



Architectural Review Board

Staff Report (ID # 11076)

Report Type:	Action Items	Meeting Date: 3/5/2020
Summary Title:	1700 & 1730 Embarcadero Road: Mercedes and Audi Dealerships (2nd Formal)	
Title:	PUBLIC HEARING / QUASI-JUDICIAL. 1700 & 1730 Embarcadero Road [19PLN-00291]: Recommendation on Applicant's Request for Approval of a Major Architectural Review to Address the Following Outstanding Issues for a Previously Approved Auto Dealership Project: Color, Landscaping, Parapets, Lighting, Transportation Demand Management Plan, County Airport Land Use Commission Review; and Floor Area Ratio. Environmental Assessment: Addendum to an Initial Study/Mitigated Negative Declaration that was Adopted for the Project on June 24, 2019. Zoning District: CS(D)(AD). For More Information Contact the Project Planner Sheldon Ah Sing at sahsing@m-group.us.	
From:	Jonathan Lait	

Recommendation

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

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

Report Summary

The ARB previously reviewed the subject project. An earlier staff report includes extensive background information, project analysis and evaluation to city codes and policies; that report is available online: <https://tinyurl.com/12-19-19-ARB-Staff-Report>.

The purpose of this report is to restate the comments made by the ARB and detail the applicant's response to those comments. The following analysis section builds upon the information contained in the earlier report. The analysis reflects the recent project changes.

Background

On December 19, 2019 the ARB reviewed the project. A video recording of the ARB's meeting is available online: <https://tinyurl.com/12-19-19-ARB-Video>. The following table summarizes the ARB's comments and the applicant's response:

ARB Comments/Direction	Applicant Response
• <u>Car Wash Screening:</u> Provide a different screening plant between the car wash and the property line. Recommend to use Italian Buckthorn (<i>Rhamnus alaternus</i>).	Italian Buckthorn (<i>Rhamnus alaternus</i>) plants are proposed instead of the Coffee berry. <i>Appears to resolve issue. See Sheets L-1 & L-3. See Analysis section for further discussion.</i>
• <u>Bayshore Road Trees:</u> Provide California Lilac 'Ray Hartman' (<i>Ceanothus</i> 'Ray Hartman') trees along Bayshore Road as accents.	The Western Redbuds are proposed only at the Embarcadero Road entrance to the site. The Ray Hartman Lilacs are introduced along Bayshore Road and within the parking areas between Bayshore Road and the building. In addition to the Lilacs, Chaste Trees are proposed along Bayshore Road. <i>Appears to resolve issue. See Sheets L-1 & L-3. See Analysis section for further discussion.</i>
• <u>Elevations Depicting Lower Level Change:</u> Provide elevation and rendering drawings that depict the reduction of floor area along Bayshore Road to meet the Floor Area Ratio requirement.	Elevations and renderings are updated to depict the proposed changes. <i>Appears to resolve issue. See Sheets ZA102, ZA200, ZA-203 & Bayshore Road renderings. See Analysis section for further discussion.</i>
• <u>Bayshore Road Elevation:</u> With the proposed change to the elevation, reducing the floor area, the Bayshore Road Elevation needs more continuity. The right side of the stairwell tower reads like the back of the building.	The elevation on the right side of the stairwell tower now continues a similar design theme as on the other side of the tower. This design wraps around the rear of the building slightly. <i>Appears to resolve issue. See Sheet ZA203 & ZA202. See Analysis section for further discussion.</i>
• <u>Transportation Demand Management:</u> Applicant submitted updated TDM.	Office of Transportation approved the TDM. <i>See Attachment E for approved TDM.</i>

Analysis¹

At the prior meeting, the ARB's comments and discussion focused on landscaping and the changes to the building that address the discrepancies with the project's compliance with the Floor Area Ratio (FAR) development standard.

Car Wash Screening

The proposed detached car wash building located at the rear of the Audi property (1730 Embarcadero) would be placed five feet from the property line. The placement raised concern regarding noise and visual impact of the building on the neighboring property. As demonstrated in the adopted California Environmental Quality Act (CEQA) documents for the project, noise is not expected to be an issue, given the required mitigations. However, the visual impact is an ongoing discussion. At the last ARB meeting, the applicant presented a proposal to plant coffee berry shrubs as screen vegetation. While the coffee berry would be considered low water use, native and bay-friendly, this shrub species would not grow to a height necessary to provide screening within the limited five-foot setback.

At the prior meeting, the ARB recommended the Italian Buckthorn as an alternative. This species would be a better fit within the setback and grow to a height of 15 feet in a columnar profile. The plant produces berries that are wildlife friendly. Given the slope down from the car wash to the neighboring property, the additional height would provide additional screening.

The revised plant palette and planting plan appear to resolve the ARB's stated issue, and meet Architectural Review Finding #5, in that the landscaping is drought tolerant. Given the space constraints and the sensitivity of the car wash building placement, the use of non-native plantings for the purposes of screening outweighs the use of native plants.

Bayshore Road Landscaping

The Bayshore Road frontage of the project includes an easement to accommodate the high voltage electrical transmission lines and underground utilities. As part of the project, a separated new multi-use pedestrian and bicycle pathway will be installed along the Bayshore Road and Embarcadero Road. The path will create a safer experience for its users. Implementing this amenity requires the removal of the existing mature trees along Bayshore Road. The easement includes limitations on the height of any proposed trees to 15 feet to reduce interference with the utilities. This has been a challenge for the project: to determine what tree species would best create a streetscape for the automobile dealership and the Baylands and enable the project to meet the required Architectural Review findings.

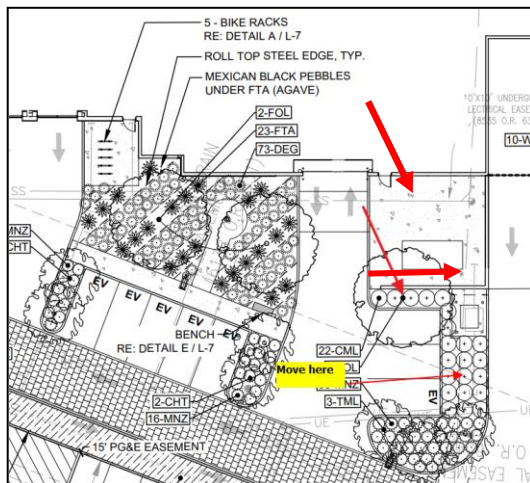
¹ The information provided in this section is based on analysis prepared by the report author prior to the public hearing. The Architectural Review Board in its review of the administrative record and based on public testimony may reach a different conclusion from that presented in this report and may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

The prior iteration of the project included Western Redbuds within the easement area, which is a native tree with low water use. The Redbud is not very tall and is deciduous. In that sense, the species is compatible with the Baylands. However, the ARB was concerned these trees would not provide sufficient canopy to create a streetscape that is compatible with the building. The ARB recommended using California Lilac Ray Hartman trees. These are small evergreen trees that are fast growing and are considered native with low water use.

The applicant reduced the number of Redbuds significantly to two trees along Embarcadero Road near the driveway. In the current proposal, California Lilac Ray Hartman trees dominate the planting palette with the addition of Chaste Trees interspersed. The Chaste Tree is a deciduous, quick growing tree with low water use; however, it is not native. Both the lilac and Chaste trees will have purple blooms.

The City's Urban Forester concurs with the proposed plant palette and locations with the exception of one of the fruitless olive trees. The fruitless olive tree proposed adjacent to an equipment enclosure along the Bayshore Road elevation (See Figure 1) would not be likely to survive. The wall is a part of an enclosure screening a back-up power generator for the facility. The alternative location includes an underground electrical line. Staff recommends that the underground electrical utility be routed in such a way to avoid conflicts with the relocated tree.

Figure 1: Shade Tree Conflict



The revised plant palette and planting plan appear to resolve the ARB issue and meets Architectural Review Finding #5 in that the landscaping is drought resistant and mostly native. Given the constraints of the overhead utility easement, the selected plants would have the canopy and variation to provide the appropriate contrast and visual interest along Bayshore Road.

Bayshore Road Elevations

Elevation Showing Reduction in Floor Area

The prior iteration of the proposed Mercedes Benz building exceeded the maximum Floor Area Ratio (FAR) by 887 square feet. At that time, the applicant proposed removing two service bays and moving the lower floor footprint of the building. That proposal included leaving the upper floor in place and reducing the floor area sufficiently to meet the FAR requirement. An elevation showing the change was not available at the ARB meeting. With the current proposal, the applicant provides new elevations and renderings showing the changes.

The change appears to be consistent with Architectural Review Finding #2 in that the change in depth in the elevation plane in combination with the proposed landscaping create appropriate transitions and sense of mass that complements its surrounding environment.

Design & Materials on Right Side of Stair Tower

At the prior ARB meeting, board members noted that the Embarcadero Road elevation had a lot of variety in massing and materials used. In contrast, the uncertainty of the design of the Bayshore Road elevation with the recessed first floor resulted in mixed ARB comments on the elevation. The portion of the elevation on the left side of the stairwell tower showed a stronger relationship to Embarcadero Road. The right side of the stairwell tower was designed with more relationship to the rear of the building. Given the visibility of the elevation, and coupled with the proposed change to the elevation, the ARB encouraged greater consideration for continuity of the Bayshore Road elevation. The ARB wanted that elevation to be like the left side, where those materials would wrap around the corner to the rear of the building.

Figure 2: Comparison of Bayshore Road Elevation



December 2019

Source: YSM Design



March 2020

Source: YSM Design

The updated elevation repeats the louvers and ribbed metal paneling to the right of the stairwell. The ribbed metal paneling wraps around the rear slightly. The opaque glass panels also continue on both sides of the stairwell tower. The revisions make the project more consistent with Architectural Review Finding #2. For instance, the revisions provide a better transition in character from Embarcadero Road to Bayshore Road.

Environmental Review

Staff assessed the subject project in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the City's environmental regulations. Specifically, the project is covered by the previous Initial Study and Mitigated Negative Declaration prepared for the prior application (File No. 18PLN-00186) adopted on June 24, 2019 (Attachment G). The Mitigated Negative Declaration identifies 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. This project is a result of fulfilling a condition of approval to address specific issues of the originally approved project. None of the proposed revisions to the project create any new impacts beyond those identified. Therefore, no new analysis is necessary and an Addendum documents the minor changes.

Public Notification, Outreach & Comments

The Palo Alto Municipal Code requires notice of this public hearing be published in a local paper and mailed to owners and occupants of property within 600 feet of the subject property at least ten days in advance. Notice of a public hearing for this project was published in the *Daily Post* on February 21, 2020, which is 14 days in advance of the meeting. Postcard mailing occurred on February 25, 2020, which is 10 days in advance of the meeting.

Public Comments

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

Alternative Actions

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

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

Report Author & Contact Information

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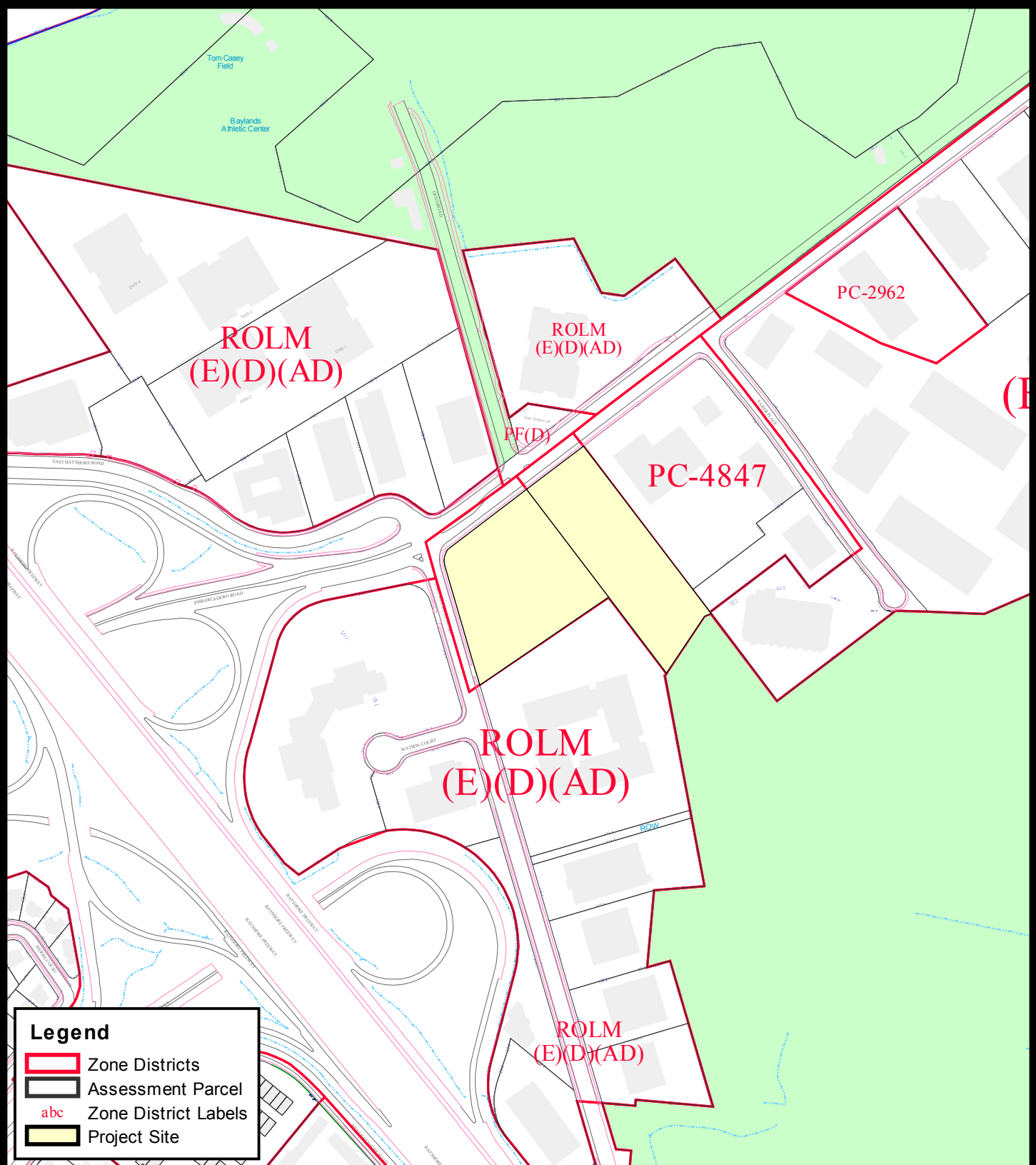
ARB² Liaison & Contact Information

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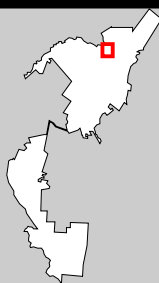
² Emails may be sent directly to the ARB using the following address: arb@cityofpaloalto.org

Attachments:

- Attachment A: Location Map (PDF)
- Attachment B: Draft ARB Findings (DOCX)
- Attachment C: Draft Conditions of Approval (DOCX)
- Attachment D: Zoning Comparison Table (DOCX)
- Attachment E: Transportation Demand Management Plan (PDF)
- Attachment F: Airport Land Use Commission Minutes (PDF)
- Attachment G: Project Plans and CEQA Documents (DOCX)



The City of
Palo Alto



1700 & 1730 Embarcadero
Road
19PLN-00291

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



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ATTACHMENT B
ARB FINDINGS FOR APPROVAL
 1700 & 1730 Embarcadero Road
 19PLN-00291

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.

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

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

<i>Land Use and Community Design Element</i>	
Comprehensive Plan Goal/Policy	Consistency
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.	The project proposes two automobile dealerships located at Embarcadero Road northeast of Bayshore Freeway.
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.	The project is surrounded by established urban uses and is designed to be consistent with the surrounding structures. A portion of the project is adjacent to the Baylands area and is designed to be compatible with

	the open space area.
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.	The project provides a multi-use path that would facilitate pedestrian and bicycle users. This path closes a gap in the city's planned bicycle network.
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.	The project includes updates the pedestrian and bicycle circulation adjacent to the subject property. Proposed plantings are generally drought-tolerant. Trees along Bayshore Road will be consistent with the utility easement requirements and some are regionally indigenous and are drought tolerant.
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 project proposes a multi-use pathway that will close the gap in the City's planned bicycle network and provide a safer alternative for cyclists.
Policy L-5.4 Maintain the East Bayshore and San Antonio Road/Bayshore Corridor areas as diverse business and light industrial districts.	The project maintains an automobile dealership and adds another automobile dealership. These will continue the vitality of the district.
Policy L-6.1 Promote high-quality design and site planning that is compatible with surrounding development and public spaces.	Project includes a variety of materials such as stucco, metal, glass, and green screens. All of which complement the surrounding buildings in the area. The Bayshore Road elevation is consistent in material and design providing visual interest.
Policy L-6.3 Encourage bird-friendly design.	Bird friendly glass is included in the project 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.	The design of the buildings are sensitive to the streetscape, its surroundings and are consistent with the Baylands Master Plan design guidelines.
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	The project includes very little surface parking and most parking is located within a unique above-ground parking lift structure.

sufficient parking to meet demand.	
<i>Transportation Element</i>	
Comprehensive Plan Goal/Policy	Consistency
Program T-1.2.3: Formalize TDM requirements by ordinance and require new developments above a certain size threshold to prepare and implement a TDM Plan to meet specific performance standards. Require regular monitoring/reporting and provide for enforcement with meaningful penalties for non-compliance. The ordinance should also: ➤ Establish a list of effective TDM measures that include transit promotion, prepaid transit passes, commuter checks, car sharing, carpooling, parking cash-out, bicycle lockers and showers, shuttles to Caltrain, requiring TMA membership and education and outreach to support the use of these modes. ... ➤ Establish a mechanism to monitor the success of TDM measures and track the cumulative reduction of peak hour motor vehicle trips. TDM measures should at a minimum achieve the following reduction in peak hour motor vehicle trips, with a focus on single-occupant vehicle trips. Reductions should be based on the rates included in the Institute of Transportation Engineers' Trip Generation Manual for the appropriate land use category and size: – 20 percent reduction	The project submitted a TDM (November 27, 2019) for consideration by the City.
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.]	The project provides a multi-use path that will improve the pedestrian and bicycle circulation within the area, consistent with the goals of the 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.	The project provides structured parking integrated into the building. This is atypical for automobile dealerships. The site includes very little surface parking.

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

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

This finding can be made in the affirmative because the project provides specific design details such as matte color finishes, frosted glass parapets, green screens, changes in elevation planes and landscaping that create appropriate transitions and sense of mass that complements its surrounding environment. The project's proposed lighting plan will not adversely affect the adjacent Baylands during business operations. The lighting plan also demonstrates that during off-business hours, the lighting intensity would be reduced by 50% in certain areas. The project is consistent with the context-based design criteria:

1. Pedestrian and Bicycle Environment

The design of new projects shall promote pedestrian walkability, a bicycle friendly environment, and connectivity through design elements

The project includes a multi-use path that provides a connection in the Baylands area. The path will include a rest area.

2. Street Building Facades

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

The project includes improved design elements such as matte finish color, frosted glass parapets to limit light pollution, and green screens to provide transitions to the Baylands and break up building mass. The Bayshore Road elevation includes a continuous and cohesive design.

3. Massing and Setbacks

Buildings shall be designed to minimize massing and conform to proper setbacks

The project includes improved design elements that help with minimizing mass along Embarcadero and Bayshore Road.

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 does not abut lower scale residential development.

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 a multi-use path at the perimeter of the project site along the streets.

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 parking in above ground parking structures. There is some surface level parking available to customers.

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 project is consistent with surrounding development patterns with large setbacks.

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.

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

The project proposes a contemporary design using metal, stucco, glass and green screens. Colors are consistent with the retailer's brand and complements the Baylands and surrounding buildings using a matte finish. Materials are integrated into a building design that minimizes mass and provides transitions with surrounding development. Visual interest is maintained along both Embarcadero Road and Bayshore Road with the use of changes in planes along elevations and use of different types of materials. The rear of the buildings provide the appropriate transition from urban to natural with the use of green screen walls and plantings. The detached car wash is screened with tall plantings to reduce visual impacts from adjacent properties.

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

The project proposes a design that includes an internal merchandise stacking system that reduces the building's footprint. This reduces the need for a large surface parking area. The project proposes a multi-use path that provides a connection for bicyclists in the Baylands area. This also creates the necessary buffer between the street and the project site.

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

Throughout the building and along the elevations, the landscape materials of the project take advantage of site constraints. The site includes an overhead utility easement where only trees with limited height are allowed. Given the constraints of the overhead utility easement, the plants chosen have the canopy and variation that would provide the appropriate contrast and visual interest along Bayshore Road. The project's landscape palette includes the appropriate amount of indigenous drought tolerate plants. The building's facades are covered in green screens where it interfaces with the Baylands. The project also includes off-site tree plants to provide better screening between the Audi building and the Baylands. Additional trees were added onsite between the Mercedes Benz building and Bayshore Road. Given the space constraints and the sensitivity of the placement of the car wash building, the use of non-native plantings for the purposes of screening outweighs using native plants.

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

Per the City of Palo Alto planning goals, the project incorporates design principles that achieve sustainability in areas related to energy efficiency, water conservation, building materials, landscaping, and site planning.

The systems proposed for the building will be designed to meet to energy performance criteria of California Title 24 for Mechanical, Lighting, and Building Envelope. The project includes a checklist for non-residential CalGreen and Tier 2 requirements such as electric vehicle charging and parking spaces; water efficiency; energy reach and material conservation and resource efficiency.

ATTACHMENT C
CONDITIONS OF APPROVAL
1700 & 1730 Embarcadero Road
19PLN-00291

PLANNING DIVISION

1. CONFORMANCE WITH PLANS. Construction and development shall conform to the approved plans entitled, "Mercedes Benz/Audi of Palo Alto, February 5, 2020" stamped as received by the City on February 6, 2020 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. The Architectural Review Board (ARB) approval letter including all Department conditions of approval for the project shall be printed on the plans submitted for building permit. The conditions contained with *Record of Land Use Action 2019-09* (18PLN-00186) shall also be printed on the plans submitted for building permits.
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. COUNTY AVIGATION EASEMENT: The owner or designee shall fulfill the requirement of the avigation easement dedicated to the City of Palo Alto on behalf of the applicant as required by the County of Santa Clara Airport Land Use Commission prior to the issuance of a building permit.
6. RELOCATION OF TREE: The owner or designee shall demonstrate the relocation of the fruitless olive tree in front of the generator enclosure of the Mercedes Benz building to the adjacent landscape finger area between the enclosure wall where the California Mountain Liliac plants are located and the Chaste Trees on plans prior to the issuance of building permits.
7. PROJECT EXPIRATION: The project approval shall be valid for through June 24, 2021 (*consistent with Record of Land Use Action 2019-09*). In the event a building permit(s), if applicable, is not secured for the project within the time limit specified above, the ARB approval shall expire and be of no further force or effect. Application for extension of this entitlement may be made prior to the one year expiration.

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: Estimated Development Impact Fees (\$3,834,694.42) 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. 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.

TRANSPORTATION

12. Vehicle stop line at driveways shall be eight (8) feet behind the multi-use path. Add stop signs at each exit with signage indicating the multi-use path crossing. Applicant to work with City staff on exit signage text/graphics during building permit review.
13. The curb ramp at Embarcadero Road/East Bayshore Road shall be the full width of the multi-use path not including any side flares. The ramp shall connect seamless to the multi-use path with no obstructions.

PUBLIC WORKS URBAN FORESTRY

14. **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.
15. **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.
16. **TREE DAMAGE.** Tree Damage, Injury Mitigation and Inspections apply to Contractor. Reporting, injury mitigation measures and arborist inspection schedule (1-5) apply pursuant to TTM, Section 2.20-2.30. Contractor shall be responsible for the repair or replacement of any publicly owned or protected trees that are damaged during the course of construction, pursuant to Title 8 of the Palo Alto Municipal Code, and city Tree Technical Manual, Section 2.25.
17. **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.
18. **TREE PROTECTION VERIFICATION.** Prior to any site work verification from the contractor that the required protective fencing is in place shall be submitted to the Urban Forestry Section. The fencing shall contain required warning sign and remain in place until final inspection of the project.
19. **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.
20. **PLAN SET REQUIREMENTS.** The final Plans submitted for building permit shall include the following information and notes on relevant plan sheets:
 - a. **SHEET T-1, BUILDING PERMIT.** The building permit plan set will include the City's full-sized, Sheet T-1 (Tree Protection-it's Part of the Plan!), available on the Development Center website at <http://www.cityofpaloalto.org/civicax/filebank/documents/31783>. The Applicant shall

complete and sign the Tree Disclosure Statement and recognize the Project Arborist Tree Activity Inspection Schedule. Monthly reporting to Urban Forestry/Contractor is mandatory. (Insp. #1: applies to all projects; with tree preservation report: Insp. #1-7 applies)

- b. The Tree Preservation Report (TPR). All sheets of the Applicant's TPR approved by the City for full implementation by Contractor, shall be printed on numbered Sheet T-1 (T-2, T-3, etc) and added to the sheet index.
 - c. Plans to show protective tree fencing. The Plan Set (esp. site, demolition, grading & drainage, foundation, irrigation, tree disposition, utility sheets, etc.) must delineate/show the correct configuration of Type I, Type II or Type III fencing around each Regulated Tree, using a bold dashed line enclosing the Tree Protection Zone (Standard Dwg. #605, Sheet T-1; City Tree Technical Manual, Section 6.35-Site Plans); or by using the Project Arborist's unique diagram for each Tree Protection Zone enclosure.
21. STREET TREES. Prior to issuance of a building permit, the applicant or designee shall demonstrate that any street trees proposed for removal are replaced one-for-one with at least 24" box size and shall be drought tolerant. The applicant shall incorporate the street tree replacements into the overall replacement quantities and update the planting schedule accordingly.

ATTACHMENT D
ZONING COMPARISON TABLE
 1700 & 1730 Embarcadero Road, 19PLN-00291

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) Width: 255' Depth: 342' (MB) Width: 180' Depth: 540' (Audi)	2.54 acres (MB) 2.28 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 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 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)	45.5% (50,277 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	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)	0.40:1 Dealership 0.10:1 Showroom (MB) 0.40:1 Dealership 0.10:1 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	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)	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: 23 2 nd Floor: 49 <u>Roof Deck: 128</u> 207 spaces	Surface: 18 2nd Floor: 59 <u>Roof Deck: 92</u> 169 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



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Since 1978

Richard L. Pool, P.E.
Scott A. Schell, AICP, PTP

December 12, 2019

19085R02.RPT

Mr. Steve Presson
Real Estate Development
Holman Automotive, Inc.
911 NE 2nd Avenue
Fort Lauderdale, FL 33304

TRANSPORTATION DEMAND MANAGEMENT PLAN FOR THE MERCEDES-BENZ/AUDI OF PALO ALTO - PALO ALTO, CALIFORNIA

Associated Transportation Engineer's (ATE) has prepared the attached Transportation Demand Management (TDM) Plan for the Mercedes-Benz/Audi of Palo Alto Project at 1700/1730 Embarcadero Road which is currently planned for construction in the City of Palo Alto. The TDM plan was developed according to Palo Alto Municipal Code, Title 18, Chapter 18.52, Section 18.52.050 (3)(d). The TDM Plan utilizes information provided by the City of Palo Alto, as well as data presented in other trip reduction programs prepared for employers located in California.

Associated Transportation Engineers

By: Richard L. Pool, P.E.
President

RLP/DFN



Attachments: Mercedes-Benz/Audi of Palo Alto TDM Plan
VTA Bus/Rail Route Map
Embarcadero Shuttle Route/Schedule Map
VTA Regional Bikeways Map

MERCEDES-BENZ/AUDI OF PALO ALTO TRANSPORTATION DEMAND MANAGEMENT PLAN

Introduction

The following report outlines the Transportation Demand Management (TDM) Plan prepared for the Mercedes-Benz/Audi of Palo Alto Project in the City of Palo Alto. The components of the plan were developed based on the Trip Reduction guidelines provided by the City of Palo Alto, information from the Santa Clara Valley Transportation Authority (VTA) and 511 SF Bay. TDM measures which have been utilized successfully by others in California have also been incorporated in this plan. The TDM Plan has been designed to reduce the number of commuter trips by the employees who work at the site and to the extent possible dealership customer trips.

Project Description

The Project site is currently occupied by a vacant restaurant building at 1700 Embarcadero Road and the existing Audi dealership at 1730 Embarcadero Road. The Project would replace the vacant restaurant building and a portion of the existing Audi dealership with a new Mercedes-Benz dealership and an expanded Audi dealership. The Project days and hours of operation are as follows.

- Vehicle Service: Monday - Friday 7 AM to 7 PM
Saturday 8 AM to 5 PM
Closed Sunday
- Vehicle Sales: Monday - Friday 9 AM to 9 PM
Saturday 9 AM to 5 PM
Sunday 9 AM to 3 PM

TDM Trip Reduction Target

The City of Palo Alto has not formalized the TDM requirements, however the City of Palo Alto Comprehensive Plan 2030 and the City of Palo Alto Municipal Code discuss the need for businesses to reduce Single Occupant Vehicle (SOV) commute trips. The Comprehensive Plan identified a 20 percent trip reduction performance requirement for the Project given it's location in the City of Palo Alto. Per the Municipal Code, the Project's trip reductions can be used to off-set traffic impact fees.

Trip Reduction Measures

The following TDM measures have been identified for implementation or incorporation into the site design for the Mercedes-Benz/Audi of Palo Alto Project.

Transit. The Palo Alto Transit Center located at 95 University Avenue is approximately 3 miles west of the Project site. The transit center is an intermodal transit center served by Caltrain, SamTrans, VTA local bus service, Dumbarton Express regional bus service, the Embarcadero Shuttle, the Crosstown Shuttle, and the Stanford University Marguerite Shuttle. The Project site is located along the Embarcadero Shuttle route. The Embarcadero Shuttle runs approximately every 15 minutes, Monday through Friday from the transit center to the Embarcadero/Baylands during commute hours (7 AM to 10 AM and 3:30 PM to 7 PM) and is coordinated with the Caltrain schedule. There is no weekend or holiday shuttle service.

The 511 SF Bay website provides online planning tools for public transit trips. The website provides transit trip planning for more than 30 transit agencies and finds scheduled departure times for transit stops throughout the region.

Carpooling. The site design includes parking spaces reserved for carpooling vehicles. The reserved carpool parking spaces are located in the parking structure. The Mercedes-Benz/Audi of Palo Alto will market the economic and environmental benefits of carpooling to all employees. The 511 SF Bay website provides carpooling resources for employers and employees. The dealership will encourage employees to carpool via subsidy or other forms of incentives in an effort to reduce daily trip generation per the required TDM target goals.

Vanpooling. The site design includes parking spaces reserved for vanpooling. The reserved vanpool parking spaces are located in the parking structure. Vanpooling is particularly attractive for the long distance commuters. The Mercedes-Benz/Audi of Palo Alto may participate in the programs administered by local transit agencies, the City or the 511 SF Bay Area. The Mercedes-Benz/Audi of Palo Alto will market the economic and environmental benefits of vanpooling to all employees. The 511 SF Bay website provides vanpooling resources for employers and employees. The dealership will subsidize or provide a vanpool/shuttle to from the local transit center to enable employees to get to/from the transit center.

Electric Vehicles. The site design includes 17 charging stations for electric vehicles. The charging stations are located at grade (14) and in the parking structure (3). The Mercedes-Benz/Audi of Palo Alto will market the economic and environmental benefits of electric vehicles to all employees.

Drop-Off/Pick-Up Area. A drop-off and pick-up area will be established on-site. This area will be used by carpools and vanpools to load and unload passengers.

Bicycling. The site design will provide short-term and long-term bicycle storage (racks and lockers). The Mercedes-Benz/Audi of Palo Alto operation will also provide a bicycle loaner program for vehicle service customers. The Project has connections to the regional bicycle facilities (regional bikeways map is attached) along Embarcadero Road and East Bayshore Road and will incorporate a new multi-use (bikes and pedestrians) path on the property. A rest area for pedestrians and cyclist adjacent to the multi-use path is incorporated in the site design. The existing bike lanes on roadways in the area surrounding the Project site will aid in promoting cycling. All buses on the VTA fixed route system are equipped with bike racks for two bicycles. The Mercedes-Benz/ Audi of Palo Alto will market the economic and environmental benefits of bicycling to all employees.

The 511 SF Bay website provides resources for cyclist and online planning tools for bicycle commuter trips including the following:

- Bike route maps
- Location of lockers
- How to take your bike on public transit
- How to ride safely in traffic
- Tips on commuting
- Tips on bike selection
- Links to bicycle organizations
- Bike to Work Day

On-Site Services. The inclusion of indoor and outdoor eating areas would act as an incentive for employees to stay on-site during the mid-day period, thus reducing the need for personal vehicles at work. The site design includes an employee break room/lounge which would be utilized as a lunch room.

TDM Information and Services

The provision of TDM information and materials to employees is of key importance in the success of a trip reduction program. The following measures will be implemented by the Mercedes-Benz/Audi of Palo Alto to promote utilization of alternative transportation modes.

TDM Coordinator. The Mercedes-Benz/Audi of Palo Alto will appoint a TDM Coordinator assigned to implement and monitor the TDM Plan. The TDM Coordinator will work with City staff to develop and administer the TDM Plan. The TDM Coordinator will be responsible for disseminating information and offering assistance to those employees wishing to participate in the various components of the TDM Plan. The TDM Coordinator will also be responsible for the 511 SF Bay (511.org) "Commuter Benefits Program" required of employers of more than 50 people.

Employee Transportation Information Center. The Mercedes-Benz/Audi of Palo Alto will develop an employee information center which will display marketing data for the TDM Plan, including:

- Current transit system maps and route schedules for the various VTA transit lines and the Embarcadero Shuttle which serve the site. Information regarding the Caltrain, SamTrans, Dumbarton Express regional bus service, the Crosstown Shuttle, and the Stanford University Marguerite Shuttle should also be posted.
- Rideshare promotional materials from 511RideMatch.
- Guaranteed ride arrangements.
- The regional bike route system for the area.
- A description of the preferential parking program for carpools and vanpools.
- A description of the monetary savings and environmental benefits generated by employees for transit use, carpooling/vanpooling, bicycling, and walking. This information will be posted on an employees bulletin board. And included with employee pay checks.

Transit Incentives. The Mercedes-Benz/Audi of Palo Alto will market the benefits of transit to all employees. Transit ridership is an important component in a TDM Plan. The Project site is located near the Palo Alto Transit Center and along the Embarcadero Shuttle route. The location and the proximity of shuttle stops near the Project site make transit an attractive alternative for employees. Maps illustrating the VTA bus/rail routes and the Embarcadero Shuttle route are attached. The dealership will contribute/offer employees public transportation passes or provide assistance to employees as an incentive to use public transportation.

Paid Time Off (PTO) Incentive. The Mercedes-Benz/Audi of Palo Alto will implement a PTO incentive to reduce employee SOV commute trips. The PTO program would reward employees that use public transit, carpool, vanpool and bike to work.

Subsidies. The Mercedes-Benz/Audi of Palo Alto will subsidize or market the benefits of transit to all employees. Transit ridership is an important component in a TDM Plan. The Project site is located near the Palo Alto Transit Center and along the Embarcadero Shuttle route. The location and the proximity of shuttle stops near the Project site make transit an attractive alternative for employees. Maps illustrating the VTA bus/rail routes and the Embarcadero Shuttle route are attached.

Rideshare Matching Services. The TDM Coordinator will develop an in-house ridematching service to assist employees who wish to carpool/vanpool. The TDM Coordinator will also assist employees in registering with the regional 511 SF ridesharing program (511Ridematch) which provide ridematching services for carpooling/vanpooling and guaranteed rides home.

Guaranteed Ride Home. In the event that an emergency or work requirement interferes with an employee's normal alternative transportation arrangement, the Mercedes-Benz/Audi of Palo Alto will assist in providing a means to guarantee a free ride home. These services would include subsidized taxi rides, provision of a company car, or provision of a shuttle service.

New Employee Orientation. The TDM Coordinator will conduct an orientation meeting with new employees to review the alternative travel mode resources that are available through the TDM Plan. This measure will provide new employees with information on alternative travel options before they become accustomed to driving to work alone.

Personalized TDM Assistance. The TDM Coordinator will provide personal assistance to those employees requesting information on alternative transportation measures. The TDM Coordinator will assist in reviewing transit routes and schedules and how they match employee shifts, provide information on bike route locations, and assist employees in registering with the company's ridesharing program as well as the regional ridesharing program.

Work Hours. Given the Monday - Friday hours of operation (7 AM to 7 PM for "Service" and 9 AM to 9 PM for "Sales"), many Mercedes-Benz/Audi of Palo Alto employee commute trips fall outside of the traditional peak hour periods (7 AM to 9 AM and 4 PM to 6 PM). The proposed work schedules shift many employee commute trips to the non-peak period hours.

Events. The Mercedes-Benz/Audi of Palo Alto will hold a TDM event each year.

Monitoring and Review. The TDM Coordinator would monitor the effectiveness of the TDM Plan and participate in TDM status reporting to the City of Palo Alto. The TDM Coordinator would review the status of the plan with the City of Palo Alto and make adjustments to the plan components. Per the City Municipal Code Section 18.52.050(d)(3), monitoring reports shall be submitted to the Planning Director two years after building occupancy and again every year thereafter, noting the effectiveness of the proposed trip reduction measures as compared to the initial performance targets and implementing modifications if necessary to improve trip reductions and/or enhance parking.

The Project is required to conduct driveway counts. The counts shall be prepared by a professional independent third party consultant. The driveway counts and resulting data shall be submitted to the City. The monitoring activities shall include driveway counts to determine the Project daily and peak hour vehicle trip generation by methods consistent with the most current Institute of Transportation Engineers (ITE), Trip Generation.

A 5-day commute survey will be engaged each year to evaluate and ensure the effectiveness of the TDM measures. Survey data can be used to focus TDM marketing and the efforts of the TDM Coordinator to maintain the Project's commitment to reduce vehicle trips at the site.

The TDM Coordinator shall prepare and submit to the City an annual report summarizing the results of the yearly commute survey, the trip generation counts, parking management plan and TDM Plan activities, for the previous calendar year. The report will also include descriptions of any new or modified programs to be introduced in the next year if the minimum 20 percent trip reduction goal is not achieved through the measures and programs initially implemented. If necessary, modifications to the TDM Plan will be proposed to meet the target trip reduction performance.

■ ■ ■

County of Santa Clara
Airport Land Use Commission



DATE: May 22, 2019, Regular Meeting
TIME: 6:00 PM
PLACE: Conference Room 157
County Government Center – 70 W. Hedding Street, 1st Floor
San Jose, CA 95110

MINUTES

Opening

1. Call to Order/Roll Call.

Vice Chairperson Barragan called the meeting to order at 6:05 p.m. A quorum was present.

Attendee Name	Title	Status	Arrived
Walter Windus	Commissioner - Seat 1	Late	6:11 PM
Diego Barragan	Vice Chairperson - Seat 2	Present	
E. Ronald Blake	Commissioner - Seat 3	Present	
Paul Donahue	Chairperson - Seat 4	Absent	
Jamil Shaikh	Proxy Commissioner - Seat 4	Absent	
Lisa Matichak	Commissioner - Seat 6	Present	
Glenn Hendricks	Commissioner - Seat 7	Present	

2. Public Comment.

No public comments were received.

Regular Agenda - Items for Discussion

3. Approve minutes of the March 27, 2019 Regular Meeting.

3 RESULT: APPROVED [4 TO 0]
MOVER: Glenn Hendricks, Commissioner - Seat 7
SECONDER: Lisa Matichak, Commissioner - Seat 6
AYES: Barragan, Blake, Matichak, Hendricks
ABSENT: Windus, Donahue

4. Consider Referral from the City of San Jose for a Zoning Amendment to Title 20 of the City of San Jose Zoning Code affecting San Jose International and Reid-Hillview Airports to allow uses and permit requirements for a wide variety of uses throughout the Open Space/Agriculture, Residential, Commercial, Industrial, and Downtown Zoning Districts. (ID# 96707)

Possible action:

- a. Find the Zoning Amendment consistent with the policies contained within the San Jose International Airport (SJC) and Reid-Hillview Airport (RHV) Comprehensive Land Use Plans (CLUPs).

OR

- b. Find the Zoning Amendment inconsistent with the policies contained within the SJC and RHV CLUPs.

Mark Connolly, Planner, Department of Planning and Development, reported that the rezoning affects lands in the Airport Influence Areas (AIAs) of RHV and SJC and highlighted the proposed uses from the written report that would have aviation impacts including light-medium manufacturing and assembly, which is a new category. He further stated that staff suggests that light-medium manufacturing and assembly not be a permitted use and adding language that requires an impact evaluation.

Commissioner Windus took his seat at 6:11 p.m.

Mr. Connolly further highlighted the fuel service or charging station use and noted that staff suggests adding CLUP policy S4 language to the rezoning language; outdoor and indoor theater or auditorium uses and noted that staff suggests adding language that this use may not be allowed in safety zones, or noise contours, and may not be a discretionary land use; certified farmers' market which would change to permitted use and noted that staff suggests removing this use from permitted classification and instead list it as a conditional or special permit to require review; post secondary school use to change public and quasi-public from special use to permitted use and noted that staff suggests that this maintain a special use permit allowance; botanical conservatories use to change to special use permit and noted that staff suggests language to restrict development in Inner and Turning Safety Zones; elementary and secondary public school to change to permitted use and noted that staff suggests classification continue as special use permit; and, indoor and outdoor theater or auditorium (other than movie theater) uses to change to be added to Downtown districts as permitted uses and noted that staff suggests they continue as special use permit.

Mr. Connolly referred to a letter from the City of San Jose dated May 22, 2019 which adds retail bakery, retail and instructional art studio as uses and noted that staff recommends including these uses be included in the de minimis category. He further noted that post secondary school and elementary/secondary school uses have been removed from the scope of work. Finally, Mr. Connolly clarified that the only modified use indicated in the letter with potential aviation impacts is the fuel service station use for which a note will be included that use is subject to CLUP safety regulations.

Discussion ensued relating to the need for project-specific plans to be reviewed for the manufacturing and light assembly use; the need to protect boarded animals from aviation impacts; Guadalupe River Park's current light industrial zoning designation;

Airport Land Use Commission as the discretionary decision maker only for site development permit applications that include zoning; and, the possibility of defining recommendations for specific parcels that are in an Inner Safety Zone, Turning Safety, Sideline Safety Zone, or in a 70 to 75 decibel noise contour.

Martina Davis, Supervising Planner, City of San Jose, clarified that both light and medium manufacturing uses are currently listed separately and are both permitted uses; and, that the request is to combine those two uses into one.

Commissioner Hendricks expressed the need to include a requirement that all use cases for which the City is the discretionary decision maker, if the use does not conform to Policy S7 of the SJC CLUP, it must come to the ALUC for a consistency determination. Mr. Connolly noted that the noise policies in the CLUP states that in a manufacturing designated zone, noise levels are generally acceptable up to 75 decibels and conditionally acceptable up to 85 decibels.

Discussion ensued relating to potential density and noise concerns with indoor and outdoor theater use.

Approved finding the Zoning Amendment consistent with the policies contained within the SJC and RHV CLUPs as amended to include Department of Planning and Development staff recommendations as noted in the report, with a clarification that all use cases in the report indicating "Will be a Permitted use in AUA" should also indicate that they are not located within any AIA, including changes and comments listed on the letter from the City of San Jose dated May 22, 2019, with the addition of a requirement that all project specific development for light manufacturing/assembly, fuel service, and theater/auditorium uses located within Inner Safety Zones, Turning Safety Zones, or Sideline Safety Zones come to the ALUC for a consistency determination.

4 RESULT: APPROVED AS AMENDED [5 TO 0]

MOVER: Glenn Hendricks, Commissioner - Seat 7

SECONDER: Lisa Matichak, Commissioner - Seat 6

AYES: Windus, Barragan, Blake, Matichak, Hendricks

ABSENT: Donahue

5. Consider Planned Development Zoning from A(PD) Planned Development Zoning District to a new A(PD) Planned Development Zoning District to allow four 65-foot field lights on a 17.64 gross acre site, located at the west side of Stockton Avenue, southeast of the intersection of Emory and Laurel Streets and The site is located within the Airport Influence Area of San Jose International Airport (SJC). (ID# 96768)

Possible action:

- a. Find the rezoning request consistent with the ALUC noise, height and safety policies for San Jose, as defined in the SJC Comprehensive Land Use Plan (CLUP).

OR

- b. Find the rezoning request inconsistent with the ALUC noise, height and safety policies for San Jose, as defined in the SJC CLUP.

Mr. Connolly reported that the request is for installing lights in the north field at Bellarmine Preparatory School in San Jose and noted that potential aviation land use impact is minimal. He further noted that a No Hazard Determination from the Federal Aviation Administration (FAA) is currently pending.

Regarding height, Mr. Connolly reported that the site lies beneath the 212 Above Mean Sea Level (AMSL) surface limit, with the plan indicating the lights will be 65 feet tall and the elevation at approximately 78 feet ASML, for a total height of 142 feet AMSL. He further noted that the project would be consistent with height policies.

Regarding safety and noise, Mr. Connolly reported that the subject site is outside of all of the CLUP safety zones and noise contours, and would therefore be consistent with those policies.

Finally, Mr. Connolly reported that there is no need to add an Avigation Easement as the school's current one is sufficient.

In response to an inquiry relating to a possible requirement for downward shrouded lighting, Mr. Connolly stated that staff determined that would not be necessary as the site is not located in a flight pattern.

Discussion ensued relating to past aviation issues with lighted screens at stadiums and the possibility to reference in the motion Policy G7 of the CLUP regarding exterior lighting conditions.

Cary Greene, Airport Planner, SJC, stated that SJC has no concerns relating to this project.

Approved finding the rezoning request consistent with the ALUC noise, height, and safety policies for San Jose, as defined in the SJC CLUP.

5 RESULT: APPROVED [5 TO 0]

MOVER: Walter Windus, Commissioner - Seat 1

SECONDER: Glenn Hendricks, Commissioner - Seat 7

AYES: Windus, Barragan, Blake, Matichak, Hendricks

ABSENT: Donahue

- 6. Consider Referral from the City of Palo Alto to Rezone a parcel at 1730 Embarcadero from Planned Community (PC) to Commercial Service with a Design Review Overlay CS(D) and Automobile Dealership (AD) and to apply an overlay rezoning of Automobile Dealership (AD) at 1700 Embarcadero Road, within the Palo Alto Airport Influence Area. (ID# 96787)**

Possible action:

- a. Find the rezoning consistent with the policies contained within the Palo Alto Airport Comprehensive Land Use Plan (CLUP).

OR

- b. Find the rezoning inconsistent with the policies contained within the Palo Alto CLUP.

Mr. Connolly reported that the project involves demolishing and repurposing the former site and that two parcels would be rezoned as commercial service designation with an auto dealership overlay. He further noted that the rezoning has no conflict with any safety or noise policies.

Regarding height, Mr. Connolly reported that the site lies beneath the 154 AMSL surface limit, with the tallest building at 50 feet tall and the elevation at approximately 30 feet ASML, for a total height of 80 feet AMSL. He further noted that the project would be consistent with height policies, however crane usage will require a permit from the FAA.

Finally, Mr. Connolly reported that staff recommends the requirement of an aviation easement dedicated to the City of Palo Alto on behalf of the applicant.

Approved as amended to find the rezoning consistent with the policies contained within the Palo Alto Airport CLUP with the condition that an aviation easement be dedicated to the Palo Alto Airport on behalf of the applicant.

6 RESULT:	APPROVED AS AMENDED [5 TO 0]
MOVER:	E. Ronald Blake, Commissioner - Seat 3
SECONDER:	Diego Barragan, Vice Chairperson - Seat 2
AYES:	Windus, Barragan, Blake, Matichak, Hendricks
ABSENT:	Donahue

7. Discuss and approve forwarding a request to the Board of Supervisors for an exemption to the frequency of regular meetings under Category 1 of Board Policy 3.69, to allow a monthly meeting schedule for the Airport Land Use Commission, on an ongoing basis. (ID# 96202)

The Deputy Clerk provided an overview of Ordinance Code A6-3 that limits the number of County Boards and Commissions meetings to once every two months and Board Policy 3.69 which provides an option to request an exemption to allow monthly meetings for Commissions that qualify. She further noted that the exemption request was reviewed by County Counsel and that following approval, the request will be forwarded to the Board of Supervisors.

7 RESULT: APPROVED [5 TO 0]**MOVER:** Walter Windus, Commissioner - Seat 1**SECONDER:** Glenn Hendricks, Commissioner - Seat 7**AYES:** Windus, Barragan, Blake, Matichak, Hendricks**ABSENT:** Donahue**8. Receive verbal report from the Department of Planning and Development relating to the status of the implementation of the 2018 Comprehensive Land Use Plan amendments. (Mark Connolly)**

Mr. Connolly reported that implementation of the CLUP amendments that were approved in December 2018 is ongoing and that he will inform the Commissioners when the updated CLUPs are online.

8 RESULT: RECEIVED**9. Receive verbal report from the Department of Planning and Development relating to the status of the Hope Village homeless encampment. (Mark Connolly)**

Mr. Connolly reported that Hope Village has vacated from its temporary location in the Guadalupe River area in San Jose and noted that this matter no longer warrants consideration.

9 RESULT: RECEIVED**10. Receive verbal report from the Department of Planning and Development relating to proposed Diridon Station and Downtown Core development in San Jose. (Mark Connolly)**

Mr. Connolly reported that he is unaware of any development agreements made thus far.

In response to an inquiry by Vice Chairperson Barragan, Mr. Greene stated that plans for Adobe North Tower in San Jose are currently pending a No Hazard Determination from the FAA.

10 RESULT: RECEIVED**11. Receive report from Chairperson relating to Commission activities. (Paul Donahue)**

No report was received.

12. Receive report from the Department of Planning and Development. (Mark Connolly)

No report was received.

13. Receive report from Airport Planner, San Jose International Airport. (Cary Greene)

Mr. Greene reported that preparation of an Environmental Impact Report is currently underway for the proposed amendment to the Airport Master Plan and that the FAA is currently reviewing airport layout changes. He further advised of plans for SJC to construct a temporary expansion to Terminal B which is expected to be completed in June 2019.

Discussion ensued relating to the impact of the increase of air operations and the improvement for passengers as a result of the Terminal B expansion.

Commissioner Hendricks requested that Mr. Greene provide a report to the Commissioners which includes airport operations and projections over the past two years.

In response to an inquiry by Commissioner Windus, Mr. Greene advised of the master plan's minor changes to Runway 12R/30L and 12L/30R to conform with the latest FAA standards.

In response to an inquiry by Commissioner Blake, Mr. Greene advised of planned construction to build a fire station on the west side of the airport field.

13 RESULT: RECEIVED

14. Receive report from Director of County Airports. (Eric Peterson)

Ken Betts, Assistant Director of County Airports, reported that relating to the future of RHV, current leases for Fixed Base Operators expire at the end of 2022 and that previous grants expire in 2031 and advised of plans to extend the leases to 2031, which will be presented to the Board of Supervisors (BOS) in September 2019. He further reported that phase one of the lead study indicates no ground contamination and that a study of lead in the air is underway. Mr. Betts reported that on May 21, 2019, the BOS approved engaging services of a consultant to study concepts for reuse of the airport and that a funding source will be identified in the near future. Finally, Mr. Betts advised of the new baseball field lights at the end of the RHV runway as a potential aviation issue as reflectors are installed on the light posts.

Mr. Connolly noted that when the plans to construct the baseball field came to the ALUC, it was determined consistent with the condition that the lights are downward shrouded.

In response to an inquiry by Commissioner Hendricks, Mr. Betts discussed the County's ownership of the RHV property and the legal process necessary to compensate for FAA's investment in the land.

Discussion ensued relating to possible grant money for San Martin Airport and possible uses for the funding.

14 RESULT: RECEIVED**15. Receive report from Moffett Federal Airfield representative. (David Satterfield)**

Mr. Connolly stated that David Satterfield, Chief, Aircraft Maintenance, NASA Ames Research Center, is currently attending a conference in Reno, Nevada relating to a NASA study regarding the issue of drones occupying airspace. Discussion ensued relating to future drone regulations.

15 RESULT: RECEIVED**16. Receive report relating to Palo Alto Airport. (Mark Connolly)**

Mr. Connolly advised of upcoming plans to meet with Andy Swanson, Airport Manager, Palo Alto Airport.

16 RESULT: RECEIVED**Announcements****17. Announcements and correspondence:****a. Commissioners' announcements.**

Commissioner Hendricks announced that the County of Santa Clara and County of Santa Cruz established an airport round table and expressed the desire for representation from San Jose.

b. There is currently one vacancy on the Commission. For internet access to the vacancies list and applications, please visit <http://www.sccgov.org/sites/bos/bnc>.**c. The County of Santa Clara provides reimbursement to appointed Commissioners for family care expenses incurred during the time spent performing their official County duties. For additional information please contact the Office of the Clerk of the Board at (408) 299-5001.****Adjourn****18. Adjourn to the next regular meeting on Wednesday, June 26, 2019 at 6:00 p.m. in Room 157, County Government Center, 70 W. Hedding Street, San Jose.**

Vice Chairperson Barragan adjourned the meeting at 8:10 p.m.

Respectfully submitted,

Jean Anton

Deputy Clerk

Attachment G

Project Plans an CEQA Documentation

Hardcopies of project plans and Pertinent CEQA documents 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>