Ordinance No. 5116

Ordinance of the Council of the City of Palo Alto Amending Section 18.08.040 of the Palo Alto Municipal Code (the Zoning Map) to Amend PC-3775 (Palo Alto Commons, 3075 El Camino Way) to include the Palo Alto Commons Addition, involving a Change in the Classification of Properties Known as 4035, 4037, 4039, 4041, 4043, 4045, and 4075 El Camino Way from RM-15 and CN, to PC Planned Community for a New Building to House a 44-Unit Expansion of the Existing Senior Assisted Rental Housing Facility

The Council of the City of Palo Alto does ORDAIN as follows:

SECTION 1.

(a) Stephen Reller ("the Applicant" or "the Property Owner") formally applied on December 9, 2009, to the City for approval of a rezoning application ("the Project") of property known as 4035, 4037, 4039, 4041, 4043, 4045, and 4075 El Camino Way ("the Subject Property) and zoned RM-15 and CN, to Planned Community and join the subject property with the existing PC-3775 for a single combined lot for a Senior Assisted Rental Housing Facility accommodating the uses specifically set forth in Section 4 of this Ordinance.

(b) The Planning and Transportation Commission (PTC), after a duly noticed public hearing held on June 16, 2010, initiated the Project and forwarded it to the Architectural Review Board (ARB) for review and recommendation.

(c) The ARB, after duly noticed public hearings held on August 19, 2010, and November 4, 2010, reviewed the project design and recommended that the City Council approve the project with the associated draft conditions of approval 'Exhibit B.'

(d) The PTC, after a duly noticed public hearing held January 26, 2011, reviewed the project, including the Draft Mitigated Negative Declaration and this Ordinance, and recommended that Section 18.08.040 (the Zoning Map) of the Palo Alto Municipal Code be amended, subject to conditions of approval (Exhibit B), to rezone the Subject Property to Planned Community to permit construction of the proposed project located as shown on 'Exhibit A,' attached to this document and incorporated by reference. Draft conditions of the project approval 'Exhibit B' attached to this document and incorporated by reference were presented to the PTC for review and comments.

(e) The Council, after a duly noticed public hearing held on March 21, 2011, and after due consideration of the proposed project, the Mitigated Negative Declaration and Mitigation Monitoring Program, the analysis of the project by City staff, and the recommendations from the PTC and the ARB, finds that the proposed Ordinance is in the public interest and will promote the public health, safety and welfare, as hereinafter set forth.

(f) The Council finds that (1) the Subject Property is so situated, and the use or uses proposed for the site are of such characteristics that the application of general districts or combining districts will not provide sufficient flexibility to allow the Project; and (2) development of the Subject Property under the provisions of the PC planned community district will result in public benefits not otherwise attainable by application of the regulations of general districts or combining districts; and (3) the use or uses permitted, and the site development regulations applicable within the district shall be consistent with the Palo Alto Comprehensive Plan, and shall be compatible with existing and potential uses on adjoining sites or within the general vicinity.

SECTION 2. Section 18.08.040 of the Palo Alto Municipal Code, the "Zoning Map," is hereby amended by changing the zoning of the Subject Property from "CN Neighborhood Commercial", "RM-15 Multifamily Residential" to add the Subject Property to the existing "PC Planned Community 3775" creating a new "PC Planned Community 5116". The terms related to the existing PC remain in effect in Ordinance 3775 and the terms related to the Subject Property are contained in this Ordinance.

SECTION 3. The City Council hereby finds with respect to the Subject Property that the project ("the Project") as depicted on the Development Plans dated December 21, 2010, incorporated by reference, comprises a senior rental housing development that includes the following components:

(a) The replacement of 4071 square feet of existing commercial space and one existing single family residence with 56,609 square feet of rental senior housing space, including support uses;

(b) Forty-four (44) rental senior housing units, comprising 48,950 square feet;

(c) New underground parking garage containing 38 parking spaces on one level;

(d) New surface parking and drop-off area accommodating three parking spaces;

(e) Retention of the 81,200 square foot senior housing facility, including underground parking garage and a surface parking lot with 55 parking space total;

(f) Removal and replacement of all street trees along the El Camino Way frontage of the new property;

(g) New automobile driveways along El Camino Way to access new surface parking and drop-off area; and

(h) Retention and protection of three oaks on site (two to be relocated), and three redwoods.

SECTION 4. The Development Plan dated received December 27, 2010, and any approved supplemental materials, for the Subject Property, as submitted by the applicant pursuant to Palo Alto Municipal Code Section (PAMC) 18.38.090, shall be subject to the following permitted

and conditional land uses and special limitations on land uses, development standards, parking and loading requirements, modifications to the development plans and provision of public benefits outlined below, and conditions of approval, attached and incorporated as "Exhibit B".

(a) Permitted and Conditionally Permitted land uses for the Subject Property shall be allowed and limited as follows:

Permitted Uses:

(1) Senior Housing;
(2) Eating and Drinking Services for use by residents, employees, and their guests;
(3) Personal Services for use by residents, employees, and their guests;
(4) Retail Services (excluding liquor stores) for use by residents, employees, and their guests;
(5) Recreational Facilities for use by residents, employees, and their guests;
(6) Administrative Offices for administration of Palo Alto Commons;
(7) Parking Garage and surface parking lot for use by residents, employees, and guests, with a combined parking ratio of 0.9 spaces per unit;
(8) Medical care for residents as is customarily associated with senior assisted living facilities; and
(9) Accessory Uses.

(b) Development Standards:

Development Standards for the Subject Property site shall comply with the standards prescribed for the (PC) zone district (Chapter 18.38), and as modified in Section 4(a) above.

(c) Modifications to the Development Plan and Site Development Regulations:

Once the project has been constructed consistent with the approved Development plan, any modifications to the exterior design of the Development Plan or any new construction not specifically permitted by the Development Plan or the site development regulations shall require an amendment to this Planned Community zone, unless the modification is a minor change as described in PAMC 18.76.050 (b) (3) (e), in which case, the modification may be approved through the Minor Architectural Review process. Any use not specifically permitted or conditionally permitted by this Ordinance shall require an amendment to the PC Ordinance.

(d) Public Benefits:

Development of the Subject Property under the provisions of the PC Planned Community District will result in public benefits not otherwise attainable by application of the regulations of general districts or combining districts. The

Project includes the following public benefits that are inherent to the Project and in excess of those required by City zoning districts:

(1) Rental senior assisted housing (with provisions for aging in place);
(2) Roadway, pedestrian, and bus stop improvements; and
(3) A contribution of $100,000 to Avenidas to be ear-marked for the age at home program for low-income seniors.

(e) Development Schedule:

The project is required to include a Development Schedule pursuant to PAMC 18.38.100. The approved Development Schedule is set forth below:

Construction of the Project shall commence on or before June 2012, unless a change in the development schedule is approved by the Director of Planning and Community Environment. Any approved schedule extension shall not exceed one year and only one such extension without a hearing shall be allowed, pursuant to PAMC 18.38.130. The project shall be constructed and occupied by June 30, 2014, unless extended by the Director to June 30, 2015.

SECTION 5. Council approves the Architectural Review, finding that:

(a) The design is consistent and compatible with applicable elements of the City's Comprehensive Plan in that the site is designated Commercial/Multiple Family Residential and the Comprehensive Plan Table indicates compliance with applicable policies;

(b) The design is compatible with the immediate environment of the site in that the project is the expansion of a rental senior housing facility located between existing residential and commercial development;

(c) The design is appropriate to the function of the project in that the design responds to the adjacent residential uses, while providing a welcoming and comfortable environment for the seniors to live in and providing improved pedestrian amenities for their use;

(d) In areas considered by the board as having a unified design character or historical character, the design is compatible with such character. The proposal is a new building located near but not on El Camino Real and providing a buffer between that busy corridor and the low density residential located behind;

(e) The design promotes harmonious transitions in scale and character in areas between different designated land uses. The proposed project is located along El Camino Way, just back from El Camino Real, and provides a buffer between that busy corridor and the low density residential located on the parcels to the rear of the site;

(f) The design is compatible with approved improvements both on and off the site in that the proposed project includes a new building, new sidewalks and crosswalks, and improvements to the nearby existing bus stop;

(g) The planning and siting of the various functions and buildings on the site create an internal sense of order and provide a desirable environment for occupants, visitors and the general community in that the proposed project provides a comfortable entrance through the port cochere, a central gathering area around the existing mature oak, and significant common rooms for residents and visitors to use;

(h) The amount and arrangement of open space are appropriate to the design and the function of the structures in that program focuses more on common shared spaces, both external and internal for the use of the residents while providing some small private space for most residential units;

(i) Sufficient ancillary functions are provided to support the main functions of the project in that the proposal includes significant common areas including dining room, kitchen, swimming pool, fitness room, and lounge. Additionally, the project also proposes improvements to the sidewalks, crosswalks, and bus stop in the area for access to the area for non-drivers;

(j) Access to the property and circulation thereon are safe and convenient for pedestrians, cyclists and vehicles in that the proposal includes improvements to the pedestrian access, bus stop, and is conditioned to meet the bicycle parking requirements;

(k) Natural features are appropriately preserved and integrated with the project in that the existing healthy oak tree central to the site is preserved, and the building designed around it. Two other oaks are also proposed to be kept, but relocated onsite;

(l) The materials, textures, colors and details of construction and plant material are appropriate expressions of the design and function in that the proposed design includes a combination of materials that helps in breaking up the mass of the building;

(m) The landscape design concept for the site, as shown by the relationship of plant masses, open space, scale, plant forms and foliage textures and colors create a desirable and functional environment and the landscape concept depicts an appropriate unity with the various buildings on the site, in that the landscaping has been kept simple to accent the existing mature trees and provide outdoor areas for the residents to enjoy;

//

(n) Plant material is suitable and adaptable to the site, capable of being properly maintained on the site, and is of a variety which would tend to be drought-resistant and to reduce consumption of water in its installation and maintenance once conditions are met to reduce planning beneath the existing oak tree;

(o) The project exhibits green building and sustainable design that is energy efficient, water conserving, durable and nontoxic, with high-quality spaces and high recycled content materials. The following considerations should be utilized in determining sustainable site and building design:

(1) Optimize building orientation for heat gain, shading, daylighting, and natural ventilation;
(2) Design of landscaping to create comfortable micro-climates and reduce heat island effects;
(3) Design for easy pedestrian, bicycle and transit access;
(4) Maximize on site stormwater management through landscaping and permeable paving;
(5) Use sustainable building materials;
(6) Design lighting, plumbing and equipment for efficient energy and water use;
(7) Create healthy indoor environments; and
(8) Use creativity and innovation to build more sustainable environments.

The design incorporates energy conservation measures through green building techniques.

(p) The design is consistent and compatible with the purpose of architectural review, which is to:

(1) Promote orderly and harmonious development in the city;
(2) Enhance the desirability of residence or investment in the city;
(3) Encourage the attainment of the most desirable use of land and improvements.
(4) Enhance the desirability of living conditions upon the immediate site or in adjacent areas; and
(5) Promote visual environments which are of high aesthetic quality and variety and which, at the same time, are considerate of each other.

The design is consistent for all of the reasons and findings enumerated above.

SECTION 6. Indemnification. To the extent permitted by law, the Applicant shall indemnify and hold harmless the City, its City Council, its officers, employees and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void this Ordinance or any permit or approval authorized hereby for the project, including (without limitation) reimbursing the

City its actual attorneys fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.

SECTION 7. Acceptance by the applicant. If the Applicant does not accept and agree to the terms of this Ordinance in writing prior to the second reading of the Ordinance and within 30 days of the Council's adoption, the question of the appropriate zoning of the Subject Property shall be referred to the PTC for their consideration and recommendation.

SECTION 8. A mitigated negative declaration (MND) for this project was prepared in accordance with the California Environmental Quality Act and circulated for public review for a 20-day period beginning June 11, 2010. The City Council considered and approved the MND and Mitigation Monitoring Program at its meeting of March 21, 2011.

SECTION 9. This Ordinance shall be effective on the thirty-first day after the date of its adoption.

INTRODUCED: March 07, 2011

PASSED: March 21, 2011

AYES: BURT, ESPINOSA, HOLMAN, KLEIN, PRICE, SCHARFF, SCHMID, SHEPHERD, YEH

NOES:

ABSTENTIONS:

ABSENT:

ATTEST:

City Clerk

APPROVED AS TO FORM:

Senior Deputy City Attorney

APPROVED:

Mayor

City Manager

Director of Planning and Community Environment

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City of Palo Alto
City Council Staff Report

(ID # 1395)

Report Type: Action Items **Meeting Date: 3/7/2011**

Council Priority:

Title: Palo Alto Commons PC Amendment

Subject: Public Hearing: Approval of a Mitigated Negative Declaration and Adoption of an Ordinance to Amend the Existing Palo Alto Commons Planned Community ("PC") to Add a 0.83 Acre Site and Rezone it to PC from CN and RM-15 for a New 3-story Building Providing 44 Senior Assisted Living Rental Units at 4041 El Camino Way

From: City Manager

Lead Department: Planning and Community Environment

Recommendation
Staff, the Architectural Review Board (ARB), and the Planning and Transportation Commission (P&TC) recommend that City Council:

1. Approve the Initial Study and Mitigated Negative Declaration (Attachment L), in accordance with the California Environmental Quality Act (CEQA); and
2. Adopt the proposed Ordinance (Attachment A), an amendment to the existing Palo Alto Commons Planned Community (PC-3775) zone district to add the 0.83 acre site (subject property) to the existing 1.7 acre site, and construct a senior assisted rental housing facility to replace the existing buildings at 4041 El Camino Way.

Executive Summary
This report conveys to the City Council the unanimous recommendations of the Architectural Review Board, Planning and Transportation Commission, and staff to approve the proposed 44-unit senior assisted living rental project as an amendment and addition to the existing Palo Alto Commons Planned Community Zoning District. The City Council's review includes the Mitigated Negative Declaration/Environmental Assessment of the proposed project and the amendment of PC-3775 to include a 0.83 acre site with a new building with 44 new units. The project furthers the City's housing diversity goals and retains six protected oak and redwood trees onsite. Concerns expressed in earlier meetings about the mass of the proposed building and the number of proposed parking spaces were addressed by the applicant and were discussed in hearings with the Architectural Review Board and the Planning and Transportation Commission.

Background

Existing Conditions

Palo Alto Commons is an existing senior assisted housing facility developed on a 1.7 acre site based on Planned Community (PC) Zone 3775, approved by City Council in 1987. Palo Alto Commons consists of 121 senior rental units (with 140 beds), totaling 81,200 square feet of floor area. The existing 2- and 3-story facility contains a dining facility, kitchen, and activity rooms on the first floor, and both surface parking and below grade parking facilities providing 55 parking spaces. The public benefit was considered to be intrinsic to the existing PC, an assisted living facility needed by the community.

The proposed expansion site, located immediately west of the existing senior facility, is comprised of three developed properties located on El Camino Way between West Meadow Drive and El Camino Real, with El Camino Way addresses 4037, 4039, 4041, 4043 and 4045. The expansion site contains a single-family home and two small commercial buildings on three lots. The front half of the site is currently zoned Neighborhood Commercial (CN) and the rear half of the site is zoned Low Density Multiple Family Residential allowing up to 15 units per acre (RM-15 zone district). The site's existing zoning is consistent with the Comprehensive Plan land use designations for the site, Neighborhood Commercial and Multi-Family Residential.

The properties to the east are zoned Single-Family Residential (R-1), the property to the north is zoned Multi-Family Residential (RM-15), and the property to the south is the existing Palo Alto Commons facility Planned Community.

Project Description

The applicant's project description and development program statement for the proposed PC district zone change are provided in Attachment E.

The proposed 44-unit senior assisted housing facility (aka Commons Addition) would include 8 studio apartments, 17 one-bedroom apartments and 19 two-bedroom apartments. The new building would provide common areas and recreation facilities, including a lounge, fitness room, indoor pool, common bathroom, and dining room. The below grade parking facility would provide 38 parking spaces. Three parking spaces and a drop-off area would be provided at grade. The total proposed floor area is 56,672 square feet, which is a 1.57:1 floor area ratio (FAR) for the site, resulting in an overall FAR of 1.17:1 when combined with the existing Palo Alto Commons. The area of the below grade parking facilities is not included in the FAR.

The vehicle access from El Camino Way to the new underground parking facility would be provided using the access to the existing parking facility on the Palo Alto Commons site, with new driveways provided for the at grade parking and drop-off areas.

The layout and location of the proposed building have been dictated primarily by the location of the existing protected, mature oak trees on the site and the applicant's intention to reduce visual impacts on adjacent residential neighbors. The variable height and architectural treatment of the project are in response to the existing context.

Discussion

Zoning

The proposed project is submitted as a Planned Community zone because this type of small unit, rental housing facility for seniors, with age in place care, does not fit within any of the land uses defined within the zoning code. A zoning comparison table is included as Attachment D and shows a comparison to RM-30, as the most applicable zone for this use, and CN, the existing zoning designation for the site. Staff is recommending the Planned Community Zone for this type of project because its public benefit is truly integral to the project, and because small senior units and their unique character were not taken into consideration in the Zoning Code. The proposed units per acre is above what is allowed in zoning, but the 86 persons per acre, is within the 8 to 90 persons per acre allowed within the site's (Multiple Family Residential) designation in the Comprehensive Plan. The need for a PC zone for this type of project can be clearly seen in that there hasn't been any senior housing facility successfully approved in Palo Alto without use of a PC zone.

Below Market Rate (BMR) housing requirement

The City does not have any BMR Requirements applicable to rental housing.

Board/Commission Review & Recommendations

The Architectural Review Board considered the proposed project at three hearings. The applicant responded to the August 19, 2010 preliminary ARB comments by submitting revised designs, which the ARB formally reviewed and approved on November 4, 2010 (Staff Report included as Attachment I). The ARB requested six follow-up items return for consent calendar review (architectural and landscaping details, report out on conversations with neighbors over oak tree locations, and fencing adjacent to Jacobs Court). The ARB unanimously recommended approval of the plans after reviewing the follow-up items (Staff Report included as Attachment J).

The Planning and Transportation Commission (P&TC) considered the proposed project at two hearings. The preliminary hearing and project initiation occurred on June 16, 2010 (Staff Report included as Attachment H), where the P&TC comments focused on the environmental review, feasibility of the project without a PC, project need for a PC, project design, parking, and economic impacts. For the formal P&TC hearing on January 26, 2011 (Staff Report included as Attachment K) these issues were addressed through a revised environmental document, discussion of project conflicts with zoning and provision of public benefits, the revision of the design during ARB review, additional parking analysis (available online at http://www.cityofpaloalto.org/civica/filebank/blobdload.asp?BlobID=26075), additional economic analysis described in the project description (Attachment E), and the Resource Impacts section, below. The P&TC unanimously recommended approval of the draft ordinance, project plans, and environmental document.

Public Benefit

Public benefits are required for any Planned Community zone. The existing PC, Palo Alto

Commons, was approved with an acknowledgment that the use itself, senior housing, was a public benefit. The public benefit of this project is primarily the rental senior housing with facilities for aging in place. In addition to this primary benefit, the applicant proposes pedestrian improvements and facilities along El Camino Way between East Meadow and El Camino Real to the north, upgrades to the existing bus stop on El Camino Real, extensive planting, new walkways and a crosswalk in front of the Commons Addition development, and a $100,000 donation to Avenidas to be ear-marked for the age-at-home program for low-income seniors.

Green Building

This project is one of the first projects to participate in the City's LEED-ND Pilot Program under PAMC 18.44. The goal of the program is to promote sustainable neighborhoods by looking at how a single parcel can enhance a community's access to alternative transportation, resource efficiency and environmental sensitivity. The project's LEED-ND scorecard, modified for Palo Alto, is provided as Attachment F to this report. According to the applicant, the current design meets all of the prerequisites of the LEED-ND program and achieves 28 of the 30 points targeted by the pilot program. Many of the points were achieved through its location, having access to many diverse uses and housing. The applicant identified an additional 11 points which could be applied, but not without extra expense to the project. For example, dedicated space would be needed for local food production and for the amount of secured bicycle storage to obtain those points. Projects reviewed this year are not yet required to comply with the LEED-ND program, but rather only to submit documentation showing the level of compliance. This provides information that Council will evaluate at the end of the year in determining whether to implement or change the program to make it mandatory.

The project will also be required to meet the Build It Green, GreenPoint Rated program at the time of building permit and throughout construction under PAMC 16.14. The project must meet all of the program's prerequisites and achieve at least 70 points. A significant amount of points are being claimed for a design that provides for significant energy efficiency measures.

Timeline

Initiation by P&TC	June 16, 2010
Preliminary ARB Hearing	August 19, 2010
ARB Hearing (Approval)	November 4, 2010
ARB Hearing (Approval on Consent)	December 2, 2010
Formal P&TC Hearing	January 26, 2011
City Council Hearing	March 7, 2011

Resource Impact

Revenues

The new Palo Alto Commons project has a number of one-time and ongoing General Fund revenue impacts once built. The following ongoing revenue estimates are net of revenue streams from the current site. Expected revenues are as follows:

Revenues	One-Time	Ongoing
Impact Fees (1)	$299,740	
Documentary Transfer Tax (2)	$ 14,025	
Property taxes (3)		$17,673
Utility Users Tax (4)		$ 4,627
Sales Taxes (5)		$ 3,800
Total Revenues	$304,559	$26,100

(1) These consist of traffic, park, community center and library impact fees. The fees are estimated based on the number and size of the units and on trips generated by the new development. A final calculation is completed and fees are paid at building permit issuance. PAUSD impact fees are not included in the above calculation but will be paid to the school district.

(2) Transfer of ownership for the property occurred approximately 3 years ago so the City has already recognized the transfer tax revenue. Amount cited above is based on the purchase value.

(3) Ongoing property taxes were calculated based on the estimated future value of property and improvements less the assessed value of property at time of purchase. It should be noted that current property owner is appealing the assessed value so the estimated ongoing tax could be lower if appeal is successful.

(4) The Utility Users Tax is based on expected gas, electric, and water usage based on square footage and estimated telephone expenses.

(5) Once residents occupy units and workers attend them, there will be taxable expenditures in the City. Above estimate is based on anticipated spending patterns of residents and workers. The businesses on the current site provide services and do not generate sales taxes that are material to the analysis.

It should be noted that the developer has estimated, based on $7.0 million in construction costs, that the City could realize $70,000 in one-time use taxes. Staff is reluctant to confirm this estimate because appropriate use tax direct payment permits must be obtained and used by prime and/or sub-contractors to report taxes to the State. Thus, realizing the $70,000 will take diligence on the part of the developer and contractors; staff will encourage them to implement the measures necessary to achieve this goal.

<u>Expenses</u>

This is a cost-recovery project; the applicant is reimbursing the City's costs to cover staff expenses involved in analyzing the proposal, preparing environmental documents and reports for public hearings, and checking building permit plans.

At this time, the new Commons project will not result in any additional direct costs for the City. As noted in prior housing development proposals, the cumulative addition of housing units will have an impact on City costs such as police services. Since this project serves seniors, for example, it can be expected that calls for paramedic services will increase. Paramedic fees, however, should recoup the cost of service. It is difficult to calculate the cost consequences of individual developments to the General fund, but it is important to realize that that additional service expenses may be needed at a future date and will offset revenues generated by projects such as the new Commons units.

Policy Implications

The proposed project is consistent with the Comprehensive Plan land use designation and policies and staff believes there are no other substantive policy implications. A table of applicable Comprehensive Plan policies is included as Attachment C.

Environmental Review

This project is subject to the California Environmental Quality Act (CEQA) requirements. The draft Initial Study and Mitigated Negative Declaration was available for public review between June 11 and July 1, 2010. Revisions were made in December, 2010, to include regulations regarding GHG thresholds developed since the release of the initial draft, and in consideration of comments received at public hearings, but no new impacts were found, and no new mitigation measures were needed, so no recirulation was necessary. The mitigation measures to address potential impacts in the areas of Biological Resources (Protected Trees), Hazards and Hazardous Materials (potential existing asbestos-containing materials and lead-based paint materials, potential water contamination), Noise (rooftop equipment, interior noise, construction & delivery hours), and Transportation and Traffic (parking & driveway design, bicycle parking) have been accepted by the applicant.

COURTESY COPIES

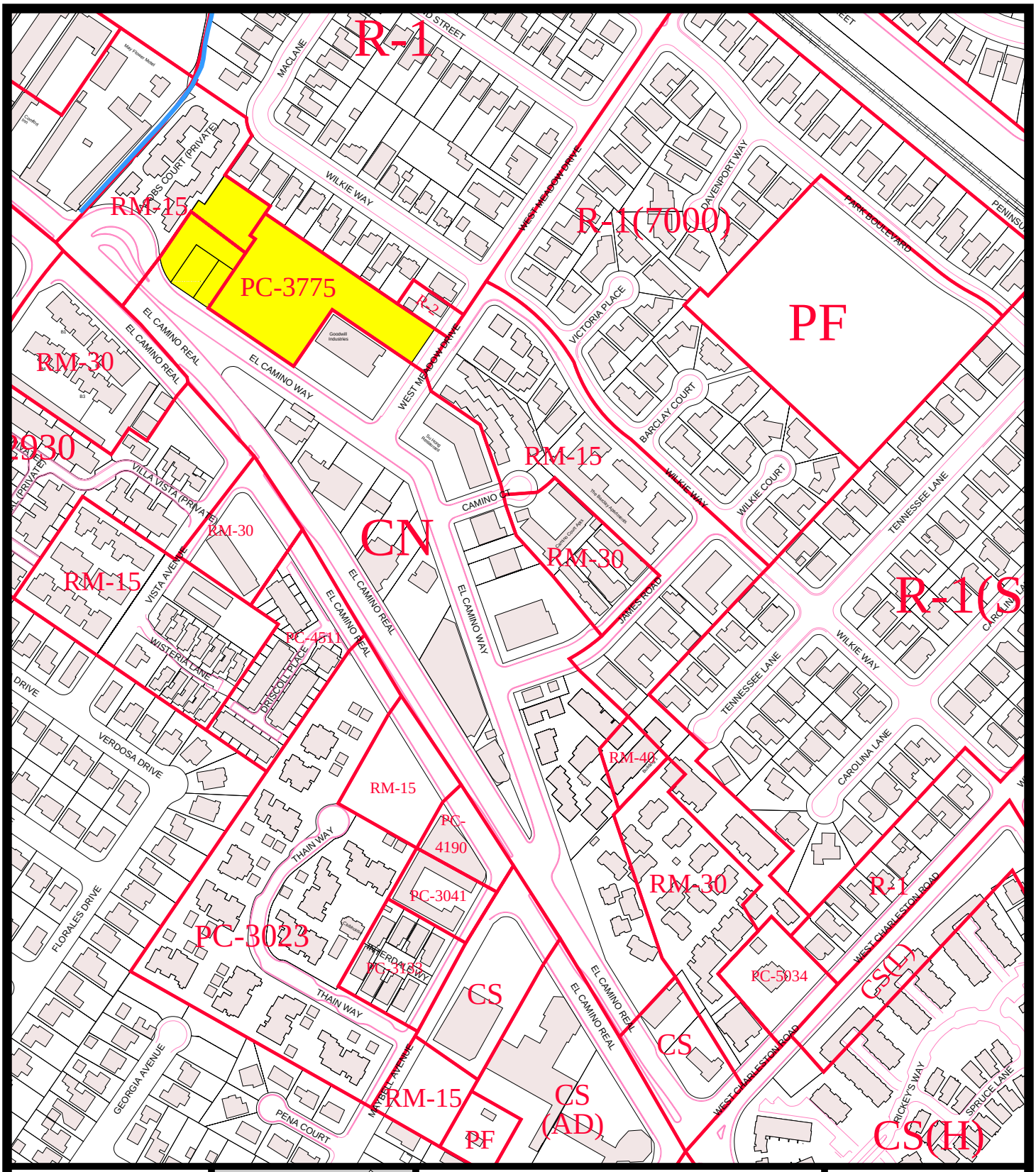
Sandy Sloan
Stephen Reller

Attachments:

- Attachment A: Palo Alto Commons PC Ordinance and Exhibits (PDF)
- Attachment B: Location Map (PDF)
- Attachment C: Comprehensive Plan Policies (PDF)
- Attachment D: Zoning Comparison (PDF)
- Attachment E: Project Description (PDF)
- Attachment F: LEED-ND Checklist (PDF)

- Attachment G: Oak Tree Impact Analysis (PDF)
- Attachment H: June 16, 2010 P&TC Staff Report and Minutes (PDF)
- Attachment I: ARB Staff Report November 4 (PDF)
- Attachment J: ARB Staff Report December 2 (PDF)
- Attachment K: Jan. 26, 2011 P&TC Staff Report and Minutes (PDF)
- Attachment L: Environmental Review (PDF)
- Attachment M: Plans (Hardcopies provided to Councilmembers and Libraries Only) (TXT)

Prepared By:	Jennifer Armer, Planner
Department Head:	Curtis Williams, Director
City Manager Approval:	James Keene, City Manager



The City of Palo Alto

Attachment B

Palo Alto Commons & Proposed Addition

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

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ORIGINAL

ORDINANCE NO. 3775

ORDINANCE OF THE COUNCIL OF THE CITY OF PALO ALTO AMENDING SECTION 18.08.040 OF THE PALO ALTO MUNICIPAL CODE (THE ZONING MAP) TO CHANGE THE CLASSIFICATION OF PROPERTY KNOWN AS 4047, 4075 AND 4085 EL CAMINO WAY FROM RM-2 AND CN TO PC.

The Council of the City of Palo Alto does ORDAIN as follows:

SECTION 1. Section 18.08.040 of the Palo Alto Municipal Code, the "Zoning Map", is hereby amended by changing the zoning of certain property known as 4047, 4075 and 4085 El Camino Way from RM-2 (Medium Density Multiple Family Residence District) and CN (Neighborhood Commercial District) to PC (Planned Community District). Said property is shown on a map attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION 2. The City Council hereby finds with respect to the subject property that:

(a) The use or uses proposed for the site are of such characteristics that the application of general districts or combining districts will not provide sufficient flexibility to allow the proposed development which is to provide housing for the elderly. The increased density and decreased parking requirements will allow smaller units to be constructed of a size suitable to the elderly within the same building envelope allowed under the RM-2 zone.

(b) Development of the site under the provisions of the PC district will result in public benefits not otherwise attainable by application of the regulations of general districts or combining districts in that housing for the elderly, including residential care, is a public need, considering Palo Alto's elderly population, and this type of facility is not being provided in the community by other projects.

(c) The use or uses permitted and the site development regulations applicable within the district shall be consistent with the Palo Alto Comprehensive Plan, and shall be compatible with existing and potential uses on adjoining sites or within the general vicinity, in that the project will have minimal traffic or noise impacts on the surrounding neighborhood. Furthermore, the residential use will generate less employment than the commercial uses permitted under the existing zoning.

SECTION 3. The plans attached hereto as Exhibit "B", as amended showing 121 units, constitute the development plan and are incorporated herein by this reference. Said development plan is

approved pursuant to Section 18.68.120 of the Palo Alto Municipal Code, subject to the following conditions:

(a) CONDITIONS OF USE.

The uses shall be limited to 121 apartment units for the elderly who can no longer live independently. Uses shall also include food preparation and dining, community rooms, and office facilities for provision of services to apartment residents. The facility shall be licensed as a Residential Care Facility for the elderly under the State of California Health and Welfare Agency, Department of Social Services Title 22, Section 87102(a), or successor legislation which requires the provision of at least the following services:

1. Use of a residential care unit, either a studio or one bedroom.

2. 3 meals a day.

3. Security in the form of 24 hours supervisory personnel on duty, controlled access into the facility and emergency devices located in each residential care unit.

4. Personal care in dressing, bathing and other personal hygiene.

5. Supervision but not administration of medication.

6. Transportation in the form of a van to provide access for personal needs such as banking, hair care, prescriptions, stores, church, activities oriented towards social abilities such as various senior facilities in the City of Palo Alto including the Senior Coordinating Council and the Senior Day Health Program.

7. Programs to provide entertainment, health and inter action.

8. Coordination with doctors and other outside contractors regarding health services.

9. The Developer shall establish and administer a program which shall give preference for occupancy to Palo Alto residents and their families.

If the stated uses change, then the project will require an amendment to the PC zone approved by the

City Council and shall be required to comply with parking requirements associated with the new use.

(b) IMPROVEMENTS.

1. Parking for at least 55 cars shall be provided on site as indicated on the approved plan. A portion of the underground parking shall be accessible to guests. The management shall provide on-site van service for residents. Management shall charge residents with cars a parking fee to be approved by the Director of Planning and Community Environment in addition to the regular monthly rent and service charge. Developer shall submit a preliminary plan (attached hereto as Exhibit "C"), which may consist of a simple line drawing to show how additional parking spaces will be provided in the event a proposal is received to change the use from the PC zone for a residential care facility for the elderly to a use equivalent to multi-family housing, with the attendant parking requirements.

2. To satisfy the Below Market Rate Program of the Comprehensive Plan, the developer shall make an in-lieu contribution in the amount of $205,200, adjusted to the Consumer Price Index (all urban consumers - San Francisco - Oakland) prior to the issuance of an occupancy permit for the development. This fee shall be used to reduce the cost of some apartment units for low and moderate income seniors. An agreement setting forth the terms of such a reduction in cost shall be negotiated and agreed to by the City, the developer and the Palo Alto Housing Corporation prior to the issuance of an occupancy permit.

3. The developer shall obtain approval of and record a parcel map merging the three existing parcels, prior to issuance of a building permit.

4. Complete water and sewer flow calculations are needed at the time of building plan check to show that the off-and on-site water and sewer system will provide the required fire and sanitary flows needed to serve the development. Any improvements to the system will be at the owner's expense.

5. The developer shall replace damaged curb, gutter, and sidewalk on El Camino Way.

6. A soils report shall be prepared to specifically address the proposed shoring for garage

excavation and the elevation of the water table at the site prior to issuance of a building permit.

7. Storm drainage from the site shall be piped directly into the existing storm drain running along the east side of W. Meadow Drive. The on-site drainage system shall be designed with excess capacity so that water can be detained on-site during peak flow periods.

8. A drainage plan shall be submitted to Public Works Engineering for approval prior to completion of construction drawings. Surface drainage over the sidewalk is not permitted. Drainage patterns shall not adversely affect abutting properties.

9. Underground garage pump/sump system shall be designed to operate effectively in the event of a power failure by means of:

a. a back-up emergency power generator; or;

b. an oversized sump with capacity to hold the accumulated water; or

c. a method subject to the City Engineer's approval.

10. No street tree shall be removed without permission from the Division of Parks and Open Space. The trees on El Camino Way may be replaced with pyrus aristocat. New camphor trees on West Meadow Drive shall be planted behind the sidewalk.

11. The developer shall apply for an encrochment permit from Public Works Engineering prior to finalizing plans for encroachment into the public right-of-way.

12. Space for a pad-mount transformer is required. Electric meters must be grouped on the first floor.

13. Title 24 regarding handicapped requirements for apartments shall apply.

14. Mounding for landscaping behind the sidewalk shall not exceed three feet in elevation with respect to the driveway grade.

15. Prior to application for an occupancy permit, the developer shall submit to the Director of Planning and Community Environment for approval, a

detailed written description of how the following measures will be implemented and monitored:

a. Maintenance in a central location of timely information regarding commute alternatives and distribution of same to all new employees. The information should include all relevant transit system timetables, information about ridesharing from RIDES for Bay Area Commuters, Inc. and County Transit, information on the buildings' and the City's bicycle facilities.

b. A means to provide or reimburse employees for transit passes.

c. Assurance that the property manager will provide each employee with the RIDES car pool match list application form and information package at least once each year.

16. Detailed landscaping plans and color palette shall return to the Architectural Review Board for final approval prior to the issuance of an occupancy permit. Information about the final color scheme shall be sent to the Planning Commission upon ARB approval.

17. Developer shall be responsible for the costs of undergrounding and service conversions for electric, telephone, and street lighting and for all services now provided by utility poles 401 and 402 on El Camino Way, such undergrounding to extend to but not include utility pole 403.

18. Notwithstanding any of the provisions of Palo Alto Municipal Code Chapter 9.10, construction hours on the site shall be limited to the hours between 8:00 a.m., and 6:00 p.m., Monday through Friday, the hours of 9:00 a.m., to 5:00 p.m., on Saturdays, and there shall be no construction allowed on Sundays and holidays.

(c) DEVELOPMENT SCHEDULE.

Construction shall begin no later than one year following City Council approval of the zone change and shall be completed within 18 months of the start of construction.

(d) ANNUAL REPORT.

The management shall provide the City with an annual project report with the following information:

1. Occupancy/Vacancy status

2. Number and age of occupants
3. Number of employees
4. Number of residents and employees who use parking spaces
5. Copy of Renewal License for Residential Care Facility

SECTION 4. In the event that Section 3, subparagraph (a)(9) of this ordinance is for any reason held to be unconstitutional or unlawful, such decision shall not affect the validity of the remaining portion of this ordinance or any part thereof.

SECTION 5. The Council finds that this project will have no significant adverse environmental impact.

SECTION 6. This ordinance shall become effective upon the commencement of the thirty-first day after the date of its passage.

INTRODUCED: October 5, 1987

PASSED: October 26, 1987

AYES: Bechtel, Cobb, Fletcher, Leby, Patitucci, Sutorius, Woolley

NOES: Renzel

ABSTENTIONS: None

ABSENT: Klein

ATTEST:

City Clerk

APPROVED AS TO FORM:

Sr. Assistant City Attorney

APPROVED:

City Manager

Director of Planning and Community Environment

APPROVED:

Mayor

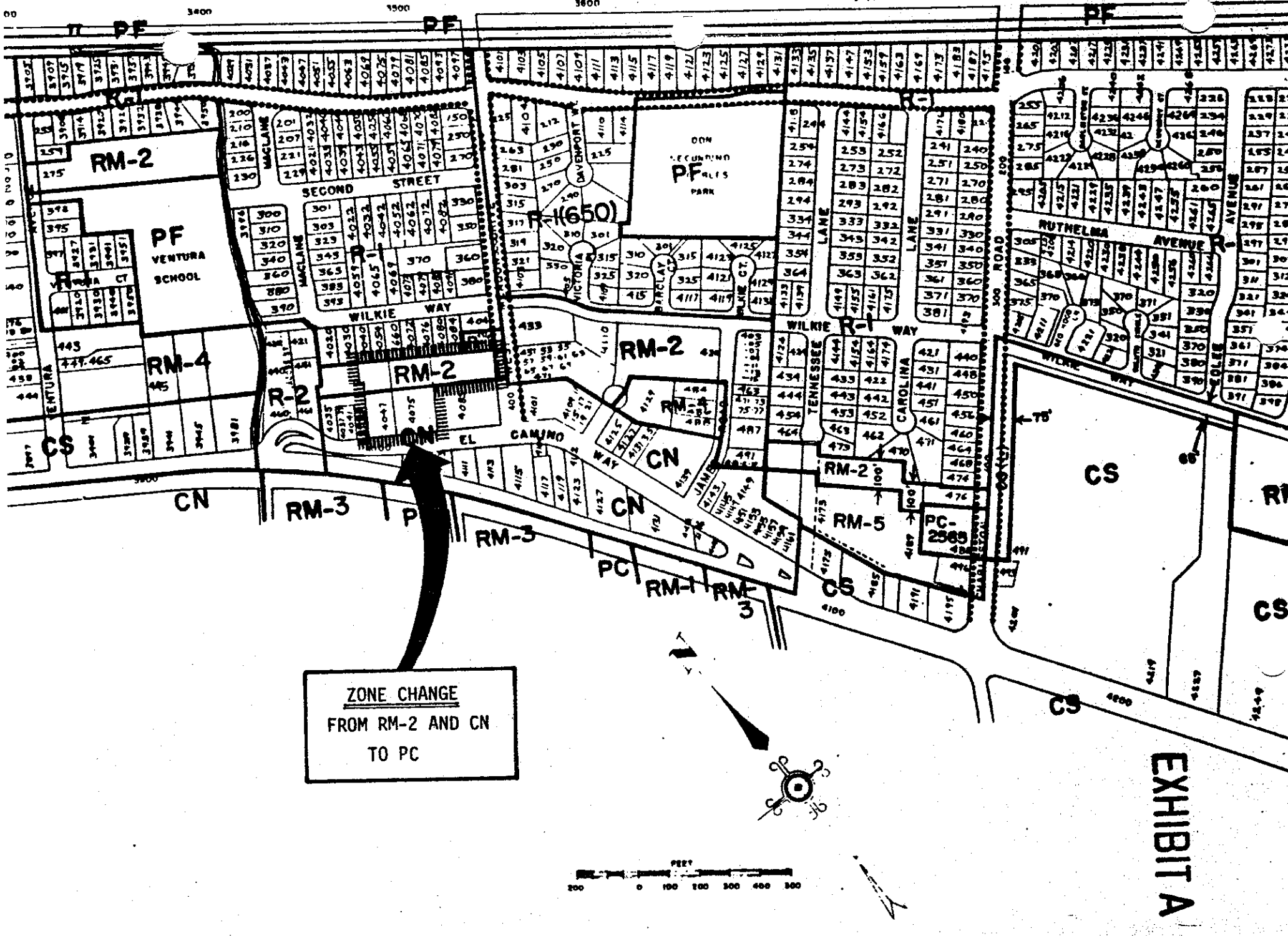
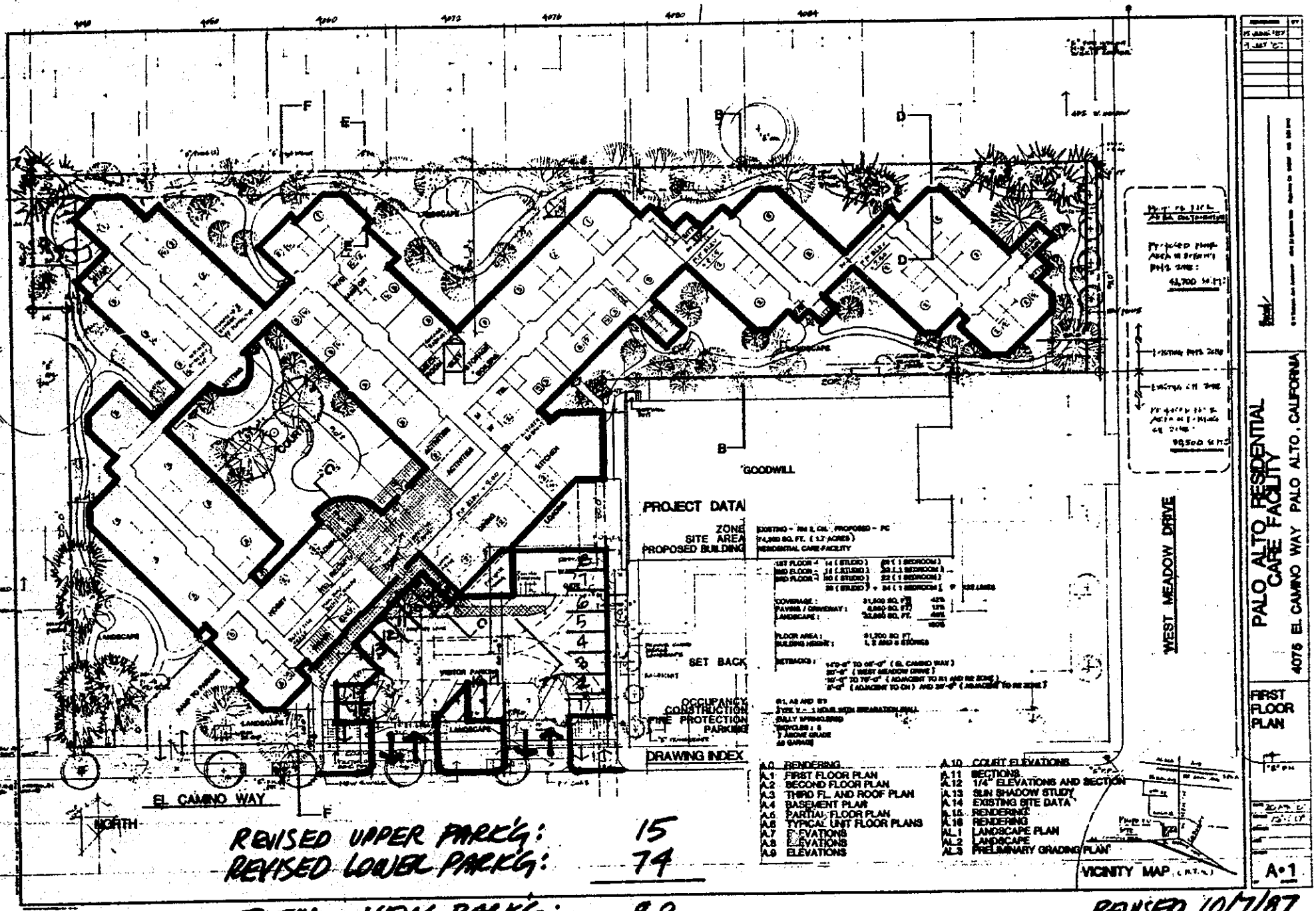

ZONE CHANGE
FROM RM-2 AND CN
TO PC
EXHIBIT A
PF
VENTURA SCHOOL
RM-2
RM-4
R-2
CS
CN
RM-3
PC
RM-1
RM-5
PC-2565
R-1(650)
R-1
SECOND STREET
WILKIE WAY
EL CAMINO
MACLANE
VENTURA
DAVENPORT
VICTORIA
BARCLAY
TENNESSEE
CAROLINA
RUTHELMA AVENUE
COLLEGE
DON LEONDINO PARK
FEET

EXHIBIT C



REVISED UPPER PARK'G: 15
REVISED LOWER PARK'G: 74

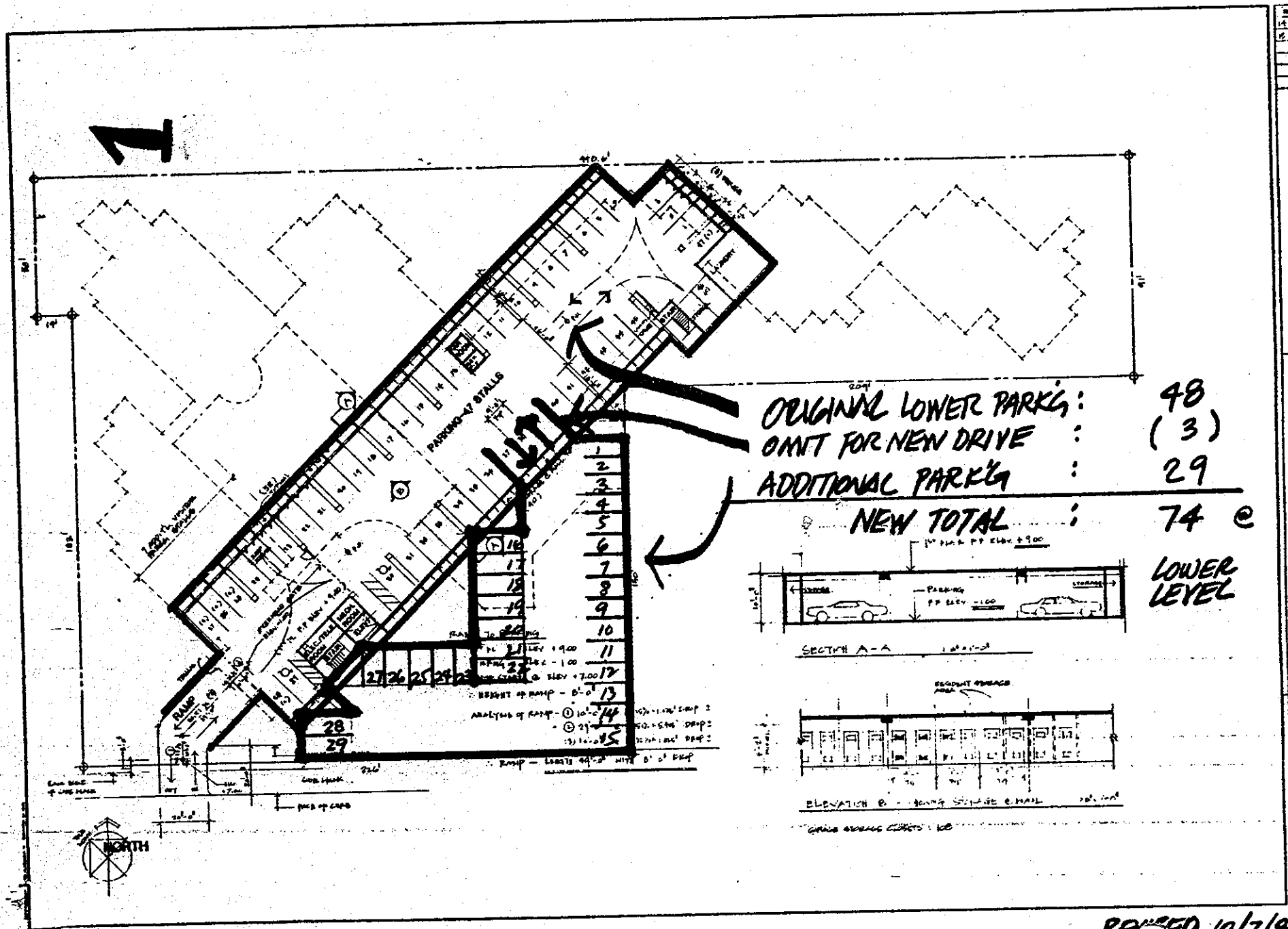
TOTAL NEW PARK'G: 89

REVISED 10/7/87

(NOTE: PRELIM. LINE DWG. REC. FOR RECORD, ILLUSTRAT'G. ADDED PARKING SHOWS PROPERTY USE CHANGE.)

SEE ALSO LOWER PARK'G REVISION

EXHIBIT C



REVISED 10/7/87

SEE ALSO UPPER PARK'G REVISION