TO: HONORABLE CITY COUNCIL

FROM: CITY MANAGER

DEPARTMENT: PLANNING AND COMMUNITY ENVIRONMENT

DATE: JULY 21, 2008

CMR: 319:08

SUBJECT: APPEAL OF DIRECTOR’S APPROVAL OF AN ARCHITECTURAL REVIEW APPLICATION FOR A FOUR STORY COMMERCIAL MIXED USE RETAIL/OFFICE BUILDING, INCLUDING DESIGN ENHANCEMENT EXCEPTIONS TO EXCEED THE MAXIMUM HEIGHT AND FLOOR AREA, AND A VARIANCE APPLICATION FOR AN ENCROACHMENT INTO THE BRYANT STREET SPECIAL SETBACK AT 278 UNIVERSITY AVENUE.

RECOMMENDATION:
Staff recommends that the City Council set a public hearing on this item and the associated variance for September 15, 2008.

DISCUSSION:
Following the Architectural Review Board’s (ARB) recommendation for approval on June 5, 2008, the ARB application for the construction of a new four story building was approved by the Director of Planning and Community Environment on June 12, 2008. The application request included Design Enhancement Exceptions for five additional feet in height and to exempt the existing basement area from the floor area calculation. The application also included a variance request to encroach three feet into the required seven foot special setback along Bryant Street.

On June 30, 2008 a request for an appeal was filled by Lynn Chiapella. She has questioned the calculation of the seismic bonus related to the inclusion of the basement square footage in the calculation and the fact that the bonus is used for new construction rather than rehabilitation of the existing building. She also objects to the three foot setback encroachment, the five foot height exception and the exemption of the basement square footage (Attachment A).

Section 18.77.070(f) of the Palo Alto Municipal Code (PAMC) requires that an appeal of the Director’s decision shall be placed on the consent calendar for Council consideration within 30 days. The variance element of the application has a different path. The variance is required by Section 18.77.060(e) of the PAMC to be heard by the Planning and Transportation Commission (P&TC) prior to City Council review.
Staff is requesting that the hearing of the appeal by City Council be continued to September 15, 2008 so the variance can be heard by the P&TC prior to the City Council review. The P&TC hearing is tentatively set for July 30, 2008. This will enable the variance and the other elements of the application to be heard by the City Council at the same time.

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CURTIS WILLIAMS     STEVE EMSLIE/KELLY MORARIU
Interim Director of Planning and Interim Deputy City Managers
Community Environment

ATTACHMENTS
A. Appeal letters- original dated June 30, 2008 and the revised letter dated July 9, 2008
B. ARB Approval letter dated June 12, 2008