ORDINANCE

ORDINANCE OF THE COUNCIL OF THE CITY OF PALO ALTO AMENDING THE ZONING MAP OF THE CITY OF PALO ALTO TO CHANGE THE ZONE DESIGNATION FOR APPROXIMATELY 0.45 ACRES, LOCATED AT 2995 MIDDLEFIELD ROAD, FROM PLANNED COMMUNITY (PC 3779) TO NEIGHBORHOOD COMMERCIAL (CN) ZONE DISTRICT WITH A RETAIL SHOPPING (R) COMBINING DISTRICT

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 January 30, 2008, has recommended that the City Council of the City of Palo Alto ("Council") rezone the 0.45 acres of land at 2995 Middlefield Road from "Planned Community (PC 3779)" to "Neighborhood Commercial (CN)" with a Retail Shopping (R) Combining District.

B. The Council has received the facts presented at the Commission’s public hearing, including public testimony and reports and recommendations from the director of planning and community environment or other appropriate city staff;

C. The Council finds that a change in the Zoning Map from “Planned Community (PC 3779)” to “Neighborhood Commercial (CN) with a Retail Shopping (R) Combining District” is consistent with the subject site’s Comprehensive Plan designation of Neighborhood Commercial and designation of the CN zoning with a Retail Shopping (R) Combining District will enable the property owner to have a greater range of commercial uses onsite and thereby retain the business within City limits, subject to completion of architectural review and compliance with the CN and R combining district regulations, which require all uses to be conducted in such a manner as to preclude any nuisance, hazard, or commonly recognized offensive conditions;

D. The Council finds that rezoning the parcel to Neighborhood Commercial District (CN) with Retail Shopping (R) Combining District is in accord with the Neighborhood Commercial land use designation of the site, as defined in the Palo Alto Comprehensive Plan (PACP).

E. The Council held a duly noticed public hearing on the matter on June 16, 2008, 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 hereby amends the Zoning Map of the City of Palo Alto to place 2995 Middlefield Road, 0.45 acres of land, within the “Neighborhood Commercial District (CN) with a Retail Shopping (R) Combining District.”
SECTION 3. The Council hereby finds that this rezoning will have no significant effect on the environment and approves the Mitigated Negative Declaration.

SECTION 4. This ordinance shall be effective upon the thirty-first (31st) day after its passage and adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ATTEST: APPROVED:

__________________________
City Clerk

__________________________
Mayor

APPROVED AS TO FORM:

__________________________
City Manager

__________________________
Director of Planning and Community Environment

Deputy City Attorney
Draft Initial Study and Mitigated Negative Declaration
Public Circulation Period: April 16-May 6, 2008

Rezoning from Planned Community (PC-3779) to Commercial Neighborhood (CN) with Retail Shopping Combining District (R), to allow a greater range of commercial uses.
Notice of Intent to Adopt a Mitigated Negative Declaration

A notice, pursuant to the California Environmental Quality Act of 1970, as amended (Public Resources Code 21,000, et seq.) that the following project will not have a significant effect on the environment.

<table>
<thead>
<tr>
<th>File Number</th>
<th>TAZ</th>
<th>APN(s)</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>07PLN-00269</td>
<td></td>
<td>127-53-020</td>
<td>4-08-08</td>
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</table>

**Project Name**
Zone Change for 2995 Middlefield Road, Palo Alto

**Owner**
Old Trace Middlefield

**Project Location**
2995 Middlefield Rd. Palo Alto, CA

**Project Description**
The project involves the rezoning of one parcel from Planned Community (PC-3779) to Commercial Neighborhood District (CN) with a Retail Shopping Combining District (R), to allow a greater range of commercial uses. The applicant intends to submit an application for review of the removal of the gas station and development of a commercial building on the site. A subsequent CEQA review document would be prepared and circulated for any new development resulting from this rezoning.

**Purpose of Notice**
Notice is hereby given that a Draft Mitigated Negative Declaration has been prepared by the Palo Alto Department of Planning and Community Environment for the project listed above. In accordance with A.B. 866, this document will be available for review and comment during a minimum 20-day inspection period.

**Public Review Period:**
**Begins:** April 16, 2008  **Ends:** May 6, 2008

Public Comments regarding the correctness, completeness, or adequacy of this negative declaration are invited and must be received on or before the hearing date. Such comments should be based on specific environmental concerns. Written comments should be addressed to the City of Palo Alto. Oral comments may be made at the hearing. A file containing additional information on this project may be reviewed at the Planning Office under the file number appearing at the top of this form. For additional information regarding this project and the Mitigated Negative Declaration, please contact Elena Lee at (650) 617-3196

The Mitigated Negative Declaration and Initial Study may be viewed at the following locations:

(1) Palo Alto Planning Department at 250 Hamilton Avenue, Palo Alto, CA 94301
(2) Palo Alto Development Center at 285 Hamilton Avenue, Palo Alto, CA 94301

Responsible Agencies sent a copy of this document
Santa Clara Valley County Department of Environmental Health
Mitigation Measures included in the project to reduce potentially significant impacts to a less than significant level:

Mitigation Measure G-1:

Prior to the issuance of approvals for any development proposals, the applicant shall be required to obtain written approval from either the Santa Clara County Department of Environmental Health and/or the Regional Water Quality Control Board that the proposed project shall not impact the contamination investigation/remediation activities and that the existing contamination will not adversely affect the proposed project, the construction workers or anyone that subsequently works or lives at the site.

Mitigation Measure II-1:

Prior to the issuance of approvals for any development proposals, the applicant shall be required to obtain written approval from either the Santa Clara County Department of Environmental Health and/or the Regional Water Quality Control Board that the deconstruction and development shall not result in polluted runoff from the site nor impact the contamination investigation/remediation activities.

A reporting or monitoring program must be adopted for measures to mitigate significant impacts at the time the Mitigated Negative Declaration is approved, in accord with the requirements of section 21081.6 of the Public Resources Code.

<table>
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<tr>
<th>Prepared by:</th>
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<td>Approved by:</td>
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Signature  
4/8/08  
Date  

Signature  
4/8/08  
Date
City of Palo Alto  
Department of Planning and Community Environment California 
Environmental Quality Act  
MITIGATED NEGATIVE DECLARATION

I. DESCRIPTION OF PROJECT

Date: April 8, 2008
Application Nos.: 07PLN-00269
Address of Project: 2995 Middlefield Rd.
Assessor’s Parcel Number: 127-53-020
Applicant/Owner: Eric Corrigan  
505 Sansome Street, Suite 300  
San Francisco, CA 94111

Project Description and Location:

The project involves the rezoning of one parcel from Planned Community (PC-3779) to Commercial Neighborhood District (CN) with a Retail Shopping Combining District (R), to allow a greater range of commercial uses.

II. DETERMINATION

In accordance with the City of Palo Alto’s procedures for compliance with the California Environmental Quality Act (CEQA), the City has conducted an Initial Study to determine whether the proposed project located at 2995 Middlefield Rd. could have a significant effect on the environment. On the basis of that study, the City makes the following determination:

The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION is hereby adopted.

Although the project, as proposed, could have a significant effect on the environment, there will not be a significant effect on the environment in this case because mitigation measures for traffic impacts have been added to the project and, therefore, a MITIGATED NEGATIVE DECLARATION is hereby adopted.

The attached initial study incorporates all relevant information regarding the potential environmental effects of the project and confirms the determination that an EIR is not required for the project.
In addition, the following mitigation measures have been incorporated into the project:

**Mitigation Measure G-1:**

Prior to the issuance of approvals for any development proposals, the applicant shall be required to obtain written approval from either the Santa Clara County Department of Environmental Health and/or the Regional Water Quality Control Board that the proposed project shall not impact the contamination investigation/remediation activities and that the existing contamination will not adversely affect the proposed project, the construction workers or anyone that subsequently works or lives at the site.

**Mitigation Measure H-1:**

Prior to the issuance of approvals for any development proposals, the applicant shall be required to obtain written approval from either the Santa Clara County Department of Environmental Health and/or the Regional Water Quality Control Board that the deconstruction and development shall not result in polluted runoff from the site nor impact the contamination investigation/remediation activities.

---

**Project Planner**

**Date**

**Director of Planning and Community Environment**

**Date**
PROJECT DESCRIPTION: Request for a zone change from the existing Planned Community 3779 (PC-3779) district to Neighborhood Commercial (CN) with a Retail Shopping Combining District (R). Zone District: PC-3779

1. PROJECT TITLE

Zone Change for
2995 Middlefield Road
Palo Alto

2. LEAD AGENCY NAME AND ADDRESS

City of Palo Alto
Department of Planning and Community Environment
250 Hamilton Ave.
Palo Alto, CA 94303

3. CONTACT PERSON AND PHONE NUMBER

Elena Lee, Senior Planner
City of Palo Alto
650-617-3196

4. PROJECT SPONSOR'S NAME AND ADDRESS

Eric Corrigan
505 Sansome Street, Suite 300
San Francisco, CA 94111

5. APPLICATION NUMBER

07-PLN-00269

6. PROJECT LOCATION

2995 Middlefield Rd.
Palo Alto, CA 94303
Parcel Numbers: 127-53-020

The project site is located in the central section of the City of Palo Alto, in the northern part of Santa Clara County, west of U.S. Highway 101 and of State Route 82 (El Camino Real), as shown on Figure 1, Regional Map. It is located on the east side of Middlefield Rd. and at the
northerly terminus of Towle Way. The project site, consisting of one parcel of approximately 20,895 square feet, is approximately 65 feet southerly of Matadero Creek and is within the Midtown West area but not within the Midtown Commercial Center. The site is bounded by Middlefield Road to the south and City owned land to the east, north and west, as shown on Figure 2, Vicinity Map. The City owned lands are developed with a swim and tennis club and skating rink. Multi-family residences are located to the southwest across Middlefield Rd. The subject property was developed with a gas station. The gas station ceased operations on March 1, 2004. The site is fenced and inactive.

7. GENERAL PLAN DESIGNATION:

The General Plan designation is Neighborhood Commercial, per the Palo Alto 1998 - 2010 Comprehensive Plan. This land use designation allows shopping center with off-street parking or a cluster of storefront stores that serve the immediate neighborhood. Typical uses include supermarkets, bakeries, drugstores, variety stores, barber shops, restaurants, self-service laundries, dry cleaners, hardware stores. In specific locations, residential and mixed use developments may be appropriate. Non-residential floor area ratios will range up to 0.4.

8. ZONING

The subject site is zoned Planned Community, PC-3779. The site was zoned in 1984 to allow a previously nonconforming service station to continue operation. The specific regulations, development and performance standards are established by Ordinance 3779, in compliance with the Palo Alto Municipal Code. The revised proposal is to rezone the site Commercial Neighborhood with a Retail Shopping Combining District to allow commercial uses and specifically retail type uses only on the ground floor. No specific development project has been proposed at this time. The proposed zoning designation is consistent with the General Plan Designation.

9. PROJECT DESCRIPTION

The project involves the rezoning of one parcel from Planned Community (PC-3779) to Commercial Neighborhood District (CN) with a Retail Shopping Combining District (R), to allow a greater range of commercial uses. The applicant intends to submit an application for review of the removal of the gas station and development of a commercial building on the site. A subsequent CEQA review document would be prepared and circulated for any new development resulting from this rezoning.

SURROUNDING LAND USES AND SETTING

The project site is located on the east side of Middlefield Rd. and at the northerly terminus of Towle Way. The site is bounded by Middlefield Road to the south and City owned land to the east, north and west.

11. OTHER PUBLIC AGENCIES

- County of Santa Clara, Office of the County Clerk-Recorder
ENVIRONMENTAL CHECKLIST AND DISCUSSION OF IMPACTS

EVALUATION OF ENVIRONMENTAL IMPACTS

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. [A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).]

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.

4) “(Mitigated) Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 17, “Earlier Analysis,” may be cross-referenced).

5) Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (C)(3) (D). In this case, a brief discussion should identify the following:
   a) Earlier Analysis Used. Identify and state where they are available for review.
   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or
outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) The explanation of each issue should identify:
   a) the significance criteria or threshold, if any, used to evaluate each question; and
   b) the mitigation measure identified, if any, to reduce the impact to less than significance.

**DISCUSSION OF IMPACTS**

The following Environmental Checklist was used to identify environmental impacts, which could occur if the proposed project is implemented. The left-hand column in the checklist lists the source(s) for the answer to each question. The sources cited are identified at the end of the checklist. Discussions of the basis for each answer and a discussion of mitigation measures that are proposed to reduce potential significant impacts are included.

**A. AESTHETICS**

<table>
<thead>
<tr>
<th>Issues and Supporting Information Resources</th>
<th>Sources</th>
<th>Potentially Significant Issues</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Would the project:</td>
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</tr>
<tr>
<td>a) Substantially degrade the existing visual character or quality of the site and its surroundings?</td>
<td>1, 2, 3,</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b) Have a substantial adverse effect on a public view or view corridor?</td>
<td>1, 2, 3, 5</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>c) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?</td>
<td>1, 2, 3,</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>d) Violate existing Comprehensive Plan policies regarding visual resources?</td>
<td>1, 2,</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>e) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?</td>
<td>1, 2, 3,</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>f) Substantially shadow public open space (other than public streets and adjacent sidewalks) between 9:00 a.m. and 3:00 p.m. from September 21 to March 21?</td>
<td>1, 2, 3</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

**DISCUSSION:**

The proposed zone change project does not include any specific development. The existing site is entirely developed with an automobile service/gas station, which the applicant intends to remove and replace with a commercial building on the site upon successful rezoning of the site, approval of a
subsequent CEQA document and separate Architectural Review application, which would be submitted for Architectural Review Board review after Council adoption of the ordinance for the rezoning. Any new mixed-use (residential and non-residential) development that could be proposed as a result from this rezoning, would be reviewed by the Architectural Review Board, Planning Commission and City Council via the Site and Design Review process. These review processes would ensure that the potential aesthetic impacts from development will be mitigated.

Mitigation Measures:

None

<table>
<thead>
<tr>
<th>B. AGRICULTURAL RESOURCES</th>
<th>Sources</th>
<th>Potentially Significant Issues</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Issues and Supporting Information Resources Would the project:</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</td>
<td></td>
<td></td>
<td>1, 2</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</td>
<td></td>
<td></td>
<td>1, 2</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?</td>
<td></td>
<td></td>
<td>1, 2</td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

DISCUSSION:

The site is not located in a “Prime Farmland”, “Unique Farmland”, or “Farmland of Statewide Importance” area, as shown on the maps prepared for the Farmland Mapping and Monitoring Program of the California Resources Agency. The site is not zoned for agricultural use, and is not regulated by the Williamson Act.

Mitigation Measures:

None
C. AIR QUALITY

<table>
<thead>
<tr>
<th>Issues and Supporting Information Resources</th>
<th>Sources</th>
<th>Potentially Significant Issues</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tbody>
<tr>
<td>Would the project:</td>
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<tr>
<td>a) Conflict with or obstruct with implementation of the applicable air quality plan (1982 Bay Area Air Quality Plan &amp; 2000 Clean Air Plan)?</td>
<td>1, 2, 5</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
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<tr>
<td>b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation indicated by the following:</td>
<td>1, 2</td>
<td></td>
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<td></td>
<td>X</td>
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<tr>
<td>i. Direct and/or indirect operational emissions that exceed the Bay Area Air Quality Management District (BAAQMD) criteria air pollutants of 80 pounds per day and/or 15 tons per year for nitrogen oxides (NO), reactive organic gases (ROG), and fine particulate matter of less than 10 microns in diameter (PM_{10});</td>
<td>1, 2</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
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<tr>
<td>ii. Contribute to carbon monoxide (CO) concentrations exceeding the State Ambient Air Quality Standard of nine parts per million (ppm) averaged over eight hours or 20 ppm for one hour (as demonstrated by CALINE4 modeling, which would be performed when a) project CO emissions exceed 550 pounds per day or 100 tons per year, or b) project traffic would impact intersections or roadway links operating at Level of Service (LOS) D, E or F or would cause LOS to decline to D, E or F; or c) project would increase traffic volumes on nearby roadways by 10% or more)?</td>
<td>1, 2</td>
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<td>X</td>
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<tr>
<td>c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?</td>
<td>1, 2</td>
<td></td>
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<td>X</td>
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<tr>
<td>d) Expose sensitive receptors to substantial levels of toxic air contaminants?</td>
<td>1, 2</td>
<td></td>
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<td></td>
<td>X</td>
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<tr>
<td>i. Probability of contracting cancer for the Maximally Exposed Individual (MEI) exceeds 10 in one million</td>
<td>1, 2</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
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<tr>
<td>ii. Ground-level concentrations of non-carcinogenic TACs would result in a hazard index greater than one (1) for the MEI</td>
<td>1, 2</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
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<tr>
<td>e) Create objectionable odors affecting a substantial number of people?</td>
<td>1, 2</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
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<tr>
<td>Issues and Supporting Information Resources</td>
<td>Sources</td>
<td>Potentially Significant Issues</td>
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<td>Less Than Significant Impact</td>
<td>No Impact</td>
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<td>Would the project:</td>
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<td>g) Not implement all applicable construction</td>
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<td>emission control measures recommended in the</td>
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<td>Bay Area Air Quality Management District</td>
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<td>CEQA Guidelines?</td>
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**DISCUSSION:**

There is no specific development proposal as part of this project that could potentially affect air quality. The hazards section of this study describes existing conditions at the gas station. Due to the conditions of sale, which preclude development of a gas station and any grading in the vicinity of existing underground tanks, it is not likely that development proposed subsequent to this rezoning would violate BAAQMD guidelines for emission control, which would need to be followed as a part of any new development. Any development proposal would be subject to a subsequent environmental review, in compliance with CEQA requirements, and mitigation measures would be imposed as necessary to ensure air quality is maintained. Standard City conditions of approval would ensure that construction related impacts from dust and debris generated by future development will be limited to less than significant levels.

**Mitigation Measures:**

None

<table>
<thead>
<tr>
<th>D. BIOLOGICAL RESOURCES</th>
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<tbody>
<tr>
<td>Issues and Supporting Information Resources</td>
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<tr>
<td>Would the project:</td>
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<tr>
<td>a) Have a substantial adverse effect, either</td>
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<td>directly or through habitat modifications, on</td>
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<td>any species identified as a candidate, sensitive,</td>
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<td>or special status species in local or regional</td>
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<td>plans, policies, or regulations, or by the</td>
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<td>California Department of Fish and Game or</td>
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<td>U.S. Fish and Wildlife Service?</td>
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<td>b) Have a substantial adverse effect on any</td>
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<td>riparian habitat or other sensitive natural</td>
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<td>community identified in local or regional plans,</td>
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<td>policies, regulations, including federally</td>
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<td>protected wetlands as defined by Section 404</td>
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<td>of the Clean Water Act (including, but not</td>
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<td>limited to, marsh, vernal pool, coastal, etc.)</td>
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<td>through direct removal, filling, hydrological</td>
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<td>interruption, or other means?</td>
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</table>
### DISCUSSION:

There is no specific development proposal as part of this project. The completely developed site is in an urban area of the City, with very little landscaping on site. Future development proposals would be subject to a subsequent environmental review per CEQA requirements and will be required to comply with Palo Alto’s Tree Preservation Ordinance, the Palo Alto Municipal Code and Comprehensive Plan.

**Mitigation Measures:**

None

### E. CULTURAL RESOURCES

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<thead>
<tr>
<th>Issues and Supporting Information Resources</th>
<th>Sources</th>
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<td>Would the project:</td>
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<tr>
<td>c) Directly or indirectly destroy a local cultural resource that is recognized by City Council resolution?</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>d) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?</td>
<td>1, 2-MapL8</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>e) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</td>
<td>1, 2-MapL8</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>f) Disturb any human remains, including those interred outside of formal cemeteries?</td>
<td>1, 2-MapL8</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Issues and Supporting Information Resources</td>
<td>Sources</td>
<td>Potentially Significant Issues</td>
<td>Potentially Significant Unless Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
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<tr>
<td>Would the project:</td>
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</tr>
<tr>
<td>e) Adversely affect a historic resource listed or eligible for listing on the National and/or California Register, or listed on the City’s Historic Inventory?</td>
<td>1,2-MapL7</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>f) Eliminate important examples of major periods of California history or prehistory?</td>
<td>1, 2</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

DISCUSSION:

The Comprehensive Plan indicates that the site is in a moderate archaeological resource sensitivity zone. Most of the City area east of Interstate 280 is designated in this zone. However, the site is already completely developed. Because there is no specific development associated with this project, no impact would be expected on potential cultural resources. Future development is anticipated, however, and any development application would be subject to a subsequent CEQA review and the City’s standard conditions of approval, which will ensure that any cultural resources affected would be handled properly, in accordance to local, state and federal regulations.

Mitigation Measures:

None.

F. GEOLOGY, SOILS AND SEISMICITY

<table>
<thead>
<tr>
<th>Issues and Supporting Information Resources</th>
<th>Sources</th>
<th>Potentially Significant Issues</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Would the project:</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</td>
<td>See below</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.</td>
<td>2-MapN-5, 5</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>ii) Strong seismic ground shaking?</td>
<td>2-MapN-10, 5</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>iii) Seismic-related ground failure, including liquefaction?</td>
<td>2-MapN5, 5</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>iv) Landslides?</td>
<td>2-MapN5, 5</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>
b) Result in substantial soil erosion or the loss of topsoil?  
   1, 2, 5

<table>
<thead>
<tr>
<th>d) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?</th>
</tr>
</thead>
<tbody>
<tr>
<td>2-MapNS, 5</td>
</tr>
<tr>
<td>X</td>
</tr>
</tbody>
</table>

c) Result in substantial siltation?  
   1, 2, 5

e) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?  
   2-MapNS, 5
   X

f) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?  
   1, 5
   X

g) Expose people or property to major geologic hazards that cannot be mitigated through the use of standard engineering design and seismic safety techniques?  
   1, 4, 5
   X

DISCUSSION:

The entire state of California is in a seismically active area. According to the Comprehensive Plan the project site is not in an area that is subject to very strong ground shaking in the event of an earthquake or in an area subject to expansive soils, surface rupture, liquefaction, or earthquake induced landslides. The rezoning would allow the establishment of new uses in conjunction with approval of an application for demolition of the gas station and development. However, no specific development proposals are part of the subject project. Development of any future projects would be required to implement any recommendations of a geotechnical report and associated mitigation measures as may be imposed, and conform to all requirements in the Uniform Building Code, which includes provisions to ensure that the design and construction of all buildings includes provisions to resist damage from earthquakes to the extent feasible and acceptable. The potential onsite exposure to geological hazards will therefore be less than significant. No mitigation is required.

Mitigation Measures:

None

G. HAZARDS AND HAZARDOUS MATERIALS

<table>
<thead>
<tr>
<th>Issues and Supporting Information Resources</th>
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<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Would the project:</td>
<td>1, 5, 8</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Create a significant hazard to the public or the environment through the routing transport, use, or disposal of hazardous materials?</td>
<td></td>
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</tr>
<tr>
<td>b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the</td>
<td>X</td>
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</tr>
<tr>
<td>Question</td>
<td>Code(s)</td>
<td>Answer</td>
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<tr>
<td>releases of hazardous materials into the environment?</td>
<td>1, 5, 8</td>
<td></td>
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</tr>
<tr>
<td>c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</td>
<td>1, 5, 8</td>
<td>X</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>d) Construct a school on a property that is subject to hazards from hazardous materials contamination, emissions or accidental release?</td>
<td></td>
<td>X</td>
<td></td>
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</tr>
<tr>
<td>d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?</td>
<td>1, 2-MapN9, 5, 8</td>
<td>X</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?</td>
<td>1, 2, 8</td>
<td>X</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working the project area?</td>
<td>1, 2, 8</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</td>
<td>1,2-MapN7, 8</td>
<td>X</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?</td>
<td>2-MapN7, 8</td>
<td>X</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>i) Create a significant hazard to the public or the environment from existing hazardous materials contamination by exposing future occupants or users of the site to contamination in excess of soil and ground water cleanup goals developed for the site?</td>
<td>1, 8</td>
<td>X</td>
<td></td>
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</tbody>
</table>

**DISCUSSION:**

The proposed rezoning does not include any specific development proposal but would enable the submittal of an application for development and uses allowable within the CN zone and R Combining District. Any future development would be subject to a subsequent CEQA review, the imposition of any mitigation measures and the City’s conditions of approval to prevent any negative impacts regarding hazards and hazardous materials. The property is listed with the County of Santa Clara as an active fuel leak case with the Santa Clara County Environmental Health Department, due to previous leaking underground storage tanks (UST). The site is currently in the process of remediation with the County of Santa Clara to remove groundwater contamination. A Phase I Environmental Site Assessment was prepared and submitted by the property owner and reviewed by the City’s Fire Marshall. Specific mitigation measures to implement any recommendations related to removal of the gas station and development of the site would be imposed as a part of the development project.
Mitigation Measure G-1:

Prior to the issuance of approvals for any development proposals, the applicant shall be required to obtain written approval from either the Santa Clara County Department of Environmental Health and/or the Regional Water Quality Control Board that the development project shall not impact the contamination investigation/remediation activities and that the existing contamination will not adversely affect the development project, the construction workers or anyone that subsequently works or lives at the site.

### H. HYDROLOGY AND WATER QUALITY

<table>
<thead>
<tr>
<th>Issues and Supporting Information Resources</th>
<th>Would the project:</th>
<th>Sources</th>
<th>Potentially Significant Issues</th>
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<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Violate any water quality standards or waste discharge requirements?</td>
<td>1,2, 5</td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?</td>
<td>2-MapN2</td>
<td></td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?</td>
<td>1,2</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?</td>
<td>1,2,5</td>
<td></td>
<td></td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?</td>
<td>1,2,5</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>f) Otherwise substantially degrade water quality?</td>
<td>1,2</td>
<td></td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</td>
<td>1, 2, 5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</td>
<td>2-MapN6</td>
<td></td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>i) Expose people or structures to a significant risk of loss, injury or death involve flooding,</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>
including flooding as a result of the failure of a levee, or dam, or being located within a 100-year flood hazard area? | 2-Map N6 N8 |
---|---|
j) Inundation by seiche, tsunami, or mudflow? | 2-Map N6, N8 | X |
k) Result in stream bank instability? | 2-Map N6, N8 | X |

**DISCUSSION:**

The project site is located on a site with groundwater contamination due to leaking underground storage tanks associated with the service station. A clean up program is currently in process to remove contamination. The project site is not located in a 100-year flood hazard area and would not impede or redirect flood flows. The project site is not in an area that is subject to seiche, tsunami, or mudflow. This project does not include any specific development proposal and therefore would not impact hydrology or water quality. Should there be any future development proposals, those projects would be subject to a subsequent CEQA review and City’s conditions of approval to prevent any negative impacts regarding hydrology and water quality. A Phase 1 Environmental Site Assessment was prepared and submitted by the property owner.

**Mitigation Measure H-1:**

Prior to the issuance of approvals for any development proposals, the applicant shall be required to obtain written approval from either the Santa Clara County Department of Environmental Health and/or the Regional Water Quality Control Board that the deconstruction and development shall not result in polluted runoff from the site nor impact the contamination investigation/remediation activities.

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<table>
<thead>
<tr>
<th>Issues and Supporting Information Resources</th>
<th>Sources</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Would the project:</td>
<td>1,2</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>a) Physically divide an established community?</td>
<td>1,2</td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?</td>
<td>1,2,3,5</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>c) Conflict with any applicable habitat conservation plan or natural community conservation plan?</td>
<td>1,2</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>d) Substantially adversely change the type or intensity of existing or planned land use in the area?</td>
<td>1,2,5</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>e) Be incompatible with adjacent land uses or with the general character of the surrounding area, including density and building height?</td>
<td>1,2,3,5</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
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<tr>
<td>f) Conflict with established residential,</td>
<td>1,2,5</td>
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</table>

<p>| 2995 Middlefield 07PLN-0269 | Page 13 | Mitigated Negative Declaration |</p>
<table>
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<tr>
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<tr>
<td>Would the project:</td>
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<td>X</td>
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<tr>
<td>recreational, educational, religious, or scientific uses of an area?</td>
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<tr>
<td>g) Convert prime farmland, unique farmland, or farmland of statewide importance (farmland) to non-agricultural use?</td>
<td>1,2,5</td>
<td></td>
<td></td>
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<td>X</td>
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</tbody>
</table>

**DISCUSSION:**

The proposed Commercial Neighborhood (CN) zoning designation with a Retail Shopping Combining District (R) is consistent with the site's General Plan designation of Neighborhood Commercial, per the Palo Alto 1998 - 2010 Comprehensive Plan. This land use designation allows shopping center with off-street parking or a cluster of storefront stores that serve the immediate neighborhood. Typical uses include supermarkets, bakeries, drugstores, variety stores, barber shops, restaurants, self-service laundries, dry cleaners, hardware stores. In specific locations, residential and mixed use developments may be appropriate. The project will comply with all plans for conservation of biological resources as mitigated, and would not impact farmland. The Retail Shopping Combining District may be combined with a commercial district to allow only retail, eating and service-oriented commercial development on the ground floors.

The Commercial Neighborhood zone would allow a variety of commercial/retail uses and mixed residential/non-residential uses to be configured either vertically or horizontally on the property, subject to CEQA review and approval of planning and building permits. The Retail Shopping Combining District would require that the commercial or mixed uses to have retail, eating and service-oriented commercial uses on the ground floor. Commercial uses are restricted in size per Palo Alto Municipal Code (PAMC) Section 18.16.060(f). The maximum allowable residential density within a mixed use project on the site would be seven units. Any mixed use development of more than four residential units would be subject to the City's Site and Design Review process, with a Council decision required for approval, whereas projects of four or less units would be reviewed by the City's Architectural Review Board followed by the Planning Director's decision. PAMC chapters 18.16 and 18.23 would be applicable to new development, which would be evaluated under context-based design criteria of PAMC 18.16 and performance criteria of PAMC 18.23, including those for parking and late night uses and activities regulations. Since the sale of the parcel is conditioned so that underground tanks at the front portion of the site are to not be disturbed, future development may not fully meet the context based design criteria set forth in PAMC 18.16. Non-residential floor area ratios could have a floor area ratio of up to 0.4:1, for a maximum of approximately 8,358 square feet on the site. A mixed use project could have a floor area ratio up to 0.9:1, with the 0.5:1 additional area for residential units.

**Mitigation Measures:**

None.
### J. MINERAL RESOURCES

<table>
<thead>
<tr>
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<tr>
<td>Would the project:</td>
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</tr>
<tr>
<td>a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?</td>
<td>1,2</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?</td>
<td>1,2</td>
<td></td>
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<td>X</td>
</tr>
</tbody>
</table>

### DISCUSSION:

The City of Palo Alto has been classified by the California Department of Conservation (DOC), Division of Mines and Geology (DMG) as a Mineral Resource Zone 1 (MRZ-1). This designation signifies that there are no aggregate resources in the area. The DMG has not classified the City for other resources. There is no indication in the 2010 Comprehensive Plan that there are locally or regionally valuable mineral resources within the City of Palo Alto.

### Mitigation Measures:

None.

### K. NOISE

<table>
<thead>
<tr>
<th>Issues and Supporting Information Resources</th>
<th>Sources</th>
<th>Potentially Significant Issues</th>
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<tbody>
<tr>
<td>Would the project:</td>
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</tr>
<tr>
<td>a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</td>
<td>1,2,5</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b) Exposure of persons to or generation of excessive ground borne vibrations or ground borne noise levels?</td>
<td>1,2,5,</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td>1,2,5</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td>1,2,5</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>e) For a project located within an airport land use plan or, where such a plan has not been adopted, would the project expose people residing or working in the project area to excessive noise levels?</td>
<td>1,2</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Issues and Supporting Information Resources Would the project:</td>
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</tr>
<tr>
<td>f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?</td>
<td>1,2</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>g) Cause the average 24 hour noise level (Ldn) to increase by 5.0 decibels (dB) or more in an existing residential area, even if the Ldn would remain below 60 dB?</td>
<td>1,2,5</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>h) Cause the Ldn to increase by 3.0 dB or more in an existing residential area, thereby causing the Ldn in the area to exceed 60 dB?</td>
<td>1,2,5</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>i) Cause an increase of 3.0 dB or more in an existing residential area where the Ldn currently exceeds 60 dB?</td>
<td>1,2,5</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>j) Result in indoor noise levels for residential development to exceed an Ldn of 45 dB?</td>
<td>1,2,5</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>k) Result in instantaneous noise levels of greater than 50 dB in bedrooms or 55 dB in other rooms in areas with an exterior Ldn of 60 dB or greater?</td>
<td>1,2,5</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>l) Generate construction noise exceeding the daytime background Leq at sensitive receptors by 10 dBA or more?</td>
<td>1,2,5</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

DISCUSSION:

The project site is located within an area having an exterior noise level Ldn of 65dB. There is no specific development application submitted as part of this project; noise impacts associated with any development enabled by the rezoning of the site would be less than significant with the imposition of mitigation measures and standard conditions of approval. No noise impacts are anticipated with approval of the rezoning. A noise report by a qualified professional would be required with any application for development. The project site is not located within an airport land use plan or within the vicinity of a private airstrip. Any future development proposal will be subject to environmental review and compliance with the Palo Alto Noise Ordinance. With the City’s standard conditions of approval requiring implementation of the Palo Alto Noise Ordinance, and any recommendations of a noise report for new development, noise impacts from future development will not be significant.

Mitigation Measures:

None
### L. POPULATION AND HOUSING

<table>
<thead>
<tr>
<th>Issues and Supporting Information Resources</th>
<th>Sources</th>
<th>Potentially Significant Issues</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Would the project:</td>
<td></td>
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</tr>
<tr>
<td>a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?</td>
<td>1,2,5</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?</td>
<td>1,5</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</td>
<td>1,5</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>d) Create a substantial imbalance between employed residents and jobs?</td>
<td>1,2</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>e) Cumulatively exceed regional or local population projections?</td>
<td>1,2</td>
<td></td>
<td></td>
<td>X</td>
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</tr>
</tbody>
</table>

### DISCUSSION:

The land use designation of the site will remain neighborhood commercial. The rezoning would allow for a limited amount of housing to be developed if the applicant were to request and receive approval for a mixed use project. The project is for rezoning the site and no specific development proposals are included. No additional population or housing impacts are anticipated directly from this project or from a non-residential development that may be proposed. Any future development proposal would be subject to environmental review to determine impacts on population and housing, but the population and housing impacts of any mixed use development with seven housing units would be individually less than significant. Any cumulative impacts of a mixed use project would be evaluated if such a project were proposed. The applicant has indicated interest in developing a non-residential project.

### Mitigation Measures:

None.

### M. PUBLIC SERVICES

<table>
<thead>
<tr>
<th>Issues and Supporting Information Resources</th>
<th>Sources</th>
<th>Potentially Significant Issues</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tbody>
<tr>
<td>Would the project:</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of</td>
<td></td>
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</tbody>
</table>


**Issues and Supporting Information Resources**

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Sources</th>
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<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</td>
<td></td>
<td></td>
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<tr>
<td>Fire protection?</td>
<td>1, 2</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Police protection?</td>
<td>1, 2</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Schools?</td>
<td>1, 2</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parks?</td>
<td>1, 2</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other public facilities?</td>
<td>1, 2</td>
<td>X</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

**DISCUSSION:**

The subject site is located within a completely developed area of the City, where public services are already available. No specific development proposals are associated with this project. Any future development would be subject to environmental and City review to determine potential impacts to public services and whether mitigations are necessary. The city’s development impact fees would be imposed upon new development as applicable.

**Mitigation Measures:**

None

---

**N. RECREATION**

<table>
<thead>
<tr>
<th>Issues and Supporting Information Resources</th>
<th>Sources</th>
<th>Potentially Significant Issues</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Would the project:</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?</td>
<td></td>
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</tr>
</tbody>
</table>

1, 5
DISCUSSION:

The proposed project is for rezoning only and no specific development proposals are included. Therefore, it would not have any significant impact on existing parks, nor include or require construction of recreational facilities. Any future development at the project site would be subject to environmental review to determine any recreation impacts and compliance with City standards. Development of the site could result in increased use of the Winterlodge recreational facility on the adjacent, city-owned property, by customers of such new development, but this has not been evaluated for this rezoning project, as a specific use proposal has not been submitted.

Mitigation Measures:

No mitigation is required.

<table>
<thead>
<tr>
<th>O. TRANSPORTATION AND TRAFFIC</th>
<th>Issues and Supporting Information Resources</th>
<th>Sources</th>
<th>Potentially Significant Issues</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Would the project:</td>
<td></td>
<td>1, 5</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>c) Result in change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</td>
<td>1, 5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>e) Result in inadequate emergency access?</td>
<td>1, 2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>f) Result in inadequate parking capacity?</td>
<td>1, 2, 5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian, transit &amp; bicycle facilities)?</td>
<td>1, 2, 5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>h) Cause a local (City of Palo Alto) intersection to deteriorate below Level of Service (LOS) D and cause an increase in the average stopped delay for the critical movements by four seconds or more and the critical</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>
### Issues and Supporting Information Resources

<table>
<thead>
<tr>
<th>Would the project:</th>
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<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>volume/capacity ratio (V/C) value to increase by 0.01 or more?</td>
<td></td>
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</tr>
<tr>
<td>i) Cause a local intersection already operating at LOS E or F to deteriorate in the average stopped delay for the critical movements by four seconds or more?</td>
<td>1,2,5</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>j) Cause a regional intersection to deteriorate from an LOS E or better to LOS F or cause critical movement delay at such an intersection already operating at LOS F to increase by four seconds or more and the critical V/C value to increase by 0.01 or more?</td>
<td>1,2,5</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>k) Cause a freeway segment to operate at LOS F or contribute traffic in excess of 1% of segment capacity to a freeway segment already operating at LOS F?</td>
<td>1,2,5</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>l) Cause any change in traffic that would increase the Traffic Infusion on Residential Environment (TIRE) index by 0.1 or more?</td>
<td>1,2,5</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>m) Cause queuing impacts based on a comparative analysis between the design queue length and the available queue storage capacity? Queuing impacts include, but are not limited to, spillback queues at project access locations; queues at turn lanes at intersections that block through traffic; queues at lane drops; queues at one intersection that extend back to impact other intersections, and spillback queues on ramps.</td>
<td>1,2,5</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>n) Impede the development or function of planned pedestrian or bicycle facilities?</td>
<td>1,2,5</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>o) Impede the operation of a transit system as a result of congestion?</td>
<td>1,2,5</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>p) Create an operational safety hazard?</td>
<td>1,5</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

### DISCUSSION:

The project is proposing a change from a zoning designation currently supporting a commercial use to one that supports a broader range of commercial uses on a fairly small site, and the applicant’s intention is to develop a non-residential project. Based on a trip generation analysis for a 7000 sq. ft. for office and the trips from the existing gas station, a non-residential project would not increase the traffic impact. Therefore, it is not anticipated that there would be a traffic impact due to the rezoning. No specific development proposal is included in this project. Future development proposals would be subject to subsequent environmental review to determine any potential traffic impacts.

**Mitigation Measures:** No mitigation is required.
P. UTILITIES AND SERVICE SYSTEMS

<table>
<thead>
<tr>
<th>Issues and Supporting Information Resources</th>
<th>Sources</th>
<th>Potentially Significant Issues</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Would the project:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</td>
<td>1,2</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td>1,2</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td>1,2</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</td>
<td>1,2</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>g) Comply with federal, state, and local statutes and regulations related to solid waste?</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>h) Result in a substantial physical deterioration of a public facility due to increased use as a result of the project?</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

DISCUSSION:

The proposed site is completely developed in an urban area of the City, where utilities and other services are available. However, there is no specific development proposal associated with this project. Any future development of the site would be subject to both City review and environmental review to ensure that the proposed development would have a less than significant impact on the immediate environment.

Mitigation Measures:

None
Q. MANDATORY FINDINGS OF SIGNIFICANCE

<table>
<thead>
<tr>
<th>Issues and Supporting Information Resources Would the project:</th>
<th>Sources</th>
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<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</td>
<td>1,2-Map L4,5</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b) Does the project have impacts that are individually limited, but cumulatively considerable? (&quot;Cumulatively considerable&quot; means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?</td>
<td>1,2,5</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</td>
<td>1,5,</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

DISCUSSION:

As there is no specific proposal associated with this project, it is not expected that any of the mandatory findings of significance will be applicable, and the overall impacts from the rezoning are less than significant. Any future development at the site will be subject to both City departmental review and environmental review to ensure that any proposed development would have a less than significant impact on the immediate environment.

SOURCE REFERENCES

1. Project Planner’s knowledge of the site and the proposed project
2. Palo Alto Comprehensive Plan, 1998-2010
3. Palo Alto Municipal Code, Title 18 – Zoning Ordinance
4. Required compliance with the Uniform Building Code (UBC) Standards for Seismic Safety and Windload
5. Location Map,
6. Alquist-Priolo Earthquake Fault Zoning Map
**PREPARED BY**

Amy French, Manager of Current Planning  
Elena Lee, Senior Planner

**DETERMINATION**

On the basis of this initial evaluation:

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<table>
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<tbody>
<tr>
<td>I find that the proposed project <strong>COULD NOT</strong> have a significant effect on the environment, and a <strong>NEGATIVE DECLARATION</strong> will be prepared.</td>
<td></td>
</tr>
<tr>
<td>I find that although the proposed project <strong>COULD</strong> have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A <strong>MITIGATED NEGATIVE DECLARATION</strong> will be prepared.</td>
<td>X</td>
</tr>
<tr>
<td>I find that the proposed project <strong>MAY</strong> have a significant effect on the environment, and an <strong>ENVIRONMENTAL IMPACT REPORT</strong> is required.</td>
<td></td>
</tr>
<tr>
<td>I find that the proposed project <strong>MAY</strong> have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect: 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An <strong>ENVIRONMENTAL IMPACT REPORT</strong> is required, but it must analyze only the effects that remain to be addressed.</td>
<td></td>
</tr>
<tr>
<td>I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.</td>
<td></td>
</tr>
</tbody>
</table>

Elena Lee       April 8, 2008  
Project Planner Date

Director of Planning and Community Environment Date
ORDINANCE NO. 3779

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 REZONE THE PROPERTY KNOWN AS
2995 MIDDLEFIELD ROAD FROM RM-2 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 rezoning the property
known as 2995 Middlefield Road from RM-2 (Low Density Multiple
Family Residential) to PC (Planned Community). Said property is
shown on a map attached hereto as "Exhibit A" and incorporated
herein by this reference.

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

(a) The proposed rezoning, which will permit continued
operation of the existing gasoline service station,
will not have a significant adverse impact on the
physical environment;

(b) The application of general or combining districts
to the subject site will not provide sufficient
restrictions on allowable uses to ensure continued
compatibility and neighborhood service of the
proposed development;

(c) The development plan provides public benefits not
otherwise obtainable by application of general dis-
tricts in that the existing commercial site will be
enhanced by addition of significant amounts of land-
scaping, clarified site access, and preservation of
a neighborhood serving commercial use; and

(d) The use allowed under the proposed PC zone is con-
sistent with the Comprehensive Plan and compatible
with adjoining sites in that neighborhood serving
commercial uses will eliminate or reduce vehicular
trips to community or regional commercial centers
consistent with Policy 8 of the Comprehensive Plan
Transportation Element.

SECTION 3. Development Plan. The plans entitled "ARCO
PETROLEUM, 2995 MIDDLEFIELD ROAD", attached hereto as "Exhibit B",
and incorporated herein by this reference, constitute the
Development Plan. Said Development Plan is approved pursuant to
Section 18.68.120 of the Palo Alto Municipal Code.
SECTION 4. Regulations.

(a) Uses. Allowable uses shall be limited to an automotive service station dispensing petroleum products and providing incidental automotive repair services, but excluding major auto repair such as body work, auto painting, etc. The sale of food or grocery items or alcoholic beverages is prohibited, except for pre-packaged soft drinks, cigarettes and snack foods either from automatic vending machines or in shelves occupying a floor area not to exceed forty (40) square feet;

(b) Operations.

(i) Hours of operation shall be limited from 6:00 a.m. to 11:00 p.m. for dispensing of petroleum products. Automotive repair service hours of operation shall be limited to the hours from 8:00 a.m. to 6:00 p.m., Monday through Friday and from 9:00 a.m. to 6:00 p.m. on Saturday and Sunday, and shall be available at least five days per week.

(ii) Site lighting after hours of station operation shall be limited to security level lighting only. The monument sign shall not be illuminated after hours of operation.

(iii) All site activities shall comply with the provisions of Title 17 (Hazardous Materials Storage) and Chapter 9.20 (Noise) of the Palo Alto Municipal Code;

(iv) Public access to restrooms, water and air shall be allowed during normal business hours, with normal business controls.

(c) Improvements.

(i) Landscaping and sign modifications consistent with the approved development plans shall be installed within ninety (90) days of approval of this ordinance by the City Council. Landscaping shall be maintained in good condition by the site operator, and shall be replaced as necessary in conformance with the species indicated on the approved landscape plan;

(ii) Landscaping shall be maintained in good condition by the site operator, and shall be replaced as necessary in conformance with the species indicated on the approved landscape plan;

(iii) A five foot wide landscape buffer shall be installed by the applicant on the City property immediately adjoining the rear property line of the subject site. This area shall be planted and
improved as shown on the approved Development Plan, and shall be automatically irrigated from the subject property and maintained by the site operator until active use of the adjoining City property commences.

(iv) All landscape areas shall be protected by concrete curbs.

(v) Wheel stops shall be provided for all parking spaces located at the rear of the site.

(vi) Parking for patrons and employees of the automotive service facility shall be accommodated on-site, and shall not occur on adjoining properties.

(vii) The facia panel over the pump island canopy shall not be removed.

(viii) Window signs shall not be permitted. Additional signs beyond those indicated on the approved project plans shall require approval as a minor Planned Community zone change.

(ix) The developer shall install standard sidewalk and gutter from the southern access driveway to the beginning of the access for the property at 3009 Middlefield Road (currently the Winter Club).

(x) The property owner shall quitclaim to the City their interest in the 7.5 foot portion of the adjacent City-owned property used for driveway purposes and deed to the City 7.5 feet on the southern boundary of the site in return for a quitclaim deed from the City of the twenty foot easement existing on the subject property. Exchange of quitclaim deeds and transfer of fee title shall be completed within ninety (90) days of the approval of the zone change by the City Council.

(xi) The property owner shall obtain approval from the Regional Water Quality Control Board and the Palo Alto Fire Marshal for a plan for investigation and clean up of contamination of soils and water from the former underground storage tanks. Upon approval of the plan, the property owner shall comply with the mandated clean up measures in an expeditious manner satisfactory to the Palo Alto Fire Marshal.
(xii) A fence shall be installed by the applicant on the perimeter of the north, east and west property lines of the subject site, as shown on the approved Development Plan. The fence shall be five feet in height, except that within seventy feet of the Middlefield Road property line, the fence shall be a maximum height of three feet.

SECTION 5. Development Schedule. Construction, including the installation of new tanks and delivery systems, shall begin within six (6) months of Council approval and be completed within six (6) months of the issuance of a building permit.

SECTION 6. The Council finds that this project will have no significant adverse environmental impact.

SECTION 7. This ordinance shall become effective upon the commencement of the thirty-first (31st) day after the day of its passage.

INTRODUCED: October 26, 1987
PASSED: November 9, 1987
AYES: Bechtel, Cobb, Klein, Levy, Patitucci, Renzel, Woolley
NOES: Fletcher, Sutorius
ABSTENTIONS: None
ABSENT: None

ATTEST:

APPROVED AS TO FORM:

Sr. Assistant City Attorney

APPROVED:

City Manager
Director of Planning and Community Environment
Director of Public Works
Fire Chief

APPROVED:

Mayor
Chapter 18.16
NEIGHBORHOOD, COMMUNITY, AND SERVICE COMMERCIAL (CN, CC and CS) DISTRICTS

Sections:

18.16.010 Purposes
18.16.020 Applicable Regulations
18.16.030 Definitions
18.16.040 Land Uses
18.16.050 Office Use Restrictions
18.16.060 Development Standards
18.16.070 Parking and Loading
18.16.080 Performance Standards
18.16.090 Context-Based Design Criteria
18.16.100 Grandfathered Uses

18.16.010 Purposes

The commercial zoning districts are intended to create and maintain sites for retail, personal services, eating and drinking establishments, hotels and other business uses in a manner that balances the needs of those uses with the need to minimize impacts to surrounding neighborhoods.

(a) Neighborhood Commercial [CN]

The CN neighborhood commercial district is intended to create and maintain neighborhood shopping areas primarily accommodating retail sales, personal service, eating and drinking, and office uses of moderate size serving the immediate neighborhood, under regulations that will assure maximum compatibility with surrounding residential areas.

(b) Community Commercial [CC]

The CC community commercial district is intended to create and maintain major commercial centers accommodating a broad range of office, retail sales, and other commercial activities of community-wide or regional significance. The CC community commercial district is intended to be applied to regional/community commercial centers identified by the Palo Alto Comprehensive Plan.

(c) Community Commercial (2) Subdistrict [CC(2)]

The community commercial (2) (CC(2)) subdistrict is intended to modify the site development regulations of the CC community commercial district, where applied in combination with such district, to allow site specific variations to the community commercial uses and development requirements in the CC district.

(d) Service Commercial [CS]

The CS service commercial district is intended to create and maintain areas accommodating citywide and regional services that may be inappropriate in neighborhood or pedestrian-
oriented shopping areas, and which generally require automotive access for customer convenience, servicing of vehicles or equipment, loading or unloading, or parking of commercial service vehicles.

(Ord. 4923 § 3 (part), 2006: Ord. 4925 § 3 (part), 2006)

18.16.020 Applicable Regulations

(a) Applicable Chapters

The specific regulations of this chapter and the additional regulations and procedures established by other relevant chapters of the Zoning Code shall apply to the CN, CS, and CC districts, and the subdistrict designated as CC(2), as shown on the city’s Zoning Map. The term abutting residential zones, where used in this chapter, includes the R1, R2, RMD, RM-15, RM-30, RM-40, or residential Planned Community (PC) districts, unless otherwise specifically noted.

(b) Applicable Combining Districts

The combining districts applicable to the CN, CS, CC and CC(2) districts shall include, but shall not be limited to, the following districts:

(1) The retail shopping (R) combining district regulations, as specified in Chapter 18.30(A), shall apply to the area of the CN, CS, and CC districts designated as R combining district as shown on the city’s Zoning Map.

(2) The pedestrian shopping (P) combining district regulations, as specified in Chapter 18.30(B), shall apply to the area of the CN, CS, CC and CC(2) districts designated P combining district as shown on the City’s Zoning Map.

(Ord. 4923 § 3 (part), 2006: Ord. 4925 § 3 (part), 2006)

18.16.030 Definitions

For the purposes of this section, the following terms are defined:

(a) Charleston Shopping Center is defined as all properties zoned CN and bounded by East Charleston Road, Middlefield Road, and Cubberley Community Center.

(b) Midtown Shopping District is defined as all properties zoned CN in the vicinity of the intersection of Colorado Avenue and Middlefield Road which border Moreno Avenue, Bryson Avenue, Colorado Avenue, and San Carlos Court, or which border Middlefield Road in the area extending from Moreno Avenue to San Carlos Court.

(c) Town and Country Village Shopping Center is defined as all properties zoned CC and bounded by El Camino Real, Embarcadero Road, Encina Avenue, and the Southern Pacific right-of-way.

(d) Stanford Shopping Center is defined as all properties zoned CC and bounded by El Camino Real, Sand Hill Road, Quarry Road, and Vineyard Lane.

(e) Neighborhood-serving offices are medical offices, professional offices, travel agencies, and insurance agencies that fit the definition of a neighborhood-serving use.
(f) A neighborhood serving use is a use that primarily serves individual consumers and households, not businesses, is generally pedestrian oriented in design, and does not generate noise, fumes or truck traffic greater than that typically expected for uses with a local customer base. A neighborhood-serving use is also one to which a significant number of customers and clients travel, rather than the provider of the goods or services traveling off-site.

(g) Ground floor shall mean the first floor that is above grade.

(h) Mixed use development shall mean a combination of nonresidential and residential uses arranged on a site. The uses may be combined in a vertical configuration (within a building) or in a horizontal configuration (separate buildings).

(Ord. 4923 § 3 (part), 2006: Ord. 4925 § 3 (part), 2006)

18.16.040 Land Uses

The uses of land allowed by this chapter in each commercial zoning district are identified in the following tables. Land uses that are not listed on the tables are not allowed, except where otherwise noted. Where the last column on the following tables (Subject to Regulations in) includes a section number, specific regulations in the referenced section also apply to the use; however, provisions in other sections may apply as well.

(a) Commercial Zones and Land Uses

Permitted and conditionally permitted land uses for each commercial zone are shown in Table 1:

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>CN (a)</th>
<th>CC, CC(2)</th>
<th>CS (c)</th>
<th>Subject to Regulations in</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACCESSORY AND SUPPORT USES</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory facilities and activities customarily associated with or essential to permitted uses, and operated incidental to the principal use.</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>18.42</td>
</tr>
<tr>
<td>Drive-in services or take-out services associated with permitted uses (b)</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
<td>18.42</td>
</tr>
<tr>
<td>Tire, battery, and automotive service facilities, when operated incidental to a permitted retail service or shopping center having a gross floor area of more than 30,000 square feet.</td>
<td>CUP</td>
<td></td>
<td></td>
<td>18.42</td>
</tr>
<tr>
<td>EDUCATIONAL, RELIGIOUS, AND ASSEMBLY USES</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Business and Trade Schools</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Churches and Religious Institutions</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Private Educational Facilities</td>
<td>CUP</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Private Clubs, Lodges, or Fraternal Organizations</td>
<td>CUP</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
</tbody>
</table>

[Continued on Next Page]

Ch. 18.16 – Page 3 (Supp. No 13 10/1/2007)
<table>
<thead>
<tr>
<th>Land Use</th>
<th>GN</th>
<th>CC, CC(2)</th>
<th>GS</th>
<th>Regulations in</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Manufacturing and Processing Uses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recycling Centers</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
<td></td>
</tr>
<tr>
<td>Warehousing and Distribution</td>
<td></td>
<td></td>
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<tr>
<td><strong>Office Uses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administrative Office Services</td>
<td></td>
<td></td>
<td>P</td>
<td>18.16.050</td>
</tr>
<tr>
<td>Medical Offices</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
<td>18.16.050</td>
</tr>
<tr>
<td>Professional and General Business Offices</td>
<td></td>
<td></td>
<td>P</td>
<td>18.16.050</td>
</tr>
<tr>
<td><strong>Public/Quasi-Public Uses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Utility Facilities essential to provision of utility services but excluding construction or storage yards, maintenance facilities, or corporation yards.</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
<td></td>
</tr>
<tr>
<td><strong>Recreation Uses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial Recreation</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
<td></td>
</tr>
<tr>
<td>Outdoor Recreation Services</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
<td></td>
</tr>
<tr>
<td><strong>Residential Uses</strong></td>
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<td></td>
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<td></td>
</tr>
<tr>
<td>Multiple-Family</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>18.16.060(b)</td>
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<tr>
<td>Home Occupations</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Residential Care Homes</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td><strong>Retail Uses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eating and Drinking Services, excluding drive-in and take-out services</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Retail Services, excluding liquor stores</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Liquor stores</td>
<td>CUP</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Shopping Centers</td>
<td>P</td>
<td></td>
<td></td>
<td>18.16.060(e)</td>
</tr>
<tr>
<td><strong>Service Uses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ambulance Services</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
<td></td>
</tr>
<tr>
<td>Animal Care, excluding boarding and kennels</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Boarding and Kennels</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Automobile Service Stations</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
<td>18.30(G)</td>
</tr>
<tr>
<td>Automotive Services</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Convalescent Facilities</td>
<td>CUP</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Day Care Centers</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Small Family Day Care Homes</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Large Family Day Care Homes</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Small Adult Day Care Homes</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Large Adult Day Care Homes</td>
<td>CUP</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Banks and Financial Services</td>
<td>CUP</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
</tbody>
</table>

[Continued on Next Page]
### Land Uses

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>CN **</th>
<th>CC, CC(2)</th>
<th>CS **</th>
<th>Subject to Regulations in</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Business Services</td>
<td>CUP</td>
<td>P</td>
<td>P</td>
<td>18.16.060(d)</td>
</tr>
<tr>
<td>Hotels</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>18.16.060(f)</td>
</tr>
<tr>
<td>Mortuaries</td>
<td>CUP</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Neighborhood Business Services</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>18.16.060(f)</td>
</tr>
<tr>
<td>Personal Services</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Reverse Vending Machines</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
</tbody>
</table>

### Temporary Uses

| Temporary Markets                     | CUP   | CUP       | CUP   |
| Temporary Parking Facilities, provided that such facilities shall remain no more than five years. | CUP   | CUP       | CUP   |

### Transportation Uses

| Parking as a principal use            | CUP   | CUP       |
| Transportation Terminals              | CUP   | CUP       |

\[ P = \text{Permitted Use} \quad \text{CUP} = \text{Conditional Use Permit Required} \]

1. Residential is only permitted as part of a mixed use development, pursuant to the provisions of Section 18.16.060(b), or on sites designated as Housing Opportunity Sites in the Housing Element of the Comprehensive Plan, pursuant to the provisions of Section 18.16.060(c).

2. Except drive-in services.

3. So long as drive up facilities, excluding car washes, provide full access to pedestrians and bicyclists. A maximum of two such services shall be permitted within 1,000 feet, and each use shall not be less than 150 feet from one another.

4. For properties in the CN and CS zone districts, businesses that operate or have associated activities at any time between the hours of 10:00 p.m. and 6:00 a.m. require a conditional use permit.

### Late Night Use and Activities

The following regulations restrict businesses that operate or have associated activities at any time between the hours of 10:00 p.m. and 6:00 a.m., where such site abuts or is located within 50 feet of residentially zoned properties.

1. Such businesses shall be operated in a manner to protect residential properties from excessive noise, odors, lighting or other nuisances from any sources during those hours.

2. For properties located in the CN or CS zone districts, businesses that operate or have associated activities at any time between the hours of 10:00 p.m. and 6:00 a.m. shall be required to obtain a conditional use permit. The director may apply conditions of approval as are deemed necessary to assure that the operations or activities are compatible with the nearby residentially zoned property.
(c) CN District: Special Use Requirements in the Charleston and Midtown Shopping Centers

The following regulations shall apply to areas of Charleston Center and the Midtown Shopping Center as defined in Section 18.16.030.

Table 2 shows the uses permitted and conditionally permitted on the ground floor of the applicable areas of the Charleston Center and Midtown Shopping Centers. Permitted and conditional uses specified in subsection (a) of this section shall only apply to the ground floor of the areas of the Charleston and Midtown Shopping Centers as listed in Table 2. Uses lawfully existing on January 16, 2001 may be continued as non-conforming uses but may only be replaced with uses permitted orconditionally permitted under this subsection.

**Table 2**

<table>
<thead>
<tr>
<th>LAND USES</th>
<th>Charleston Shopping Center</th>
<th>Midtown Shopping Center</th>
<th>Subject to Regulations In</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ACCESSORY AND SUPPORT USES</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory facilities and uses customarily incidental to permitted uses.</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td><strong>EDUCATIONAL, RELIGIOUS, AND ASSEMBLY USES</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Churches and Religious Institutions</td>
<td>CUP</td>
<td>CUP</td>
<td></td>
</tr>
<tr>
<td>Private Educational Facilities</td>
<td>CUP</td>
<td>CUP</td>
<td></td>
</tr>
<tr>
<td><strong>MANUFACTURING AND PROCESSING USES</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recycling Centers</td>
<td>CUP</td>
<td>CUP</td>
<td></td>
</tr>
<tr>
<td><strong>OFFICE USES</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Neighborhood-serving offices that do not exceed 2,500 square feet in floor area.</td>
<td>P</td>
<td></td>
<td>18.16.050</td>
</tr>
<tr>
<td>Neighborhood-serving offices exceeding 2,500 square feet in floor area.</td>
<td>CUP</td>
<td></td>
<td>18.16.050</td>
</tr>
<tr>
<td>Administrative office uses and general business office uses (other than neighborhood-serving travel agencies and insurance agencies) other than those legally in existence on January 16, 2001</td>
<td>X</td>
<td>X</td>
<td>18.16.050</td>
</tr>
<tr>
<td>Medical offices not exceeding 2,500 square feet in area, professional offices, travel agencies, and insurance agencies</td>
<td>CUP</td>
<td></td>
<td>18.16.050</td>
</tr>
<tr>
<td><strong>PUBLIC/QUASI-PUBLIC USES</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Utility Facilities essential to provision of utility services but excluding construction or storage yards, maintenance facilities, or corporation yards.</td>
<td>CUP</td>
<td>CUP</td>
<td></td>
</tr>
</tbody>
</table>

[Continued on Next Page]
<table>
<thead>
<tr>
<th>LAND USES</th>
<th>Charleston Shopping Center</th>
<th>Midtown Shopping Center</th>
<th>Subject to Regulations In:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>RECREATION USES</strong></td>
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<td></td>
</tr>
<tr>
<td>Commercial Recreation</td>
<td>CUP</td>
<td>CUP</td>
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</tr>
<tr>
<td>Outdoor Recreation Services</td>
<td>CUP</td>
<td>CUP</td>
<td></td>
</tr>
<tr>
<td>Private Clubs, Lodges, or Fraternal Organizations</td>
<td>CUP</td>
<td>CUP</td>
<td></td>
</tr>
<tr>
<td><strong>RESIDENTIAL USES</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential uses of any nature</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td><strong>RETAIL USES</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eating and Drinking Services, excluding drive-in and take-out services</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Retail Services, excluding liquor stores</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Liquor stores</td>
<td>CUP</td>
<td>CUP</td>
<td></td>
</tr>
<tr>
<td><strong>SERVICE USES</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ambulance Services</td>
<td>CUP</td>
<td>CUP</td>
<td></td>
</tr>
<tr>
<td>Animal Care, excluding boarding and kennels</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Automobile Service Stations</td>
<td>CUP</td>
<td>CUP</td>
<td>18.30(G)</td>
</tr>
<tr>
<td>Convalescent Facilities</td>
<td>CUP</td>
<td>CUP</td>
<td></td>
</tr>
<tr>
<td>Day Care Centers</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Financial Services</td>
<td>CUP</td>
<td>CUP</td>
<td></td>
</tr>
<tr>
<td>Mortuaries</td>
<td>CUP</td>
<td>CUP</td>
<td></td>
</tr>
<tr>
<td>Neighborhood Business Services</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Personal Services</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Reverse Vending Machines</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td><strong>TEMPORARY USES</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Temporary Parking Facilities, provided that such facilities shall remain no more than five years.</td>
<td>CUP</td>
<td>CUP</td>
<td></td>
</tr>
</tbody>
</table>

P = Permitted Use                   CUP = Conditional Use Permit Required  X = Prohibited Use

(d) Charleston Shopping Center: Additional Use Restrictions

1. Any office use first occupying space at the Center on or after January 16, 2001, shall obtain a written determination from the director of planning and community environment that it qualifies as a neighborhood serving use, as defined in this chapter, before occupying its premises. The applicant shall submit such information as the director shall reasonably require in order to make the determination, and the director shall issue the determination within 30 days of receiving a complete application. Failure to submit the required information shall be grounds for determining that a business is not neighborhood-serving.
(2) No more than 7,850 square feet of total floor area at the Center shall be occupied by office uses at any time.

(3) Prior to approving a conditional use permit for neighborhood-serving offices larger than 2,500 square feet in total floor area, the city shall find that the proposed use will be neighborhood-serving, that it will be conducted in a manner that will enhance and strengthen the Center as a neighborhood resource, and that it will not diminish the retail strength of the center.

(e) Midtown Shopping Center: Additional Use Restrictions

(1) An existing ground floor office may be replaced with another office if

   (a) the new tenant or owner will continue the existing business or practice; or

   (b) a conditional use permit is issued for the new office use.

(2) No conditional use permit shall be issued for any new office use on the ground floor unless, in addition to the findings required for a conditional use permit as specified in Section 18.76.010, the City finds that the proposed use will be neighborhood serving, that it will be conducted in a manner that will enhance and strengthen the Midtown Shopping District as a neighborhood resource, and that it will not diminish the retail strength of the District.

(3) For properties at 711, 719, and 721 Colorado Avenue, and 689 Bryson Avenue, buildings not fronting on Middlefield Avenue, designed and used for office purposes, and not well suited to other uses are exempt from the provisions of this subsection (b).

(Ord. 4923 § 3 (part), 2006: Ord. 4925 § 3 (part), 2006)

18.16.050 Office Use Restrictions

The following restrictions shall apply to office uses:

(a) Conversion of Ground Floor Housing and Non-Office Commercial to Office

Medical, Professional, and Business offices shall not be located on the ground floor, unless such offices either:

(1) Have been continuously in existence in that space since March 19, 2001, and as of such date, were neither non-conforming nor in the process of being amortized pursuant to Chapter 18.30(I);

(2) Occupy a space that was not occupied by housing, retail services, personal services, eating and drinking services, or automotive service on March 19, 2001 or thereafter;

(3) In the case of CS zoned properties with site frontage on El Camino Real, were not occupied by housing on March 19, 2001;

(4) Occupy a space that was vacant on March 19, 2001;

(5) Are located in new or remodeled ground floor area built on or after March 19, 2001 if the ground floor area devoted to housing, retail services, eating and drinking services, personal services, and automobile services does not decrease;
(6) Are on a site located in an area subject to a specific plan or coordinated area plan, which specifically allows for such ground floor medical, professional, and general business offices; or

(7) Are located anywhere in Building E or in the rear 50% of Building C or D of the property at the southeast corner of the intersection of Park Boulevard and California Avenue, as shown on sheet A2 of the plans titled 101 California Avenue Townhouse/Commercial/Office, Palo Alto, CA by Crosby, Thornton, Marshall Associates, Architects, dated June 14, 1982, revised November 23, 1982, and on file with the Department of Planning and Community Environment.

(b) **Size Restrictions on Office Uses in the CN and CS Districts**

(1) In the CN district, office uses shall be governed by the following regulations:

(A) Total floor area of permitted office uses on a lot shall not exceed 25% of the lot area, provided:

(i) A lot shall be permitted to have at least a total floor area of 2,500 square feet of office uses, provided the uses meet all other zoning regulations.

(ii) No lot shall be permitted to have more than a total floor area of 5,000 square feet of office uses.

(B) Such uses may be allowed to exceed the maximum size, subject to issuance of a conditional use permit in accord with the provisions of Chapter 18.76. The maximum size for any conditional use shall be established by the director and specified in the conditional use permit for such use.

(2) In the CS district, office uses shall be governed by the following regulations:

(A) No lot shall be permitted to have more than a total floor area of 5,000 square feet of office uses.

(B) Such uses may be allowed to exceed the maximum size, subject to issuance of a conditional use permit in accord with the provisions of Chapter 18.76. The maximum size for any conditional use shall be established by the director and specified in the conditional use permit for such use.

(Ord. 4923 § 3 (part), 2006; Ord. 4925 § 3 (part), 2006)

**18.16.060 Development Standards**

(a) **Exclusively Non-Residential Uses**

Table 3 specifies the development standards for exclusively non-residential uses and alterations to non-residential uses or structures in the CN, CC, CC(2) and CS districts. These developments shall be designed and constructed in compliance with the following requirements and the context-based design criteria outlined in Section 18.16.090, provided that more restrictive regulations may be recommended by the architectural review board and approved by the director of planning and community environment, pursuant to Section 18.76.020.
<table>
<thead>
<tr>
<th>Table 3</th>
<th>Exclusively Non-Residential Development Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minimum Site Specifications</strong></td>
<td></td>
</tr>
<tr>
<td>Site Area (ft²)</td>
<td>None Required</td>
</tr>
<tr>
<td>Site Width (ft)</td>
<td></td>
</tr>
<tr>
<td>Site Depth (ft)</td>
<td></td>
</tr>
<tr>
<td><strong>Minimum Setbacks</strong></td>
<td></td>
</tr>
<tr>
<td>Front Yard (ft)</td>
<td>0 – 10′ to create an 8′ – 12′ effective sidewalk width (1),(2),(8)</td>
</tr>
<tr>
<td>Rear Yard (ft)</td>
<td>None required</td>
</tr>
<tr>
<td>Interior Side Yard (ft)</td>
<td></td>
</tr>
<tr>
<td>Street Side Yard (ft)</td>
<td>20′ (2)</td>
</tr>
<tr>
<td>Minimum Yard (ft) for lot lines abutting or opposite residential districts or residential PC districts</td>
<td>10′ (2)</td>
</tr>
<tr>
<td>Build-To-Lines</td>
<td>50% of frontage built to setback (7)</td>
</tr>
<tr>
<td>Minimum setbacks from alleys for structures other than public parking garages (ft) (3)</td>
<td></td>
</tr>
<tr>
<td>Corner lots, from rear lot line on the alley</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Corner lots, from side lot line on the alley</td>
<td>None</td>
</tr>
<tr>
<td>All lots other than corner lots</td>
<td>20′</td>
</tr>
<tr>
<td>Maximum Site Coverage</td>
<td>50%</td>
</tr>
</tbody>
</table>

[Continued on Next Page]
(1) No parking or loading space, whether required or optional, shall be located in the first 10 feet adjoining the street property line of any required yard.

(2) Any minimum front, street side, or interior yard shall be planted and maintained as a landscaped screen excluding areas required for access to the site. A solid wall or fence between 5 and 8 feet in height shall be constructed along any common interior lot line.

(3) No setback from an alley is required for a public parking garage.

(4) As measured to the peak of the roof or the top of a parapet; penthouses and equipment enclosures may exceed this height limit by a maximum of five feet, but shall be limited to an area equal to no more than ten percent of the site area and shall not intrude into the daylight plane.

(5) See additional regulations in subsection (e) of this Section 18.16.050.

(6) The initial height and slope shall be identical to those of the most restrictive residential zone abutting the site line in question.

(7) Twenty-five-foot driveway access permitted regardless of frontage; build-to requirement does not apply to CC district.

(8) A 12-foot sidewalk width is required along El Camino Real frontage.

(b) Mixed Uses

Table 4 specifies the development standards for new residential mixed use developments. These developments shall be designed and constructed in compliance with the following requirements and the context-based design criteria outlined in Section 18.16.090, provided that more restrictive regulations may be recommended by the architectural review board and approved by the director of planning and community environment, pursuant to Section 18.76.020.
### Table 4
**Mixed Use Development Standards**

<table>
<thead>
<tr>
<th>Minimum Site Specifications</th>
<th>CN</th>
<th>CS</th>
<th>CG(2)</th>
<th>CS</th>
<th>Setback regulation Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Area (ft²)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site Width (ft)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>None required</td>
</tr>
<tr>
<td>Site Depth (ft)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Setbacks</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Yard (ft)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0' – 10' to create an 8' – 12' effective sidewalk width <em>(n)</em></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0' – 10' to create an 8' – 12' effective sidewalk width <em>(m)</em></td>
</tr>
<tr>
<td>Rear Yard (ft)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>10' for residential portion; no requirement for commercial portion</td>
</tr>
<tr>
<td>Rear Yard abutting residential zone district (ft)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>10'</td>
</tr>
<tr>
<td>Interior Side Yard if abuting residential zone district (ft)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>10'</td>
</tr>
<tr>
<td>Street Side Yard (ft)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5'</td>
</tr>
<tr>
<td>Build-To-Lines</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>50% of frontage built to setback <em>(n)</em></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>33% of side street built to setback <em>(m)</em></td>
</tr>
<tr>
<td>Permitted Setback Encroachments</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Balconies, awnings, porches, stairways, and similar elements may extend up to 6' into the setback. Cornices, eaves, fireplaces, and similar architectural features (excluding flat or continuous walls or enclosures of interior space) may extend up to 4' into the front and rear setbacks and up to 3' into interior side setbacks</td>
</tr>
<tr>
<td>Maximum Site Coverage</td>
<td>50%</td>
<td>50%</td>
<td>100%</td>
<td>50%</td>
<td></td>
</tr>
<tr>
<td>Landscape/Open Space Coverage</td>
<td>35%</td>
<td>30%</td>
<td>20%</td>
<td>30%</td>
<td></td>
</tr>
<tr>
<td>Usable Open Space</td>
<td>200 sq ft per unit for 5 or fewer units <em>(n)</em>; 150 sq ft per unit for 6 units or more <em>(n)</em></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

[Continued on Next Page]
<table>
<thead>
<tr>
<th>Development Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Height (ft)</td>
</tr>
<tr>
<td>Standard</td>
</tr>
<tr>
<td>Within 150 ft. of a residential zone district (other than an RM-40 or PC zone) abutting or located within 50 feet of the site</td>
</tr>
<tr>
<td>Daylight Plane for lot lines abutting one or more residential zoning districts</td>
</tr>
<tr>
<td>Residential Density (net) (2)</td>
</tr>
<tr>
<td>Maximum Residential Floor Area Ratio (FAR)</td>
</tr>
<tr>
<td>Maximum Nonresidential Floor Area Ratio (FAR)</td>
</tr>
<tr>
<td>Total Mixed Use Floor Area Ratio (FAR)</td>
</tr>
<tr>
<td>Minimum Mixed Use Ground Floor Commercial FAR (8)</td>
</tr>
<tr>
<td>Parking</td>
</tr>
</tbody>
</table>

(1) Twenty-five-foot driveway access permitted regardless of frontage; build-to requirement does not apply to CC district.

(2) Required usable open space: (1) may be any combination of private and common open spaces; (2) does not need to be located on the ground (but rooftop gardens are not included as open space); (3) minimum private open space dimension six feet; and (4) minimum common open space dimension twelve feet.

(3) Residential density shall be computed based upon the total site area, irrespective of the percent of the site devoted to commercial use.

(4) For CN sites on El Camino Real, height may increase to a maximum of 40 feet and the FAR may increase to a maximum of 1.0:1 (0.5:1 for nonresidential, 0.5:1 for residential).

(5) For sites abutting an RM-40 zoned residential district or a residential Planned Community (PC) district, maximum height may be increased to 50 feet.

(6) Ground floor commercial uses generally include retail, personal services, hotels and eating and drinking establishments. Office uses may be included only to the extent they are permitted in ground floor regulations.

(7) If located in the California Avenue Parking Assessment District.

(8) A 12-foot sidewalk width is required along El Camino Real frontage.

(1) Residential and nonresidential mixed use projects shall be subject to site and design review in accord with Chapter 18.30(1), except that mixed use projects with four or fewer residential units shall only require review and approval by the architectural review board.
(2) Nonresidential uses that involve the use or storage of hazardous materials in excess of the exempt quantities prescribed in Title 15 of the Municipal Code, including but not limited to dry cleaning plants and auto repair, are prohibited in a mixed use development with residential uses.

(3) Residential mixed use development is prohibited on any site designated with an Automobile Dealership (AD) Combining District overlay.

(c) Exclusively Residential Uses

Exclusively residential uses are generally prohibited in the CN, CS, CC, and CC(2) zone districts. Such uses are allowed, however, where a site is designated as a Housing Opportunity Site in the Housing Element of the Comprehensive Plan. Such sites shall be developed pursuant to the regulations for the multi-family zone designation (RM-15, RM-30, or RM-40) identified for the site in the Housing Element.

(d) Hotel Regulations

(1) Hotels, where they are a permitted use and generate transient occupancy tax (TOT), may develop to a maximum FAR of 2.0:1 (except in the CC district, see Section 18.16.060(e) below).

(2) Hotels may include residential condominium use, subject to:

(A) No more than 25% of the floor area shall be devoted to condominium use;

(B) No more than 25% of the total number of lodging units shall be devoted to condominium use; and

(C) A minimum FAR of 1.0 shall be provided for the hotel/condominium building(s).

(e) CC District Shopping Center Floor Area Ratio Regulations

(1) The maximum floor area ratio for the Town and Country Village Shopping Center shall be .35 to 1; and office uses at said shopping center shall be limited to 15% of the floor area of the shopping center existing as of August 1, 1989. Hotel use shall not be included as part of the .35 to 1 maximum floor area ratio, but shall not exceed an additional .25 to 1 floor area ratio, for a maximum site floor area ratio of .60 to 1.

(2) The maximum floor area ratio for mixed use development for the Town and Country Village Shopping Center shall be limited to .50 to 1; provided that no more than .35 to 1 floor area shall be nonresidential, consistent with part (1) above, and not more than .15 to 1 floor area shall be residential.

(3) Stanford Shopping Center shall not be permitted to add more than 80,000 square feet of floor area to the total amount of floor area of the shopping center existing as of June 14, 1996, 1,332,362 square feet, for a total square footage not to exceed 1,412,362. Any hotel or mixed use development for the Stanford Shopping Center shall only be included if approved as part of a Development Agreement for the site.

(f) Size of Establishments in the CN District

In the CN district, permitted commercial uses shall not exceed the floor area per individual use or business establishment shown in Table 5. Such uses may be allowed to exceed the
maximum establishment size, subject to issuance of a conditional use permit in accord with Section 18.76.010. The maximum establishment size for any conditional use shall be established by the director and specified in the conditional use permit for such use.

### TABLE 5
**MAXIMUM SIZE OF ESTABLISHMENT**

<table>
<thead>
<tr>
<th>Type of Establishment</th>
<th>Maximum Size (ft²)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services</td>
<td>2,500</td>
</tr>
<tr>
<td>Retail services, except grocery stores</td>
<td>15,000</td>
</tr>
<tr>
<td>Grocery stores</td>
<td>20,000</td>
</tr>
<tr>
<td>Eating and drinking services</td>
<td>5,000</td>
</tr>
<tr>
<td>Neighborhood business services</td>
<td>2,500</td>
</tr>
</tbody>
</table>

(g) **Nuisances Prohibited**

All uses, whether permitted or conditional, shall be conducted in such a manner as to preclude nuisance, hazard, or commonly recognized offensive conditions or characteristics, including creation or emission of dust, gas, smoke, noise, fumes, odors, vibrations, particulate matter, chemical compounds, electrical disturbance, humidity, heat, cold, glare, or night illuminations. Prior to issuance of a building permit, or occupancy permit, or at any other time, the building inspector may require evidence that adequate controls, measures, or devices have been provided to ensure and protect the public interest, health, comfort, convenience, safety, and general welfare from such nuisance, hazard, or offensive condition.

(h) **Outdoor Sales and Storage**

(1) In the CN district, all permitted office and commercial activities shall be conducted within a building, except for:

   (A) Incidental sales and display of plant materials and garden supplies occupying no more than 500 square feet of exterior sales and display area,

   (B) Farmers markets that have obtained a conditional use permit, and

   (C) Recycling centers that have obtained a conditional use permit.

(2) In the CC district and in the CC(2) district, the following regulations shall apply to outdoor sales and storage:

   (A) Except in shopping centers, all permitted office and commercial activities shall be conducted within a building, except for:

      (i) Incidental sales and display of plant materials and garden supplies occupying no more than 2,000 square feet of exterior sales and display area,

      (ii) Outdoor eating areas operated incidental to permitted eating and drinking services,

      (iii) Farmers markets that have obtained a conditional use permit, and

      (iv) Recycling centers that have obtained a conditional use permit.

   (B) Any permitted outdoor activity in excess of 2,000 square feet shall be subject to a conditional use permit.
(C) Exterior storage shall be prohibited, except as provided under subparagraph (A)(iv) of this subsection.

(3) In the CS district, outdoor sales and display of merchandise, and outdoor eating areas operated incidental to permitted eating and drinking services shall be permitted subject to the following regulations:

(A) Outdoor sales and display shall not occupy a total site area exceeding the gross building floor area on the site, except as authorized by a conditional use permit.

(B) Areas used for outdoor sales and display of motor vehicles, boats, campers, camp trailers, trailers, trailer coaches, house cars, or similar conveyances shall meet the minimum design standards applicable to off street parking facilities with respect to paving, grading, drainage, access to public streets and alleys, safety and protective features, lighting, landscaping, and screening.

(C) Exterior storage shall be prohibited, unless screened by a solid wall or fence of between 5 and 8 feet in height.

(i) Recycling Storage
All new development, including approved modifications that add thirty percent or more floor area to existing uses, shall provide adequate and accessible interior areas or exterior enclosures for the storage of recyclable materials in appropriate containers. The design, construction and accessibility of recycling areas and enclosures shall be subject to approval by the architectural review board, in accordance with design guidelines adopted by that board and approved by the city council pursuant to Section 18.76.020.

(j) Employee Showers
Employee shower facilities shall be provided for any new building constructed or for any addition to or enlargement of any existing building as specified in Table 6.

<table>
<thead>
<tr>
<th>Uses</th>
<th>Gross Floor Area of New Construction (ft²)</th>
<th>Showers Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical, Professional, and General Business Offices, Financial Services, Business and Trade Schools, General Business Services</td>
<td>0-9,999</td>
<td>No requirement</td>
</tr>
<tr>
<td></td>
<td>10,000-19,999</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>20,000-49,999</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>50,000 and up</td>
<td>4</td>
</tr>
<tr>
<td>Retail Services, Personal Services, and Eating and Drinking Services</td>
<td>0-24,999</td>
<td>No requirement</td>
</tr>
<tr>
<td></td>
<td>25,000-49,999</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>50,000-99,999</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>100,000 and up</td>
<td>4</td>
</tr>
</tbody>
</table>

(Ord. 4923 § 3 (part), 2006: Ord. 4925 § 3 (part), 2006)
18.16.070 Parking and Loading

Off-street parking and loading facilities shall be required for all permitted and conditional uses in accord with Chapters 18.52 and 18.54 of this title. All parking and loading facilities on any site, whether required as minimums or optionally provided in addition to minimum requirements, shall comply with the regulations and the design standards established by Chapters 18.52 and 18.54.

(Ord. 4923 § 3 (part), 2006: Ord. 4925 § 3 (part), 2006)

18.16.080 Performance Standards

In addition to the standards for development prescribed above, all development in the CN, CS, CC, and CC(2) districts shall comply with the performance criteria outlined in Chapter 18.23 of the Zoning Ordinance. All mixed use development shall also comply with the provisions of Chapter 18.23 of the Zoning Ordinance.

(Ord. 4923 § 3 (part), 2006: Ord. 4925 § 3 (part), 2006)
18.16.090  Context-Based Design Criteria

(a)  Contextual and Compatibility Criteria

Development in a commercial district shall be responsible to its context and compatible with adjacent development, and shall promote the establishment of pedestrian oriented design.

(1) Context

(A) Context as used in this section is intended to indicate relationships between the site's development to adjacent street types, surrounding land uses, and on-site or nearby natural features, such as creeks or trees. Effective transitions to these adjacent uses and features are strongly reinforced by Comprehensive Plan policies.

(B) The word context should not be construed as a desire to replicate existing surroundings, but rather to provide appropriate transitions to those surroundings. Context is also not specific to architectural style or design, though in some instances relationships may be reinforced by an architectural response.

(2) Compatibility

(A) Compatibility is achieved when the apparent scale and mass of new buildings is consistent with the pattern of achieving a pedestrian oriented design, and when new construction shares general characteristics and establishes design linkages with the overall pattern of buildings so that the visual unity of the street is maintained.

(B) Compatibility goals may be accomplished through various means, including but not limited to:

(i) the siting, scale, massing, and materials;

(ii) the rhythmic pattern of the street established by the general width of the buildings and the spacing between them;

(iii) the pattern of roof lines and projections;

(iv) the sizes, proportions, and orientations of windows, bays and doorways;

(v) the location and treatment of entryways;

(vi) the shadow patterns from massing and decorative features;

(vii) the siting and treatment of parking; and

(viii) the treatment of landscaping.

(b)  Context-Based Design Considerations and Findings

In addition to the findings for Architectural Review contained in Section 18.76.020(d) of the Zoning Ordinance, the following additional findings are applicable in the CN, CS, CC and CC(2) districts, as further illustrated on the accompanying diagrams:
(1) Pedestrian and Bicycle Environment

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

A. Ground floor uses that are appealing to pedestrians through well-designed visibility and access (Figure 1-1);

B. On primary pedestrian routes, climate and weather protection where possible, such as covered waiting areas, building projections and colonnades, and awnings (Figure 1-2);

C. Streetscape or pedestrian amenities that contribute to the area's streetscape environment such as street trees, bulbouts, benches, landscape elements, and public art (Figure 1-3);

D. Bicycle amenities that contribute to the area's bicycle environment and safety needs, such as bike racks, storage or parking, or dedicated bike lanes or paths (Figure 1-1); and

E. Vehicle access from alleys or sidestreets where they exist, with pedestrian access from the public street.
(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 such as:

A. Placement and orientation of doorways, windows, and landscape elements to create strong, direct relationships with the street (Figure 2-1);

B. Facades that include projecting eaves and overhangs, porches, and other architectural elements that provide human scale and help break up building mass (Figure 2-2);

C. Entries that are clearly defined features of front facades, and that have a scale that is in proportion to the size and type of the building and number of units being accessed; larger buildings should have a more prominent building entrance, while maintaining a pedestrian scale;

D. Residential units and storefronts that have a presence on the street and are not walled-off or oriented exclusively inward;

E. Elements that signal habitation such as entrances, stairs, porches, bays and balconies that are visible to people on the street;

F. All exposed sides of a building designed with the same level of care and integrity;

G. Reinforcing the definition and importance of the street with building mass; and

H. Upper floors set back to fit in with the context of the neighborhood.
(3) **Massing and Setbacks**

Buildings shall be designed to minimize massing and conform to proper setbacks through elements such as:

A. Rooflines that emphasize and accentuate significant elements of the building such as entries, bays, and balconies (Figure 3-1);

B. Design with articulation, setbacks, and materials that minimize massing, break down the scale of buildings, and provide visual interest (Figure 3-1);

C. Corner buildings that incorporate special features to reinforce important intersections and create buildings of unique architectural merit and varied styles (Figure 3-1);

D. Building facades articulated with a building base, body and roof or parapet edge (Figure 3-2);

E. Buildings set back from the property line to create an effective 12' sidewalk on El Camino Real, 8' elsewhere (Figure 3-4);

F. A majority of the building frontage located at the setback line (Figure 3-3); and

G. No side setback for midblock properties, allowing for a continuous street facade, except when abutting low density residential (Figure 3-3).
(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 through:

A. Transitions of development intensity from higher density development building types to building types that are compatible with the lower intensity surrounding uses (Figure 4-1);

B. Massing and orientation of buildings that respect and mirror the massing of neighboring structures by stepping back upper stories to transition to smaller scale buildings, including setbacks and daylight planes that match abutting R-1 and R-2 zone requirements (Figure 4-2);

C. Respecting privacy of neighboring structures, with windows and upper floor balconies positioned so they minimize views into neighboring properties (Figure 4-3);

D. Minimizing sight lines into and from neighboring properties (Figure 4-3);

E. Limiting sun and shade impacts on abutting properties; and

F. Providing pedestrian paseos and mews to create separation between uses.
(5) Project Open Space

Private and public open space shall be provided so that it is usable for the residents, visitors, and/or employees of a site.

A. The type and design of the usable private open space shall be appropriate to the character of the building(s), and shall consider dimensions, solar access, wind protection, views, and privacy;

B. Open space should be sited and designed to accommodate different activities, groups, active and passive uses, and should be located convenient to the users (e.g., residents, employees, or public);

C. Common open spaces should connect to the pedestrian pathways and existing natural amenities of the site and its surroundings;

D. Usable open space may be any combination of private and common spaces;

E. Usable open space does not need to be located on the ground and may be located in porches, decks, balconies and/or podiums (but not on rooftops) (Figure 5-1);

F. Open space should be located to activate the street façade and increase eyes on the street when possible (Figure 5-1);

G. Both private and common open space areas should be buffered from noise where feasible through landscaping and building placement;

H. Open space situated over a structural slab/podium or on a rooftop shall have a combination of landscaping and high quality paving materials, including elements such as planters, mature trees, and use of textured and/or colored paved surfaces (Figure 5-2); and

I. Parking may not be counted as open space.
(6) Parking Design

Parking needs shall be accommodated but shall not be allowed to overwhelm the character of the project or detract from the pedestrian environment, such that:

A. Parking is located behind buildings, below grade or, where those options are not feasible, screened by landscaping, low walls, etc.;

B. Structured parking is fronted or wrapped with habitable uses when possible (Figure 6-1);

C. Parking that is semi-depressed is screened with architectural elements that enhance the streetscape such as stoops, balcony overhangs, and/or art;

D. Landscaping such as trees, shrubs, vines, or groundcover is incorporated into surface parking lots (Figure 6-2);

E. For properties with parking access from the rear of the site (such as a rear alley or driveway) landscaping shall provide a visual buffer between vehicle circulation areas and abutting properties (Figure 6-3);

F. Street parking is utilized for visitor or customer parking and is designed in a manner to enhance traffic calming;

G. For properties with parking accessed from the front, minimize the amount of frontage used for parking access, no more than 25% of the site frontage facing a street should be devoted to garage openings, carports, or open/surface parking (on sites with less than 100 feet of frontage, no more than 25 feet);

H. Where two parking lots abut and it is possible for a curb cut and driveway to serve several properties, owners are strongly encouraged to enter into shared access agreements (Figure 6-4); and

I. Parking is accessed from side streets or alleys when possible.
(7) Large (Multi-Acre) Sites

Large (in excess of one acre) sites shall be designed so that street, block, and building patterns are consistent with those of the surrounding neighborhood, and such that:

A. New development of large sites maintains and enhances connectivity with a hierarchy of public streets, private streets, walks and bike paths (integrated with Palo Alto’s Bicycle Master Plan, when applicable);

B. The diversity of building types increases with increased lot size (e.g., <1 acre = minimum 1 building type; 1-2 acres = minimum 2 housing types; greater than 2 acres = minimum 3 housing types) (Figures 7-1 through 7-3); and

C. Where a site includes more than one housing type, each building type should respond to its immediate context in terms of scale, massing, and design (e.g., Village Residential building types facing or abutting existing single-family residences) (Figures 7-2 and 7-3).
(8) **Sustainability and Green Building Design**

Project design and materials to achieve sustainability and green building design should be incorporated into the project. Green building design considers the environment during design and construction. Green building design aims for compatibility with the local environment: to protect, respect and benefit from it. In general, sustainable buildings are energy efficient, water conserving, durable and nontoxic, with high-quality spaces and high recycled content materials. The following considerations should be included in site and building design:

A. Optimize building orientation for heat gain, shading, daylighting, and natural ventilation (Figure 8-1).

B. Design landscaping to create comfortable micro-climates and reduce heat island effects.

C. Design for easy pedestrian, bicycle, and transit access.

D. Maximize onsite stormwater management through landscaping and permeable pavement (Figure 8-2).

E. Use sustainable building materials.

F. Design lighting, plumbing, and equipment for efficient energy and water use.

G. Create healthy indoor environments.

H. Use creativity and innovation to build more sustainable environments. One example is establishing gardens with edible fruits, vegetables or other plants to satisfy a portion of project open space requirements.

I. Provide protection for creeks and riparian vegetation and integrate stormwater management measures and open space to minimize water quality and erosion impacts to the creek environment.

J. Encourage installation of photovoltaic panels.

(Ord. 4923 § 3 (part), 2006: Ord. 4925 § 3 (part), 2006)
18.16.100  Grandfathered Uses

(a) **CN District Office Uses**

In the CN district, all office uses existing as of August 1, 1989, which were lawful conforming permitted uses or conditional uses operating subject to a conditional use permit and which, as of such date, exceed 5,000 square feet in size or 25% of lot area, may remain as legal nonconforming uses and shall not require a conditional use permit or be subject to termination pursuant to Chapter 18.70, provided, however, that in the case of a conflict between the provisions of this section and the provisions of Chapter 18.70, this section shall control. Such uses shall be permitted to remodel, improve, or replace site improvements in accordance with current applicable site development regulations, provided that any such remodeling, improvement, or replacement shall not result in increased floor area devoted to such office uses.

(b) **CS District Office Uses**

In the CS district, medical, professional or general business or administrative office uses existing on August 1, 1989 and which, as of such date, were lawful conforming permitted uses or conditional uses operating subject to a conditional use permit may remain as legal nonconforming uses and shall not require a conditional use permit or be subject to termination pursuant to Chapter 18.70, provided, however, that in the case of a conflict between the provisions of this section and the provisions of Chapter 18.70, this section shall control. Such uses shall be permitted to remodel, improve, or replace site improvements in accordance with current applicable site development regulations, provided that any such remodeling, improvement, or replacement shall not result in increased floor area devoted to such office uses.

(Ord. 4923 § 3 (part), 2006: Ord. 4925 § 3 (part), 2006)
Chapter 18.30(A)
RETAIL SHOPPING (R)
COMBINING DISTRICT REGULATIONS

Sections:
18.30(A).010 Specific Purposes
18.30(A).020 Applicability of Regulations
18.30(A).030 Zoning Map Designation
18.30(A).040 Permitted Uses
18.30(A).050 Conditional Uses
18.30(A).060 Special Requirements

18.30(A).010 Specific Purposes
The retail shopping combining district is intended to modify the uses allowed in a commercial
district, where applied in combination with such district, to allow only retail, eating and service-
oriented commercial development on the ground floors.

(Ord. 3519 § 3 (part), 1984)

18.30(A).020 Applicability of Regulations
The retail shopping combining district may be combined with any commercial district, in accord with
Chapter 18.08 and Chapter 18.80. Where so combined, the regulations set forth in this chapter shall
apply in lieu of the comparable provisions established by the underlying commercial district
regulations.

(Ord. 3519 § 3 (part), 1984)

18.30(A).030 Zoning Map Designation
The retail shopping combining district shall apply to properties designated on the zoning map by the
symbol "R" within parentheses, following the commercial designation with which it is combined.

(Ord. 3519 § 3 (part), 1984)

18.30(A).040 Permitted Uses
The following uses shall be permitted in an R district:

(a) Eating and drinking services, except drive-in and take-out services;
(b) Personal services;
(c) Retail services;
(d) All other uses permitted in the underlying commercial district, provided they are not
located on a ground floor.

(Ord. 3519 § 3 (part), 1984)
18.30(A).050 Conditional Uses

The following uses may be conditionally permitted in an R district, subject to the issuance of a conditional use permit in accord with Chapter 18.76 (Permits and Approvals):

(a) Financial services, except drive-in services, on a ground floor;
(b) All other conditional uses allowed in the underlying commercial district provided they are not located on a ground floor.

(Ord. 4826 § 86, 2004: Ord. 3519 § 3 (part), 1984)

18.30(A).060 Special Requirements

The following special requirements shall apply in the R retail shopping combining district:

Lawful conforming permitted uses or conditional uses operating pursuant to a conditional use permit which were existing on April 26, 1984 may remain as grandfathered uses and shall not require a conditional use permit or be subject to the provisions of Chapter 18.70. Such uses shall be permitted to remodel, improve, or replace site improvements on the same site for continual use and occupancy by the same use; provided, that any such remodeling, improvement or replacement shall not result in increased floor area, nor shall such remodeling, improvement or replacement result in shifting of building footprint or increased height, length, building envelope, or any other increase in the size of the improvement, or any increase in the existing degree of noncompliance, except through the granting of a design enhancement exception, pursuant to Chapter 18.76 (Permits and Approvals). If a use deemed grandfathered pursuant to this section ceases and thereafter remains discontinued for twelve consecutive months, it shall be considered abandoned and may be replaced only by a conforming use. A use deemed grandfathered pursuant to this section which is changed to or replaced by a conforming use shall not be reestablished, and any portion of a site or any portion of a building, the use of which changes from a grandfathered use to a conforming use, shall not thereafter be used except to accommodate a conforming use.

PLANNING & TRANSPORTATION DIVISION

STAFF REPORT

TO: PLANNING & TRANSPORTATION COMMISSION
FROM: Elena Lee  
Senior Planner  
DEPARTMENT: Planning & Community Environment
DATE: January 30, 2008
SUBJECT: 2995 Middlefield Road: Request by Old Trace Middlefield to rezone one parcel from Planned Community (PC-3779) to Commercial Neighborhood (CN). Environmental Review: An Initial Study has been completed and a Draft Mitigated Negative Declaration has been prepared.

RECOMMENDATION

Staff recommends that the Planning and Transportation Commission (PTC) recommend that the City Council adopt a Mitigated Negative Declaration and approve the ordinance (Attachment A) rezoning the site at 2995 Middlefield Rd. from Planned Community (PC-3779) to the Commercial Neighborhood (CN) District.

SUMMARY OF LAND USE ACTION

The purview of the PTC is to review the Initial Study and draft Mitigated Negative Declaration and to ensure that the proposed rezoning is consistent with the Comprehensive Plan and policies of the City of Palo Alto. The PTC is to make a recommendation to the City Council whether to approve or deny the proposed zone change.

BACKGROUND

Project Description
Attached to this staff report is a letter (Attachment F) from Mr. Eric Corrigan, owner of Old Trace Middlefield, requesting that the City consider rezoning the property at 2995 Middlefield Road, as shown on the location map (Attachment B), from Planned Community (PC-3779) to Commercial Neighborhood. The applicant is requesting the change from a designation that specifically allowed a gas station to a more general commercial designation to accommodate a broader range of uses. The applicant intends to submit an application for review of the removal of the gas station and development of a commercial building on the site. A subsequent CEQA
review document would be prepared and circulated for any new development resulting from this rezoning.

The subject property was rezoned to Planned Community (PC-3779) on November 9, 1987 from RM-2 (Low Density Multiple Family Residential) to allow the continued operation of an existing gas station and associated improvements.

**Site Description**
The project site is comprised of 0.45 acre of land, located on the north side of Middlefield Road, approximately 65 feet southeast of Matadero Creek. The site is developed with a gas station that has been inoperative since 2004. The property was purchased by the current owner, Old Trace Middlefield, from BP West Coast Products, LLC, in December 2007. The conditions of the property sale include that the new owner cannot re-establish a gas station on the site. The property is bounded by the Winter Lodge, a private recreational use on city owned land, on the north, east and west.

**DISCUSSION**

The proposed ordinance (Attachment A) is a rezoning of the subject parcel from Planned Community (PC-3997) to Commercial Neighborhood (CN). The CN district regulations are provided in Attachment D. The property at 2995 Middlefield Road is zoned PC-3997 for use as a gas station. The PC 3997 ordinance is provided as Attachment C. This zone change would allow the currently vacant site to be redeveloped with a variety of commercial uses, providing an opportunity to improve the area.

The proposed zone change application does yet not include any specific development project. The applicant intends to remove and replace the existing automobile service/gas station with a commercial building upon successful rezoning of the site, approval of a subsequent CEQA document and separate Architectural Review application. Any new mixed-use (residential and non-residential) development of four residential units or less would also be reviewed by the ARB followed by the Planning Director’s decision. The maximum allowable residential density within a mixed use project on the site would be seven units. Any mixed use development of more than four residential units would be subject to the City’s Site and Design Review process, with PTC and ARB review and Council decision required for approval.

The CN district is intended to create and maintain neighborhood centered shopping areas, consisting of retail sales, personal service, eating and drinking and office uses of moderate size. These uses should serve the immediate neighborhood and meet regulations that will assure maximum compatibility with the surrounding residential areas. The CN District would allow a variety of commercial/retail uses and mixed residential/non-residential uses to be configured either vertically or horizontally on the property, subject to CEQA review and approval of planning and building permits. The property is located in the Midtown West neighborhood, but outside of the Midtown Shopping Center (as defined in the Zoning Ordinance and Comprehensive Plan).

The Palo Alto Municipal Code (PAMC) Chapter 18.16 establishes the development standards and allowed uses in the CN district. Commercial uses are restricted in size per Section 18.16.060(f). However, the site is subject to setback lines established by PAMC 20.08, such that
parcels on Middlefield Road in this location have a minimum front setback of 25 feet. Future development would also be evaluated under context-based design criteria of PAMC 18.16 and performance criteria of PAMC 18.23, including those for parking and late night uses and activities. Since the sale of the parcel was conditioned by the prior owner so that the front area, where remediation for underground tanks is in process, is not to be disturbed, future development may not fully meet the context based design criteria set forth in PAMC 18.16. However, because the context-based design section consists of criteria/guidelines, decisions on future development will have to be evaluated for the project’s conformance to the development standards, as well as consistency and compatibility with neighborhood context. The development proposal would be evaluated to determine if it meets the intent of the context based design section because those criteria are not the same as development standards. A non-residential development could have a floor area ratio of up to 0.4:1, for a maximum of approximately 8,358 square feet on the site. A mixed use project could have a floor area ratio up to 0.9:1, with the 0.5:1 additional area for residential units. A project’s compliance with the CN regulations will be analyzed at the time a development application is submitted. The purview of the Commission is therefore to determine only whether the rezoning complies with the Comprehensive Plan and City Policy.

The Comprehensive Plan land use designation for the property is Neighborhood Commercial, which would be consistent with the proposed CN zone district. The site is surrounded by Middlefield Road, Matadero Creek and properties that are zoned Public Facility (PF). Those properties are part of the Winter Lodge, a recreation center with an ice skating rink, tennis courts and a swimming pool.

Zone Change Process
The process for a property owner-initiated zone change is outlined in the Palo Alto Municipal Code under Section 18.80. The steps are summarized as follows:

- The application for a change in zoning designation may be made with the consent of the property owner of record.
- The PTC sets a date for a regular or special meeting of the PTC, including a public hearing and notice to the property owner and surrounding property owners. The Commission may recommend to the City Council approval of the rezoning, modification of the area to be rezoned, application of more or less restrictive zoning, or denial of the rezoning.
- The decision of the Commission is forwarded to the City Council, including the Commission’s findings and determinations for the requested zone change. Upon notice and a public hearing, the City Council takes final action regarding the zoning.

**POLICY IMPLICATIONS**

The proposed change in zoning designation must be consistent with the plans and policies of the City of Palo Alto. Therefore, the proposed zone change is consistent with the Neighborhood Commercial land use designation and a change in this designation is not required.

The Comprehensive Plan defines the Neighborhood Commercial designation as follows:

Typical uses in this designation would include shopping centers with off-street parking or a cluster of streetfront stores that serve the immediate neighborhood. Examples include Alma
Plaza, Charleston Center, Edgewood Center and Midtown. Typical uses include supermarkets, bakeries, drugstores, variety stores, barber shops, restaurants, dry cleaners, and hardware stores. In some locations, residential and mixed use projects may be allowed. Non-residential floor area ratios will range up to 0.4.

Consistency with Comprehensive Plan Policies
Staff believes that the proposed zone change complies with the Comprehensive Plan goals, policies and programs. The associated policies have been identified as relevant to this site and include:

Goal L-1: Implement local land use and growth management to provide for a “well-designed, compact city, providing residents and visitors with attractive neighborhoods, work places, shopping districts, public facilities and open spaces.”

Policy L-4: “Maintain Palo Alto’s varied residential neighborhoods while sustaining the vitality of its commercial areas and public facilities.”

Policy L-40: “Revitalize Midtown as an attractive, compact Neighborhood Center with diverse local-serving uses, a mix of one- and two-story buildings, adequate parking, and a network of pedestrian-oriented streets, ways and gathering places. Encourage retention of Midtown’s grocery stores and encourage a variety of neighborhood retail shops and services.”

Goal B-2: Provide for a “diverse mix of commercial, retail and professional service businesses. Economic strength stems from a diversity of small and large businesses. Palo Alto should strive to maintain and enhance diversity and provide the ability of these businesses to provide these goods and services within the community.”

Goal B-3: Encourage “new businesses that provide needed local services and municipal revenues, contribute to economic vitality, and enhance the City’s Physical Environment.”

Policy B-9: “Encourage new businesses that meet the city’s business and economic goals to locate in Palo Alto.”

ENVIRONMENTAL REVIEW

The draft Initial Study and Mitigated Negative Declaration, which reviewed the environmental issues related to the rezoning, as required by the California Environmental Quality Act (CEQA), is in circulation for a 20-day public review period that began January 18 and ends February 7, 2008. A copy of the environmental document is provided as Attachment E.
ATTACHMENTS

A. Draft Ordinance  
B. Location Map  
C. Planned Community (PC-3779) Zoning  
D. Neighborhood Commercial District (CN) Regulations  
E. Draft Initial Study and Draft Mitigated Negative Declaration  
F. Rezoning Request Letter (by Applicant)  

COURTESY COPIES

Old Trace Middlefield, Project Applicant and Owner  
Sheri Furman, Midtown Residents Association

PREPARED BY: Elena Lee, Senior Planner

REVIEWED BY: Amy French, Manager of Current Planning

DEPARTMENT/DIVISION HEAD APPROVAL: Curtis Williams, Assistant Director
Planning and Transportation Commission
Verbatim Minutes
January 30, 2008

EXCERPT

2995 Middlefield Road*: Request by Old Trace Middlefield on behalf of BP West Coast Products, LLC for a zone change from the existing Planned Community 3779 (PC-3779) district to Neighborhood Commercial (CN). Environmental Assessment: An Initial Study will be prepared. Zone District: PC-3779.

Chair Holman: We are ready to address item number two, 2995 Middlefield Road. This is a request by Old Trace Middlefield on behalf of BP West Coast Products for a zone change from the existing Planned Community to Neighborhood Commercial zoning. Would Staff care to make a presentation?

Ms. Lee: Thank you Chair Holman and Commissioners. The project before you is a zone change application for one 0.45-acre parcel. The property owner is requesting a zone change from Planned Community (PC-3997) to Commercial Neighborhood to allow redevelopment of a vacant gas station with a wider variety of commercial uses.

The PC designation for the site allows only an automobile service station. This application does not include any specific development project. Should the rezoning be successful the applicant intends to file a separate Architectural Review application to allow the removal of the gas station and the construction of a new commercial building.

The proposed zone change is consistent with the Comprehensive Plan and designation and policies. A draft initial study and Mitigated Negative Declaration was prepared and circulated for public review on January 18 for a 20-day circulation period to end on February 7. As of this oral Staff Report Staff has not received many comments on the Mitigated Negative Declaration. Staff has received a few phone calls and emails from neighbors of the site seeking more information on what the proposed development was as it has been vacant since 2004.

Staff has also made available at places tonight the attachments referenced in Attachment F. The attachments include site photos, aerials, and potential site plans for future proposals not an actual proposal yet. The project was also reviewed by Joe Sacco, the Deputy Director of Administrative Services, for potential resource impacts. It was determined that based on the types of uses for this designation City costs to support this facility such as public safety are marginal and will not affect the City’s budget. Staff would also like to note that there was another typo on the Mitigated Negative Declaration. On the first page of the Mitigated Negative Declaration, directly behind the Notice of Intent to Adopt and in front of the Initial Study in the packet, under Section II, Determination, there is a reference to the earlier project, 3208, 3230, and 3220 Alexis Drive. It should be stated to say 2995 Middlefield Road.
If the Commission finds this project and the Mitigated Negative Declaration other than
the typo acceptable Staff recommends that you recommend the Council adopt the
Mitigated Negative Declaration and approve the proposed project.

Chair Holman: Thank you. Commissioners, are there clarifying questions for Staff?
Seeing none. Vice-Chair Garber did you have one?

Vice-Chair Garber: I have questions but can wait.

Chair Holman: Not clarifying it sounds like then. We have four members of the public
to speak. I believe this one is the applicant, actually. Erik Corrigan. You will have 15
minutes.

Mr. Erik Corrigan, Old Trace Middlefield: Actually I don’t really have anything to
present on the subject but I would be happy to answer any question you may have.

Chair Holman: Okay. Commissioners, are there any questions at this time? It looks like
not so thank you. Our next speaker is Sheri Furman to be followed by Ross Tinline and
you will have five minutes.

Ms. Sheri Furman, Palo Alto: Good evening Chairman Holman and Commissioners. I
don’t have that much to say. I realize tonight all we are deciding is on a zone change
from PC to CN. So representing Midtown I think this would be a beneficial zone change
for us.

Annette Ashton and I have met with Mr. Corrigan and discussed his future plans, which
again I know you are not reviewing tonight. I think this change will be very beneficial to
Midtown. We are never going to have a gas station there again and so any CN use and
the things I know he is thinking about would be a good addition to Midtown. So I urge
you to support the zoning change. Thank you.

Chair Holman: Thank you. Ross Tinline to be followed by Lynn Chiapella.

Mr. Ross Tinline, San Carlos: I am just here in support of Erik to answer any questions if
there are any about environmental issues. Thank you.

Chair Holman: I believe there is a question for you. Commissioner Sandas.

Commissioner Sandas: I am glad you mentioned that because that was actually my
biggest question. Not necessarily pertaining to changing the zoning but when you said
environmental issues what can we look forward to in redeveloping that gas station in
terms of taking out the below ground storage tanks if there are any and any issues
surrounding that especially because it is near Matadero Creek? So maybe you can tell us
a little bit about what we can look forward to.
Mr. Tinline: Well, all the underground storage tanks have been removed from the ground and BP/Arco has pumped millions of gallons of groundwater from beneath the site. Basically it is a shell of a canopy remaining and BP/Arco is still groundwater monitoring the site. They are still the responsible party for getting closure from Santa Clara County. There is some residual oil and grease towards the back of the station that will need to be dealt with when they teardown the station but things are looking pretty good out there.

Commissioner Sandas: Actually, this might be for Mr. Corrigan as well. I will ask it and see who needs to answer it. If the zoning gets changed from PC to CN are there any plans to take down the gas station before any other plans submitted for building?

Mr. Corrigan: You mean filing a separate demolition permit first? I had hoped in the next couple of months to have an architect put up some drawings for whatever the new proposed structure is and do the two at the same time.

Chair Holman: Vice-Chair Garber has a question for one of you.

Vice-Chair Garber: The applicant, please. Your proposal to change the zoning to CN, what are the uses that are a part of the CN zone that are of particular interest to you that present the opportunity for you to want to do this?

Mr. Corrigan: I was planning on putting some ground floor retail with second story office. I do not intend to put any residential uses on the property.

Vice-Chair Garber: Okay, thanks.

Chair Holman: Lynn Chiapella to be followed by our final speaker, Herb Borock.

Ms. Lynn Chiapella, Palo Alto: I have questions on the impacts. I am looking at Aesthetics. I guess I don’t know how Staff has decided that there might be – I don’t know how anything could be worse than what we have in that gas station with its neon lights all night, etc., how they came up with there might be substantial adverse affect on the public view corridor and questions that it might create a new source of substantial light or glare as opposed to what we had before, which was neon lights. So I am a little confused as to what determined this. There are some significant impacts later on under Noise, Land Use and Planning, and Population and Housing. I don’t know how those impacts came up. I would hope that this project would have less impact than that which we had from the gas station, which had fairly significant impacts on both the people who lived across the street as well as on the traffic and the left turns and the hazardous traffic situation we had at that site. I miss the Arco but did present problems for the neighborhood. So I have questions on the impacts here. I can’t figure out how they did it.

The second part of it is I looked at the property map which you have up there and reread the PC conditions. As you can see, or maybe not see because something has been taken out of that which used to exist there. In the back of the larger building in the back were
other buildings along that back fence. They seem to be missing now. There is a
condition in here that refers to parking places back there with wheel stops, which since
there were buildings back there for the repair didn’t exist. What did happen, if you look
at the picture and you look at the one in your folder, you will see the parking spaces
along the creek and you will see all of the landscaping along the creek, and if you come
around the corner in the rear you will also see the landscaping back there. That was
always the responsibility of the Arco station because it is isolated both from water and
physically from the other business, the ice skating rink. So my question is how is the
City going to pipe the water over there and do all that maintenance, and who is going to
use those parking spaces which now exist if those in fact do not somehow go along with
the site?

In fact they probably will need or would like to have more parking but that was the deal,
he maintained it and he got the parking for maintaining the landscaping. I am very
concerned about that landscaping because it was really hideous for many years before the
PC came up for renewal under various reasons and he put in all that landscaping. The
maintenance by the City is problematic since there is no water. The parking has not been
maintained. If you go and look the City is not maintaining that parking because who is
going to use it except that property? So I think the City costs have been underestimated
and that something has to be done for that rear and the side. My suggestion is it is an
equitable tradeoff to allow the eight parking spaces or whatever is there during the day to
be used by the businesses rather than just have it sit empty as a parking space. Otherwise
the City needs to take responsibility for their property and maintain it and run the water
out there and do all that trimming and do all that stuff that has been taken care of by
Arco. So that would be my concern, what are you going to do about the orphans that you
are leaving behind if you change this PC without consideration of all of that strip. Maybe
it is one-eighth of an acre it is hard for me to judge but it is insignificant if you have to
maintain it. Thank you.

Chair Holman: Thank you. Our final speaker is Herb Borock.

Mr. Herb Borock, Palo Alto: Thank you Chair Holman. You have a letter at places from
the applicant, which purports to describe the history of the property and says that the
previous zoning of this property before the Planned Community Zone was CN,
Neighborhood Commercial. As you can see from the Staff Report and Attachment C the
prior zoning was residential, R-2, from the old multiple family districts, RM-1, 2, 3, 4,
and 5, which had been changed so that RM-2 is now RM-15. If you take a look at the
proposed ordinance in Attachment A to see a copy of the Zoning Map of the area this site
except for the City’s property where Winter Loge and the former Chuck Thompson are is
completely residential. So it is essentially a spot zoning. It is putting a single
Neighborhood Commercial parcel of less than half an acre as a commercial use whereas
you have RM-15 and RM-30 next to it essentially.

I can understand neighborhood organizations who have been faced with residential
projects that far exceed the appropriate floor area that should have been approved for
them and seem to have a reaction to having a residential. But it seems strange to be
zoning this commercial in the middle of this residential area. At the time of the service
station there were service station uses zoned and that is why it became a PC but it took
away from residential. Now you have a Neighborhood Commercial zone that prohibits
residential so you may want to consider the spot zoning nature of this request and also the
prior history of RM-2, which is now RM-15 for the property.

Also I note in the allowable uses in the excerpt from the Zoning Ordinance before you
that says hotels are prohibited in Neighborhood Commercial. I believe that is a good
thing and I recall testifying to that effect when the Zoning Ordinance Update was before
the Council. It was my recollection the draft seemed to include hotels in all commercial
zones. So if this is what it is it is better than what I thought it was going to be in terms of
hotels in Neighborhood Commercial. Thank you.

Chair Holman: Thank you. Commissioners, do we have questions for the applicant?
Vice-Chair Garber first and then Commissioner Keller.

Vice-Chair Garber: As I understand it only a portion of the site is usable given the
underground issues that we have. Could you use the pointer and describe and outline the
area that is actually usable for new structures?

Mr. Corrigan: Well, it is not very close-up. I will try and hold it steady. At the front of
the property right here is where the underground storage tanks were and that was kind of
at this corner. Then the pumps are located right here. They have removed the pumps and
the underground storage tanks but BP/Arco had requested that we specify certain parts of
the property that would be no build areas because in the event that the case remained
open or that the county would need to access the ground soil for any continued mitigation
or environmental concerns on the site they would want to have access to that. Then later,
since I have turned in the application, I have had a discussion with BP/Arco where I
pointed out that one of the requirements of the CN zoning is that you are able to build a
structure that meets the built to requirement of the front setback, which would require any
potential building to be oriented towards the front to encourage more pedestrian traffic.
This is in the contextual guidelines. In my discussions with BP/Arco they agreed in our
purchase contract to allow the construction of a building that would go up to the front and
they removed some of what they had in the purchase contract as restricted areas to allow
for a building to be built where the pumps were. So the soil underneath or where the
underground storage tanks were could be still be accessed. Does that answer your
question?

Vice-Chair Garber: I think so thank you.

Chair Holman: Commissioner Keller.

Commissioner Keller: Sir? One of the members of the public mentioned the issue of the
landscape buffer between the subject property and the parking for the Winter Lodge.
That appears to be currently a condition of the PC and it would be an explicit condition of
the CN because the CN zone doesn’t have a condition like that. Do you want to comment
about what kind of landscape buffer might be maintained and whether there would be a way of accommodating that kind of situation in terms of the setbacks for what you are going to be building?

Mr. Corrigan: So far I haven’t put together any plans for any specific structure but I have spoken to Linda Jensen with the Winter Lodge and I would like to cooperate in any way that I can with any maintenance issues. I was unaware of this particular situation with the prior zoning.

As I just heard it explained there was a tradeoff of BP/Arco maintaining that landscape and in return they got the parking spaces. I would be happy to maintain the landscaping with or without the parking spaces but obviously more parking would be great. I thought that was Winter Lodge parking.

Commissioner Keller: Okay, thank you very much for your comment.

Chair Holman: Okay, thank you. Commissioners, are there questions for Staff?

Commissioner Lippert: I have a question for the City Attorney. What constitutes the threshold for spot zoning?

Ms. Tronquet: There is no specific definition of spot zoning. Usually it is something where an isolated type of zoning is put in an area where it is out of context with the zoning around it. Here, I don’t think this would constitute spot zoning because of the nature of the lot. There is a map in your packet where it is easier to see but it is sort of smack dab in the middle of a PF right now. So it is a little bit unusual in the sense that it is surrounded by a variety of types of zoning. So I am not concerned that this would be spot zoning.

Commissioner Lippert: Okay. I have a question for Planning Staff. With regard to livable communities and neighborhood walkability is it desirable to have some sort of convenience or neighborhood-serving commercial retail in that area?

Mr. Williams: We think it is. You have the Midtown center close by too but there has been a service facility here too. In this particular instance it is surrounded by the Winter Lodge site, which is a commercial recreation type of use. So it seems to be an appropriate adjunct to that in this particular location. If this were surrounded by single family residential that might be a little different but here it seems to be appropriate.

Chair Holman: Commissioner Keller.

Commissioner Keller: Thank you for the new zoning maps. One thing that I like about the old zoning maps that is missing with the new zoning maps is the key map doesn’t clearly indicate the page number of the page on the zoning. So the page numbers are missing.
Mr. Williams: I noticed that myself yesterday.

Commissioner Keller: Going to the substance of my question. If you look at zoning page 9 it appears that there is PC-3779 which is the subject property, nearby there is an animal facility some veterinarian at 3517 which is across the parking lot from the Winter Lodge in the front there on the corner, nearby on the corner of Loma Verde and Middlefield there is PC-3405 and if I remember correctly at least this subject property was originally zoned to be residential at some point in time when they were zoning lots of commercial things to be residential and forcing out the residential. I believe that there was a petition, I actually remember signing myself, to retain this Arco station and retain some other things around there as commercial instead of having it go away. In that regard would you consider this replacement of PC by CN sort of a continuation of the commercial use there and thereby not a spot rezoning but in some sense a continuation of the kind of thing that is already there?

Mr. Williams: Yes, I think that is very much the basis for both the request and our support is that it is really a continuation of a commercial use on this site that supports generally the neighborhood as opposed to a more regional purpose or a residential zone.

Commissioner Keller: Further, I believe that there are some condos in the RM-15 zone that are immediately to the logical south if you will of where it says PF and there have been some issues about the interface of those condos and PF. Would the nature of those kinds of complaints also apply to the interface of putting housing at PC-3779? Would that present a conflict with respect to the surrounding PF and that housing?

Mr. Williams: It very well may. Being surrounded by that type of use would not be generally consistent with the residential use on this site. It could create some nuisances with the noise and people coming in and out of the site for the residential. I suppose you could look at it that way.

I also want to point out that you said Comprehensive Plan designation on this site is CN also. So this is consistent with that aspect of it as well. So regardless of the fact that it may have at one point been zoned residential, now it is a PC, the Comprehensive Plan has designated it as a commercial site.

Commissioner Keller: Thank you. I wish when we retained Arco we had retained Rodolfo’s.

Chair Holman: Vice-Chair Garber.

Vice-Chair Garber: Out of curiosity, what set the quantity of parking at the Winter Lodge as it exists now? Do we know? Is it simply a result of how much land was leftover but there is no requirement for how much parking an ice skating rink requires?
Mr. Williams: Well, there would be, there is something in the code that talks about commercial recreation and parking requirements.

Vice-Chair Garber: But we don’t know if it is more or less than what is required?

Mr. Williams: No.

Vice-Chair Garber: Also, this parcel if it is rezoned and allows uses such as offices and residential and has parking requirements that it will generate that means that we will also have entrances and exits. There is an entrance and exit to the Winter Lodge on either side of it and then we are adding another entrance and exit presumably on that property itself that would be correct. Does that present any issues for us?

Ms. Lee: At the time the development proposal is submitted that would be reviewed by our Transportation Staff to determine whether the existing entrance is adequate or whether it needs to be modified and also the proximity to the adjacent driveways.

Vice-Chair Garber: Thank you.

Chair Holman: Commissioner Lippert.

Commissioner Lippert: This site is a bit of an anomaly in that it is centered in this Public Facility, it is bound by the Public Facility and then public right-of-way on the front. Would it be appropriate in terms of the constraints that the site has with regard to where the building can actually be located if it actually had some interface with the Public Facility given that the Public Facility really is acting as a concession, it is the Winter Lodge, it is a concession for a skating rink, it is leased out by the City, but if it was a retail use like a small café or restaurant or even a convenience store it would be accessed not just from Middlefield Road but also possibly from the Public Facility.

Mr. Williams: I think that is a site plan question that we will need to deal with then. I can see that they may very well look at that type of a connection as well. I am sure the applicant will want also to have good exposure on the Middlefield Road side primarily. Then if there is an opportunity to also make some connection back to the Winter Lodge that is probably a good idea.

Chair Holman: Commissioner Keller, question?

Commissioner Keller: Yes, one as a follow up to what Vice-Chair Garber said in terms of access to the subject property from Winter Lodge I assume that if that were provided there would have to be appropriate agreement in terms of access in either direction. It probably makes more sense for access to be towards the bottom side of that figure, towards the logical south rather than towards the logical north.
Chair Holman: If I could interrupt, I think we are getting into another site development issue and not the rezoning issue. So that is not on the table tonight unless it has to do with how the rezoning would affect that and I can’t imagine that that would be the case.

Commissioner Keller: I am assuming that that material will be covered as part of Site and Design, is that correct?

Mr. Williams: Yes. It is actually ARB review as opposed to Site and Design.

Commissioner Lippert: If I might follow up with Commissioner Keller’s comment there. If it remained a PC and it remained a gas station use it would pretty much function the way it is if we didn’t change the zoning on it. However, if we did change the zoning on it there are certain guidelines that are outlined that need to be followed. So I think your line of questioning is appropriate in that there are constraints on this site where if it continued in the current use and zoning would not be problematic. Whereas if the zoning and use were changed on the property there would be constraints imposed on the site that would be difficulties. That is what I was trying to get to with regard to building orientation and your line of questioning really has to do with access, which is similar so I think it is appropriate to bring those to light in the discussion.

Chair Holman: Commissioner Keller.

Commissioner Keller: The other question that I have and it is not clear when this question will be addressed. So my question is when will the question be addressed as to the issue of contextual setback, which is appropriate for CN zoning? Since the contextual setback from that area appears to be inset. You look at the Winter Lodge it appears to be inset. You look at the adjacent to Winter Lodge, the veterinarian hospital that is also recessed. So how would you deal with the concept of build to lines and the concept of contextual setback? How does the conflict between those two ideas get answered?

Ms. Tronquet: I don’t know whether this will get answered tonight. What you are really doing with this action tonight is reviewing the proposed rezoning for consistency with the Comprehensive Plan and other City zoning policies. So to the extent you are interested in setbacks, you can review sort of the baseline setbacks and other requirements that are outlined already in the code for the CN zone and that will give you some idea of sort of the baseline.

Mr. Williams: The answer is the ARB. The ARB has the authority to look at that contextual setback and determine if it is appropriate or if it is appropriate in this instance to be back further.

Commissioner Keller: If we rezone this CN they would deal with the issue of whether context or build to and how to deal with that?

Mr. Williams: Right.
Commissioner Keller: Thank you.

Chair Holman: I have one quick question. We can look at other appropriate zonings for this parcel would Staff have any comment or difficulty with a CN with an R Combining District?

Mr. Williams: No we don’t that is a Retail Combining District, which would require that the ground floor be retail personal services or restaurants, eating and drinking services. So it is generally consistent with what the CN already does. There are a couple of little tweaks that the CN and also the Midtown CN allow like neighborhood business service or something like that that is outside those parameters but I think it is the intent of the applicant to look within that range. We don’t have any problems with the R Combining District.

Chair Holman: Thank you. Commissioner Sandas.

MOTION

Commissioner Sandas: I am going to make the motion so that we can stay focused on the topic at hand. Regarding 2995 Middlefield Road I move that the Planning and Transportation Commission recommend that the Council adopt a Mitigated Negative Declaration and approve the ordinance rezoning the site from Planned Community to Neighborhood Commercial District.

SECOND

Commissioner Lippert: I second that.

Chair Holman: Would you care to speak to your motion, Commissioner Sandas?

Commissioner Sandas: I would. I think that we have had a blighted empty gas station there long enough. I see that the CN zone is consistent with the Comprehensive Plan. We are talking about a small parcel and neighborhood-serving retail is a benefit to the community and the neighbors surrounding. In addition, it is a spot along Middlefield Road that is sort of stitches the seam between the Midtown shopping area and the corner on Loma Verde at Middlefield where there is a coffee house and a restaurant and store and so on and so forth. So not knowing what the project plans are for the future the only way that we can find those out is to rezone this and I say let’s go.

Chair Holman: Commissioner Lippert, would you care to speak to your second?

Commissioner Lippert: I am in support of everything that Commissioner Sandas said. I just want to add that with its proximity and location to the Public Facility that is nearby I think it is a really great opportunity to reinvigorate that area a little bit. It adds to not just serving the neighborhood but everyone who comes to use the Winter Lodge facility. Was it part of your motion to make it CN with the R Combining District?
Commissioner Sandas: No, it is just to do the CN.

Commissioner Lippert: Well, I will ask for a friendly amendment that we add the R Combining District.

Commissioner Sandas: I can live with that particularly since the applicant has already spoken to the idea coming forward to put retail on the ground floor.

Commissioner Lippert: Okay, so continuing I like the idea of having a coffee shop or a small restaurant or convenience store there where people who are there for the day skating or taking classes can go in get a bite to eat, relax, and then go back to their workout. People in the neighborhood can also walk to it.

Chair Holman: Vice-Chair Garber.

SUBSTITUTE MOTION

Vice-Chair Garber: Yes. I would like to offer a substitute motion, which is an alternative way of thinking about this particular site. I will offer it and then hope to get a second for discussion if nothing else so that I can explain what it is I am doing. My substitute motion would be to not support the Staff’s recommendation and to direct Staff to work with the applicant and the City to have the City purchase the property and make it a PF zone thus making the property as well as its adjoining properties all the same zone.

Chair Holman: Is there a second?

SECOND

Commissioner Keller: I will second it for the purposes of discussion.

Vice-Chair Garber: May I speak to the motion? Right at the moment the property is surrounded as was noted earlier by the PF Zone or Public Facility Zone. The use of the property is also further compromised by some of the constraints resulting from the underground gas as well as some of the requirements that the previous owner has made on the applicant. It is although sort of roughly a part of the Midtown neighborhood it is far away or it is not adjacent, I should say. The opportunity I think for the PF zone that allows both retail as well as office and also under other uses allows significant latitude by the Director to provide other uses that are similar to those listed as permitted or conditionally permitted uses, if I am reading page 4 correctly of our recently handed out code.

In so doing if a purchase by the City of the property and its subsequent changing of zone to PF were accomplished the City could then enter into a lease agreement with the applicant for not just this particular area of where the property used to be but could merge the lots and create a larger leased area than the applicant could currently build out now
and create a greater opportunity for retail to occur in this particular area. Therefore
creating a higher density of that use. Further, it could clean up the parking and the exits
and entrances and share the parking with the Winter Lodge as well as have it be more
integrated with the design of the Winter Lodge itself. So I think there are a series of
potential benefits for the City in that it cleans up a property that has a variety of – we end
up with this little not quite a donut hole but it is sort of a C-section here. And it allows
for significantly greater flexibility of the planning of the property and it gets the right
uses in where we want them at a greater density than we would otherwise be allowed. So
those are my reasons and I would be curious to see if there would be other support for
that.

Chair Holman: Curtis.

Mr. Williams: I just want to clarify because it might not be clear in that Table. The only
retail that is allowed in that is one in conjunction with a permitted use and the only
permitted uses are parks and facilities owned or leased and operated by the City, the
County, etc., etc. So it would have to really be part of that use as opposed to being a
separate profit-making retail venture. Then the other things like offices are only if they
are supporting non-profit organizations. So it is a very limited scope that is really
intended to be accessory to the use that is there. So I am not sure how it could provide
what they are talking about that would be considered accessory to that.

Chair Holman: I think first why don’t we let Commissioner Keller speak to his second if
he wishes to.

Commissioner Keller: No, I only seconded for the purposes of discussion. So I am
basically giving Vice-Chair Garber the benefit of discussion.

Chair Holman: Vice-Chair Garber.

Vice-Chair Garber: Would there be the opportunity for the Council and/or the Director
under the uses, although it says listed as permitted or conditionally permitted uses, to
create the opportunity for those uses that would otherwise be allowed under CN to occur
here? I ask because although the Winter Lodge is a not for profit it is a use that is unique
and still exists within that PF zone.

Mr. Williams: I think they would have to amend the PF Zoning Ordinance to allow that,
to basically allow these uses on public lands that are immediately adjacent to those kinds
of facilities or something along those lines.

Vice-Chair Garber: Is there any precedent for that in the City?

Mr. Williams: Not in terms specifically of PF. Actually I don’t know of anything like
that.
Ms. Amy French, Current Planning Manager: I was just looking at the CN recreational uses. Conceivably the City could own a CN zoned site and I suppose lease it to or have the flexibility of having a CUP for outdoor recreation services on the site and then retail is just permitted.

Mr. Williams: That is the flip side.

Ms. French: That is the flip side, yes. Or going ahead with this rezoning to CN and then still pursue the City acquisition if the City was so interested but having more flexibility in a sense.

Chair Holman: I think a pertinent question to ask here is of the applicant if there is any interest at all in pursuing these discussions with the City.

Mr. Corrigan: I have partners so I would have to speak with them regarding any sort of purchase of the property.

Chair Holman: Okay, thank you. Commissioner Keller.

Commissioner Keller: One of the things that is interesting to me about this is that there may be potential to think about boundary line adjustments. So the first question is am I correct in assuming that the PF zone, which is the Winter Lodge, is not considered dedicated parkland?

Chair Holman: I don’t want to be City Attorney here but at the same time whether it is dedicated parkland or not it is City-owned land.

Mr. Williams: I don’t think this is dedicated parkland.

Chair Holman: But it is City-owned so to move the property line would be to forego use of land that is City-owned, in other words, belonging to the public. Would that be accurate to say, Melissa?

Ms. Tronquet: Changing the boundary would have to involve some sort of sale I would think because it would involve a transfer of some amount of property from one party to the other.

Commissioner Keller: Let me tell you where I am going with this. What I am thinking about is that I am not suggesting that the property line necessarily be moved but it does seem that a redevelopment of this property indicates that it might be worth considering whether there might be land swaps or adjustments of the property lines in order to help accommodate the Winter Lodge’s desire to stay and help possibly benefit the proposed development. So it seems to me that it may make sense to add to the original motion an indication that a) the City should consider whether it wishes to buy the subject property, and b) the City should consider whether appropriate land swaps might....
Chair Holman: I think that would be a separate motion. We already have a motion and a substitute motion on the floor.

Commissioner Keller: The only reason I am talking about this is because it is I think in the spirit of the kinds of things that Vice-Chair Garber referred. What I am trying to do is think about ways of accommodating the kinds of things that Vice-Chair Garber brought out in a different mechanism. So it seems to me that basically encouraging the discussion about potential land swaps or land purchases....

Chair Holman: Commissioner Keller, if I might, if you would either ask the maker of the substitute motion if he would accept an amendment toward your end but I don’t believe it would be an amendment to the original motion. We would have to act then on the substitute motion before we could go back to the main motion. Yes, Vice-Chair Garber.

Vice-Chair Garber: A suggestion, I am happy to remove my substitute motion in favor of further discussion on the primary motion that may include some of these topics.

Chair Holman: Okay, so we are back to the main motion. Commissioner Lippert.

Commissioner Lippert: I didn’t get an opportunity to ask a question of Staff about Commissioner Garber’s motion. Wouldn’t it require condemnation of the land in order to take the land or to force a sale of the land? I’m asking the City Attorney. Then also doesn’t it represent a downzoning by going from say a PC or CN zone to a PF zone?

Ms. Tronquet: I think the motion was to recommend that the City discuss with the property owner some sort of sale. So if the City decided to go in the direction that it really wanted to buy the property and the property owner wasn’t willing to sell it at that point it would become a condemnation issue but that would only be if the property owner was not willing.

Chair Holman: Just to clarify one thing if I might Mr. Corrigan is the current owner so they have already closed the sale and they own the property.

Commissioner Lippert: Then the second part of that question is the changing of the zoning from a PC, which has certain values and entitlements to it, to a PF that would have lesser value or entitlement. Would that not represent a downzoning?

Ms. Tronquet: If the City were to own it?

Commissioner Lippert: No, if we were to pursue rezoning it to PF and it was accepted.

Mr. Williams: You couldn’t rezone it to PF unless the City owned it. All PF properties have to be owned by public agencies. So it would be in conjunction – both things would have to happen. So I think at this point it would probably be worthwhile to ask Mr. Corrigan if he has any thoughts on this. I think we always do that when we are talking about a significantly different zoning.
Commissioner Lippert: Isn’t Stanford University Medical Center zoned PF but it is not owned by the City.

Mr. Williams: There is a provision in here for that too of public non-profit or something like that.

Ms. Tronquet: That includes educational facilities.

Mr. Williams: And it includes hospitals too.

Chair Holman: I think Mr. Corrigan has already answered that he has partners. I guess you could further answer or respond if you would be interested in negotiating with the City or if you would need more information or whatever you might have to offer.

Mr. Corrigan: Well, if I may, I thought I was just making a request to go to CN zoning. I think that we have kind of gone in a couple of different directions that are unrelated to that request.

Chair Holman: It is in the purview of the Commission if we think that there is some other more appropriate zoning to explore that. We haven’t lost sight of your request for zone change but it is in the purview to look at other appropriate zonings. So do you have any indication or inclination as to whether you would be interested in negotiating with the City yourself understanding that you have partners if you are willing to state this evening.

Mr. Corrigan: Yes, I am interested discussing any of these going forward. I would have to talk to my partners for clarification.

Chair Holman: Vice-Chair Garber. I am sorry Paula I didn’t see you.

Commissioner Sandas: Thanks. I was going to say where does that leave us here, now, tonight? Do we continue this item pending a discussion between someone in the City and the property owners? What do we do? I am at a loss here.

Chair Holman: Vice-Chair Garber.

SUBSTITUTE MOTION

Vice-Chair Garber: So let me try this again. I am going to make a substitute motion that we continue this item and ask Staff to investigate an alternative use for the property and return to the Commission with the results of that conversation/discussion.

Chair Holman: Is there a second?

SECOND
Commissioner Keller: I will second it if the maker will add, 'and also consider potential
boundary line adjustments cooperatively with the applicant.'

Vice-Chair Garber: Yes, that is fine.

Chair Holman: If I might before you speak to your motion. Melissa, please.

Ms. Tronquet: I have another suggestion. My recommendation was going to be that you
make a decision on the question that is before you tonight and in addition make another
motion that would recommend to the Council that they consider what you have just
discussed in terms of inquiring with the property owner about alternative uses so that
both options could go forward at the same time.

Chair Holman: That would be unusual but it satisfies the need. Curtis, go ahead.

Mr. Williams: I wanted to add also that frankly I think we would be somewhat at a loss
as to how to proceed on that without knowing that the Council was supportive of that in
which case they probably maybe would appoint a couple of Council Members to work
with the applicant and see what could be worked out or something like that. I am not
sure, other than asking the applicant and the partners are they interested in any of these
things I am not sure where it would go.

Chair Holman: Again, I haven’t let you speak to your motion if you need to but I wanted
to get a bit of clarity if I might. The motion that you have on the floor is for the City to
explore purchase of the property and rezoning to PF. Do I understand correctly the
motion that is on the floor now?

Vice-Chair Garber: Yes, but that was also amended by the seconder to include the
investigation potentially of land swaps to better utilize the parcel and the adjacent parcel
together.

Chair Holman: I guess I appreciate the intention of the exploration because it is kind of
an island parcel at the same time I guess to support that motion I would have to know
more specifically what the desired results are as a result of that pursuit. In other words,
what are we presenting to the Council to consider? What is the opportunity? What is the
result that you are looking for?

Vice-Chair Garber: The overall result is better utilization of the property in question as
well as the surrounding PF property and there are three potential benefits I think. One,
that the resulting structure that could potentially house retail would be larger than it is
current allowed. Two, that the organization of parking and ingress and egress could be
simplified and made more direct between the two properties or what would become the
one property and Middlefield, resulting in potentially in just one exit egress out onto that
street as opposed to three. Then the third major benefit is that there is a potential for it to
support more directly the Winter Lodge having a more community center sort of plan to
it rather than having a building that would have a back on the Winter Lodge and a front
on Middlefield. So I think what it really does is present an opportunity to better utilize a
piece of land for the surrounding community.

Chair Holman: So you are not intending or considering specific uses there you are just
talking about extending the PF to make better land use utilization.

Vice-Chair Garber: I think what I have learned in the discussion is that whether it is PF
or CN or whatever there may be any number of ways of approaching it and I don’t want
to make part of my motion a specific request that it is PF or CN, etc. until the
opportunities to investigate it are undertaken and some determination as to what zone is
best used is found.

Chair Holman: Okay. Now, City Attorney, typically we would address the substitute
motion before going to the main motion. I think it might be important to know what the
main motion result is before addressing the substitute motion. So would the process be to
ask the maker of the substitute motion to withdraw the motion so we could vote on the
main motion? Would that be your recommendation?

Ms. Tronquet: That would work.

Chair Holman: Okay, Vice-Chair Garber.

Vice-Chair Garber: The maker of the substitute motion withdraws his motion and will
reenter it after the action on the first motion is made.

Chair Holman: And the seconder? Actually if the maker withdraws the motion I think
that is adequate.

Commissioner Keller: I am wondering if it makes sense to do this as an amendment to
the original motion.

Chair Holman: No, no we are not going to do that. I am going to take Chair’s
prerogative here and we are not going to do that.

Commissioner Keller: Okay, thank you.

MOTION PASSED (3-2-1-0, Commissioners Keller and Garber voted no with
Commissioner Tuma absent)

Chair Holman: Sorry but it is just too convoluted. Okay, so we are back the main motion
to approve the Mitigated Negative Declaration and the rezoning of the PC-3779 to CN
with the R Combining District. If there are no comments on that motion we will vote on
that motion then. All those in favor? (ayes) Those opposed? (nays) That motion passes
on a three to two with Commissioners Sandas, Lippert, and Holman voting aye and
Commissioners Keller and Garber opposed, and Commissioner Tuma absent.
Commissioner Keller, you have a comment?

Commissioner Keller: I would have been more interested in supporting the motion if I were to have allowed the amendment for the City Council and Staff to have considered the part suggested by Vice-Chair Garber.

Chair Holman: Understood. In the interest of moving us along, back to you Vice-Chair Garber.

MOTION

Vice-Chair Garber: I would like to move that we ask Staff to engage the applicant and Council to investigate better utilization of this property and its adjacent property to accomplish potentially three benefits. One, greater built area of retail and potentially office; two, to reduce the number of vehicle ingress and egress from the properties to Middlefield; three, create a better use of that space to support the Winter Lodge as well as the potential retail and office. Thank you.

SECOND

Commissioner Keller: Second.

Chair Holman: Okay. Do you need to speak any more to your motion?

Vice-Chair Garber: I do not.

Chair Holman: Commissioner Keller, do you need to speak to your second?

Commissioner Keller: No thank you.

Chair Holman: Okay, comments or questions about the motion? Commissioner Lippert.

Commissioner Lippert: I can support the proposal and the reason is the way you have rephrased it and you have placed it on the backside of the recommendation for a rezone. I think that by offering it up front it is a little forced.

The Winter Lodge does have significant problems. I think part of it is parking, landscaping, the lighting, its interface with the neighbors, and it could really benefit a lot from a little more shall we say ‘elbow room’ in order to take some of those negatives off the neighboring or adjacent properties. I don’t necessarily believe that the City has the wherewithal to be able to develop that property and I don’t think it should be the burden of the current property owner to make that happen either.

So I can support the exploration and looking at this and seeing if there are funds available in park acquisition for instance. It might be appropriate but that is for the Council to
decide. I think it is an interesting idea, I am intrigued by it, and I can support the 
sentiments there.

Chair Holman: I have just one question I would like to ask just to get it firmly on the 
record. If the City were successful in acquiring the land the contamination cleanup is the 
burden of the prior owner BP/Arco, right? Okay, I just wanted to confirm that.
Commissioner Keller.

Commissioner Keller: I want to clarify just to make sure that part of the intent here is 
either acquisition of the property by the City or alternatively lot line adjustments 
agreeable to both parties that would accomplish the goals that you stated.

Vice-Chair Garber: Yes.

MOTION PASSED (5-0-1-0, Commissioner Tuma absent)

Chair Holman: Okay. I am going to support the motion because I think it is unfortunate 
that this wasn't considered previously when the property was for sale the first time. 
However, I think it makes a lot of sense if it can be accomplished to compile this 
property. So all those in favor say aye? (ayes) Opposed? That passes on a five to zero 
vote with Commissioner Tuma absent.

So we have two motions that we are forwarding to Council. So let me close the public 
hearing I don’t believe I had and thank the applicant. Commissioner Keller.

Commissioner Keller: Considering that the second motion passed unanimously I am 
wondering if I can amend my vote on the first motion to a yea?

Commissioner Lippert: No, you can only ask for reconsideration if you voted in support 
of it.

Chair Holman: That is true.

Ms. Tronquet: It will be noted in the minutes though.

Commissioner Keller: Thank you.

Chair Holman: So that concludes item number two. Thank you again to applicant and 
Staff.
May 6\textsuperscript{th}, 2008

Elena Lee  
Planner  
City of Palo Alto

Dear Elena,

At the January 30\textsuperscript{th}, 2008 planning commission meeting I was asked whether Old Trace Middlefield partners would consider a potential sale of our property to the City of Palo Alto. My response at that time was that I would have to check with my partners on the subject, as I am just a limited partner. The Planning Commission made a motion at the end of the meeting to explore a potential purchase of the property, or a modification of parcel lines to improve the relationship of the city-owned parcel (Winter Lodge), and the 2995 Middlefield Parcel.

Commissioner Garber's motion was as follows

\textbf{Vice-Chair Garber:} I would like to move that we ask Staff to engage the applicant and Council to investigate better utilization of this property and its adjacent property to accomplish potentially three benefits. One, greater built area of retail and potentially office; two, to reduce the number of vehicle ingress and egress from the properties to Middlefield; three, create a better use of that space to support the Winter Lodge as well as the potential retail and office. Thank you.

Since the January 30\textsuperscript{th} meeting, I have discussed the potential purchase with my partners. At this time, we are not interested in selling the property. We have always had the intention of developing a new building with retail on the ground floor and some 2\textsuperscript{nd} story office.

Although we are not interested in selling, I have spoken with Linda Jensen of the Winter Lodge, and would be willing to work with Linda, and the city of Palo Alto to generate a plan to investigate better utilization of these two properties with Vice-Chair Garber's objectives.

I look forward to our continued progress on this project.

Sincerely,

Erik Corrigan  
Partner, Old Trace Middlefield Partners