



Architectural Review Board

Staff Report (ID # 8776)

Report Type: Action Items **Meeting Date:** 2/15/2018

Summary Title: 375 Hamilton Downtown Parking Garage (1st Formal)

Title: PUBLIC HEARING/QUASI-JUDICIAL. 375 Hamilton Avenue [17PLN-00360]: Consideration of an Architectural Review Application for a Five-Level, Nearly 50-Foot Tall Parking Structure, With One Below Grade Parking Level Providing 338 Public Parking Spaces. Environmental Assessment: A Draft Environmental Impact Report is Being Prepared for Publication in Late February 2018 for a 45-Day Public Comment Period. Zone District: PF; Public Facilities. For More Information Contact Chief Planning Official Amy French at amy.french@cityofpaloalto.org.

From: Hillary Gitelman

Recommendation

It is recommended that the Architectural Review Board (ARB) take the following action:

1. Provide comments on the project plans, hear public testimony regarding the Draft Environmental Impact Report, provide comments on the design, and continue the hearing to April 19, 2018.

Report Summary

This report is to support the first ARB review of the formal application for the proposed Palo Alto Downtown Parking Garage at 375 Hamilton Avenue, currently in use as a public parking lot. Environmental review of the project, in accordance with the California Environmental Quality Act (CEQA), is underway. The Draft Environmental Impact Report (DEIR) is scheduled to be published in late February for a 45-day public comment period.

In 2017:

- City Council determined the number of parking spaces for the public garage, and established the direction for a Public Facilities (PF) zoning code text amendment, and

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

- The Planning and Transportation Commission (PTC) held an EIR scoping session.

More recently, on January 22, 2018, Council briefly discussed the potential for the use of mechanical lifts for the Downtown Parking Garage; mechanical lifts are now under consideration in response to Council's request to study their use in public parking garages.

On January 31, 2018, the PTC reviewed the proposed modifications to the Public Facilities (PF) Development Standards and recommended approval. The PTC did not provide comments specific to the Public Safety Building Project Draft EIR, which includes analysis of the proposed PF zoning code text amendment.

The report for the second ARB meeting will provide a recommendation and complete Architectural Review (AR) findings and approval conditions in a draft Record of Land Use Action for ARB consideration. Comprehensive Plan Policies relevant to the project are cited in Attachment D, and code-required Architectural Review Findings are provided in Attachment E. Project approval by the City Council would be based upon AR findings following Council action on a Final EIR, as well as Council action on an ordinance containing the proposed PF zoning changes.

Background

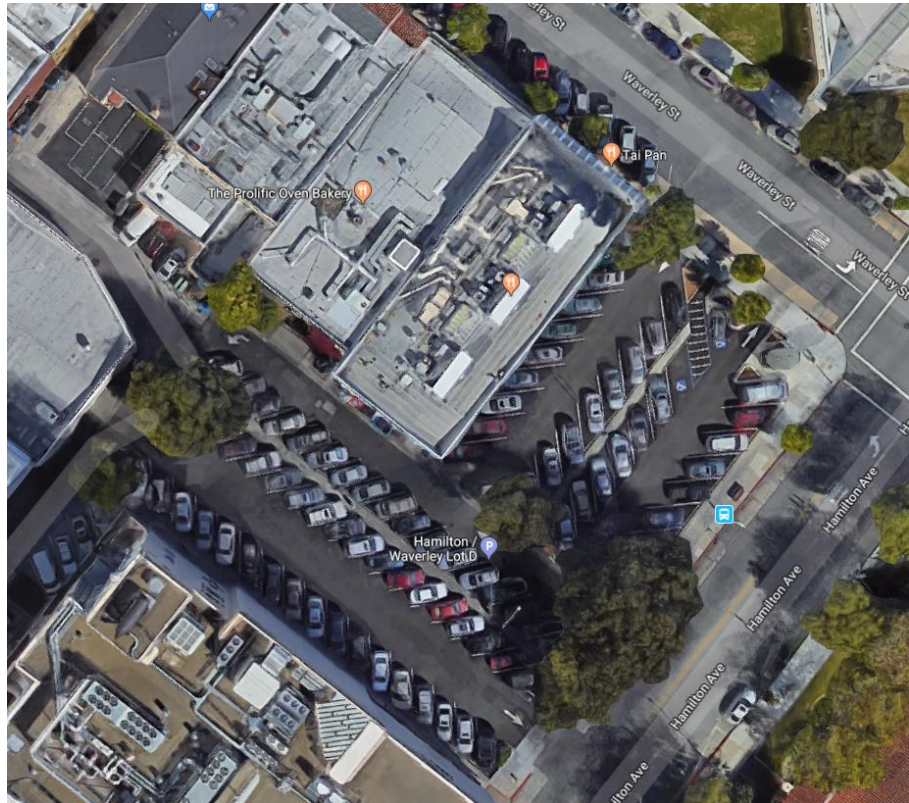
Project Information

Owner:	City of Palo Alto
Architect:	Watry Design, Inc.
Representative:	Holly Boyd, Public Works Senior Engineer, Project Manager
Legal Counsel:	City Attorney's Office

Property Information

Address:	375 Hamilton Avenue
Neighborhood:	Downtown Business District
Lot Dimensions & Area:	L-shaped lot; 29,200 square feet (sq.ft.) of surface parking lot area (concept plans note 29,164 sq.ft. site)
Housing Inventory Site:	No
Located w/in a Plume:	No
Protected/Heritage Trees:	Yes
Historic Resource(s):	Subject property (parking lot) is non-historic; (1) Across Hamilton Av. is 380 Hamilton, the US Post Office, a Category 1 and National Registered resource. Register Form, Inventory Form, and a photo are provided as Attachment B; (2) Adjacent site 526 Waverley St. is a Category 3 Local resource that was modified following HRB/ARB review in February 1998 (new second story fenestration, new rear exit door, and elevator penthouse); a restoration and category upgrade is proposed; and (3) 510 Waverley is a Category 2 Local resource.

Existing Improvement(s):	The site is surfaced with asphalt and trees (some protected oak trees) in planters striped for use a public parking lot
Existing Land Use(s):	Public Facilities - Surface parking lot
Special Setbacks:	7 feet Along Hamilton Avenue
Aerial View of Property:	



Source: Google

Land Use Designation & Applicable Plans

Zoning Designation:	Public Facilities (PF)
Comp. Plan Designation:	Regional Community Commercial
Context-Based Design Criteria:	Context Based Criteria are not contained in PF regulations
Downtown Urban Design Guide:	<p>The project is within the Hamilton Avenue District as described in the Downtown Urban Design Guide. Adjacent properties establishing the context include:</p> <ul style="list-style-type: none"> • 345 Hamilton Avenue, a building constructed in 1958 and occupied by AT&T and Excel Aviation; • 526 Waverley Street, a building constructed in 1928, and Category 3 historic resource most recently occupied by retail use (Palo Alto Sport Shop and Toy World) which is now proposed to be restored to 1928 conditions with a request to upgrade to Category 2; • 550-552 Waverley Street, a building occupied by the Prolific Oven

	retail bakery and Day One retail store; and
	<ul style="list-style-type: none"> 558-560 Waverley Street, a two-story building constructed in 1938, housing the Tai Pan Restaurant on the ground floor and office space on the second floor.
SOFA II CAP:	NA
Baylands Master Plan:	NA
ECR Guidelines ('76/'02):	NA
Proximity to Residential Uses or Districts (150'):	Not within 150 feet of residential uses or district
Located w/in the Airport Influence Area:	NA

Prior City Reviews & Action

City Council:	<p>December 2016: Council directed cost and impacts analysis and directed staff to proceed with design and environmental review. The Council staff report is viewable here: http://www.cityofpaloalto.org/civicax/filebank/documents/55028</p> <p>April 11, 2017: Council provided direction on legislative approach. The Council staff report is viewable here: http://www.cityofpaloalto.org/civicax/filebank/documents/56784</p> <p>The video of the Council meeting is viewable here: http://midpenmedia.org/city-council-123/</p> <p>Council meeting minutes are viewable here: http://www.cityofpaloalto.org/civicax/filebank/documents/57557</p>
PTC:	<p>May 31, 2017: Scoping Meeting</p> <p>The staff report is viewable here: https://www.cityofpaloalto.org/civicax/filebank/documents/57978</p> <p>The video of the Council meeting is viewable here: http://midpenmedia.org/planning-transportation-commission-49/</p> <p>Council meeting minutes are viewable here: http://www.cityofpaloalto.org/civicax/filebank/documents/58628</p> <p>January 31, 2018: PF Zoning Review</p> <p>The staff report is viewable here: https://www.cityofpaloalto.org/gov/boards/ptc/default.asp</p> <p>PTC minutes will be provided to the ARB prior to the hearing</p>
HRB:	<p>August 24, 2017: Preliminary Review.</p> <p>The staff report is viewable here: http://www.cityofpaloalto.org/civicax/filebank/documents/59211</p> <p>The video of the HRB meeting is viewable here: http://midpenmedia.org/historic-resources-board-42/</p> <p>HRB meeting minutes are viewable here: https://www.cityofpaloalto.org/civicax/filebank/documents/62562</p>

ARB:

September 7, 2017: Study Session.

The staff report is viewable here:

<https://www.cityofpaloalto.org/civicax/filebank/documents/61802>

The video of the ARB meeting is viewable here:

<http://midpenmedia.org/architectural-review-board-69/>

ARB meeting minutes are viewable here:

<https://www.cityofpaloalto.org/civicax/filebank/documents/61857>

Project Description

The project is the construction of a new parking garage at 375 Hamilton Avenue (indicated on site context map, Attachment A) to provide 338 automobile spaces (337 spaces plus 1 space serving 550 Waverley Street) and a 2,188 square foot retail space at 375 Hamilton Avenue. The garage would maximize the number of standard parking spaces per Council direction, while providing limited ground floor retail space fronting Waverley Street. The structure would contain five parking levels above ground and one parking level below ground. The project objectives, as described in the DEIR, are as follows:

1. To increase the number of parking spaces within the downtown to maximize the accessibility and convenience to downtown visitors and workers
2. To provide a parking structure that includes neighborhood-serving retail and street frontage to contribute to the economic vitality of the downtown and the City
3. To provide a parking structure that incorporates a pedestrian- and bike-friendly layout
4. To provide a parking structure that is visually appealing and compatible with the Downtown character and nearby historic buildings.

The architect's project description (Attachment B) provides an overview, concept statements, and descriptions of materials, site development and landscape design intent for the project site. The DEIR provides a project description as well, and application information is available online at <https://paloalto.buildingeye.com/planning> (instructions are provided in report Attachment F). For easily accessible project information, including the DEIR, please see the Public Works Department webpage, entitled 'Downtown Parking Garage': <http://www.cityofpaloalto.org/downtowngarage>. Hardcopy plans are provided to the ARB and the designs are viewable on the City's webpages as indicated in Attachment F.

Requested Entitlements, Findings and Purview:

The following discretionary applications are being requested:

- Architectural Review – Major (AR): The process for evaluating this type of application is set forth in Palo Alto Municipal Code (PAMC) 18.77.070. AR applications are reviewed by the ARB and recommendations are forwarded to the Planning & Community Environment Director for action or may be forwarded to City Council for action, which is the case for this project. AR projects are evaluated against specific findings. All findings must be made in the affirmative to approve the project. Failure to make any one finding requires project redesign or denial. The findings to approve an AR application as set forth in PAMC Chapter 18.76 are provided in Attachment E.

- **Zoning Amendment:** The Council is requested to amend the development standards for the Public Facilities (PF) Zone District for parking garages and Essential Facilities in Downtown and California Avenue Business Districts, to allow the parking garage above and below grade to encroach into the 20 foot street yard setbacks and 10-foot interior setback, and to allow greater height and floor area than otherwise allowed by PF zone development standards. Because the PF development standards include reference to special setbacks, amendments to the PF zone will also allow for Council approval of the requested encroachment into special setback along Hamilton Avenue. Special setbacks described in PAMC Chapter 20.08 are reflected on the associated special setback map, and encroachments into special setbacks are allowable by Variance approval, as set forth in PAMC Chapter 18.76. The PTC held a public hearing and recommended the proposed amendment on January 31, 2018.

Zoning Issues

The zoning compliance table (Attachment C) provides a summary of requested exceptions to the PF Zone development standards and special setback on Hamilton Avenue. The proposed legislative changes to the PF Zone development standards are intended to address these exceptions, as described later in this report.

Analysis¹

Preliminary ARB Review Feedback

ARB meeting minutes from the September 7, 2017 Preliminary Review of the project are provided via this link: <https://www.cityofpaloalto.org/civicax/filebank/documents/61857>. The ARB's comments during the Preliminary Review are not binding. The minutes reflect that staff transmitted a verbal summary of the HRB's review of the preliminary designs on August 24, 2017.

The ARB meeting minutes reflect that questions about the adjacent AT&T building and Episcopal Church were answered during the preliminary review. Additionally, a board member asked about how owners of the Waverley address properties would access Lane 21 for service and use trash bins. The project manager from Public Works noted that the garage will have a parking way finding system to help guide people to open spaces so they will be able to tell on each floor which spaces are available. The plan set sheet ARB 6.1 provides images of the parking guidance system, as well as refuse and delivery vehicle turning arcs. An ARB member asked if the 10-foot pedestrian alley could be reduced to five feet in order to increase the setback along Hamilton, to consider creating a 'micro plaza', noting a missed opportunity to connect pedestrians to Hamilton Avenue. The ARB member also stated that the Church across

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 make alternative findings. A change to the findings may result in a final action that is different from the staff recommended action in this report.

Waverly doesn't seem to have been considered and noted that the stair tower on the corner is an opportunity for an enclosed vertical space. The applicant has taken the comments into consideration.

Replacement Trees and Landscape Plan

The Landscape Plan shown on plan sheet ARB 4.1, Landscape Schematic Plan, reflects the tree and shrub sizes, quantity and species. Plan sheet ARB 4.2, Materials and Plant Selections, provides images of the selected trees, vines shrubs and perennials. The project includes removal of one protected tree, a mature Coast Live Oak, and six other 'non-protected' trees on the property at 375 Hamilton Avenue. The Draft EIR contains a mitigation measure requiring the planting of three native oaks "on site" – in the Hamilton Avenue right of way – to compensate for the removal of the one protected oak tree. The CEQA mitigation measure for the loss of the one protected oak has been reviewed by the City's Urban Forester.

Though not a CEQA impact, the removal of six other "regulated" trees from the site also requires replacement on site or within a defined radius of one-half mile to ensure "no net loss" of tree canopy, in accordance with the Urban Forest Master Plan (policy 1G, page 142). Compliance with this policy can be achieved via planting several additional trees on Waverley Street. In addition to the three oaks on Hamilton, the existing Gingko street trees on Waverley will be protected (while the Gingko on Hamilton will be removed), another street tree is proposed near the ATT building, and three columnar Gingko trees are proposed in the pedestrian alley behind the Waverley Street-facing buildings. It appears there is room for a few additional street trees on Waverley Street; the trees would need to be companionable to the existing Gingko trees. Discussion of additional right of way plantings, and the potential for tree plantings (in addition to the low growing (2' tall) Yarrow) on the Lane 21 side will be included in the second staff report for formal ARB review. Staff notes that the image on sheet ARB 3.8 entitled "Eye Height View of Alley from Lane 21" reflects an absence of tall greenery; whether trees can be accommodated to enliven the alley or installation of vines with the post and stainless steel wire system with green screen will be explored in the coming weeks prior to the ARB's second formal hearing of the project. Standard approval conditions will be included in the draft RLUA regarding replacement of the non-protected trees. The table 3-1 Tree Canopy Replacement Standard is provided on the following page, for reference.

C. Size and Number

Often it is not possible to replace a large, older tree with a single equivalent tree. In such cases, the following tree canopy replacement ratio shall be used:

TABLE 3-1

Tree Canopy - Replacement Standard

COLUMN 1	COLUMN 2	COLUMN 3
Canopy of the Removed Tree (Avg. dist. across the canopy*)	Replacement Trees	Alternative Tree
4'-9'	Two 24" Box Size (minimum)	One 36" Box Size
10'-27'	Three 24" Box Size	Two 36" Box Size
28'-40'	Four 24" Box Size	Two 48" Box Size
40'-56'	Six 24" Box Size	Two 48" Box & Two 36" Box Size
56'-60'	Two 24" Box & Two 36" Box + Two 48" Box Size	**
60'+	**	**

*Add half of the difference between the two to the narrowest measurement for the average canopy.

** Replace the tree with a combination of both Tree Canopy and Tree Value Standards.

Note: Basis of this table is determined by the growth of one 24" box size tree, growing at a rate equivalent to 9 feet of canopy over the course of ten years.

Design, Height, Shadow Studies and Lighting

The garage design includes substantially open sides to provide natural ventilation for all levels except the basement level, which is mechanically ventilated. The façade features a two-story base supporting the upper floors of the garage. The base's rhythm relates to the arcade of the adjacent post office and creates areas for bench seating along Hamilton, and entries into the retail space along Waverley. The base of the building also assists in the transition to the two-story, commercial buildings along Waverley Street.

The height of the parking structure is proposed to be 49'-10" to the top of rail on the fifth level parking deck, 58'6" to the top of the PV structure, and 67 feet to the top of the elevator penthouse. The height of the AT&T building at 75 feet serves as a backdrop to the proposed building. The height of the corner staircase enclosure appears to be slightly lower than 58 feet. The plan set includes shadow studies, photometric plans, exterior nighttime lighting perspectives and luminaire cut sheets. The architect's design statement regarding the building's integration into the Downtown context is provided as Attachment B.

Parking, EV and PV

The plans provide a 'parking stall summation chart'. A total of 338 spaces provided for automobile parking would include eight accessible spaces, 86 electric (EV) vehicle charging stalls (19 of which will be installed initially), nine stalls serving the proposed retail space, and

one stall serving 550 Waverley. A long-term bike storage room is proposed at Hamilton Avenue near the driveway. Short term bicycle storage is proposed at the sidewalk near the retail space. The building will be designed with infrastructure to allow for the future installation of photovoltaic (PV) panels mounted on a structure above the top parking deck.

Setbacks and Service to Waverley Street Buildings

The proposed building would extend to the property line at the Hamilton Avenue and Waverley Street edges as well as the interior side lot line shared with the AT&T building. The line of the building's structure encroaches five feet into the street setbacks. However, the architectural cladding/finishes, benches and planters will encroach to the property lines along these streets. A ground floor retail space is proposed to front Waverley Street. The building would be set back 10 feet from the north property line, shared with 560 Waverley, with openings to allow natural ventilation into the parking garage, and light to reach the existing windows at 560 Waverley.

The existing parking lot serves restaurant and retail uses along Waverley Street and provides rear-entry parking to the CVS Pharmacy to the west (352 University Avenue) via Lane 21. In order to maintain access for utilities, services and secondary means of egress for the existing buildings fronting on Waverley Street, the garage would be set back sixteen feet from the shared property line at this location.

Automobile Circulation

The primary site ingress/egress is proposed on Hamilton Avenue near the south corner of the lot. A secondary vehicular exit is proposed at Lane 21. Ingress to the garage from Lane 21 would only be permitted in the event that the Hamilton Avenue access is restricted. Vehicle access will be restricted in the new alley to service vehicles. The alley will be enhanced with architectural paving, new planting, benches and lighting. Vehicle access will be restricted in the new alley to service vehicles.

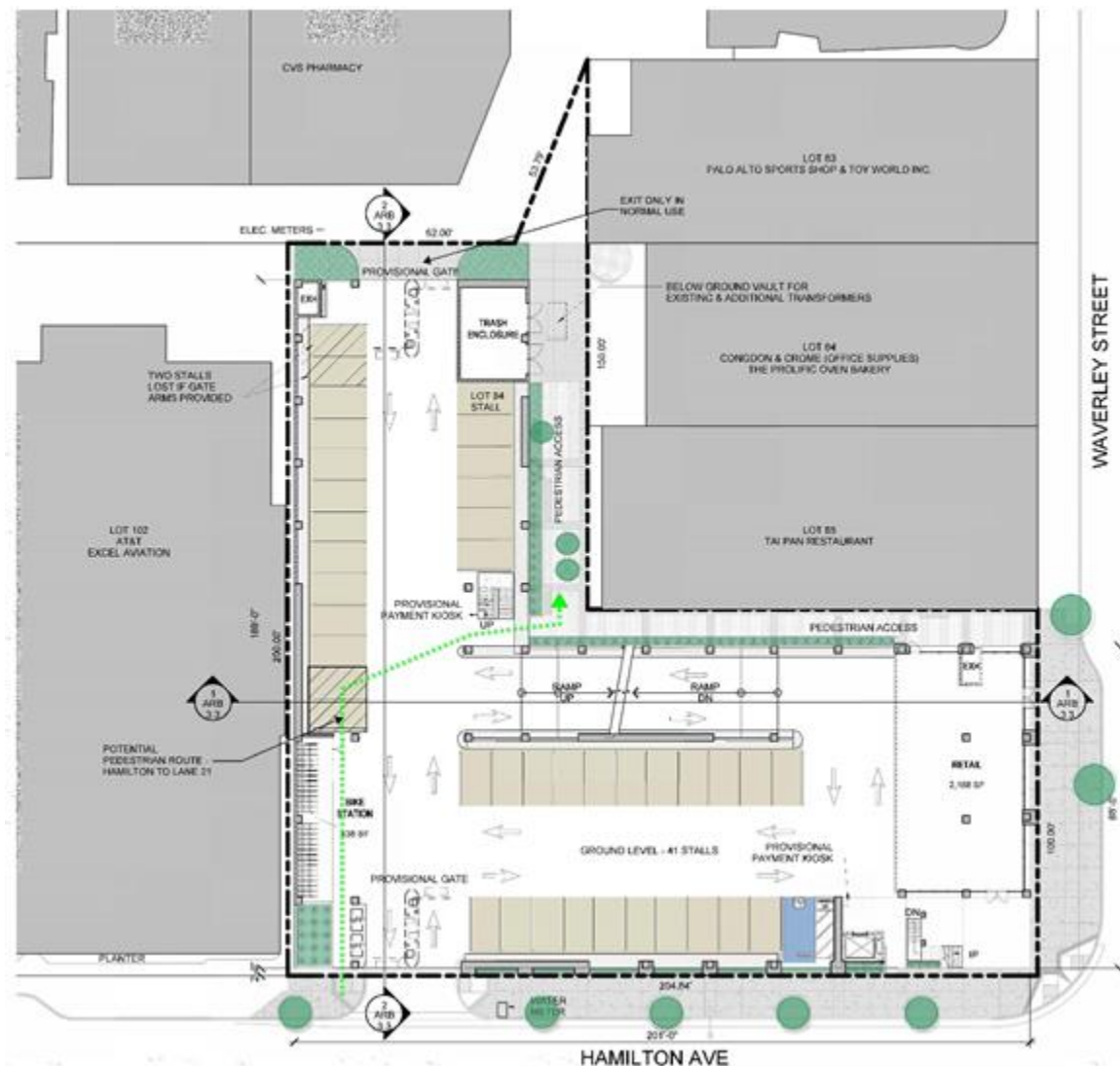
Pedestrian Wayfinding

The proposed separation between the new garage and building at 560 Waverley would create an opportunity for a pedestrian walkway, focused on and leading to the secondary stair and vertical circulation elements. The pedestrian alley would provide a visual connection to All Saints Episcopal Church, and would be visually enhanced with architectural paving, plantings, benches and decorative lighting features. Plan sheet ARB 2.1 reflects a 'potential pedestrian route from Hamilton Avenue to Lane 21' as a green dashed line. Further development of this route may be described at the ARB hearing.

Sidewalks would be widened on Hamilton Avenue and Waverley Street to create a safer and more inviting pedestrian route and experience. The increased sidewalks would work in conjunction with road improvements on Hamilton Avenue with the removal of the current mailbox island, and improvement of the pedestrian crossing point at the junction with Waverley Street.

The primary stair and elevator circulation features are located at the corner of Waverley Street and Hamilton Avenue. Pedestrian way finding is an important aspect of garage navigation. At this street corner, a pedestrian court will provide access to the stair and elevator, as well as an entrance to the proposed Waverley Street ground floor retail space.

A pedestrian entrance route is proposed from Hamilton Avenue to the bike storage area; this route is intended to discourage pedestrians and cyclists from using the entrance drive aisle. There is the opportunity to further extend this pedestrian route for those wishing to pass through the building from Hamilton Avenue on route to the alley way and Lane 21.



Trash/Recycling Facility

A common refuse storage room is proposed at Lane 21 to serve the new retail space on the project site and the Waverley-fronting businesses and the proposed new retail space.

Materials, Colors, and Construction Method

The primary construction material is poured in place concrete columns, slabs and walls. The two-story base on street-facing elevations would be formed of sandblasted concrete in a natural color, similar to All Saints Church, with subtle details used to define the corners and architrave of the building.

Metal flat bars painted a dark bronze color are proposed to infill the first floor openings and create screening for pedestrians. Metalwork would continue on the runs and landings of the stair, which is intended to celebrate the metalwork found in the post office and other Spanish revival buildings. A perforated metal scrim designed to allow the transmission of interior light as a “lantern”, would wrap the main corner stair and assist wayfinding. This element could also be the focus of the public art program for the building. Metal fins would wrap the upper stories in panels outlined by metal channels that would define the cornice of the building at the upper story. The fins would serve to create a body to the building while providing the required garage ventilation. The fin color is intended to be reminiscent of the terracotta colors found in the downtown.

Public Art

The Public Art Commission recently approved Amy Landesberg as the project artist. Potential locations for the integration of public art have been identified on the building. These locations are the shear wall element facing Hamilton Avenue and the stair cladding at the corner of Hamilton Avenue and Waverley Street.

PF Zoning Text Amendments

As noted, the PTC recommended Council approval of the proposed PF zone text amendment on January 31, 2018. Approval of the PF text changes allow for Council approval of this project. In the PF district, the minimum front, side, and rear yards: “shall be equal to the respective front, side, and rear yards required in the most restrictive abutting district; provided, that no yard adjoining a street shall be less than 20 feet and that no interior yard shall be less than 10 feet”. Encroachments, both above and below grade are as indicated on Attachment C. The PF zoning development standards set forth a 20 foot street setback requirement and a reference special setback; in this case, the seven foot special setback along Hamilton Avenue established on the special setbacks map per PAMC Chapter 20.08 is less than the 20-foot street setback identified on the PF development standards table. With the anticipated Council approval of the PF zoning code modification, the proposed project would comply with all applicable codes.

Downtown Urban Design Guide and Comprehensive Plan Policies²

Council adopted the new Comprehensive Plan (Plan) in late 2017. The Plan can be viewed here: <https://www.cityofpaloalto.org/civicax/filebank/documents/62915> The Plan policies relevant to the project (and relevance thereto) will be cited in a Draft Record of Land Use Action for the second ARB report. The Downtown Urban Design Guide (Guide) is a Council-approved tool to accomplish Plan goals. The Plan mentions the Guide: "Downtown Urban Design Guide: 1994 City Council approved document intended to provide a framework for the design of buildings and public spaces in Downtown Palo Alto; provisions are advisory". The Guide policies are noted in the draft EIR for the project, and were referenced in the Preliminary Review report to the ARB, and below.

The Guide was intended to serve as a master plan to guide public improvements and art in public spaces. The Guide recognizes that parking is a crucial element to the success of a downtown commercial area. The Guide includes a guideline to develop a master sign program to improve directional signage to public parking to increase the ease of locating and using the parking lots. The Guide identifies the project site as within the Hamilton Avenue District. The Hamilton Avenue District Goals are as follows:

- 'Promote Hamilton Avenue as an active mixed use district which comfortably accommodates larger scale commercial office, civic and institutional buildings.'
- 'Maintain Hamilton Avenue as a pleasing, tree-lined pedestrian environment with complimentary outdoor amenities to offset the urban intensity which naturally results from the provision of transit service and convenient surface parking.'

The most relevant guidelines within the Hamilton Avenue District section are these:

- "Provide pedestrian links from Hamilton Avenue to University Avenue in conjunction with development of the alleys and parking lots."
- Regarding the westerly intersection corner (project site on map): 'strong building volume recommended', and 'opportunity for pedestrian friendly use'.

The proposed project supports the Guide's district goal to promote Hamilton Avenue as an active mixed use district, by providing parking and retail space. The project includes replacement of street trees and additional street trees to ensure a tree-lined pedestrian environment. Benches will meet the goal for complimentary outdoor amenities to offset the urban intensity. The parking guidance system will make parking in the upper and lower garage levels more convenient. The dashed line pedestrian route from Hamilton Avenue diverts pedestrians to the proposed pedestrian access way rather than straight back from Hamilton to Lane 21. It may be that pedestrians would still walk the straight line to the rear entry of the CVS store. The corner building treatment is strong. The pedestrian plaza at the corner is focused on the staircase and would facilitate direct access to the retail space and the building's elevator. Some plant material in this plaza would improve the pedestrian friendliness. The ARB may wish

² The Palo Alto Comprehensive Plan is available online: https://www.cityofpaloalto.org/gov/depts/pln/long_range_planning.asp

to note how the plans meet Hamilton Avenue District goals, to support the preparation of draft AR findings. The below Table 6 was included in the Draft EIR prepared by the CEQA consultant.

Table 1: Downtown Urban Design Guide Guiding Principles

<i>Principle</i>	<i>Guidance</i>
<i>An Active Place</i>	Downtown Palo Alto will be an exciting, active and friendly place both during the day and night.
<i>A Place to Live And Work</i>	Downtown will be an inviting, clean and safe place for people to live, shop, work and recreate.
<i>A Good Neighbor</i>	The residential character of neighborhoods adjacent to the downtown will be protected from encroachment by commercial downtown uses.
<i>A Sense of Local History</i>	Preservation of historical structures and places will be emphasized. Future projects can draw from historic buildings and social characteristics of Palo Alto for inspiration.
<i>The Pedestrian Environment</i>	The existing building pattern of storefronts or structural bays creates the human scale of Downtown. Attractive and easily recognizable pedestrian and auto entries welcome people. Creatively designed, clean and functional alleys, sidewalks and streets further enhance the pedestrian scale and experience.
<i>An Outdoor Place</i>	Advantage will be taken of the temperate climate by providing outdoor amenities, such as attractive street furniture, newsracks, benches, lighting, restrooms, for beautiful, useful open spaces, preferably designed by artists, architects, and landscape architects. These design elements encourage a stronger sense of community. Abundant and well maintained landscaping will provide Downtown with rich, urban greenscape and outdoor spaces.
<i>Easy Access and Orientation</i>	A clearly defined and developed “city center,” downtown “edges” and landmarks will provide a sense of orientation for the Downtown. Varied transportation methods including automobiles, bicycles, buses and trains will increase ease of access. Adequate and useable parking will be available where it is most needed.
<i>Cultural Amenities</i>	Downtown will celebrate and emphasize cultural amenities which contribute to the richness and diversity of Palo Alto. We will also recognize and nurture the cultural relationship and influence of Stanford University by reestablishing and promoting the historic physical connection of Downtown to

Principle***Guidance***

the University.

Multi-Modal Access & Parking

The project has two vehicle driveways; one located at the south side of the site on Hamilton Avenue and another located at the northwest side of the project connecting to Bryant Street and Waverley Street. Pedestrian access points are included at several locations along the perimeter of the parking facility via the open space between the columns at ground level. The parking facility is accessible for pedestrians from Hamilton Avenue sidewalks, as well as sidewalks that run along the parking facility connecting to Waverley Street and the Waverley Street/Bryant Street driveway. The project also includes a pedestrian access point for the retail land use on Waverley Street, as well as a pedestrian access point to the bike station near the vehicle driveway off Hamilton Avenue. In addition, there are two pedestrian access points to the trash enclosure at the northwest end of the parking facility. The project is not located on a Safe Route to School path. Bicycle parking is proposed in the project to meet the demand.

Consistency with AR Application Findings

Attachment E is provided for the ARB to consider the code required AR findings that will be customized for the project in a Draft Record of Land Use Action prepared for the second ARB staff report. Findings will note that the project is subject to Council approval of zoning code text amendments.

City Department Comments

City staff comments have been forwarded to the applicant for consideration. Several comments from Transportation, Public Works Watershed Protection, and Utilities Engineering, specifically related to design, are noted below. The applicant will be working to address these comments prior to the second ARB public hearing.

Transportation Division

The applicant has recently received comments from the City's Transportation Division staff, who expressed concerns about the following design features:

1. *Pedestrian pathway*: The angle of the pedestrian path of travel between Hamilton Avenue and Lane 21 as depicted on page ARB2.1 on the 12/20 plans isn't suitable and:
 - the crossing needs to be perpendicular to the drive aisle, and
 - the plans should be revised to show the work necessary on the ground floor to enable this walkway (curb ramps, truncated domes, markings, etc.).
2. *Curb corner radius*: The designer should verify the curb corner radius at Waverley and Hamilton to ensure it is as tight as possible to allow vehicles to turn right at "crawl" speeds without encroaching into opposing lanes.
3. *Driveway grade*: the parking garage driveway needs to be at sidewalk grade, not street grade. The curb ramps will need to be removed and replaced with a city standard driveway and the architectural site plan and grading and drainage plan will need to be updated to show the ground floor slab at the correct elevation.

4. *Waverley Street bulb-out*: A shorter bulb-out will allow for additional on-street auto parking. Extending the bulb-out 20-feet north of the curb corner radius return would allow for amenities (bike parking, trash cans, etc.); after which the bulb-out could return to the original curb-line (and the length adjusted as needed so as not to result in fractional car parking spaces).
5. *Waverley Street frontage*: One additional street tree could probably be added.
6. *Hamilton Avenue*: The extent of the work along the post office frontage with the mailbox drop-off removal, and new on-street parking stalls, should be shown in the next set.
7. *Bike station*: An enlarged detailed floorplan view of the bicycle storage room is need to show the footprint of the bicycle parking fixture and dimensions between walls and other vertical obstructions. The designer should verify the clearances meet the minimum requirements for the chosen bike parking product. The specific product to be used (since clearances vary depending on product) should be shown on plans and indicate a two-tier fixture with a lift assist system for the upper tier.
8. *Parking wayfinding signage*: Clearly show the locations of all façade-mounted parking wayfinding signage, including the parking guidance sign shown on page ARB6.1.
9. *Garage name*: The garage shall be known as "Garage 3"
10. *Traffic Signal Plans*: Not necessary for the entitlement but will ultimately need to be prepared for both the Waverley/Hamilton intersection and Waverley/Gilman intersection.
11. *Alleyway*: The alley appears to accommodate a garbage truck and a small delivery van but it might be beneficial to check the actual clearances in the alley for an SU-30 since the width is constrained by dumpsters, bollards (protecting gas meters), and possibly awnings.

Public Works Watershed Protection

The applicant has received comments which include strong suggestions for:

1. *Rain chains*: Use rain chains or similar along vines and other walls/building corners.
2. *Pavers*: Low-maintenance permeable pavers for a small demonstration area.
3. *Interpretive Sign*: Installation of an interpretive sign regarding storm water treatment and pollution prevention; the project is required to meet Bay Regional Municipal Regional Storm-water Permit requirements.

Utilities Electrical Division

The applicant has received these comments, which focus on the project's conflict with existing electric and fiber optic utilities. The issues are:

1. *Relocation of existing lines*: The project requires relocation of primary lines and dark fiber optic system backbone running through the project site (requiring trenching and substructure construction and the installation of conduits, cables and equipment - this work needs to be completed prior to disturbance and/or demolition of existing electric and fiber facilities and requires a formal application to CPAU – Electric Engineering). The applicant will need to show the proposal for relocation on the site plan in the next plan set.
2. *Provision of space for two vaults*: Two vaults each 6 feet wide x 12 feet long x 7 feet deep are needed to house (a) the transformer which will feed the parking garage and (b) the transformer which will replace the existing pad-mounted transformer on-site (with a note vaults 1820 and

1821, located in the triangle area of the premise, are to remain at grade (since location of an electric room on the basement level is not approved).

3. *Pad-mount equipment and electric panel/switchboard*: These will need to be shown on the next plan set for the entitlement process.

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. The Draft EIR is proposed to be published for circulation in late February, 2018, for a 45-day public comment period. The DEIR will be viewable on the City's webpages. The DEIR references a traffic study for the project prepared by Fehr and Peers. The DEIR also refers to the Downtown Parking Master Plan and City of Palo Alto Bicycle and Pedestrian Plan. An excerpt of the DEIR regarding these two plans is provided below:

Downtown Parking Master Plan

The parking master plan provides parking for visitors and customers in the downtown area. It covers both on-street parking and off-street parking in parking lots and garages. The plan restricts on-street parking to two hours and off-street parking to three hours during weekdays between 8:00 A.M. and 5:00 P.M. Short-term parking spaces, commercial loading zones, passenger loading zones, and disability-designated spaces are exempt from the color zone parking requirements. The master plan provides long-term parking for employees of businesses in the downtown area. Similarly, the Downtown Palo Alto Residential Preferential Parking program provides residents with a permit to park on the street for longer durations^[3].

City of Palo Alto Bicycle + Pedestrian Transportation Plan

The 2012 City of Palo Alto Bicycle + Pedestrian Transportation Plan guides public and private investments in non-motorized transportation facilities and related programs. The plan includes policy vision, design guidance, and specific recommendations to increase walking and biking rates. The plan is consistent with the City's Comprehensive Plan. It reinforces the Municipal Code requirement that all bicycle parking areas shall be located at street floor level, or equivalent in a parking garage^[4].

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 *Palo Alto Weekly* on January 26, 2018, which is 20 days in advance of the meeting. Postcard mailing occurred on February 2, 2018, 13 days in advance of the meeting.

^[3] City of Palo Alto, Parking Guide, <http://paloalto.parkingguide.com/> (accessed on October 30, 2017)

^[4] City of Palo Alto, City of Palo Alto Bicycle + Pedestrian Transportation Plan, July 2012, <http://www.cityofpaloalto.org/civicax/filebank/documents/31928> (Accessed on October 30, 2017)

Public Comments and Outreach

Any public comments received during the scoping period for the EIR were forwarded to the consultant. Public comments on the DEIR received before close of the comment period will be addressed in the Final EIR. In November 2017, a community meeting was held to review the proposed design for this project prior to review by the ARB. Staff received written comments from two adjacent property owners (provided as Attachments G and H to this report).

Next Steps

The next time the ARB will review the project will be after the close of the public comment period on the Draft EIR. Timely comments on the Draft EIR would be addressed in a Final EIR for Council adoption. The Final EIR and project are tentatively scheduled for City Council review in late June 2018.

Report Author & Contact Information

Amy French, AICP, Chief Planning Official
(650) 329-2336

Amy.French@cityofpaloalto.org

ARB³ Liaison & Contact Information

Jodie Gerhardt, AICP, Planning Manager
(650) 329-2575

Jodie.Gerhardt@cityofpaloalto.org

Attachments:

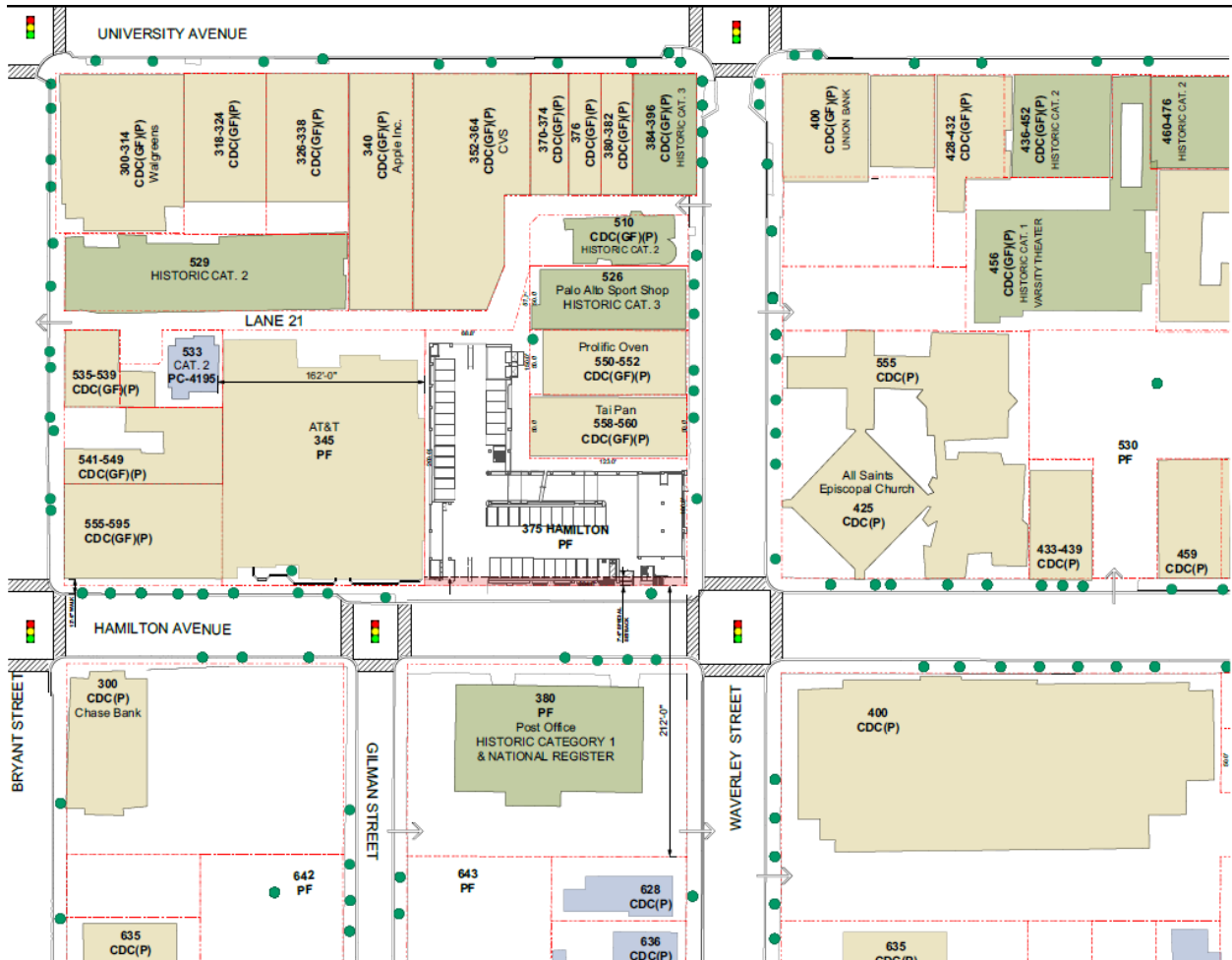
- Attachment A: Site Context Map (DOCX)
- Attachment B: Downtown Parking Garage Project Description (PDF)
- Attachment C: Zoning Compliance Table (DOCX)
- Attachment D: Comprehensive Plan November 2017 Relevant Policies for First Formal AR 375 Hamilton (DOCX)
- Attachment E: Draft ARB findings (In Progress) (DOC)
- Attachment F: Project plans to building eye (DOCX)
- Attachment G: Ehikian Letter October 2017 (PDF)
- Attachment H: Wong Letter September 2017 (PDF)

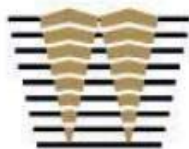
³ Emails may be sent directly to the ARB using the following address: arb@cityofpaloalto.org

Attachment A

375 Hamilton Avenue Site Context Map

Reflecting Adjacent/Nearby Buildings and Zones, and
Existing Street Trees





WATRY DESIGN, INC.
Architects • Engineers • Parking Planners



December 20th, 2017

City of Palo Alto
Department of Planning & Community Environment
250 Hamilton Avenue, 5th floor
Palo Alto, CA 94303

Re: 375 Hamilton Ave., Downtown Parking Garage, ARB Formal Review Project Description

To Planning Staff and ARB Members:

Attached is the formal ARB submittal package for 375 Hamilton Ave., the proposed Downtown Parking Garage. The project applicant is Watry Design Group, with Hayes Group Architects, on behalf of our client, the City of Palo Alto.

This package includes fourteen sets of half size drawings and two sets of full size drawings, including the vicinity map, neighborhood context, site plan, landscape plan, proposed floor plans, elevations, sections, and perspectives.

SCOPE OF WORK

Due to an increased parking demand and a shortage of available parking spaces in the downtown, the City of Palo Alto has begun the process for the design of a new parking structure at the corner of Hamilton Avenue and Waverley Street. The project maximizes the amount of structured parking while integrating the structure within the downtown context with retail storefronts are the primary goals of the project.

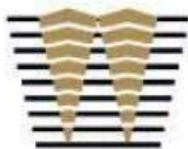
EXISTING SITE USE

The site is located at the east corner of Hamilton Avenue and Waverley Street. The rear of the site adjoins the 'Lane 21' alley. The surrounding vicinity is a mix of downtown retail and office uses. Southwest of the property, at 345 Hamilton is the four-story AT&T central office. Northwest along Waverley are several one and two-story retail buildings, including historic buildings at 526 Waverley, a category 3 historic building and 510 Waverley, a category 2 historic building. Across Hamilton, to the Southeast, is the historic, two-story Post Office, a category 1 historic building. Across Waverley to the Northeast is the All Saints Episcopal Church. The site is more than 150 feet from any residentially zoned properties so increased zoning restrictions do not apply.

The zone district is PF: Public Facility. The district has a fifty-foot height limit. There is a special setback of seven feet along the Hamilton Avenue property line. The PF zone amendment and special set back amendment will be presented to Council to allow amendment of the setback requirements. Easements are not known at this time.

The site area is 29,164 SF, accommodating a surface-level parking lot for 86 vehicles. There is a public restroom at the corner of Hamilton Avenue and Waverley Street. The Arborist Report identifies eight trees on the property, including one protected Coast Live Oak. The protected Coastal Oak is in fair condition with good grow but is not suitable for transplanting.

The occupants of 526, 550 and 560 Waverley utilize a portion of the site to access the backs of their buildings and to pick up trash and recycling.



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PROPOSED USE

A parking structure with five levels above ground and one basement level with a ground floor retail area of **2188 SF** is proposed for the site. The main entry to the building will be from Hamilton Avenue Access is also provided from Lane 21 however this access will generally be for exit only with entry only in the event that the Hamilton Ave. access may be restricted.

This project shall provide **338** total parking stalls. Of these, there will be provision for accessible spaces (**8**); electric vehicle charging (**86, 19** to be installed initially) stalls serving the new retail area (**9**) and a stall serving 550 Waverley.

A long-term bike storage room shall be provided at Hamilton Avenue near the main vehicle entry/exit. This room shall be approximately **438** square feet and have space for approximately **50** bicycles. Short-term bicycle storage can be provided at the sidewalk near the retail space.

A common refuse storage room shall be at Lane 21 near the secondary vehicle entry / exit. This room shall be approximately **450** square feet. It will serve the Waverley Street businesses and the proposed new retail space.

The parking structure will be **49'-10"** to the top of rail on the fifth deck with an elevator penthouse continuing to **63'-0"**.

The building will be designed with infrastructure to allow for the future installation of photovoltaic panels mounted above the top parking deck.

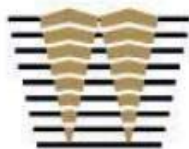
SITE AND BUILDING CONCEPT

The proposed building extends to the property line at the Hamilton Avenue and Waverley Street edges as well as the interior side lot line shared with the AT&T building. A ground floor retail space is programmed for the Waverley Street frontage. At the north property line, shared with 560 Waverley, the edge of the garage sets back ten feet from the property line, allowing openings for natural ventilation into the parking garage, as well as light to reach the existing windows at 560 Waverley. This necessary setback also creates an opportunity for a pedestrian walkway, focused on and leading to the secondary stair and elevator vertical circulation elements. Additionally, a visual connection to All Saints Episcopal church is created between the garage and the church by way of the new alley connection. The alley is visually enhanced with architectural paving, plantings, benches and decorative lighting features that will provide the infrastructure for a useable space.

To create a safer and more inviting pedestrian route and experience the widths of the sidewalks adjacent to the building on Hamilton Avenue and Waverley Street will be increased. The increased sidewalks will work in conjunction with road improvements on Hamilton Avenue with the removal of the current mail box island and improvement of pedestrian crossing point at the junction with Waverley Street.

The primary stair and elevator circulation features are prominently positioned at the corner of Waverley Street and Hamilton Avenue since pedestrian way finding is an important aspect of garage navigation. At this street corner, the building edge erodes, creating a pedestrian court with access to the stair and elevator, as well as an entrance to the ground floor retail space that extends down Waverley Street.

In order to maintain access for utilities, services and secondary means of egress for the existing buildings fronting on Waverley Street, the garage sets back sixteen feet from the shared property line at this



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location. Vehicle access will be restricted in this alley to those vehicles needed for service and the alley will be enhanced with architectural paving, new planting, benches and lighting so that it can be a useable space.

To satisfy the car count goal, the garage is four stories, with parking at the roof level, plus one level of basement parking. The main vehicle entry / exit shall be on Hamilton Avenue near the south corner of the lot since Hamilton is a more travelled way. A secondary vehicular exit shall be at Lane 21.

The garage requires substantially open sides to provide natural ventilation for all levels except the basement level that is mechanically ventilated.

A pedestrian entrance route has been included from Hamilton Avenue to access the bike storage area and to discourage pedestrians and cyclists from using the entrance drive aisle. There is the opportunity to further extend this pedestrian route for those wishing to pass through the building from Hamilton Avenue on route to the alley way and Lane 21.

The building concept is one of transition and compatibility. The garage is integrated into the context of the downtown rather than being self-conscious and aggressive. An integrated building defines itself though program, connections with the site and context as well as streetscape character without replicating architectural styles but drawing from them.

The general massing of the façade is scaled to the street by creating a two-story base supporting the upper floors of the garage. A rhythm to the base relates to the arcade of the adjacent post office and creates areas for bench seating along Hamilton and entries into the retail space along Waverley. The height of the AT&T building at seventy-five (75) feet serves as a backdrop to our building. The base of the building also assists in the transition to the two-story, mercantile buildings along Waverley Street.

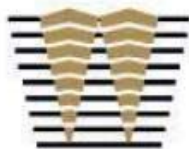
MATERIALS, COLORS, AND CONSTRUCTION METHODS

The primary construction material is poured in place concrete columns, slabs and walls. Along the street edges, the two-story base is sandblasted concrete in a natural color, similar to All Saints Church, with subtle details used to define the corners and architrave of the building. Metal flat bars painted a dark bronze color are used to infill the first floor openings to create screening for pedestrians. The metalwork is continued on the runs and landings of the stair celebrating the metalwork found in the post office and other Spanish revival buildings. Lighted from the inside, a perforated metal scrim wraps the main corner stair creating a lantern element that serves as a wayfinding device. This element could also be the focus of the public art program for the building. Metal fins wrap the upper stories in panels outlined by metal channels that define the cornice of the building as they rise to the upper story. The fins serve to create a body to the building while allowing for the required garage ventilation. Their color is reminiscent of the terracotta colors found in the downtown.

LANDSCAPE CONCEPT

The landscape of the proposed parking structure is designed to enhance the pedestrian environment of downtown Palo Alto and encourage positive social interaction through providing an inviting streetscape and creating a unique and convenient pedestrian alleyway between the existing surrounding buildings and the proposed structure.

The streetscape walkways are replaced and widened to provide more room for circulation along the proposed retail space on Waverley Street and for enjoying the built-in benches and landscaped raised



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planters on Hamilton Avenue. New street trees are proposed along Hamilton in enlarged, 4'x7' tree wells to help ensure healthy growth of the new Ginkgo trees which reflect the existing species of the preserved street trees on Waverley Street.

The corner of the parking structure features a small plaza area that introduces decorative pavers which are also used in the pedestrian access alleyways.

The pedestrian access alleys offer a quiet and human scaled alternative route through the project site. To invite people explore and use the alley, decorative pervious pavement, generous benches, landscaped storm water treatment planters, and pedestrian scaled lighting is used. The storm water planters are at grade level even with the walkway, and will feature a combination of low growing knee high foliage and flowering plants that provide year round interest and function to cleanse storm water directed from the parking structure roof. As width allows, columnar ginkgo trees similar to the surrounding street trees are introduced to further enhance the pedestrian environment and create a pleasant atmosphere for what is expected to be a well-used passageway.

Maintenance access for surrounding Waverley Street businesses is maintained in the pedestrian access alley concrete is used at the north end durability and for ease of access to trash dumpsters. The parking structure is visually softened by the addition of vines trained to grow on the façade.

PUBLIC ART

Potential locations for the integration of public art have been identified on the building. These locations are the shear wall element facing Hamilton Ave and the possibility of an artist's design for the perforation pattern to the stair cladding at the corner of Hamilton Ave. and Waverley.

GREEN BUILDING PROGRAM

The building will comply with the mandatory requirements of the 2016 Non Residential California Green Building Code (CALGREEN + TIER 2)

We look forward to our presentation and discussion with the Architectural Review Board.

Sincerely,

Ken Hayes, AIA
Principal

cc: Watry Design Group

enclosed: Arborist Report, June 2017

ATTACHMENT C
ZONING COMPARISON TABLE
375 Hamilton Avenue

Table 1: COMPARISON WITH CHAPTER 18.28 (PUBLIC FACILITIES DISTRICT)

Regulation	Required	Existing	Proposed
Minimum Site Area, width and depth	None	29,164 sf	29,164 sf
PF Setbacks - Minimum front, side, and rear yards in the PF zone shall be equal to the respective front, side, and rear yards of the most restrictive abutting district, <u>provided no yard adjoining a street shall be less than 20 feet, and no interior yard shall be less than 10 feet – this provision would need to be modified for public parking structures</u>			
Front Yard (Waverley)	20 feet	NA	2 feet (encroaches 8') to wall, 0 feet to columns – PF code to be revised
Rear Yard (next to ATT bldg)	10 feet	NA	2 feet (encroaches 8') – PF code to be revised
Interior Side Yard (at CVS and backing Waverley addressed lots)	10 feet	NA	10 feet – CVS and side of Tai Pan, 16 feet- from rear lines of Waverley buildings
Street Side Yard (Hamilton, special setback)	20 feet PF setback (PF table refers to special setback line which is <i>seven feet on Hamilton</i>)	NA	2 feet to wall (encroaches 18 feet into PF 20' setback, and 5' into 7' special setback) and 0' to columns and benches – PF code to be revised
Min. yard for lot lines abutting or opposite residential districts or residential PC districts	10 feet ⁽²⁾	NA (not abutting 510 Waverley, CDC-GF-P, may have residential use on upper floor)	NA
Build-to-lines	NA	NA	NA
Max. Site Coverage	For parking facilities: equal to site coverage established by most restrictive adjacent district (CD allows 100% site coverage; PF allows 30% site coverage)	NA	NA
Max. Building Height	50 feet	NA	63' stair/elev. Tower 58'6" to top of PV structure 48'10" elsewhere – PF code to be revised

Max. Floor Area Ratio (FAR)	For parking facilities: equal to FAR established by most restrictive adjacent district (1:1 for non-residential use in CDC zone with increase allowed with TDR not to exceed 3:1 in CDC)	NA	139,217 sf - Including below grade parking area (27,834.4 sf for each of four floors above grade plus 27,834.4 sf below grade); for FAR calculation, 111,383 sf above grade (3.8:1 FAR)
Daylight Plane for lot lines abutting one or more residential zone districts other than an RM- 40 or PC Zone	None	NA	NA

ATTACHMENT D

COMPREHENSIVE PLAN POLICIES FOR FIRST FORMAL ARB 375 HAMILTON AVENUE Policies from November 2017 Council Adopted Comprehensive 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,
- Policy T-5.7, require new or redesigned parking lots to optimize pedestrian and bicycle safety,
- Policy T-5.8, promote vehicle parking areas designed to reduce storm water runoff, increase compatibility with street trees and add visual interest to streets and other public locations. Encourage the use of photovoltaic panel or tree canopies in parking lots or on top of parking structures to provide cover, consistent with the Urban Forest Master Plan,
- Policy T-5.9, promote safety for pedestrians in City-owned parking lots by adopting standards for landscaping, signage, walkways and lighting that reduce crime and ensure a safe and orderly flow of traffic,
- Policy T-5.10, encourage the use of adaptive design strategies in new parking facilities in order to facilitate reuse in the future if and when conditions warrant,
- Policy N-2.3, enhance the ecological resilience of the urban forest by increasing and diversifying native species in the public right-of-way, protecting the health of soils and understory vegetation, encouraging property owners to do the same and discouraging the planting of invasive species,
- Policy N-2.10, preserve and protect Regulated Trees on public and private property...and related program N2.10.1 continue to require replacement of trees including street trees lost to new development,
- Policy N-4.12, encourage Low Impact Development (LID) measures to limit the amount of pavement and impervious surface in new development and increase the retention, treatment and infiltration of urban stormwater runoff. Include LID measures in major remodels, public projects and recreation projects where practical.
- Policy L-1.10, hold new development to the highest development standards in order to maintain Palo Alto's livability and achieve the highest quality development with the least impacts,
- Policy L-4.2, encourage street frontages that contribute to retail vitality in all Centers. Reinforce street corners in a way that enhances the pedestrian realm or that form corner plazas. Include trees and landscaping,
- Policy L-4.3, ensure all Regional Centers and Multi-Neighborhood Centers provide centrally located gathering spaces that create a sense of identity and encourage economic revitalization. Encourage public amenities such as benches, street trees, kiosks, restrooms and public art,

- Policy L-5.2, provide landscaping, trees, sidewalks, pedestrian path and connections to the citywide bikeway system within Employment Districts,
- 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-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 well-being; and to enhance a sense of community safety,
- Policy L-6.10, encourage high quality signage that is attractive, energy efficient, and appropriate for the location, and balances visibility needs with aesthetic needs. (no signage proposed with this application),
- Policy L-8.2, provide comfortable seating areas and plazas with places for public art,
- Policy L-70, enhance the appearance of streets by expanding and maintaining street trees,
- Policy L-8.4, create facilities for civic and intellectual life, such as better urban spaces for civic programs and speakers, cultural, musical and artistic events,
- Policy L-8.5, recognize public art ... as a community benefit; encourage the development of new public and private art and ensure such projects are compatible with the character and identity of the neighborhood,
- Policy L-8.6, seek potential new sites for art and cultural facilities, public spaces, open space and community gardens,
- Policy L-9.2, encourage development that creatively integrates parking into the project, including 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 L-9.6, create...publicly accessible, shared outdoor gathering spaces within walking and biking distance of residential neighborhoods,
- Policy L-9.7 strengthen the identity of important community-wide gateways, including...entries to commercial districts,
- Policy L-9.8 Incorporate the goals of the Urban Forest Master Plan into the Comprehensive Plan by reference in order to assure that new land uses recognize the many benefits of trees in the urban context and foster a healthy and robust tree canopy throughout the city,
 - Related Program L-9.8.1, establish incentives to encourage native trees and low water use plantings in new development throughout the city,
- Policy L-9.9, involve the Urban Forester, or appropriate City staff, in development review,

- Policy L-9.11, design public infrastructure, including paving, signs, utility structures, parking garages and parking lots, to meet high-quality urban design standards and embrace technological advances. Look for opportunities to use art and artists in design of public infrastructure.
 - Related Program L9.11.2 Encourage the use of compact and well-designed utility elements, such as transformers, switching devices, backflow preventers and telecommunications infrastructure. Place these elements in locations that will minimize their visual intrusion.

ATTACHMENT E
SIX CODE-REQUIRED FINDINGS FOR ARCHITECTURAL REVIEW APPROVAL
DRAFT FINDINGS WILL BE INCLUDED IN DRAFT RECORD OF LAND USE ACTION

The six Findings for Architectural Review, set forth in Palo Alto Municipal Code Chapter 18.76 Section 18.76.020, were effective as of January 12, 2017.

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

- With Council adoption of amendments to the Public Facilities development standards for city parking garage, the project will comply with the land use and development standards of the PF zone.
- The following policies and programs of the Comprehensive Plan (Plan) are relevant to the project:

List new Comprehensive Plan Policies (relevant policies in Attachment D)

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

(2a) creates an internal sense of order and desirable environment for occupants, visitors, and the general community; *The project is consistent with Finding 2(a), given:*

List aspects meeting finding 2a

(2b) 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; *The project is consistent with Finding 2(b), given:*

List aspects meeting finding 2b

(2c) is consistent with the context-based design criteria of the applicable zone district; *Finding 2c is not applicable since the PF zone does not impose context based design criteria.*

However, downtown urban design guide is applicable and will be cited

(2d) provides harmonious transitions in scale, mass and character to adjacent land uses and land use designations; *The project is consistent with Finding 2(d), given:*

List aspects meeting finding 2d

(2e) enhances living conditions on the site and in adjacent residential areas; *The project is consistent with Finding 2(e), given:*

List aspects meeting finding 2e

(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 is consistent with Finding 3, given:*

List aspects meeting finding 3

(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 is consistent with Finding 4, given:*

List aspects meeting finding 4

(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; *the project is consistent with Finding 5, given:*

List aspects meeting finding 5

(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 Finding #6 given:*

List aspects meeting finding 6

Attachment F

Project Plans

Hardcopies of project plans are provided to ARB Members. These plans are available to the public online and 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: <https://palalto.buildingeye.com/planning>
2. Search for “375 Hamilton Avenue” and open record by clicking on the green dot
3. Review the record details and open the “more details” option
4. Use the “Records Info” drop down menu and select “Attachments”
5. Open the attachment named “Initial Project Plans”.

ANDERLINI & MCSWEENEY LLP

ATTORNEYS AT LAW

† P. TERRY ANDERLINI
* BRIAN J. MCSWEENEY

SEAN M. JACOBSON
CONSTANTINE P. TSAGARIS
G. CHRIS ANDERSEN
ANDREW S. ANDERLINI
ZACHARY R. SCRIBNER

† PAST PRESIDENT STATE BAR
* MCSWEENEY LAW GROUP, APC

66 BOVET ROAD
SUITE 285
SAN MATEO, CALIFORNIA 94402-3520
TELEPHONE 650-212-0001
FACSIMILE 650-212-0081
WWW.AMLAWOFFICE.COM

OF COUNSEL

LAWRENCE A. JACOBSON
THOMAS J. BARGER

October 26, 2017

Molly S. Stump
Palo Alto City Attorney
City Hall, 8th Floor
250 Hamilton Avenue
Palo Alto, CA 94301

Amy French, Planning Manager
Holly Boyd, Project Manager
City of Palo Alto Planning Division
250 Hamilton Avenue
Palo Alto, CA 94301

Re: Development Plans for Parking Structure D
375 Hamilton Avenue at Waverley Street
LEGAL NOTICE OF OBJECTION TO DESIGN

Dear Mses. French, Boyd, and Stump:

This firm has been engaged by Manhattan Associates; O'Keefe Associates & Euclid/O'Connor Associates (collectively the "Owners") with respect to the design for the development of Parking Structure D, located at 375 Hamilton Avenue, which is at the intersection of Hamilton Avenue and Waverley Street in Palo Alto (the "Project").

The Owners are the owners of the property commonly known as 550-552 Waverley Street, Palo Alto, California (the "550-552 Property"), and my clients' representative, Bradley Ehikian, has been communicating with Ms. Boyd and Amy French for the past year regarding the above-referenced Project, and in particular regarding the Owners' concerns regarding the effect of the current proposed design on the 550-552 Property.

Initially, neither Mr. Ehikian nor the Owners are adverse to the Project, generally. Rather, as Mr. Ehikian has repeatedly expressed, and as discussed further below, the problem is that the current Project design is faulty in a manner which would cause a substantial and materially adverse impact on the 550-552 Property.

Attachment: Attachment G: Ehikian Letter October 2017 (8776 : 375 Hamilton Downtown Parking Garage (1st Formal))

October 26, 2017
Page 2

I. BACKGROUND REGARDING THE 550-552 PROPERTY

The 550-552 Property is one of a group of four connected commercial structures on Waverley Street proximate to the intersection of Hamilton Avenue and Waverley Streets. The 550-552 Property is a commercial space presently rented to (a) Prolific Oven, a specialty bakery and coffee house that has operated at that location for approximately forty (40) years; and (b) Singapore Kopitiam, LLC which is a restaurant.

The parking lot at issue is presently in the configuration of an “L” shape, with the lot running from the southern wall of the 560 Waverley Street property (occupied by Tai Pan) to Hamilton Avenue, and, also abutting the back of the group of four buildings. Attached is a satellite photograph depicting an aerial view of the four adjoined buildings, including the 550-552 Property, as well as Parking Lot D.

The 550-552 Property is accessed by foot traffic at the front of the building on Waverley Street. Rear access to the property is made via (a) Parking Lot D (which enters on Waverley Street, with the traffic direction leading directly around to the rear of the 550-552 Property, and (b) Lane 21 which provides access adjacent to the 510 Waverley property (which is the property on the northerly end of the four adjoining properties).

As a commercial property, the rear access is critical to tenants of the 550-552 Property because deliveries to the property are made via the rear entrance. The property also has a dedicated parking spot which is accessed as described above, with the City’s Assessment Roll recognizing the dedicated parking spot which has been integral to the tenants’ catering and bakery businesses. A copy of the Assessment Roll is attached. Furthermore, there are systems at the rear of the 550-552 Property that require vehicular access for ongoing maintenance, such as the grease traps and mechanical equipment.

II. THE PRESENT DESIGN IS UNACCEPTABLE BECAUSE IT ELIMINATES ALL REAR ACCESS TO THE 550-552 WAVERLEY PROPERTY

As Mr. Ehikian has expressed to the City on numerous occasions, the present design for the Project is unacceptable because it completely eliminates all vehicular access to the rear of the Property. As indicated above, the 550-552 Property presently benefits from two methods of rear access – however, the City’s proposed design would eliminate both, and replace the current vehicular access with a dedicated pedestrian walkway rendering the rear of the property inaccessible to any vehicles.

We are bewildered as to why the City and the designer would believe that eliminating vested rear access to a commercial property is appropriate – much less a property that has a dedicated parking space that would then become landlocked and totally inaccessible. Not only does this proposal cause a substantial diminution in value of the property (discussed below), it also

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substantially affects the tenants at the property that would henceforward be unable to receive deliveries.¹

Furthermore, the Owners acquired the 550-552 Property with the ultimate goal to redevelop the property, and in doing so relied upon the rear vehicular access, and, more particularly, the dedicated parking space. The currently proposed design would detrimentally impact – if not eliminate – the ability to redevelop the property, as the dedicated parking space would be inaccessible and the necessary ratio for parking spots to residential units could not be met.

III. THE PRESENT DESIGN WOULD AMOUNT TO AN INVERSE CONDEMNATION BY ELIMINATING RIGHTS OF INGRESS AND EGRESS TO THE PROPERTY CAUSING SUBSTANTIAL DAMAGE

As the City is surely aware, the California Supreme Court has long ruled that a property owner has, as part of the right of ownership of the property, a right to ingress and egress in order to provide access to and from the street abutting the property. *See Rose v. State*, 19 Cal. 2d 713, 272 (1942)(describing this right as “not open to question”). This right, which “arises as a matter of law,” is held to be an easement which attaches to the lot and is considered to be as much a part of the property ownership as the lot itself. *Id.*

The California Supreme Court has likewise held that “any act of [a] municipality by which that easement is destroyed or substantially impaired for the benefit of the public is a damage to the lot itself within the meaning of the constitutional provision, for which he is entitled to compensation.” *Id.* (awarding damages to the owners in the form of diminution of value to the property due to impairment of the right of access to the street).

The test for determining whether the municipality has engaged in an inverse condemnation is whether the right to ingress and egress has been “substantially impaired.” *Id.* Here, the City proposes to not just impair vehicular access to the property, but to eliminate it altogether such that deliveries to the commercial property could not be made via the rear entrance and the dedicated parking space would be landlocked.

Moreover, I note that in evaluating whether an inverse condemnation has occurred, “[t]he extent of the easement of access may be said to be that which is reasonably required giving consideration to all the purposes to which the property is adapted.” *Goycoolea v. Los Angeles*, 207 Cal. App. 2d 729, 733. Therefore, the historical commercial use of the 550-552 Property, and use of the rear entrance for deliveries and related purposes, is considered as part of the easement which “arises as a matter of law.” *Id.* (impairment of access to industrial building affected use and was compensable).

¹ It should go without saying, but deliveries to the front of the property would likewise be impossible given that the street in front of the property is dedicated to metered parking spaces that are inaccessible to delivery trucks (and moreover, I understand the reason for the development of Lot D is the lack of available parking in the area, such that it would be virtually impossible for commercial delivery trucks to routinely find street parking). Further, making large deliveries through the front door of a restaurant during business hours would be disruptive to the business.

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Case law holds that engaging in construction that permanently deprives an owner access to an existing parking space constitutes a compensable taking – and, in fact, such a proposed taking by a municipality is subject to injunctive relief in favor of the owner preventing such construction. *Hurwitz v. City of Orange*, 122 Cal. App. 4th 835 (2004)(building curb blocking parking space constituted taking, and discussing injunctions issued in favor of owner preventing construction).

Here, the proposed design would cause substantial diminution in value to the 550-552 Property in that rear access to the Property would be totally eliminated; the dedicated parking space would be landlocked and rendered unusable; the use of the property by the owner and tenants will be substantially affected in that the universe of available tenants would be reduced significantly to tenants that do not require rear access (which is a small pool in this significantly commercial area); and the potential to develop the property would more than likely be eliminated due to an inability to meet requirements for dedicated parking spaces. Based upon the foregoing, any proposed plan to eliminate rear access to the 550-552 Property would cause a substantial reduction in value.

Further, pursuant to California Code of Civil Procedure 1036, the Owners will be entitled to recovery of their attorneys fees and costs incurred with respect to this issue.

IV. CONCLUSION

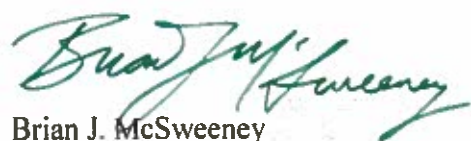
As indicated at the outset, the Owners are not opposed to improvement of the parking lot. However, the presently proposed design is unworkable, and in the Owners' opinion, the cost of the inverse condemnation far outweighs the benefit of any current design – particularly because it should not be difficult to modify the design to retain access without altering the general structure of the Project.

The Owners have diligently attempted to reach an informal resolution of this issue with the City, have discussed alternate designs, and would much prefer to resolve the issue with a refinement to the design to account for the issues raised herein. However, the Owners will not abide by any proposed Plan that will eliminate vehicular access to the rear of the property and will assert all available remedies – including injunctive, administrative, and legal – to prevent any construction blocking access to the rear of their property.

My clients and I are willing to meet with you to discuss these issues further. Regardless, this letter serves as the Owners' formal notice of their objection to the Project. Please include this office on any notices that issue with respect to the Project

Sincerely,

ANDERLINI & McSWEENEY LLP



Brian J. McSweeney

BJM:smj
Enclosures

Attachment: Attachment G: Ehikian Letter October 2017 (8776 : 375 Hamilton Downtown Parking Garage (1st Formal))

Waverley Post LP
P. O. Box 204
Palo Alto, CA 94302

September 6, 2017

Via E-Mail

Ms. Amy French, Chief Planning Official
Planning and Community Environment
City of Palo Alto
250 Hamilton Avenue
Palo Alto, CA 94301

Dear Ms. French:

As followup to our meeting on August 31, 2017, we wish to document the concerns and potential solutions we discussed with you and Ms. Holly Boyd regarding the new Downtown Parking Garage at 375 Hamilton Avenue. These fall into two categories: some that relate to the new garage in relation to its most nearby buildings, and then concerning the new structure itself.

Parking Access for Future Residential Units. Regarding parking access, we are encouraged by the opportunity for vehicular access to future on-site basement parking in lots 85 and 84 through tunnels (to be constructed by property owners) from the below-ground level of the garage at 375 Hamilton. You mentioned that this type of underground access has been provided elsewhere in the City. We request that the structural elements in the new garage be designed and constructed to accommodate a future two-way tunnel for such purpose.

Ongoing Servicing of Existing Grease Traps and HVAC Units. The restaurant operations at lots 85 and 84 require regular access for servicing, maintaining and replacing their grease traps, HVAC and other utilities. As well, regular access for trash and recycling removal is required. These activities take place at the back of the respective buildings. These activities are messy and uninviting and would not be compatible with the buildout and fine flooring for customer access at the front of the building. We request that the walkway behind the buildings and parallel to Waverley Street be constructed in a manner to allow trucks to enter and service the backs of the buildings in a similar fashion as the access for the Greenwaste trucks to the dumpsters in the new garage.

Deliveries and Loading Zones. There are no designated loading zones provided to the businesses on this block of Waverley Street as well as to many businesses on the 300 block of University such as CVS and the Apple store because the current parking lot where the new garage is to be built served as their de-facto loading zone. While we appreciate the suggestion of creating a loading zone in front of the new garage on Waverley Street, this is far from the receiving end of all of these businesses and we request a design that could accommodate one or two loading zones closer to the rear of the buildings.

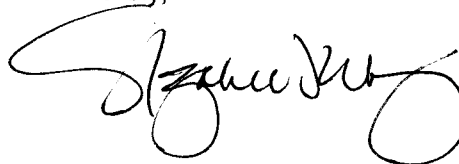
Design of the Parking Garage. The design of the new parking structure itself appear massive in the context of the low buildings on that block of Waverley Street and the Birge Clark historical post office across Hamilton. We had proposed earlier a 3-story above ground structure with two

stories of underground parking. This would be a much better fit for this location. Also, not having the additional parking to be provided by the second underground level of parking is a lost opportunity to the City in terms of foregoing the use of such valuable underground space, considering that such designs have become standard procedure for commercial downtown development. Much like in private developments, the City can mitigate the possibility of encountering underground hazardous materials, if encountered, through applicable insurance coverage, and mitigate underground water through modern construction techniques and procedures.

The proposed facades with walls and/or screens and/or vertical fins add to the appearance of mass and we advocate a simpler, more honest design with open floors above half-walls and/or elegant rails on each floor. Some screens or trellises can be used selectively at targeted spaces to provide relief and as backdrops for garden walls or other landscaping.

We appreciate your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Elizabeth Wong', with a large, stylized loop at the end.

Elizabeth Wong

cc: Brad Ehikian
Jon Goldman
Holly Boyd
Brad Eggleston
ARB
City Council
James Keene
Ed Shikada
Hillary Gitelman
Jonathan Lait
Molly Stump