



CITY OF
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Architectural Review Board Staff Report

From: Planning and Development Services Director
Lead Department: Planning and Development Services

Meeting Date: July 18, 2024
Report #: 2405-3099

TITLE

4075 El Camino Way [23PLN-00202, Palo Alto Commons]: Consideration of an Amendment to a Planned Community Zone District (PC-5116) to allow additions to an existing 121 unit Assisted Living and Memory Care Facility. The additions would include 16 Assisted Living Units and 172 sf of support space. Environmental Assessment: Exempt from the provisions of the California Environmental Quality Act in accordance with CEQA Guidelines Section 15301 (Modifications to Existing Facilities). Zoning District: PC-5116 (Planned Community)

RECOMMENDATION

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

1. Review and provide initial comments and continue to a date uncertain.

EXECUTIVE SUMMARY

The subject project proposes to add 16 assisted living units and 172 sf of support space to an existing 121-unit facility (Palo Alto Commons). Palo Alto Commons was built as a Planned Community Development (PC), with Ordinance 3775. It is located on the same parcel as a 44-unit independent senior living building, The Avant, which was constructed in accordance with PC Ordinance 5116, amending PC-3775 (Attachment H). The PC-5116 would need to be amended to allow for increases in density, floor area, and lot coverage for the 16 additional units and support space. The additions would be consistent with the existing building height and daylight plane.

This proposed Amendment has been previously reviewed by City Council and the Planning and Transportation Commission (PTC) to provide early feedback. Following an ARB recommendation, it would return to the PTC for a recommendation and be forwarded to Council for a final decision.

The purpose of this report is to consider and provide feedback on the project as it relates to the ARB findings for approval and taking into account feedback from Council and the PTC. The

application is exempt from the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15301, which includes modifications to existing facilities.

BACKGROUND

Project Information

Owner:	Stephen Reller, R and M Properties
Architect:	Daniel Bowman, IPAOC
Representative:	Charlene Kussner, WellQuest Living
Legal Counsel:	Frank Petrilli, Coblenz Patch Duffy & Bass LLP

Property Information

Address:	4075 El Camino Way
Neighborhood:	Ventura
Lot Dimensions & Area:	110,642 sf, irregular shaped lot
Housing Inventory Site:	No
Located w/in a Plume:	No
Protected/Heritage Trees:	Yes, street trees
Historic Resource(s):	No
Existing Improvement(s):	Palo Alto Commons: 83,511 sf, 3 stories, 32'6" height, built 1989 The Avant: 47,500 sf, 3 stories, built 2014
Existing Land Use(s):	Senior Assisted Living, Senior Independent Living
Adjacent Land Uses & Zoning:	North: Single Family Residential (R-1) West: Multi-Family Residential (RM-20) East: Multi-Family Residential (RM-20), Goodwill Store, and Preschool (CN) South: Animal Care, Retail, Mixed-Use (CN)
Special Setbacks:	No
Aerial View of Property:	



Source: Google

Land Use Designation & Applicable Plans/Guidelines

Comp. Plan Designation: Multiple-Family Residential (MF), Neighborhood Commercial (CN)
 Zoning Designation: Planned Community (PC-5116)

	Yes		Yes		Yes
Baylands Master Plan/Guidelines (2008/2005)		El Camino Real Guidelines (1976)		Housing Development Project	
Downtown Urban Design Guidelines (1993)		South El Camino Real Guidelines (2002)		Utilizes Chapter 18.24 - Objective Standards	
Individual Review Guidelines (2005)		Within 150 feet of Residential Use or District	X	Context-Based Design Criteria applicable	X
SOFA Phase 1 (2000)		Within Airport Influence Area			
SOFA Phase 2 (2003)					

Prior City Reviews & Action

City Council: Prescreening: August 7, 2023¹

¹ The staff report for the August 7, 2023 is available online at:
<https://cityofpaloalto.primegov.com/Portal/Meeting?meetingTemplateId=12606>

PTC:	Initial Review: February 28, 2024 ² and June 12, 2024 ³
HRB:	None
ARB:	None

The City Council reviewed a Prescreening application for this project on August 7, 2023. At this time, the project contained 14 units. Overall, councilmembers expressed support for the concept plans.

The PTC held a public hearing to consider the project on February 28, 2024. During the hearing, commissioners provided comments with respect to uncertainty about the daylight plane, asked for more information on the parking, and asked for a noise study. reviewed the project. A video recording of the PTC meeting is available online: <https://www.youtube.com/watch?v=x31bhPueFFk>. On June 12, 2024, the PTC reviewed the 16-unit proposal and recommended that the project be forwarded to the ARB. The PTC asked that the ARB consider the following items in particular in its review of the project:

1. The feasibility and relative benefit to the Wilkie Way residents of, increasing the setback for newly constructed units to 20 ft to meet 18.38.150
2. The use of privacy glazing and screening, or alternative locations for windows, similar to the IR Guidelines, for windows facing Wilkie Way residences
3. How noise can be further mitigated, such as insulated windows
4. How landscaping can be used for privacy purposes

Project Description

The proposed project includes 16 additional units and two ground floor additions for a total of 172 sf of new office/administrative space. The 10 foot setback adjacent to the R-1 neighborhood is maintained, with the units added to existing “stepbacks” on this side and in other notches around the building. The new units range in size from 319 sf to 738 sf. Since the initial plans, the upper floor additions have been moved back, to approximately 12 ft from the property line for the second floor and approximately 20 ft for the third floor. A location map is included in Attachment A. The project plans are provided in Attachment I.

ANALYSIS

The project plans presented to the ARB at this time are consistent with the plans that were presented to the PTC. The applicant intends to revise the plans following this hearing to address comments from both the PTC and ARB as well as department comments from various departments.

² The staff report for the February 28, 2024 PTC hearing is available online at:

<https://www.cityofpaloalto.org/files/assets/public/v/2/agendas-minutes-reports/agendas-minutes/planning-and-transportation-commission/2024/ptc-2.28-public-agenda-2.pdf>

³ The staff report for the June 12, 2024 PTC hearing is available online at:

<https://www.cityofpaloalto.org/files/assets/public/v/2/agendas-minutes-reports/agendas-minutes/planning-and-transportation-commission/2024/ptc-6.12-public-agenda-2.pdf>

Neighborhood Setting and Character

Adjacent uses include The Avant Independent Living facility on the same parcel, and multifamily residential (RM-20) to the west, single-family (R-1) residential to the north, and the Goodwill store (CN) to the east. Across El Camino Way, West Meadow Drive, and El Camino Real there are other multi-family and commercial uses. Heights in the area range from one to three stories and include a variety of architectural styles.

Consistency with the Comprehensive Plan, Area Plans and Guidelines⁴

The site has a Comprehensive Plan land use designation that includes both Multiple-Family Residential, for a portion of the site adjacent to single-family, and Neighborhood Commercial for the portion towards El Camino Way.

Multiple-Family Residential land use designation permits densities ranging from 8 to 40 units and 8 to 90 persons per acre and indicates that densities should be on the lower end of the scale next to single-family residential areas. Neighborhood Commercial land use designation includes shopping centers as well as street-front stores serving the immediate neighborhood. Higher density residential and mixed-use projects may be allowed in specific locations.

Although assisted living is considered a commercial use under State and Local Code, the project provides senior living facilities that align with the multiple-family and neighborhood commercial land use designations. The project includes the addition of senior living units to an existing facility. Therefore, no change is proposed to the existing land use.

This project would support the following policies:

- Policy L-1.3 Infill development in the urban service area should be compatible with its surroundings and the overall scale and character of the city to ensure a compact, efficient development pattern
- Policy L-1.6 Encourage land uses that address the needs of the community and manage change and development to benefit the community
- Policy L-2.3: As a key component of a diverse, inclusive community, allow and encourage a mix of housing types and sizes, integrated into neighborhoods and designed for greater affordability, particularly smaller housing types, such as studios, co-housing, cottages, clustered housing, accessory dwelling units and senior housing.
- Policy L-2.8 When considering infill redevelopment, work to minimize displacement of existing residents.
- Policy L-2.9 Facilitate reuse of existing buildings

⁴ The Palo Alto Comprehensive Plan is available online: bit.ly/PACompPlan2030

Zoning Compliance⁵

Attachment B provides a detailed review of the proposed project's consistency with PC-5116, as well as the CN zoning standards for comparison. Because the existing Planned Community zone district ties to the specific existing development, the proposed project modifications would be considered an amendment to the existing PC Ordinance.

The following key modifications are proposed to the existing PC Ordinance and associated development plan:

- The density and provided units would increase by 16 units
- The allowed lot coverage and floor area would increase to accommodate the approximately 6,890 sf addition
- The minimum setback would decrease from 8 feet to 6 feet for the property line adjacent to Goodwill
- The parking ratio provided would reduce from 0.47 spaces per unit to 0.41 spaces per unit, as no additional spaces are being provided. However, this is consistent with the standard code requirement for this use, which is one space per 2.5 beds.

Daylight Plane

The PTC discussed at length which daylight plane should apply to this project: either the 3:6 daylight plane as required by PAMC 18.38 (Special Requirements) or the 45-degree angle R-1 daylight plane (PAMC 18.12.040) and PC-3775.

If this project was for a new commercial development, staff would apply PAMC 18.38.150, as this is the required daylight plane for commercial projects. See Code language below:

“Sites sharing any lot line with one or more sites in any RE, R-1, R-2, RM or any residential PC district shall be subject to a maximum height established by a daylight plane beginning at a height of ten feet at the applicable side or rear site lines and increasing at a slope of three feet for each six feet of distance from the side or rear site lines until intersecting the height limit otherwise established for the PC district; provided, however, that for a use where the gross floor area excluding any area used exclusively for parking purposes, is at least sixty percent residential, the daylight planes may be identical to the daylight plane requirements of the most restrictive residential district abutting each such side or rear site line until intersecting the height limit otherwise established for the PC district. If the residential daylight plane, as allowed in this section, is selected, the setback regulations of the same adjoining residential district shall be imposed.”

However, given the buildable area for this site was well documented in the 1987 PC Ordinance, the 45 degree daylight plane has been established for this site. For review purposes, both daylight

⁵ The Palo Alto Zoning Code is available online: bit.ly/PAZoningCode

planes are shown in the plan set on page A5.7. The proposed addition does not encroach into the 45-degree daylight plane. Most of the additions and parts of the existing building would encroach into the 3:6 daylight plane.

Multi-Modal Access & Parking

Hexagon Transportation Consultants prepared a parking study (Attachment D), which the City's Office of Transportation has reviewed. The study reflects an observation of the peak parking over three days in March. The study shows that with the gate open, there is adequate parking, as fewer cars entered the site than there are parking spaces. The study looked only at on-site conditions and did not observe off-site parking, such as on-street parking.

In researching the existing conditions, staff found that the original 1987 PC Ordinance requires a commuter program for employees, including distributing information regarding public transportation options, providing or reimbursing transit passes, and carpool coordination. There is currently no record of this being implemented; therefore, staff is requiring the applicant to submit a new TDM plan to implement, improve, and monitor these requirements.

The TDM plan is currently being prepared and must be reviewed and approved by the City's Office of Transportation prior to a decision on the proposed project. The applicant has also attempted to improve parking conditions on site. They sent a letter to all residents and visitors (Attachment F) explaining parking options for staff and visitors. However, it is currently not clear to staff how visitors can access the parking garage, as most parking is behind a gate that requires a member of the Palo Alto Commons staff to open.

This project is located on the VTA 22 bus line, but is not within walking distance of a CalTrain station or other public transportation. Bike parking has not been finalized by the Office of Transportation, however the project includes four short term and two long term bike parking spaces. The current building has no bike parking.

Response to PTC Motion

The PTC asked the ARB to consider the following items in their motion:

- 1. Consider the feasibility, and relative benefit to the Wilkie Way residents of, increasing the setback for newly constructed units to 20 ft to meet 18.38.150.*

Out of the 16 proposed units, three are on the first floor, and do not face the Wilkie Way neighborhood. Seven are on the second floor, setback approximately 12 feet in most locations. There are also six units in the third-floor addition, currently at 19-21 ft stepped back depending on the unit. Therefore, this would primarily affect units on the second floor. The increase in the setback from approximately 12 feet to 20 feet would be a significant modification and may result in a loss of units or create smaller units. However, the applicant has not provided details that illustrate this impact.

2. *Consider use of privacy glazing and screening, or alternative locations for windows, similar to the IR Guidelines, for windows facing Wilkie Way residences.*

Privacy should be balanced with the recognition that most of these units only have one or two windows, and the residents spend many more hours of the day in their homes than a typical resident. Windows have been angled away from direct views when possible, but 7 of the 14 second and third floor units have at least one window facing towards a Wilkie Way property line, and four of them are setback 12'3"-12'7". As discussed in #4 below, landscaping may be a suitable option where the windows cannot be reduced or moved, however, the applicant and neighbors have some reservations about this solution.

3. *Consider how noise can be further mitigated, such as insulated windows*

This consideration primarily focused on a discussion of how noise from seniors living at the facility may impact Wilkie Way residents based on a neighbor's comment that they can occasionally hear residents at Palo Alto Commons. Although the PTC included this in their motion, there were mixed feelings about the need for adding measures to the project to address this. Staff would not recommend applying measures to address this concern. Not only would any analysis of this be speculative, but Assembly Bill 1307 specifically indicates that social noise generated by residents is not an impact that may be considered under CEQA. Therefore, the Noise Study prepared for the project focused on mechanical equipment noise, and found there would be no noticeable increase in operational noise as a result of the project (which includes the addition of new HVAC units).

4. *Consider how landscaping can be used for privacy purposes*

There is existing mature landscaping along the property line, and two additional screen trees are proposed with the project. Neighbors are mixed on the use of screening landscaping, as they feel it contributes to shade in their yards.

FISCAL/RESOURCE IMPACT

The applicant is responsible for staff and consultant costs to process this application in accordance with applicable fees through the City's deposit-based recovery program. The applicant will also be required to pay development impact fees for any additional square footage added to the site.

STAKEHOLDER ENGAGEMENT

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 July 5, 2024, which is 13 days in advance of the meeting. Postcard mailing occurred on July 3, 2024, which is 11 in advance of the meeting.

Public Comments

Eighteen neighbors commented at the June 12, 2024 PTC meeting and spoke both in favor of and against the project. A summary of their comments is as follows:

- Several individuals, some of whom are current residents of The Avant spoke of the services Palo Alto Commons provides to the community, including a high level of care for those who need it.
- Wilkie Way neighbors spoke about visitors parking on Wilkie Way, and the inaccessibility of the current parking conditions. They also expressed concerns about privacy impacts.
- Some neighbors would prefer the 3:6 daylight plane and/or a 20ft setback be used for the new units

As of publishing this report, no additional emails have been received. Prior emails are available on the project webpage and in Public Comments to the PTC meetings and prior Staff Reports.

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. A Categorical Exemption is being prepared in accordance with CEQA Guideline Section 15301 (Existing Facilities).

ATTACHMENTS

Attachment A: Location Map

Attachment B: Zoning Comparison Table

Attachment C: Parking Study

Attachment D: Noise Study

Attachment E: Applicant's Letter Regarding Daylight Plane

Attachment F: Applicant's Letter Regarding Parking

Attachment G: Applicant's Letter Regarding Public Benefits

Attachment H: PC Ordinance 5116 and 3775

Attachment I: Link to Project Plans

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⁶ Emails may be sent directly to the ARB using the following address: arb@cityofpaloalto.org