



## CITY OF PALO ALTO OFFICE OF THE CITY CLERK

April 22, 2019

The Honorable City Council  
Palo Alto, California

**SECOND READING: Adoption of an Ordinance of the Council of the City of Palo Alto Amending the Setback Map of the City of Palo Alto to Eliminate the 50-Foot Special Setback Along Hansen Way for 3200 El Camino Real (FIRST READING: April 1, 2019 PASSED: 7-0)**

This Ordinance was first heard by the Council on April 1, 2019, where it passed 7-0. The final motion is listed below.

**PUBLIC HEARING/QUASI-JUDICIAL:** 3200 El Camino Real [17PLN-00156]: Consideration of an Applicant's Request to Adopt an Ordinance Amending the Setback Map to Eliminate the 50-foot Special Setback for the Subject Property Adjacent to Hansen Way; and Consideration of a Request for Approval of an Architectural Review Board Application Allowing the Demolition of the Existing Building and Construction of a new 99-Guestroom Hotel Development. The Request Also Includes a Reduction in Parking to be Off-set by Valet Parking. Environmental Assessment: An Initial Study/Mitigated Negative Declaration was Circulated for Public Comment From December 4, 2018 to January 3, 2019. The Planning and Transportation Commission Recommended Adoption of the Applicant's Proposed Map Amendment on December 12, 2018. Zoning District: Service Commercial (CS).

**MOTION:** Council Member DuBois moved, seconded by Council Member Kou to:

- A. Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program as set forth in the Record of Land Use Action;
- B. Introduce an Ordinance amending the Setback Map to eliminate the special setback for the subject property including recommended restrictions made by the Planning and Transportation Commission;

- C. Adopt the Record of Land Use Action approving the Architectural Review, based on findings and subject to conditions of approval as recommended by the Architectural Review Board with the added conditions:
  - i. Standard condition for Transportation Demand Management (TDM) program and reporting;
  - ii. Condition for participation in the Palo Alto Transportation Management Association (TMA); and
- D. Maintain the right turn lane in an appropriate design as determined by Staff

**AMENDMENT:** Vice Mayor Fine moved seconded by Council Member Kniss to remove Motion Part D.

**AMENDMENT WITHDRAWN BY THE MAKER**

**MOTION SPLIT FOR THE PURPOSE OF VOTING**

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to amend the Motion Part D to state "...capacity in an appropriate design as determined by Staff working with Caltrans."

**MOTION TO BE VOTED ON AS WHOLE**

**MOTION AS AMENDED RESTATED:** Council Member DuBois moved, seconded by Council Member Kou to:

- A. Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program as set forth in the Record of Land Use Action;
- B. Introduce an Ordinance amending the Setback Map to eliminate the special setback for the subject property including recommended restrictions made by the Planning and Transportation Commission;
- C. Adopt the Record of Land Use Action approving the Architectural Review, based on findings and subject to conditions of approval as recommended by the Architectural Review Board with the added conditions:

- i. Standard condition for Transportation Demand Management (TDM) program and reporting;
  - ii. Condition for participation in the Palo Alto Transportation Management Association (TMA); and
- D. Maintain the right turn capacity in an appropriate design as determined by Staff working with CalTrans.

**MOTION AS AMENDED PASSED: 7-0**

**ATTACHMENTS:**

- Attachment A: Parmani Ordinance (PDF)

Department Head: Beth Minor, City Clerk



Ordinance No. \_\_\_\_

Ordinance of the Council of the City of Palo Alto Amending the Setback Map of the City of Palo Alto to Eliminate the 50-Foot Special Setback Along Hansen Way for 3200 El Camino Real.

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

SECTION 1. The City Council finds as follows:

(A) The Planning and Transportation Commission ("Commission"), after a duly noticed public hearing on December 12, 2018, has recommended that the City Council of the City of Palo Alto ("Council") eliminate the 50-foot special setback along Hansen Way for the subject site (3200 El Camino Real, Exhibit 1 and 2).

(B) The Planning and Transportation Commission has reviewed the facts presented at the public hearing, including public testimony and reports and recommendations from the director of planning and community environment or other appropriate city staff.

(C) The Planning and Transportation Commission finds that the subject site is within the CS Service Commercial boundary.

(D) The Planning and Transportation Commission finds that the elimination of the 50-foot special setback for the subject parcel is in accord with the Palo Alto Comprehensive Plan, in that the Comprehensive Plan designation of the site is CS Service Commercial and that the elimination of the special setback does not cause the site or its proposed development to be inconsistent with the Comprehensive Plan or South El Camino Real Design Guidelines.

The project is consistent with the following Comprehensive Goals and Policies:

- GOAL L-1: A compact and resilient city providing residents and visitors with attractive neighborhoods, work places, shopping districts, public facilities and open spaces.
- 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.
- GOAL L-4: Inviting pedestrian scale centers that offer a variety of retail and commercial services and provide focal points and community gathering places for the city's residential neighborhoods and employment districts.
- Policy L-4.3: Encourage street frontages that contribute to retail vitality in all Centers. Reinforce street corners in a way that enhances the pedestrian realm or that form corner plazas. Include trees and landscaping.
- Policy L-4.6: Sites within or adjacent to existing commercial areas and corridors are suitable for hotels. Give preference to housing versus hotel use on sites adjacent to predominantly single-family neighborhoods.

- Policy L-4.15: Recognize El Camino Real as both a local serving and regional serving corridor, defined by a mix of commercial uses and housing.

(E) The Council held a duly noticed public hearing on the matter on April 1, 2019, and has reviewed the Mitigated Negative Declaration prepared for the project and all other relevant information, including staff reports, and all testimony, written and oral, presented on the matter.

SECTION 2. The Council finds that the public interest, health and welfare require an amendment to the Setback Map of the City of Palo Alto (PAMC section 20.08.020) as set forth in Section 3.

SECTION 3. The Council hereby amends the Setback Map of the City of Palo Alto (PAMC section 20.08.020) to eliminate the 50-foot Special Setback for the subject site (3200 El Camino Real) (Exhibit 1) for Mixed-Use and Hotel uses. The 50-foot Special Setback shall remain for all other land uses.

SECTION 4. 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) against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside or void, any permit or approval authorized hereby for the Project, including (without limitation) reimbursing the City its actual attorney's 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 own choice.

SECTION 5. The Council hereby finds that this setback map amendment is subject to environmental review under the provisions of the California Environmental Quality Act (CEQA). An environmental assessment and mitigated negative declaration was prepared for the project and it has been determined that all potentially adverse impacts that would result from the setback map amendment can be mitigated to a level of insignificance; therefore, the project would have no significant impact on the environment.

SECTION 6. This ordinance shall be effective upon the thirty-first (31st) day after its passage and adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ATTEST:

APPROVED:

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City Clerk

Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
City Manager

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Deputy City Attorney

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Director of Planning and Community  
Environment