Any additional floor area

approved shall not qualify for grandfathered floor area in the event the building is later replaced or redeveloped. Such allowable additions may include, but not be limited to, the following:

a. Except in the CD District, areas designed for resource conservation, such as trash compactors, recycling, and other energy facilities meeting the criteria outlined in Section [18.42.120](#) (Resource Conservation Energy Facilities);

b. Areas designed and required for hazardous materials storage facilities, disability related access or seismic upgrades. For the purpose of this section disability related upgrades are limited to the incremental square footage necessary to accommodate disability access and shall be subject to the Director's approval not to exceed 500 square feet per site. Disability related upgrades shall only apply to remodels of existing buildings; and

c. Areas designed and required for refuse storage, such as trash, recycling, and compost, when it is the minimum amount needed to comply with current code requirements. The provisions of this subsection (a)(65)(B)(iv) are not intended to and do not allow the removal of a previously approved existing interior refuse storage area.

(v) In commercial and industrial districts except in the CD District and in areas designated as special study areas, additions of floor area designed and used solely for on-site employee amenities for employees of the facility, approved by the director of planning and community environment, upon the determination that such additions will facilitate the reduction of employee vehicle use. Such additions may include, but are not limited to, recreational facilities, credit unions, cafeterias day care centers, automated teller machines, convenience stores, and on-site laundry facilities.

(C) Low Density Residential Inclusions and Conditions: In the RE and R-1 single- family residence districts and in the R-2 and RMD two-family residence districts, "gross floor area" means the total covered area of all floors of a main structure and accessory structures greater than one hundred and twenty square feet in area, including covered parking and stairways, measured to the outside of stud walls, including the following:

(i) Floor area where the distance between the top of the finished floor and the roof directly above it measures seventeen feet or more shall be counted twice;

(ii) Floor area where the distance between the top of the lowest finished floor and the roof directly above it measures twenty-six feet or more shall be counted three times;

(iii) Carports and garages shall be included in gross floor area;

(iv) The entire floor area of a vaulted entry feature that extends above 12 feet measured from grade, whether enclosed or unenclosed, shall be counted twice in the calculation of gross floor area;

(v) The footprint of a fireplace shall be included in the gross floor area, but is only counted one time;

(vi) All roofed porches, arcades, balconies, porticos, breezeways or similar features when located above the ground floor and more than 50% covered by a roof or more than 50% enclosed shall be included in the calculation.

(vii) Recessed porches on the ground floor extending in height above the first floor shall be included once in the calculation.

(D) Low Density Residential Exclusions: In the RE and R-1 single-family residence districts and in the R-2 and RMD two-family residence districts, “gross floor area” shall not include the following:

(i) Basements where the finished level of the first floor is not more than three feet above the grade around the perimeter of the building foundation, shall be excluded from the calculation of gross floor area, provided that lightwells, stairwells and other excavated features comply with the provisions of Section [18.12.070](#);

(ii) Areas on floors above the first floor where the height from the floor level to the underside of the rafter or finished roof surface is less than 5 feet shall be excluded from the calculation of gross floor area;

(iii) Two hundred square feet of unusable third floor equivalent, such as attic space, shall be excluded from the calculation of gross floor area. Provided, there shall be no exclusion of floor area if any portion of the unusable third floor equivalent area has a roof slope of less than 4:12;

(iv) Bay windows shall be excluded from gross floor area if the bay structure is located at least eighteen inches above the interior finished floor level, projects no more than two feet from the main building wall and more than 50% of the bay area is covered by windows;

(v) Open or partially enclosed (less than 50% enclosed) porches, whether recessed or protruding, located on the first floor, and for R-1 zones porches reaching a height of less than 12 feet measured from grade as set forth in Section [18.12.040](#)(b), shall be excluded from gross floor area, whether covered or uncovered. Recessed porches located on the first floor with a depth of less than 10 feet shall be excluded from the calculation if the exterior side(s) of the porch is open.

(vi) Porte-cocheres shall be excluded from the calculation of gross floor area.

(vii) For residences designated on the city’s Historic Inventory as a Category 1 through 4 historic structure as defined in Section [16.49.020](#) any contributing structure within a locally designated historic district, or if individually listed on the National Register of Historic Places or California Register of Historical Resources, the following gross floor area exclusions apply.

a. New or existing basement area, including where the existing finished level of the first floor is three feet or more above grade around the perimeter of the building foundation walls; and

b. Up to 500 square feet of unusable attic space in excess of five feet in height from the floor to the roof above.

All exterior alterations to historic structures shall be subject to the provisions of [Chapter 16.49](#) (Historic Preservation). Additionally, if the structure includes a second story or second story addition, the project shall be subject to the provisions of Section [18.12.110](#) (Single Family Individual Review).

Hello,

This is Jin Pi. I represent the owner of 2479 E Bayshore Rd. The proposed new Mercedes/Audi building is adjacent to our property. After reviewing the plans and drawings briefly, we have the following concerns which we hope you can help us address.

-Will there be any potential soil pollution with the larger business operation?

-We noticed there is a car wash facility right next to the border with our property. We are concerned of potential noise and waste water pollution that comes from the car wash. Any way to mitigate these concerns?

-The building can be as high as ~60 feet (48.5 ft+ 11.5 FFE), which is significantly taller than our building. We are concerned of privacy and blocking of our sunlight.

-What plans do you have for the fence? Will you put up hedge or have other plans to improve the fence?

-What is the floor area ratio? Is it compliant?

-Could you please provide a cross section diagram in your property line vs our property line? This would allow us to see what this development will look like when viewing from our property. Among other things, we are curious about the elevation of your driveway vs our driveway.

Thank you and look forward to hearing from you.

Best Regards,

Jin Pi

April 2, 2019

Dear Architectural Review Board Members

Please note some serious problems with the submitted project plans dated March 25, 2019:

- 1) **THOUSANDS OF SQUARE FEET OF FAR NOT BEING COUNTED:** Page 14 shows the automated storage as having (left to right) two aisles of cars, an open aisle, and then one more aisle of cars. But page 32 shows two aisles of cars on each side of the open aisle on the second floor. It appears that the second floor plans on page 16 should show another aisle of cars that would count against the regular 0.4 FAR limit. But no such aisle is there. Being inventory storage that is permanently covered definitely makes it floor area. That it is highly automated and on the second floor above offices and showroom space on the first floor does not exempt it. Correcting for this adds thousands of square feet of regular FAR, putting the Mercedes project considerably over what is legal.
- 2) **"SHOWROOM" SPACES TOO TALL TO QUALIFY:** Showroom space can only be 20 feet high, per 18.30(F).050(b). However, the height of the Audi front building is greater. So any area designated as "showroom" on page 13 not under some second floor or mezzanine can't qualify as such.

Similar problems apply to the "showroom" areas in the Mercedes building. There is an area labeled as "open to below" on page 16 that has showroom space below it on the first floor. Since the building there is more than 20 feet tall, the first floor space below cannot be showroom either.

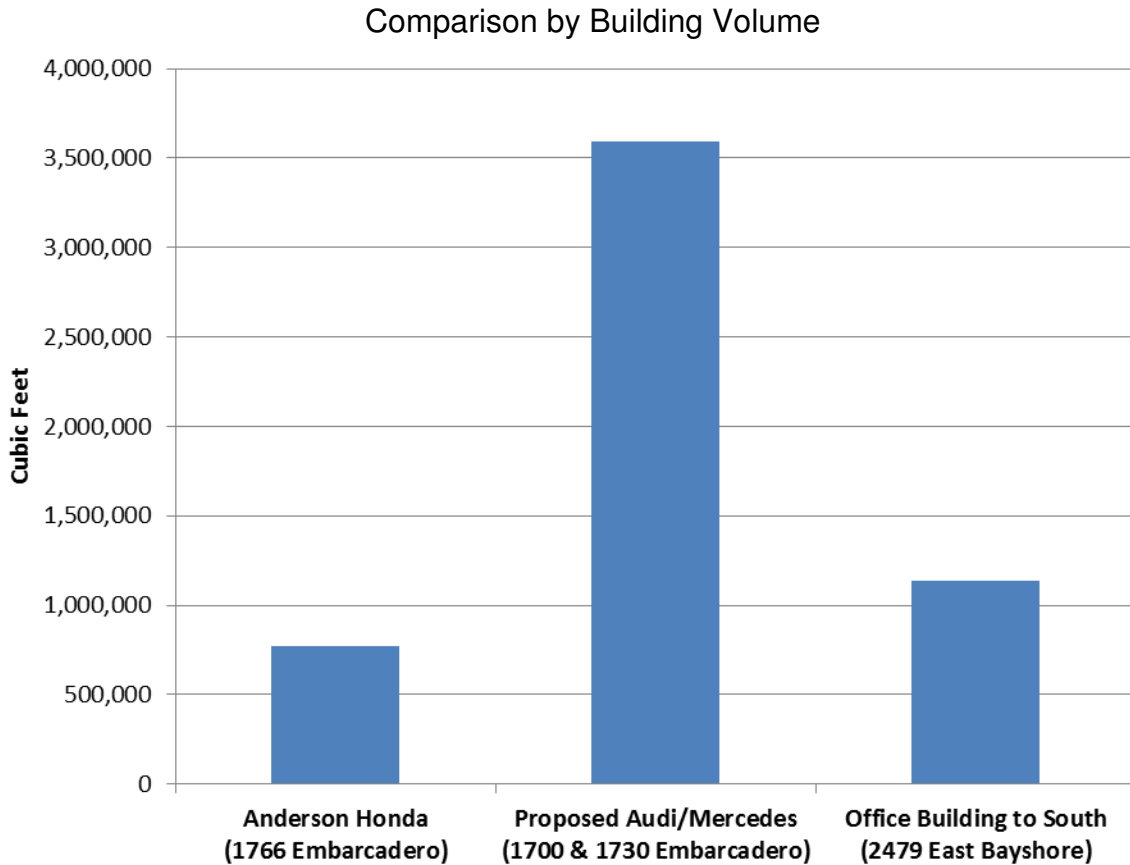
- 3) **"SHOWROOM" SPACES BEING USED FOR OTHER PURPOSES:** Rule 18.30(F).050(a)(2) excludes "all other uses associated with the automobile dealership" from the showroom designation. The automated inventory storage unit is clearly not eligible. So its turntables and any first floor area through which allow cars to drive between the outside and the storage unit should not be counted as showroom, as those are also being used for inventory access. However, they currently are being counted as showroom on page 14.
- 4) **UTILITARIAN CONCRETE WALLS ARE INAPPROPRIATE:** The tall rear facade (page 26) of the Mercedes building, the sides and rear of the Audi building, and the rear of the carwash structure are starkly utilitarian. Most of these will be visible from street and trail vantage points and are inappropriate for a site designated as a "gateway" to the scenic Baylands. By contrast, neighboring buildings in the Baylands are well-designed on all sides. This is not a problem to be solved with plantings, which may fail under drought or poor maintenance, but rather with good architecture.

- 5) **BUILDING SIZE DOES NOT MEET BAYLANDS GUIDELINES:** Buildings in the Baylands must "preserve the horizon line with low and horizontal elements." The proposed building ranges from 36 to 50 feet in height and is taller than surrounding buildings, so it is clearly not "low." The plans provide no useful context diagrams or massing studies comparing it to other Baylands structures. The building is out of scale, being approximately three times the volume of its immediate neighbors, as the estimate on the next page illustrates.

Thank you,

Jeff Levinsky

Proposed Audi/Mercedes Building is Far Larger Than Its Neighbors



The above estimates are based on city documents, building plans, and site visits.

The parcels are similar in size but the above is normalized to the Audi/Mercedes combined parcel size.

Although page 5 of the staff report for the April 2019 Planning Commission meeting said, "The project ... would not be the largest building in the vicinity (which is the office building to the south)," it does appear to be larger by all of these measures:

- Floor Area
- Gross square footage
- Height
- Footprint
- Volume (cubic feet)

Dear Architectural Review Board Members:

The plans and staff report for your June 6 hearing on the Mercedes/Audi project unfortunately continue to reflect inaccurate information. Please consider my attempt to explain the problems:

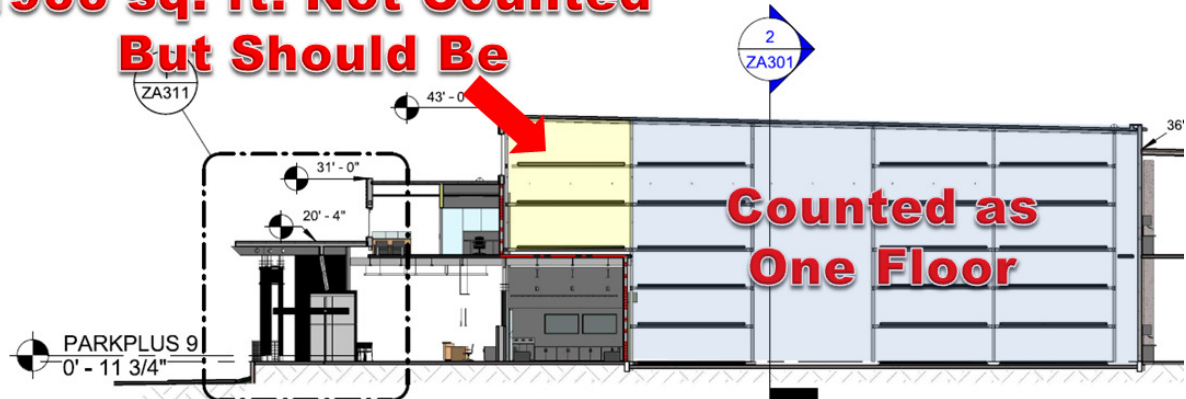
- 1) **FLOOR AREA: THOUSANDS OF SQUARE FEET OF FLOOR AREA STILL NOT BEING COUNTED:** Board Member Baltay asked at your May hearing about, "the logic in counting the automated vehicle storage system only once for floor area purposes." Planner Sheldon Ah Sing responded:

"Say you have, like, a Costco building, and they have high-pile storage of merchandise. You're only going to count the ground floor. You're not going to count the space, the volume in between. And the case here, the cars are merchandise. There are no floors. Therefore, we didn't count those."

However, this question-and-answer overlooked that parts of the automated vehicle storage system are not being counted even once for floor area purposes.

As the cross-section below indicates, parts of the storage system (on the right) that go from the ground to the roof are counted as one floor. However, the portion above offices and showroom on the ground floor is not counted as a floor at all:

**1900 sq. ft. Not Counted
But Should Be**



LONGITUDINAL SECTION @ M-B
3/64" = 1'-0"

Why count part of the storage system as floor area but another part? The Palo Alto Municipal code indicates both parts should count in its definition below:

18.04.030(a)(65) "Gross floor area" is defined as follows:

(A) Non-residential & Multifamily Inclusions: For all zoning districts other than the R-E, R-1, R-2 and RMD residence districts, "gross floor area" means the total area of all floors of a building measured to the outside surfaces of exterior walls, and including all of the following:

- ...
- (vii) Permanently roofed, but either partially enclosed or unenclosed, building features used for sales, service, display, storage or similar uses;

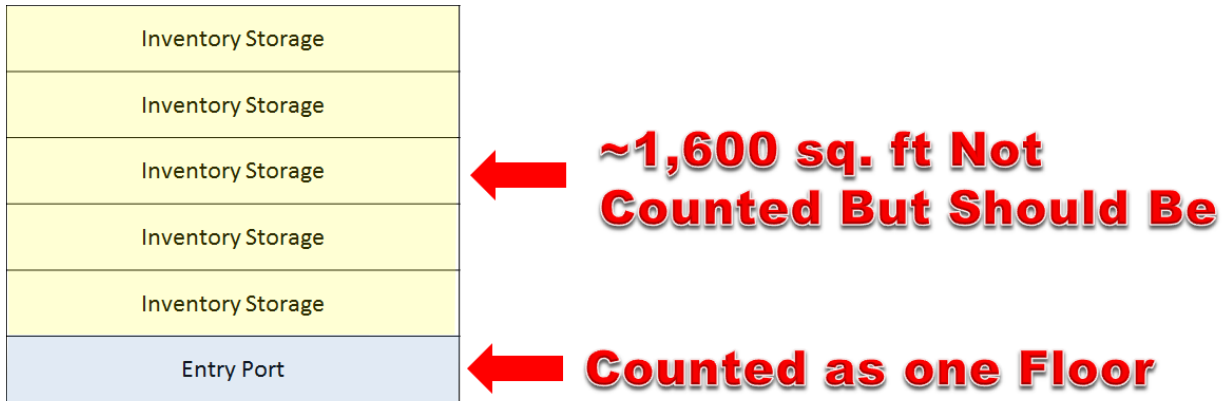
The portion not being counted as floor area is permanently roofed and used for storage. So it meets the definition of floor area. You can verify that the vehicle storage area above the offices and showroom is not being counted as floor area by comparing ZA104 ("FAR second floor") with ZA102 ("FAR first floor"). I estimate that this uncounted portion represents about 1,900 sq. ft.

Incidentally, the Municipal Code does not exempt second floor storage space normally accessed only by robotic means. Allowing such an exemption will create an extraordinary loophole and enable existing buildings with automated storage to sue the City, claiming they had been treated unfairly and should be entitled to expand. Other buildings could install automated storage units and then claim that area is no longer floor area, enabling them to expand as well.

Two more areas of the vehicle storage area are also not being counted as floor area, namely the portions above its two entry ports identified below:



Although the plans provide no cross-section for these areas, the video played showed that inventory is stored above the entry ports. So a simplified cross-section is:



These areas cannot qualify as single floors some 40 feet high, as the entry ports are designated as "showroom." Municipal Code section 18.30(F).050(b) does not allow the showroom designation for inventory storage or for space taller than 20 feet. So the inventory storage above the entry port must be a separate floor. However, it is not being counted as floor area at all. The two entry ports in total occupy approximately 1,600 square feet of floor area, so that's how much floor area above them is uncounted for these areas.

In sum, the three uncounted portions of the building total approximately 3,500 square feet. Once that is added to the building's floor area, the project exceeds its legal FAR.

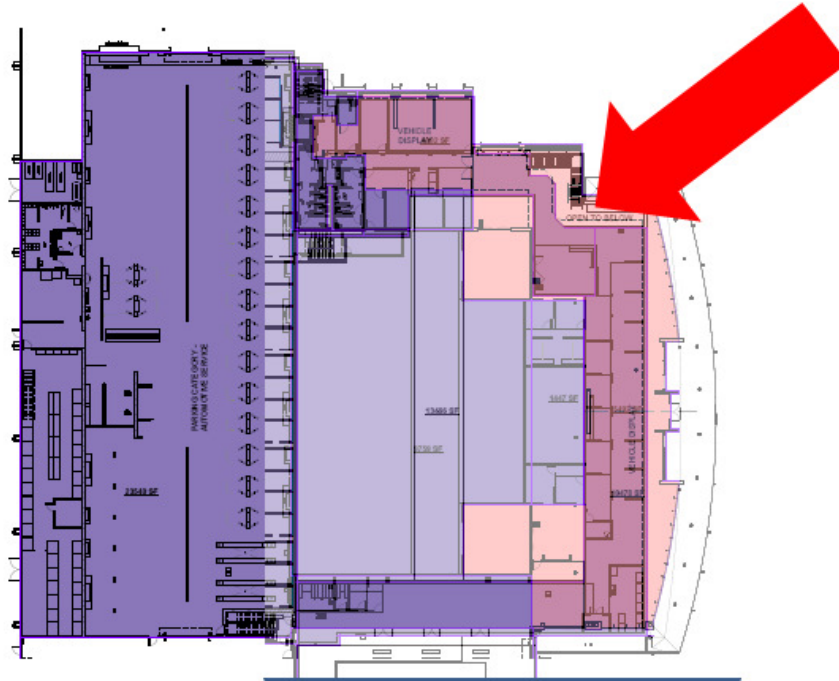
- 2) **AUDI "SHOWROOM" SPACES TOO TALL TO QUALIFY:** As noted above, showroom space can only be 20 feet high. However, the Audi front building is taller than 20 feet. Some areas designated as "showroom" on ZA101 are not under a second floor or mezzanine and thus are as tall as the building, which means they're over 20 feet high and should be counted as regular floor area rather than as showroom.

The City has argued that the Audi building is grandfathered. That is true for the building itself, but it doesn't matter. Rather, once the parcel is rezoned as CS(D)(AD) as the applicant requests, it then becomes eligible for the AD showroom exemption. That exemption has no grandfathering provision and treats existing structures the same as new space. Under its rules, any space taller than 20 feet cannot count as showroom. So the portions of the existing Audi showroom taller than 20 feet do not qualify under the new zoning's showroom exemption and must be instead considered as regular floor area. When that space is added to the new floor area the applicant proposes for the site, the project exceeds its FAR limit.

You may be told that the existing Audi parcel PC zoning also has a showroom exemption. That's true, but its rules were different and no longer apply once the

parcel is rezoned. Only the new AD zoning exemption rules then apply, and given there is no grandfathering rule for showroom exemptions in the Municipal Code, past compliance with the old PC zoning isn't relevant.

- 3) **MERCEDES "SHOWROOM" SPACES TOO TALL TO QUALIFY:** The following illustration superimposes the first and second floors of the proposed Mercedes building, showing that some of the building's showroom area has no second floor above it. Since the building there is more than 20 feet tall, the first floor space below cannot be showroom either and should be counted as regular FAR.



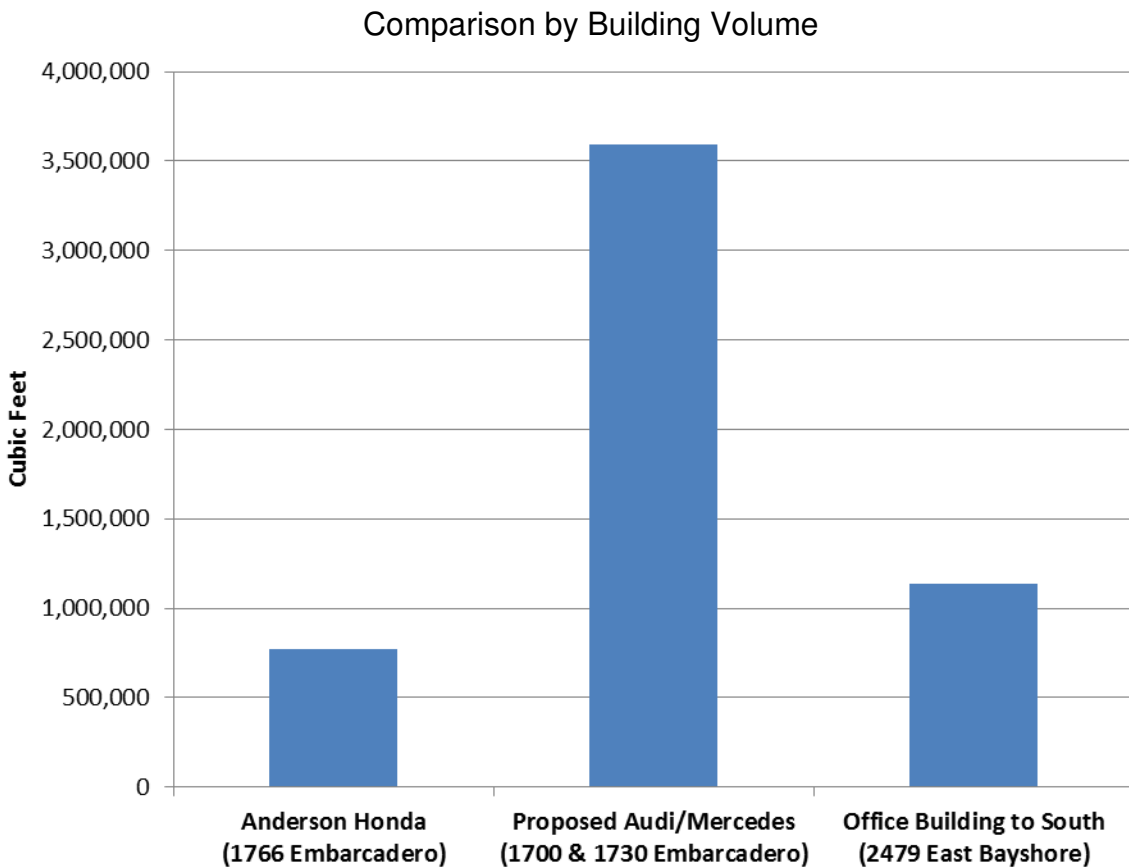
- 4) **MASSING: NO PROPER MASSING COMPARISON:** Despite prior requests, the plans still provide none of the typical diagrams showing the contextual massing of adjacent buildings, in this case along Embarcadero and East Bayshore. It would be appropriate to also be provided a comparison of the volumes of the proposed and adjacent buildings. We estimate that the proposed structure for the Mercedes parcel is approximately 51% larger in volume than the proposal the City Council rejected for that site as too large in 2016. In other words, rather than responding to Council concerns about scaling the building to the site, the current applicant has gone in the opposite direction.

Please also note that the total square footage of the proposed project is not the 84,900 sq. ft. reported in the agenda description but rather approximately 170,000 sq. ft. when exempted covered parking spaces, ramps, service entrances, and aisles are included. Much of that square footage is 20 feet to 43 feet tall. So comparing this building to others based only on floor area is not sufficient.

Although page 5 of the staff report for the April 2019 Planning Commission meeting said, "The project ... would not be the largest building in the vicinity (which is the office building to the south)," it appears to be significantly larger based on:

- Floor Area,
- Gross Square Footage,
- Height,
- Footprint, and
- Mass (as measured by volume in cubic feet).

Below is our attempt to compare the building to its immediate neighbors by volume. As you can see, it is considerably larger, being more than three times either neighboring building's volume:



Note: The above estimates are based on city documents, building plans, and site visits. The parcels are similar in size but the above is normalized to the Audi/Mercedes combined parcel size.

Thank you,

Jeff Levinsky

With assistance from Karen Holman and David Bubenik

Members of the Architectural Review Board

RE: 1700 E Embarcadero Road, Mercedes project

I write about this project due to its critical and sensitive location in our Baylands and due to its extraordinary size and unique zoning conditions. And to provide criteria critical to your review.

I know this is a lot of information, but it is important to see even this amount of City and public effort that has been adopted to assure that our Baylands receive the kinds of projects that respect unique siting.

If time restricts ability to read it all, please read the highlighted (bolded) portions that emphasize the importance of the design of this project and your ability to see to an appropriate outcome on this important and sensitive site.

Site: This sites at this intersection are identified as the **Gateway to the Baylands**.

Site and Design review, required due to (D) overlay (Bold emphasis added)

Code: "Site and design review is intended to consider development in environmentally and ecologically sensitive areas, including established community areas that may be sensitive to negative aesthetic factors.....**will be compatible with environmental and ecological objectives**, and will be in accord with the Palo Alto Comprehensive Plan." *Bold added for emphasis.*

AD overlay requirements: (Bold emphasis added)

Code: (3) All development in the areas east of the Bayshore Freeway (Hwy. 101) is subject to the Site and Design Review (D) provisions of [Chapter 18.30\(G\)](#) and shall include performance criteria including, **but not limited to lighting, noise, and landscaping**. All development is subject to the policies and guidelines outlined in the Baylands Master Plan and in the Site Assessment and Design Guidelines for Palo Alto Baylands Nature Preserve. These policies and guidelines include, but are not limited, to:

- a. Maintenance and, where possible, restoration of the environmental quality of the Baylands;
- b. Use of materials and colors compatible with the area;
- c. Design to **preserve the horizon line with low and horizontal elements**; and
- d. Fencing and signage compatible with the preserve character of the Baylands.

From the Baylands Master Plan (Bold emphasis added)

Site and Design Guidelines (page 217)

The *Site Assessment and Design Guidelines, Palo Alto Baylands Nature Preserve* developed in 2005 are intended to be used when designing or reviewing projects located in any part of the Baylands— **including projects on privately-owned land**. (*For more information see "Overall Environmental Quality" chapter.*)

Page 46: **Bold emphasis added**

Comprehensive Plan policies that are specific to land use in the Baylands include:

- Map L-4 defines Embarcadero Road east of Highway 101 as a **scenic corridor** and identifies the **intersection of Embarcadero Road and East Bayshore Road as a “gateway”**.
- Program T-57 calls for a planting strip and bicycle/pedestrian path [adjacent to Embarcadero Road] that is **consistent with the open space character of the Baylands**.

Page 52:
Site and Design Guidelines (**Bold emphasis added**)

The document was prepared to ... **to be used when designing or reviewing projects located in any part of the Baylands**. While the more specific guidelines are primarily applicable to the dedicated parkland, **the design principles and concepts should also be applied in the service and commercial areas** when designing or reviewing projects for **compatibility with the special aesthetic qualities and environmental conditions unique to the Baylands**.

Page 65: **Overall Environmental Quality Policies (Bold emphasis added)**

The Baylands Master Plan advocates a unification of the Baylands:

1. **Recognize and maintain the relationship between the urbanized Embarcadero Road corridor in the northwest and the remaining recreation-oriented three-quarters of the Baylands. Allow no more urban intrusion.**

Page 216:

The design of new or redeveloped buildings and landscaping, particularly northeast of the Bayshore Freeway, should reflect the area’s location near the Baylands. Connections to the nearby Baylands should be strengthened by taking advantage of views and improving bicycle and pedestrian connections to the open space area.”

Page 219: 2300 E Bayshore Photo Caption: (**Bold emphasis added**)

“The project at 2300 East Bayshore Road and 2450 Watson Court was approved in 2005. It was the first major project to be reviewed under the new *Baylands Site and Design Guidelines* criteria and staff worked closely with the developers. The first step was to create **a landscape plan suitable the building’s location in the Baylands**. The landscape plan includes miniature meandering tidal berms, wood bridges with swaying rope rails, pylon timbers for gateway features, waterways, low horizontal grasses and interpretive signs that describe the real Baylands features to which these landscape effort to achieve the project’s goal of serving as a **“gateway building”** to the Baylands and **meeting the objectives of the Baylands Master Plan**.

Comment: This project underwent significant review and should be included as part of the context well as the properties across Embarcadero Road from the proposal. And, of course, the Baylands generally as is required to achieve a unified vision. Please read even just the caption above that describes the care given to the 2300 E Bayshore project

Page 223: **Private Lands Policies**

“The Baylands Master Plan advocates a unification of the Baylands...”

Page 279: **Views, Scenic Routes and Gateways (bold emphasis added)**

... The *Baylands Master Plan* also includes several recommendations to enhance the park quality of Embarcadero Road as the entrance to the Baylands and to create a gateway experience for visitors to the park. This is consistent with *Comprehensive Plan* identification of Embarcadero Road as a scenic route and as a gateway to the Baylands at East Bayshore Road.

Page 282: **(Bold emphasis added)**

Recognize and maintain the relationship between the urbanized Embarcadero Road corridor in the northwest and the remaining recreation-oriented three-quarters of the Baylands. Allow no more urban intrusion.

Page 289: **Baylands Master Plan, Privately Owned Lands Policies: (emphasis added)**

Be sure any future development is consistent with the *Comprehensive Plan* and continues to receive extensive design review **utilizing the Site and Design Review Process and the Site Assessment and Design Guidelines Palo Alto Nature Preserve.**

Page 291: Policy T-75. “Minimize the negative physical impacts of parking lots....”

Lighting: From code

18.23.030 Lighting

Requirements:

(i) Exterior lighting in parking areas, pathways and common open space shall be designed to achieve the following:

- (1) provide for safe and secure access on the site,
- (2) achieve maximum energy efficiency, and
- (3) reduce impacts or visual intrusions on abutting or nearby properties from spillover and architectural lighting that projects upward.

Comment: this project has many sources of lighting that will spillover onto abutting properties and beyond. No upward projecting lighting should be allowed in the Baylands.

(iii) Exterior lighting fixtures shall be mounted less than or equal to 15 feet from grade to top of fixture in low activity or residential parking lots and 20 feet in medium or high activity parking lots.

(iv) Where the light source is visible from outside the property boundaries, such lighting shall not exceed 0.5 foot-candle as measured at the abutting residential property line.

Comment: Light sources in the Baylands should not be visible offsite. Light should be directed downward except where necessary such as at the airport and for airport approach safety purposes.

(v) Interior lighting shall be designed to minimize nighttime glow visible from and/or intruding into nearby properties and shall be shielded to eliminate glare and light spillover beyond the perimeter property line of the development.

Comment: Interior lighting should be screened to the maximum amount possible as a bird safe element. Glass should incorporate bird safe features.

(vii) **Lighting of the building exterior, parking areas and pedestrian ways** should be of the lowest intensity and energy use adequate for its purpose, **and be designed to focus illumination downward to avoid excessive illumination above the light fixture.**

(viii) **Pedestrian and security lighting** fixtures should be **directed downward**. Architectural lighting that projects upward from the ground as used in landscaping, courtyards, or building accent should be directed so as not to affect abutting land uses.

(C) Guidelines

1. (i) Unnecessary continued illumination, such as illuminated signs or back-lit awnings, should be avoided. Internal illumination of signs, where allowed, should be limited to letters and graphic elements, with the surrounding background opaque. **Illumination should be by low intensity lamps.**
2. (ii) **Timing devices should be considered for exterior and interior lights in order to minimize light glare at night** without jeopardizing security of employees. At the time of project approval the project **applicant must demonstrate how interior and exterior lighting sources will be reduced after operating hours or when the use of the facility is reduced.**

Comment: proposed hours are 6AM to 10PM. That translates to lighting as an impact on animal and bird migration and rhythms. Please require restricted hours and reduced lighting as natural light wanes.

Comment: I include the following because the predominant private zoning I the Baylands is ROLM(E) **(bold added for emphasis)**

18.20.030 (12) Outdoor **lighting** shall be sufficient to provide illumination and clear visibility to all outdoor areas, with minimal shadows or light leaving the property. The **lighting** shall be stationary, and **directed away from adjacent properties and public rights-of-way.**

Baylands Master Plant List: It should be used for this and all Baylands projects.

Respectfully submitted,

Karen Holman

The Palo Alto Architectural Review Board

Item 2

1700 & 1730 Embarcadero Road

4 April 2019

David Bubenik
420 Homer Avenue

Context ... the missing depiction



Note close overlap of model with existing Audi showroom

It is massively out of scale with its neighbors



Anderson Honda (foreground) seems big, but ...

The big footprint



It is big, big, big



Too big for our Baylands

Attachment E

Project Plans and Initial Study/Mitigated Negative Declaration

Hardcopies of project plans and the Initial Study are provided to Board members. These plans and environmental documents are available to the public online and/or by visiting the Planning and Community Environmental Department on the 5th floor of City Hall at 250 Hamilton Avenue.

Directions to review Project plans online:

1. Go to: bit.ly/PAPendingprojects
2. Scroll to find "1700 Embarcadero Road" and click the address link
3. On this project specific webpage you will find a link to the Project Plans, Initial Study and other important information

Direct Link to Project Webpage:

<https://www.cityofpaloalto.org/news/displaynews.asp?NewsID=4367>