

**27 UNIVERSITY
PLANNING & TRANSPORTATION COMMISSION OCTOBER 24, 2012
FOLLOW-UP QUESTIONS**

Following the PTC meeting of October 24, 2012, PTC member Panelli forwarded these additional questions:

- 1. Could the Theatre be a compatible use in the PF district? It does not seem to be incompatible, but it was not clear to me from reading the code whether it is or is not. Also, such a designation could alleviate the perception of parkland gerrymandering to make the numbers work.**

Section 18.28.040 (Table 1) of the Zoning Ordinance outlines the permitted (P) and conditionally permitted (CUP) land uses for the PF District. While a variety of assembly uses, public uses, and quasi-public uses are permitted or conditionally permitted, a theater use is not explicitly listed as an allowed use. Community Centers are a Conditionally Permitted Use provided the use is on property that is owned by a governmental agency and leased for the Community Center. The Lucie Stern Theater is on PF zoned property owned by the City of Palo Alto and leased to Theatreworks and other theater groups. The 27 University Avenue property is owned by Stanford University, which is not a governmental agency. Similarly, "Art, dance, gymnastic, exercise or music studios or classes" is a conditionally permitted use, provided the use is on governmentally owned property. There is also a provision for "other uses which, in the opinion of the director, are similar to those listed as permitted or conditionally permitted uses" as long as the use is on governmentally owned property. In short, the land is owned by a non-governmental agency, and while some interpretations might suggest that a theater center designed to serve the community could be a compatible, conditionally permitted use in the PF district, the land ownership is an issue in this instance.

- 2. Can you explain the push to create a new Arts and Innovation district? If we used an existing designation for the office portion of the parcel, it seems that we could accommodate most of what the applicant will likely request. The rest (primarily the height) could be handled through the variance process.**

The Arts and Innovation zoning district would provide a mechanism for the building heights, transit-oriented density, mix of uses, and series of public spaces anticipated in the master plan. The City does not currently have an existing zoning district classification that would allow the particular combination of uses and building forms in the master plan. Community Commercial is the closest zoning district having the most similar range of uses and intensity to the desired land uses and intensity.

Variances are intended to provide a way for a site with special physical constraints, resulting from natural or built features, to be used in ways similar to other sites in the same vicinity and zoning district. It is unlikely the findings for a variance could be made for increased building height, since the impetus for the increased height is related to the land use program and desire for transit-oriented density rather than physical constraints or hardships unique to the site.

Similarly, a Height Exception (as described in 18.40.090) would not be applicable for the increased heights proposed in the master plan. Height exceptions are intended for architectural, utility, or mechanical features that exceed the height limit by no more than fifteen feet, and that are not used for habitable space.

- 3. If we delineated the parkland portion as everything north of underground garage entrances, what would be the remaining parcel size? And therefore what would the maximum allowable density be for this portion of the parcel based on a 2.0 FAR?**

The parkland would need to retain the same amount of parkland as currently exists, but with modified boundaries. The most recent parkland swap exhibit (included with the December 3, 2012 CMR) indicates an FAR of 1.11 for the theater site and 1.78 for the office site.

- 4. Are there any provisions in the existing code to provide density bonuses in exchange for including publicly available parking, over and above the minimum amount of parking required by the code for the designated uses?**

There are no incentives in the Zoning Code for providing publicly available parking above the parking required for the uses on the site. Offerings of public parking spaces above the minimum needed for the uses on site have been associated with Planned Community (PC) public benefits in the past, including the 800 High Street PC project.