



Architectural Review Board

Staff Report (ID # 13797)

Report Type: Action Items **Meeting Date:** 1/20/2022

Summary Title: 2850 West Bayshore Road: 48 Townhomes (1st Formal)

Title: 2850 West Bayshore [21PLN-00177]: Request for Architectural Review of a Proposed 48-Unit Residential Townhome Development. Environmental Assessment: Pending. Zoning District: ROLM (Research Office and Limited Manufacturing). For More Information Contact the Project Planner Garrett Sauls at Garrett.Sauls@CityofPaloAlto.org.

From: Jonathan Lait

Recommendation

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

1. Recommend continuation of the proposed project to a date uncertain for review of final design and environmental documents.

Report Summary

Summerhill Homes seeks approval of a three-story, 48-unit townhome development in the Midtown neighborhood. The project previously went before the ARB as a preliminary review on April 1, 2021 (File No. 21PLN-00041). The townhome project would replace a 1977 office building, which is not a historic resource. The project is subject to architectural review findings, conditional use permit findings, Design Enhancement Exception findings, and context-based design criteria, and compliance review with the City's multifamily zoning code Chapter 18.13. The applicant is also requesting a density bonus and concessions under California State Government Code Section 65589.5. The ARB is encouraged to review the project's massing and architectural elements, which may require further refinement.

Draft findings and conditions will be included in a future staff report; City staff are preparing environmental documents which are necessary prior to any decision on the project.

Background

Project Information

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

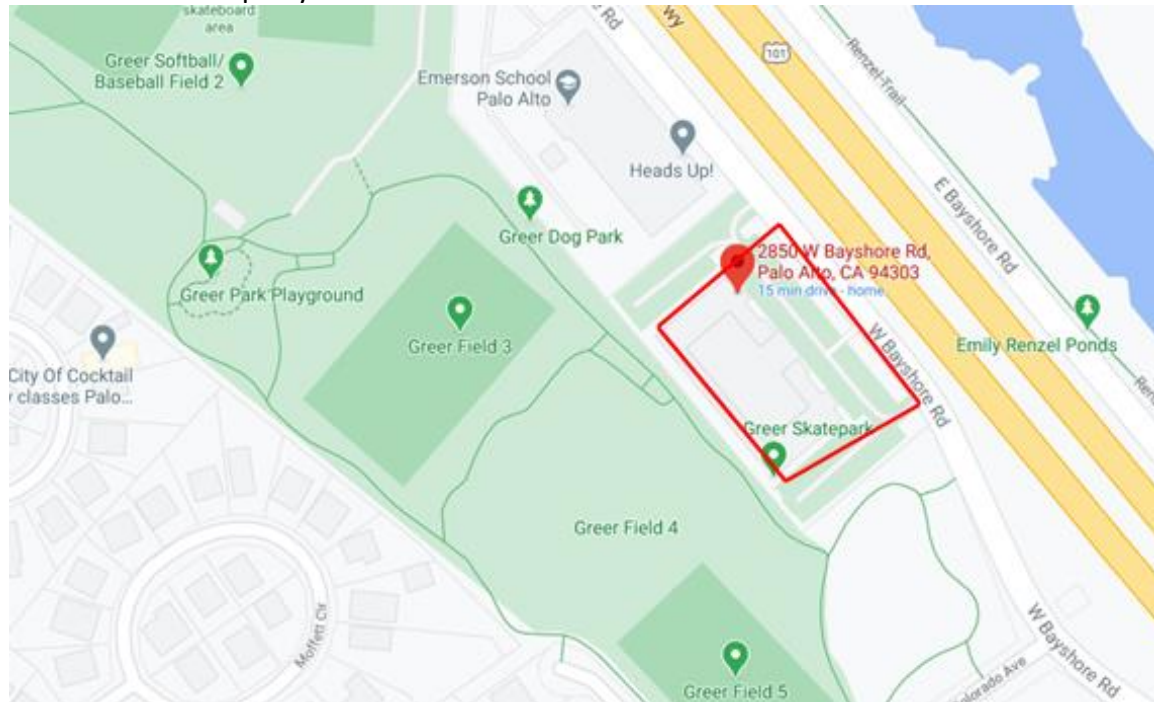
Owner:	Summerhill Homes
Architect:	SDG Architects
Representative:	John Hickey, Summerhill Homes
Legal Counsel:	Not Applicable

Property Information

Address:	2850 W Bayshore Road
Neighborhood:	Midtown
Lot Dimensions & Area:	~235 feet x ~767 feet, 2.34 acres
Housing Inventory Site:	Not Applicable
Located w/in a Plume:	Not Applicable
Protected/Heritage Trees:	Street trees present (see discussion below)
Historic Resource(s):	Not Applicable

Existing Improvement(s):	34,296 sf, single-story office building constructed in 1977
Existing Land Use(s):	Research and Development (currently vacant)
Adjacent Land Uses & Zoning:	<p>North: PC-1889 Zoning (Institutional land use [school/daycare])</p> <p>West: PF Zoning (Park land use [Greer Park])</p> <p>East: PF Zoning (Open Space land use [Baylands across Highway 101])</p> <p>South: PF Zoning (Park land use [Greer Park])</p>

Aerial View of Property:



Source: Google Maps

Land Use Designation & Applicable Plans

Zoning Designation:	ROLM (Research Office and Limited Manufacturing)
Comp. Plan Designation:	Research/Office Park
Context-Based Design Criteria:	Applicable
Downtown Urban Design Guide:	Not Applicable
South of Forest Avenue Coordinated Area Plan:	Not Applicable
Baylands Master Plan:	Not Applicable
El Camino Real Design Guidelines (1976 / 2002):	Not Applicable
Proximity to Residential Uses or Districts (150'):	Not Applicable
Located w/in the Airport Influence Area:	Not Applicable (just outside the boundary)
<u>Prior City Reviews & Action</u>	
City Council:	None
PTC:	None
HRB:	None
ARB:	Preliminary ARB Hearing [21PLN-00041] – April 1, 2021

Project Description

Summerhill Homes proposes to demolish an approximately 32,300 square foot (sf) commercial building and redevelop the 2.34-acre site with a 48-unit townhome style development. The new development includes eight three-story buildings, each with six residential units. Access to the site would be provided from West Bayshore Road. The project would include seven (7) below market rate units and the applicant would provide in-lieu fees for 0.2 units, consistent with the City's affordable housing requirements for new condominium developments. The project's residential density is 20.5 units per acre.

A location map is included in Attachment A. The applicant's complete project description and request letter is included in Attachment B and the project plans are included in Attachment E.

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 PAMC 18.77.070. AR applications are reviewed by the ARB and recommendations are forwarded to the Planning & Development Services Director for action within five business days of the ARB's recommendation. Action by the Director is appealable to the City Council if the appeal is filed within 14 days of the decision. 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. Tailored AR findings will be provided in the next staff report.

- **Conditional Use Permit (CUP).** A CUP is needed for residential project within the ROLM zone. The process for this type of application is set forth in PAMC 18.77.060. CUP applications are reviewed at a staff level and the Director of Planning and Development Services issues a decision. Action by the Director is appealable to the City Council if the appeal is filed within 14 days of the decision. PAMC 18.76.010 outlines the findings for the granting of approval of a Conditional Use Permit. To approve the project, both findings must be made in the affirmative. Failure to make either finding requires denial of the project. Tailored CUP findings will be provided in the next staff report.
- **Design Enhancement Exception (DEE).** The applicability and findings for a DEE are outlined in PAMC Section 18.76.050. Design Enhancement Exceptions are reviewed by the ARB and recommendations are forwarded to the Planning & Development Services Director. This request would be processed in conjunction with the Major AR application. DEE requests 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. Tailored DEE findings will be provided in the next staff report.

The following anticipated application would be subject to review by the PTC and City Council:

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

In addition, the project review is subject to the following State regulations:

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

The HAA states that a city cannot disapprove a project, reduce its density, or otherwise make a project infeasible, when the project complies with objective standards. The only exception to this is when a project would have a specific adverse impact, which is narrowly defined. Modifications to the HAA in 2018 made it easier to claim compliance with objective standards; a project must be considered consistent with objective standards if "there is substantial evidence that would allow a reasonable person to conclude" that a project complies. However, if an applicant seeks an exception to an objective standard, such as a Design Enhancement Exception, many HAA limitations no longer apply. Decision-makers must rely on the findings required or criteria for approval of that specific modification; however, this opens the whole project to discretionary review. In such a case, subjective standards and design guidelines can be used to evaluate projects.

- **SB330 Permit Review.** Effective January 1, 2020, SB330 made several changes to existing State housing law, including the HAA and Permit Streamlining Act. For the purposes of the work described herein, the important elements are as follows:
 - Prohibits jurisdictions from imposing (on housing projects) subjective design standards established after January 1, 2020.
 - Requires that jurisdictions only subject a housing development project to review pursuant to the ordinances, policies, and standards adopted and in effect when a preliminary application is submitted (vs. when it is deemed complete).
 - Prohibits jurisdictions from enacting development policies, standards or conditions that would change current zoning and land use designations where housing is an allowable use. In such cases, the City cannot lessen the intensity of housing—such as reducing height, density, or floor area ratio, requiring new or increased open space, lot size, setbacks or frontage, or limiting maximum lot coverage. Effectively, this clause prohibits downzoning, though the City may rebalance density between various districts.
 - Limits jurisdictions to reviewing the project in five hearings in total once the project is deemed complete. This includes the hearings needed under the Vesting Tentative Map.

Analysis¹

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.

Neighborhood Setting and Character

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

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

The existing building on 2800 West Bayshore Road is about 18 feet and seven inches tall based on the streetscape elevation drawings in the plan set. The proposed townhomes will be almost twice as tall with an average height of 35 feet to the top of the parapet and roughly 39.5 feet to the midpoint of the tower elements on each building. While this could impact views from 2800 West Bayshore Road, mature tree canopies would interrupt views and soften the massing impacts.

The basketball court at the shared property line on 2800 West Bayshore Road is an active use; otherwise, there are no active uses currently along this side of the property. As a result, the proposed building is unlikely to deter individuals from utilizing the currently inactive space. As there are children present adjacent to this new housing project, staff seeks the ARB's input on potential privacy impacts from the project's adjacency to the playground and measures to bolster privacy between the sites.

Consistency with the Comprehensive Plan, Area Plans and Guidelines²

The Comprehensive Plan includes Goals, Policies, and Programs that guide the physical form of the City. The Comprehensive Plan land use designation for the project site is Research/Office Park, which allows for a variety of commercial uses as well as mixed-use and exclusively residential projects.

The Research/Office Park land use designation states that It allows floor area ratios (FAR) ranging from 0.3:1 to 0.5:1. This project would exceed that FAR through use of a concession, in accordance with the state density bonus (Government Code Section 65915). As outlined in this government code, "the granting of a density bonus shall not require, or be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval." Therefore, neither a Comprehensive Plan amendment, nor a

² The Palo Alto Comprehensive Plan is available online:
<http://www.cityofpaloalto.org/gov/topics/projects/landuse/compplan.asp>

Zoning Code Text Amendment is required to accommodate the proposed floor area requested under the state density bonus.

The proposed use is consistent with the property's Comprehensive Plan land use designation. The City's Comprehensive Plan, particularly the Land Use and Housing Elements, includes several goals and policies that encourage housing development. A detailed review of the project's consistency with the Comprehensive Plan will be provided in the next staff report.

Zoning Compliance³

The project is located on a site zoned Research, Office and Limited Manufacturing (ROLM). The ROLM zoning allows multi-family residential uses with approval of a CUP. Under the ROLM zoning, exclusively residential projects must comply with the RM-30 Zone District development standards. Staff presents an analysis of the project's consistency with the multifamily standards in PAMC 18.13 in Attachment C. Conformance with the Performance Criteria in 18.23 will be provided in the subsequent hearing. As shown in the attachments, the project exceeds the allowable floor area and height allowances. As noted, the applicant requests a state density bonus concession and Design Enhancement Exception. This is further described below.

State Density Bonus

The project includes 15% of the units on-site as moderate-income affordable units (in-line with the City's minimum affordability requirements), which enables the applicant to take advantage of the state density bonus and concession policies under PAMC 18.15. Per PAMC 18.15.050 Table 2, any project that provides 10%-20% moderate-income, for-sale units, qualifies for one concession from the City. The applicant will provide seven units on site with 0.2 units paid through in-lieu housing fees.

The proposed residential density (approximately 20 dwelling units per acre) is consistent with the site's allowable density. As noted in the applicant's project description (Attachment B), the applicant requests to utilize the "off-menu" concession provisions of PAMC 18.15.080 to request an FAR of 1.153: 1:0. The applicant has provided evidence, in the form of a cost analysis, in accordance with PAMC Section 18.15.080, to show that a floor area ratio of this amount provides "identifiable and actual cost reductions." Staff are in the process of evaluating this submission for consistency with state density bonus law.

Design Enhancement Exception (DEE) Request

The applicant proposes a DEE for increased height for three tower elements on each of the individual structures. The intent is to create more variation between the middle and top of the structure as well as to provide better articulation across the buildings. The height (i.e. mid-point) of the main sloped roof and parapet roofs would be 35 feet, consistent with the height requirements for the zone district. However, the tower elements would be 39.5 feet in height.

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

DEEs are typically applied to unique architectural features. The code states that “items for which DEEs may be granted include, but are not limited to, dormers, eave lines, [and] roof design...” The code also states that DEEs are limited to “minor changes to the setback, daylight plane, height...” The ARB previously indicated support for the applicant’s DEE provided that the tower elements were integrated into the living spaces of the units rather than be tacked on architectural elements to the building. As a result, the applicant has modified their design to have vaulted ceilings in units that have tower elements and have included three panel tall windows to allow for light to enter these units. Staff believes that this modification addresses the primary concerns the ARB previously raised, however, if there are additional details or clarification needed, board members may request them.

Open Space

The ARB previously raised concerns regarding the available open space provided for each unit and encouraged the applicant to ensure that each unit have private open space. In response to this feedback, the applicant increased each unit’s available private open space. A majority of units have a mixture of balconies at the second-floor level and patios at the ground floor level. Ten (10) corner units will also incorporate a second-floor balcony.

In accordance with PAMC Section 18.13.040(e)(2), with the ARB’s review, the Director may allow part or all of the required private usable open space areas to instead be provided as common usable open space. The intent of this flexibility is to improve design, privacy, protection, and increase play area for children. As some of the ground floor patio spaces do not fully meet the dimensional requirements identified in the code, the applicant is proposing a 9,000+ square foot common open space to satisfy the private open space requirements for each unit. Staff believes that the applicant’s modifications have adequately addressed the ARB’s previous concerns.

It does not appear as though the applicant has provided an internal connection between the project and Greer Park. This is an issue that the ARB said was something the project should address so that future residents will have easy access to Greer Park without needing to walk out to West Bayshore Road. The applicant studied the issue, as shown in Attachment F, after the preliminary hearing. The applicant notes that the grade change between the property after fill and Greer Park would be too challenging to implement without causing safety and accessibility issues. Staff is seeking input from the ARB on how this access may be achieved with the project design.

Sound Wall

To reduce noise levels for residents, the applicant proposes to install a sound wall within the City’s public right-of-way between Highway 101 and West Bayshore Road. Various departments, including Transportation and Public Works, reviewed and evaluated engineering plans for the wall location to determine the feasibility of this request. In response to comments from staff and the ARB, the applicant states that they will expand the right of way in front of their property to accommodate additional space for the sound wall as well as an expanded bike lane connection on both sides of the street. This will be achieved through an access easement

recorded along the front of the property through the Vesting Tentative Map process. Staff believes that this modification to the plans addresses the concerns that the ARB previously raised. It also would provide the City an enhanced public benefit with the expanded bike lane connection along West Bayshore Road.

Multi-Modal Access & Parking

PAMC 18.52.040 Table 1 requires multifamily units to be parked based on how many bedrooms are provided for each unit proposed on site. The highest ratio requires two parking spaces based on a two-bedroom or greater unit size. The applicant proposes 48 units with two-bedrooms or more and 96 covered parking spaces, which complies with the City's minimum parking requirements.

The applicant proposes to provide four guest parking spaces on site as well as one Drop-Off/Delivery space adjacent to Buildings 6 and 7; three more spaces than were previously presented to the ARB. The applicant is also proposing to provide 96 long term bicycle parking spaces, distributed inside the garages of each unit, and six short term bicycle parking spaces near the common open space area inside the complex; this proposal conforms to the bicycle parking requirements in Table 1.

Consistency with Application Findings

The generic findings for approval of the Architectural Review, Design Enhancement Exception, and Conditional Use Permit applications have been included as an attachment in this staff report. As noted, tailored findings will be provided in the next staff report.

Environmental Review

The subject project is being 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. Staff has retained Rincon Consultants Inc. to perform an assessment of the project's impact on the environment. As a part of this review, Rincon has contracted with W-Trans to perform a circulation study and VMT analysis that is currently being performed. Once that document has been finalized, staff will provide additional analysis regarding these aspects of the project. Staff anticipates that the project will qualify as a Categorical Exemption; however, a complete analysis will not be available until the next hearing. Upon completion of the environmental document, staff will review it and bring it back to a second hearing for public review.

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 January 7, which is 13 days in advance of the meeting. Postcard mailing occurred on January 4, which is 16 days in advance of the meeting.

Public Comments

As of the writing of this report, the city received one project-related, public comment as a part of the preliminary ARB application [21PLN-00041]. The comments received were related to the project's potential massing, parking, and traffic impacts. In April, staff responded to these comments after the project was heard on April 1, 2021. Since the project was formally submitted to staff for review, there have been no public comments received.

Report Author & Contact Information

Garrett Sauls, Associate Planner
(650) 329-2471

Garrett.Sauls@CityofPaloAlto.org

ARB⁴ Liaison & Contact Information

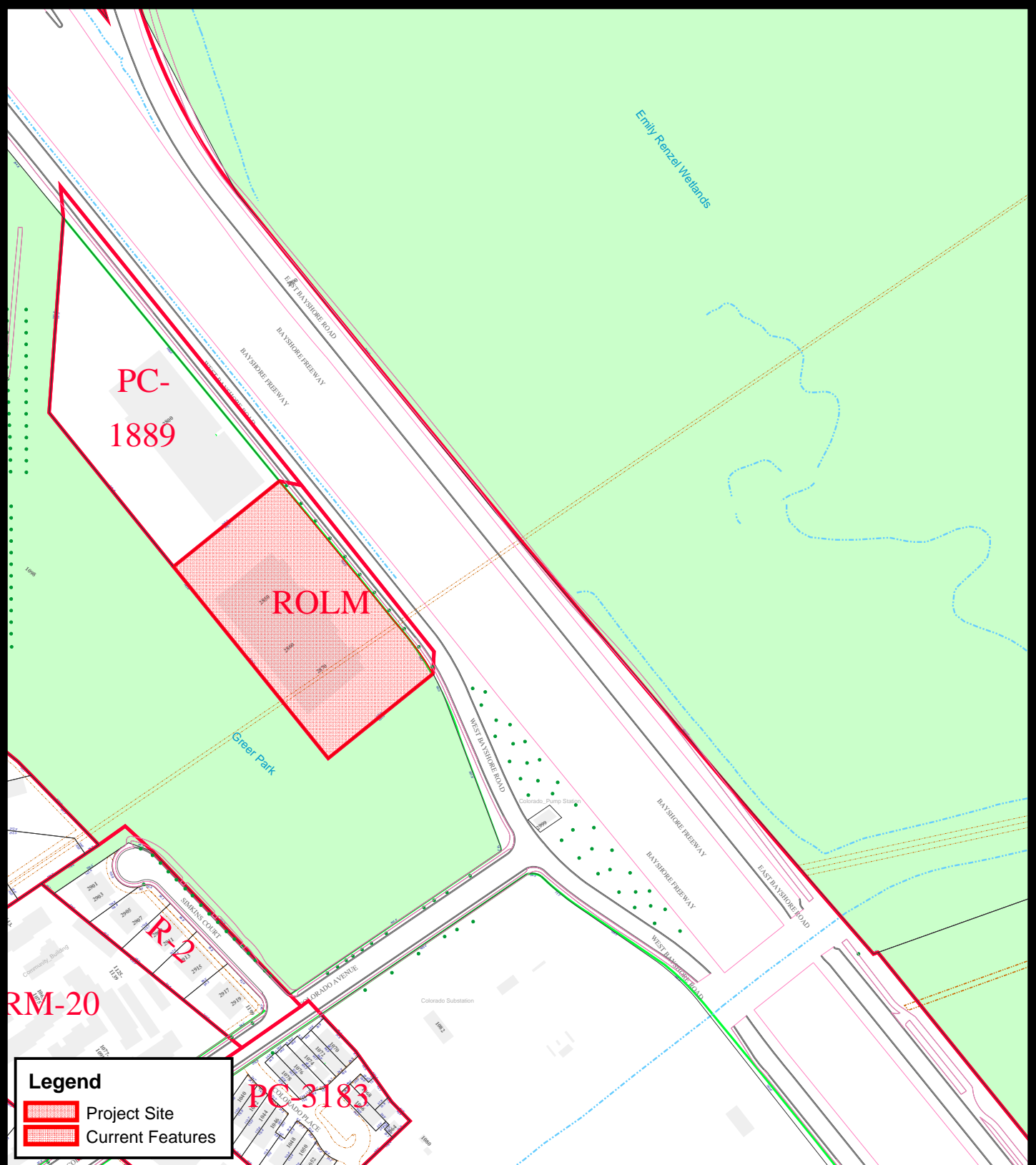
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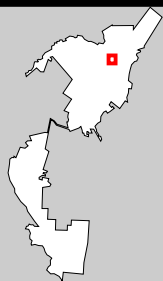
Attachments:

- Attachment A: Location Map (PDF)
- Attachment B: Applicant's Project Description (PDF)
- Attachment C: Zoning Comparison Table (DOCX)
- Attachment D: ARB, Context-Based Design Criteria, DEE, and CUP Findings(DOCX)
- Attachment E: Project Plans (DOCX)

⁴ Emails may be sent directly to the ARB using the following address: arb@cityofpaloalto.org



The City of
Palo Alto



Location Map: 2850 W Bayshore

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



0' 237'



June 14, 2021, revised December 6, 2021

Jodie Gerhardt
 Manager of Current Planning
 City of Palo Alto
 250 Hamilton Avenue
 Palo Alto, CA 94301

RE: 2850 W. Bayshore Road, Palo Alto
 Project Request Letter and Letter of Application

Dear Ms. Gerhardt,

SummerHill Homes respectfully submits this Project Request Letter and Letter of Application in compliance with the City's Submittal Requirements Checklists for Conditional Use Permits and Major Subdivisions.

Project Summary

As explained in the attached project description, SummerHill proposes to redevelop a 2.34-acre site at 2850 West Bayshore Road with a new 48-unit townhome community. The project will offer a variety of three- and four-bedroom home plans, with an average living area of approximately 1,725 square feet. All of the units will have private decks or front patios, but the project will also feature a large central community open space — approximately 9,777 square feet.

Vehicular circulation is provided through an entry drive from W. Bayshore Road and on-site private streets. The project will provide approximately 100 off-street parking spaces. Each unit will have an attached private two-car garage — side-by-side garages for 32 of the units and tandem garages for 16 of the units. Bike storage for residents is provided in the garages, and bike racks for guests will be located near the central common area for convenience. Consistent with City standards for private streets, the project will provide 32-foot wide streets, including paving, sidewalks, and garage aprons.

For the privacy and quiet of the residents, SummerHill will construct a 14-foot sound wall along the east side of W. Bayshore Road within the City right-of-way, across from the project frontage.

The property currently contains a 32,500 square-foot single-story commercial building, built in 1976, which will be demolished to accommodate the project. To the southeast and southwest, the site is bordered by Greer Park. To the northwest of the site is the Emerson Montessori School, and to the northeast of the site, across W. Bayshore Road, are the Bayshore Freeway, E. Bayshore Road and the Emily Renzel Wetlands.

Requested Approvals

The site is designated Research/Office Park in the 2017 Comprehensive Plan and is zoned Research, Office and Limited Manufacturing (ROLM). The ROLM District allows multifamily residential use, subject to the approval of a conditional use permit and the development standards prescribed for the RM-30 zoning district.

SummerHill requests Major Architectural Review approval, a Conditional Use Permit, a concession pursuant to the State Density Bonus Law and the City's Density Bonus ordinance, a Design Enhancement Exception, approval to provide additional common usable open space to meet the overall usable open space requirements, a tree removal permit, a Vesting Tentative Subdivision Map and CEQA review for the project.

Conditional Use Permit

Consistent with section 18.76.010 of the Municipal Code, the proposed project will (1) not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience; and (2) be located and conducted in a manner in accord with the Comprehensive Plan and the purposes of the Zoning Code.

Not Detrimental or Injurious

The project site is well-suited to multi-family residential development, because it is close to public parks and schools and has convenient access to neighborhood retail. The density of the project is within the range of existing residential development in the area, and the project will fully comply with the City's parking requirements. The project will not significantly increase the A.M. or P.M. peak hour vehicle trips generated by the current use of the site, and by providing new homes close to major employment centers, the project is expected to reduce total vehicle miles traveled. In addition, the project will comply with all applicable public health and safety standards during construction and use.

Consistent with Comprehensive Plan and Zoning Code

The site is designated Research/Office Park in the 2017 Comprehensive Plan and is zoned Research, Office and Limited Manufacturing (ROLM). The Comprehensive Plan allows residential use in the Research/Office Park designation in certain locations. (Comprehensive Plan at p.34.) The ROLM District allows multifamily residential use, subject to the approval of a conditional use permit and the development standards prescribed for the RM-30 zoning district. (PAMC §§ 18.20.030, 18.20.040(b)(6).)

With the approval of the requested Design Enhancement Exception pursuant to section 18.76.050 of the Zoning Code and approval of the requested Density Bonus concession pursuant to chapter 18.15 of the Zoning Code, the proposed project is fully consistent with the Comprehensive Plan and the development standards for the RM-30 zoning district. For further detail, please refer to the attached table (Compliance with RM-30 Development Standards).

Density Bonus

SummerHill proposes to designate 7 of the 48 units as below-market rate units affordable to moderate-income households and pay an in lieu fee for a fractional 0.2 unit. Pursuant to the State Density Bonus Law and the City's Density Bonus ordinance, as a Common Interest Development project that will make more than 10% of the units affordable to Moderate Income Households, the project is eligible for one concession or incentive. (PAMC § 18.15.050(c).)

As a concession or incentive, SummerHill requests that the City allow the site to be developed at a floor area ratio of approximately 1.153:1. The additional floor area ratio will allow SummerHill to provide more market-rate and below-market rate units than would otherwise be feasible and will reduce the cost of providing the below-market rate units through economy of scale.

In accordance with section 18.15.080 of the Zoning Code, SummerHill provides the attached Summary of Costs, comparable to the information in a pro forma, which shows that the requested concession will result in identifiable and actual cost reductions.

The proposed project includes three main unit plans, ranging in size from approximately 1,484 SF to approximately 1,975 SF of living area, with an average living of approximately 1,725 SF. If the project were subject to a maximum FAR of 0.6:1, the project would only be able to provide approximately 25 units. The cost of demolition, site grading, the construction of the sound wall and other fixed costs that are not dependent on the number of units would be spread over 25 units.

Alternatively, if the maximum FAR is increased to 1.153:1, the project is able to provide 48 units, the cost of demolition, site grading, the construction of the sound wall and other fixed costs that are not dependent on the total unit count will be spread over 48 units, reducing the fixed cost per unit by approximately 48%.

The attached Summary of Costs shows that allowing the site to be developed at a floor area ratio of approximately 1.153:1 will result in identifiable and actual cost reductions for the site improvements for the seven below-market rate units. The cost reduction for the seven below-market rate units is estimated to be approximately \$286,789, or \$40,970 per unit.

Design Enhancement Exception

SummerHill requests a Design Enhancement Exception for the project to incorporate tower elements with a height of approximately 39.5 feet, slightly taller than the applicable height limit of 35 feet. The tower elements will enhance the appearance of the overall project by allowing for more variety in the massing and the roofline. The tower elements will also enhance the Plan 3 units by allowing the master bedroom to have a higher ceiling, with clerestory windows for extra light where acoustic conditions allow. The height increase will not adversely affect any nearby homes, because the site is bordered on two sides by Greer Park and on a third side by the Bayshore Freeway.

Unlike most properties that are subject to the RM-30 zoning standards, the project site is located in a prominent location within view of U.S. 101, but more than 350 feet from any other homes. As such, it is exceptionally well situated to include design features that enhance the appearance of the buildings from public viewpoints along U.S. 101 and the open space to the east, without casting additional shadows on or otherwise adversely affecting nearby residents.

The proposed design enhancements are a minor part of the architecture, but they will improve the overall look of the project by varying the massing and the roofline, and will enhance the interior space of the Plan 3 units.

Combined Common Open Space

SummerHill requests to add 1,600 square feet of common usable open space to the amount of common usable open space required for the project in order to meet the usable open space requirements of section 18.13.040(e) of the Zoning Code. In the RM-30 district, section 18.13.040(e)(2)(B) of the Zoning Code allows part or all of the required private usable open space areas to be added to the required common usable open space for purposes of improved design, privacy, protection and increased play area for children.

The project is designed so that each unit will have its own private usable open space, either as a deck or a ground-level patio or both. Thirty-two of the units have a private deck or patio that meets the minimum size and dimensional requirements in section 18.13.040(e)(2)(A) of the Zoning Code. The other sixteen units have a front patio with an area of at least 50 square feet and a minimum dimension of 6 feet, which provides enough private space for casual seating and a small table or a grill, but does not meet the minimum size and dimensional requirements for a ground-level open space to qualify as private usable open space.

In order to achieve a more efficient overall design for the landscaped and usable open space for the project, SummerHill proposes to comply with the usable open space requirements by providing additional common usable open space to meet the technical requirements for private usable open space for the 16 units, as allowed by section 18.13.040(e)(2)(B) of the Zoning Code. Combining the open space will improve the design and the enjoyability of the open space by shifting the open space farther from the freeway and W. Bayshore Road to a protected area close to the park. In total, the project will provide more than 12,047 SF of common and private usable open space, which is more than 150% of the amount required.

Vesting Tentative Subdivision Map

SummerHill will prepare a Vesting Tentative Subdivision Map to establish appropriate access, utility and service easements and condominium plans to define exclusive use areas and areas of separate undivided interests for the individual units. SummerHill has submitted the proposed Vesting Tentative Map at the same time as the application for Major Architectural Review, a CUP and the other project entitlements so that all aspects of the project can be reviewed concurrently.

Jodie Gerhardt
June 14, 2021, revised December 6, 2021
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The proposed Vesting Tentative Map fully complies with the design standards and improvement standards in chapters 21.20 and 21.28 of the Municipal Code. Following approval of the Vesting Tentative Map, SummerHill will prepare a Final Map and condominium plans.

We look forward to working with the City regarding the proposed project. Please let us know if you have any questions regarding this Project Request Letter and Letter of Application.

Thank you.

Sincerely,



John Hickey
Director of Development

Attachment: Compliance with RM-30 Development Standards
Summary of Costs: Site Improvement Cost Comparison

cc: Claire Raybould, City of Palo Alto
Garrett Sauls, City of Palo Alto
Elaine Breeze, SummerHill Housing Group

**Compliance with RM-30 Development Standards
PAMC § 18.13.040**

	Required/Allowed	Proposed
Minimum Site Specifications		
Site Area (ft)	8,500	101,786 ±
Site Width (ft)	70	425 ±
Site Depth (ft)	100	239 ±
Minimum Setbacks		
Setback lines imposed by a special setback map pursuant to Chapter 20.08 (ft)	24	≥ 24
Front Yard (ft)	20, but see special setback line	≥ 24
Interior Side Yards for lots with width of 70 feet or greater (ft)	10	≥ 10
Interior Rear Yards (ft)	10	≥ 10
Maximum Height (ft)	35	39.5 with Design Enhancement Exception
Daylight Plane for side and rear lot lines for sites abutting a RM-30, RM-40, Planned Community, or nonresidential district that does not contain a single-family or two-family residential use, for lots with width of 70 feet or greater	None	None
Maximum Site Coverage		
Base	40%	35.9%
Additional area permitted to be covered by covered patios or overhangs otherwise in compliance with all applicable laws	5%	2.8%
Maximum Floor Area Ratio (FAR)	0.6:1	1.153:1 with Density Bonus Concession
Residential Density (units)		
Maximum number of units per acre	30	20.5
Minimum number of units per acre	16	20.5

	Required/Allowed	Proposed
Minimum Site Open Space	30%	30.6%
Minimum Usable Open Space (sf per unit)	150	≥ 224 (Average: 250)
Minimum Common Usable Open Space (sf per unit)	75	170
Minimum Private Usable Open Space (sf per unit)	<ul style="list-style-type: none"> • 50 at balconies; or • 100 at patios or yards; or • 100 at additional Common Usable Open Space per PAMC § 18.13.040(e)(2)(B) 	<ul style="list-style-type: none"> • ≥ 54 at balconies (Average: 59); or • ≥ 100 at patios (Average: 107); or • 100 at additional Common Usable Open Space
Performance Criteria	Not applicable	
Parking		
Resident	96 (2 per 2-bedroom or larger unit)	96
Resident Covered	48 (At least one space per unit must be covered)	96
Resident Tandem	24 (Maximum of 25% of total required spaces)	16
Guest	0 (No additional guest parking required)	4
Bicycle – Resident (Long-Term)	48 (1 per unit)	48
Bicycle – Guest (Short-Term)	5 (1 per 10 units)	6

SUMMARY OF COSTS: Site Improvement Cost Comparison**2850 W. Bayshore Road: Proposed Townhouse Community**

Pursuant to section 18.15.050(c) of the Zoning Ordinance, SummerHill requests that the City allow the project to be developed at a floor area ratio (FAR) of 1.153:1. The requested concession would reduce the site improvement costs by an estimated amount of \$40,970 per unit, which would result in an identifiable and actual cost reduction of \$286,789 to provide the seven proposed Below-Market Rate units.

	0.60:1 FAR 25 Units		1.153:1 FAR 48 Units	
	Total	Per Unit	Total	Per Unit
DEMOLITION	\$476,632	\$19,065	\$476,632	\$9,930
SITWORK DEMOLITION	\$476,632	\$19,065	\$476,632	\$9,930
ASBESTOS REMOVAL	\$0	\$0	\$0	\$0
GRADING	\$565,302	\$22,612	\$914,092	\$19,044
ROUGH GRADING	\$440,848	\$17,634	\$789,638	\$16,451
EROSION CONTROL	\$124,454	\$4,978	\$124,454	\$2,593
UTILITIES	\$900,214	\$36,009	\$1,231,864	\$25,664
STORM DRAINS	\$262,989	\$10,520	\$398,185	\$8,296
SANITARY SEWER	\$318,414	\$12,737	\$318,414	\$6,634
WATER	\$318,811	\$12,752	\$515,265	\$10,735
POWER UTILITIES	\$228,635	\$9,145	\$407,460	\$8,489
GAS AND ELECTRIC INSTALLATION	\$238,635	\$9,545	\$426,660	\$8,889
UTILITY REFUND	(\$10,000)	(\$400)	(\$19,200)	(\$400)
STREET LIGHTING	\$47,042	\$1,882	\$72,200	\$1,504
STREET LIGHTS, POLES, CONDUCTOR, CONDUIT ETC.	\$47,042	\$1,882	\$72,200	\$1,504
HARDSURFACES	\$632,144	\$25,286	\$878,303	\$18,298
CURB, GUTTER & SIDEWALK	\$326,216	\$13,049	\$437,407	\$9,113
BASE & A.C.	\$255,928	\$10,237	\$344,896	\$7,185
REPAIRS	\$50,000	\$2,000	\$96,000	\$2,000
WALLS & FENCES	\$353,345	\$14,134	\$739,965	\$15,416
BOUNDARY WALLS	\$333,000	\$13,320	\$333,000	\$6,938
RETAINING WALLS	\$20,345	\$814	\$406,965	\$8,478
LANDSCAPING	\$513,504	\$20,540	\$713,377	\$14,862
IRRIGATION & LANDSCAPING	\$513,504	\$20,540	\$713,377	\$14,862
SIGNS	\$22,161	\$886	\$22,161	\$462
STREET SIGNS & PAVEMENT MARKINGS	\$22,161	\$886	\$22,161	\$462
CONTINGENCY	\$527,947	\$21,118	\$769,891	\$16,039
SITE CONTINGENCY	\$527,947	\$21,118	\$769,891	\$16,039
TOTAL		\$170,677		\$129,707
COST REDUCTION				\$40,970

Note: All costs are estimates based on current information; actual costs may vary.

SUMMERHILL HOMESSM

COMMUNITIES OF DISTINCTION

January 13, 2022

Via email: garrett.sauls@cityofpaloalto.org

Garrett Sauls
Associate Planner
City of Palo Alto
250 Hamilton Avenue
Palo Alto, CA 94301

RE: 2850 W. Bayshore Road, Palo Alto
Major Architectural Review – 21PLN-00177

Dear Garrett,

We look forward to the upcoming hearing on January 20th for the Architectural Review Board to review our proposed project at 2850 W. Bayshore Road. For the convenience of the ARB, we would like to summarize the changes we have made to the project to address the comments that we received during the preliminary ARB review session on April 1, 2021.

Architecture

- In general, the ARB expressed preliminary support for a proposed Design Enhancement Exception to allow certain tower elements to exceed the 35-foot height limit, but several of the members commented that the tower elements should be integral to the interior function of the building. We revised the architecture so that the tower elements provide extra volume in the primary bedroom with clerestory windows for additional light.
- Several members commented that having three tower elements on each building might be too heavy and repetitive, so we eliminated the center tower element from each building. In addition, in Buildings 4, 5, 7 and 8, we modified the design to reflect the context so that the tower element is less prominent in the locations closer to the park along the rear of the site.
- As suggested by some of the members, we enhanced the end elevation for the units facing the park in Buildings 4, 5, 7 and 8 to take advantage of the view across the park and to add interest to the elevation as viewed from off-site.
- As recommended by the ARB, we developed three different building types and three different color schemes for variation across the site. We refined the color schemes and simplified the massing at the front elevations for a more timeless appearance. We also enhanced the rear elevations by

introducing plane breaks, private balconies with open wood-and-steel railings, and lite accents in select garage doors so that the architecture will be engaging from the alleys as well as the front entries.

Site Plan

- Several members requested that we look for opportunities to provide more guest parking on-site, in addition to the two spaces we had proposed. As noted during the preliminary review session, the project meets the City's requirement of two parking spaces per unit for residents, and the zoning code does not require any on-site guest parking. Because of the City's requirement that all of the private streets be at least 32 feet wide, any increase in the number of on-site guest parking spaces risks a reduction in the number of homes. However, we were able to find a location for two additional guest parking spaces near Buildings 4 and 5, providing a total of four guest parking spaces plus a drop off/delivery space.
- As recommended by the ARB, we expanded the walkway system to provide full pedestrian circulation around the site so that every resident will have convenient access to the central common open space.
- Several members commented on the importance of maintaining the tree canopy. In response, we relocated the entry drive to preserve an additional street tree. Eight of the nine existing street trees will be preserved along the project frontage.
- At Staff's request, we modified the street improvements for W. Bayshore Road to provide a new southbound 6-foot wide bike lane along the project frontage and south to Colorado Avenue. To accommodate the new bike lane, W. Bayshore Road will be widened along the project frontage by approximately 3 feet, potentially impacting the root system of the existing street trees. Anticipating that the ARB would be concerned about damaging the street trees, we revised the plans to shift the public sidewalk onto the project site so that it will skirt behind the root zones.
- Several members expressed strong support for a direct pedestrian connection from the site to Greer Park, if feasible. We agree, and we explored a number of different design concepts in an effort to provide direct access. However, because the homes must be built above the base flood elevation, the site will need to be substantially higher than the adjacent park. As a result, direct access to the park would require long ramps and changes to the on-site circulation system which we believe, on balance, would be a detriment to the project. Under separate cover, we have provided you with exhibits showing the two options that we believe would be least detrimental to the project, but as we discussed with you, we do not favor either of these options given the impact that they would have on the project and the fact that even without a direct connection, the residents will still have close and convenient access to the park via the public sidewalk.

Landscaping

- Several members commented that while an exception to the private usable open space requirements might be appropriate for some of the units closer to W. Bayshore Road, the members would prefer that most of the units have private open space. We revised the plans so that every unit will have private outdoor space in addition to the common open space. Every unit will have at

Garrett Sauls
January 13, 2022
Page 3

least 50 – 110 square feet of private outdoor space and at least 170 square feet of common usable open space. For sixteen of the units, the private outdoor space will not meet the City's minimum dimension of 8 feet for ground-floor open space, but every unit will have private open space with a minimum dimension of at least 6 feet. In addition, to compensate for the sixteen units with smaller private open space, the project provides 1,600 square feet of additional common usable open space.

- As suggested by the ARB, we made several revisions to the landscape plan to provide additional screening for the retaining wall at the sides and rear of the site. We split the wall into two tiers with a landscape strip between, so that the outer retaining wall will be lower and the inner retaining wall will be screened by additional planting. We also added vines to trail over the top of the outer retaining wall.
- As suggested by the ARB, we revised the landscape plans to include vines along the proposed sound wall along W. Bayshore Road.
- As suggested by the ARB, we included substantial planting areas next to each garage entrance with room for a vertical-form tree and low planting.

We appreciate the comments that we received from the ARB during the preliminary review session on April 1, 2021 and we believe that the recommendations and revisions have improved the project considerably.

We respectfully request that you provide a copy of this letter to the ARB prior to the hearing on January 20th.

Please let us know if you have any questions.

Thank you.

Sincerely,



John Hickey
Director of Development

cc: Elaine Breeze

ATTACHMENT C
ZONING COMPARISON TABLE
 2850 W Bayshore, 21PLN-00177

Table 1: COMPARISON WITH CHAPTER 18.13 (RM-30 DISTRICT)

Regulation	Required	Proposed
Minimum/Maximum Site Area, Width and Depth	8,500 sf area, 70 foot width, 100 foot depth	101,800 sf (2.337 AC), 361 foot width, 234 foot depth
Minimum Front Yard	20 feet	24 - 28 feet
Rear Yard	10 feet	15 feet
Interior Side Yard	10 feet	11-13 feet
Street Side Yard	16 feet	Not Applicable
Special Setback	24 feet	24 feet (special setback on West Bayshore)
Setback from major roadways [18.13.040(b)(1)(A)]	25 feet	Not Applicable
Max. Building Height*	35 feet	Main:35 feet; Towers (3 on each building): 39'6" (request for DEE)
Side Yard Daylight Plane	None	Not Applicable
Rear Yard Daylight Plane	None	Not Applicable
Max. Site Coverage	40% (40,714 sf)	35.5% (36,124 sf) +2.8% for covered patios (2,900 sf) = 39,024 sf
Max. Total Floor Area Ratio**	60% (61,080 sf)	1.153 (89,952 sf/ 78,035 net lot area in sf) area (Concession requested per state density bonus law and PAMC Chapter)
Residential Density	16-30 DU/AC	20.51 DU/AC
Minimum Site Open Space	30% (30,536 sf)	30.6% (31,207 sf)
Minimum Usable Open Space	150 sf per unit (7,200 sf)	250 sf per unit
Minimum Common Open Space	75 sf per unit (3,600 sf)	170 sf per unit
Minimum Private Open Space	50 sf per unit (2,400 sf)	50+ sf per unit (16 units will request to provide private open space as common open space in accordance with 18.13.040(e)(2)(B))

* Design Enhancement Exception requested.

** Increase per 18.15.080

**Table 2: CONFORMANCE WITH CHAPTER 18.52 (Off-Street Parking)
for Multiple-Family Residential**

Type	Required	Proposed
Vehicle Parking	<p>1.5 spaces per unit (for two to three bedrooms units per Assembly Bill 2345 for density bonus projects).</p> <p>72 spaces required</p>	<p>96 private spaces provided;</p> <p>4 guest spaces plus drop-off and delivery;</p> <p>100 spaces total plus drop-off/delivery</p>
Bicycle Parking	<p>1 space per unit (100% long term) 48 required</p> <p>1 space for every 10 units (100% short term) 5 required</p>	<p>48 provided (LT)</p> <p>6 (ST)</p>

ATTACHMENT B
ARB FINDINGS FOR APPROVAL
2850 West Bayshore Road
21PLN-00177

In order for the ARB to make a future recommendation of approval, the project must comply with the following Findings for Architectural Review as required in Chapter 18.76.020 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.

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.

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.

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.).

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.

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

CONTEXT-BASED DESIGN CRITERIA

2850 West Bayshore Road

21PLN-00177

Pursuant to PAMC 18.16.090(b), the following context-based design considerations and findings are applicable to this project. These context-based design criteria are intended to provide additional standards to be used in the design and evaluation of development in a commercial district. The purpose is to encourage development in a commercial district to be responsible to its context and compatibility with adjacent development as well as to promote the establishment of pedestrian oriented design.

1. Pedestrian and Bicycle Environment

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

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

3. Massing and Setbacks

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

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

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

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

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

8. Sustainability and Green Building Design

Project design and materials to achieve sustainability and green building design should be incorporated into the project

DEE FINDINGS

2850 West Bayshore Road
21PLN-00177

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

Finding #1: There are exceptional or extraordinary circumstances or conditions applicable to the property or site improvements involved that do not apply generally to property in the same zone district;

Finding #2: The granting of the application will enhance the appearance of the site or structure, or improve the neighborhood character of the project and preserve an existing or proposed architectural style, in a manner which would not otherwise be accomplished through strict application of the minimum requirements of this title (Zoning) and the architectural review findings set forth in Section 18.76.020(d); and

Finding #3: The exception is related to a minor architectural feature or site improvement that will not be detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare or convenience.

CUP FINDINGS

2850 West Bayshore Road
21PLN-00177

In order for the ARB to make a future recommendation of approval for a conditional use permit, the project must comply with the following Findings for a Conditional Use Permit as required in Chapter 18.76.010 of the PAMC.

Finding #1: Not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience;

Finding #1: Be located and conducted in a manner in accord with the Palo Alto Comprehensive Plan and the purposes of this title (Zoning).

Attachment E

Project Plans

During Shelter-in-Place, project plans are only available to the public online. Hardcopies of the plans have been provided to Board members.

Directions to review Project plans online:

1. Go to: bit.ly/PAPendingprojects
2. Scroll down to find “2850 W. Bayshore” and click the address link
3. On this project specific webpage you will find a link to the project plans and other important information

Direct Link to Project Webpage:

<https://www.cityofpaloalto.org/News-Articles/Planning-and-Development-Services/2850-W.-Bayshore-21PLN-00177>