City of Palo Alto
City Council Staff Report

Report Type: Consent Calendar  
Meeting Date: 7/25/2011

Council Priority: Land Use and Transportation Planning

Summary Title: 300 Homer Ave Conditional Use Permit

Title: Approval of a Record of Land Use Action approving a Conditional Use Permit for Community Facility Use of the Historic Roth Building at 300 Homer Avenue.

From: City Manager

Lead Department: Planning and Community Environment

Recommendation
Staff and the Planning and Transportation Commission recommend that Council approve the Record of Land Use Action (ROLUA, Attachment A) approving the Conditional Use Permit (CUP) for a Community Facility use within the City-owned Roth Building at 300 Homer Avenue. Conditions of Approval in Attachment A reflect the modification of one condition as recommended by the Planning and Transportation Commission (P&TC).

Executive Summary
Palo Alto Municipal Code section 18.77.060 provides that the City Council may approve a Conditional Use Permit (CUP) on consent calendar, following public hearing and recommendation by the Planning and Transportation Commission (P&TC), when such hearing has been requested following a tentative decision by the Director of Planning and Community Environment (Director). On June 8, 2011, the P&TC recommended approval of the CUP; therefore, the Council may adopt the findings and recommendation of the P&TC by approving the ROLUA for this CUP on consent. The ROLUA reflects the P&TC recommended modification to Approval Condition #21 related to the use of a $1,250 parking impact payment by the applicant.

Alternatively, upon a vote of three Councilmembers, the Council may (a) remove this item from the consent calendar to discuss the CUP, adopt findings and take action on the CUP based upon evidence presented at the P&TC hearing, or (b) direct staff to schedule a new hearing of the CUP before City Council. Staff does not recommend these alternatives.

Background
In April 2000, the City Council approved the purchase of the Roth Building at 300 Homer Avenue and its .41 acre site for potential development as a "public facility or alternative use if a
public facility is not feasible," in conjunction with the South of Forest Avenue Coordinated Area Plan Phase I (SOFA CAP I). In May 2002, Council approved a Request for Proposal (RFP) and directed staff to solicit proposals for the lease of the Roth Building. The RFP specified that preference be given to non-profit groups located in or serving Palo Alto, that the property be improved and operated at no cost to the city and required public access to the Roth Building restrooms by users of the neighboring park. In April 2004, the City Council accepted a proposal by the Palo Alto Historical Association to restore, preserve and improve the facility for use as the Palo Alto History Museum. A Lease Option Agreement between the City and PAHM was approved by the City Council in June 2007 and extended to June 30, 2011. The City Manager exercised an option to extend the Lease Option Agreement for an additional six months to December 2011.

In compliance with conditions of the Option Agreement, the applicant submitted a development project application for Historic Review and Architectural Review to the Planning Division on May 11, 2010 for the proposed rehabilitation and additions to the rear of the building. The application also included a request for a Conditional Use Permit (CUP), since the proposed museum is categorized as a community facility, which is a conditionally permitted use in the PF zone in which the Roth Building is located.

Public hearings were conducted before the Historic Resources Board (HRB) on February 16, 2011 and the Architectural Review Board (ARB) on February 17, 2011. At the public hearings, the HRB and ARB recommended approval (with conditions) of the Architectural Review entitlement along with Minor Exceptions for parking and a three-foot setback encroachment into the street side yard. Minor exceptions are allowed per provisions in the SOFA CAP I. On March 21, 2011, the Director approved the applications for Historic and Architectural Review and Minor Exceptions, and tentatively approved the CUP application, which was subject to a 14-day request for hearing period. The ARB and Exceptions approval was subject to a 14-day appeal period. The HRB and ARB staff reports may be found on the City’s website.

On March 29, 2011, Mr. Ken Alsman requested a hearing on the CUP by the P&TC as set forth in PAMC 18.77.060(e). The issues raised in Mr. Alsman’s March 29, 2011 letter (Attachment D) are related to parking, the Transfer of Development Rights (TDR) program, and compliance with the California Environmental Quality Act (CEQA). These items were addressed in the June 8, 2011 P&TC report (Attachment B) and discussed by the P&TC as reflected in meeting minutes (Attachment C). At the June 8, 2011 public hearing, the P&TC unanimously recommended Council approval of the CUP, with modification to one of the approval conditions, as further described later in this report and reflected in the ROLUA.

**Discussion**

The Director’s tentative approval on March 21, 2011 of the CUP was for a community facility use allowing the operation of the Palo Alto History Museum. On June 8, 2011, the P&TC discussed the concerns presented in Mr. Alsman’s March 29, 2011 letter and addressed in the staff report, and recommended approval of the CUP. Following the P&TC hearing, and as of the
date this report was prepared, no new information had been presented to staff by Mr. Alsman for Council consideration.

Mr. Alsman’s primary concerns are related to parking. Prior to the Director’s decision, City staff had prepared a comprehensive set of conditions that not only addressed the parking impacts that would be generated by the project, but also initiated proactive steps with the intent of identifying parking problems and solutions on a larger scale than the potential parking issues related to the proposed project.

The following three CUP approval conditions related to parking concerns were included in the March 21, 2011 Director’s decision and remain in the attached ROLUA:

- **Condition #15:** Visitors of the Roth Building and renters of its community room shall be informed via various media - including websites, rental agreements and brochures - of the availability of parking spaces during specific times at 260 Homer Avenue, pursuant to the Easement and Maintenance Agreement between the City of Palo Alto and Tall Tree Partners I LLC. Pursuant to the agreement, 60 spaces are available Monday through Friday from 6:00 p.m. to 10 p.m., and from 8:00 a.m. to 10 p.m. on weekends and specific legal holidays listed in the Easement and Maintenance Agreement.
- **Condition #16:** All employees, patrons, sub-tenants and renters shall be encouraged to use alternate modes of transportation such as bicycling, walking or carpooling.
- **Condition #17:** Employees including employees of sub-tenants shall park only in City parking lots/garages and shall purchase and maintain parking permits as soon as sufficient permits are available. An account of the total number of employees and the number of permits shall be submitted to the City’s Transportation Division, with the first report due three months from the initial occupancy date, and annually thereafter. (Please note that employees who do not drive to the Roth Building are not required to purchase parking permits. Nevertheless, the number of employees who do not drive to the Roth Building shall be noted in the said report required for submission to the City’s Transportation Division.) Shared parking on other properties, in-lieu or in addition to the purchase of City parking permits, may be allowed subject to the Director’s approval.

Additional CUP approval conditions in the Director’s approval outline restrictions on hours of operation, use of the facilities, and occupant load of the building, and are also contained in the ROLUA (Attachment A); these approval conditions were also attached to the June 8, 2011 P&TC Staff Report for P&TC review.

The City has taken active steps to address parking concerns raised by residents in the Professorville neighborhood since prior to Mr. Alsman’s request for a hearing on this CUP. The City of Palo Alto is currently studying downtown parking in an effort to ease street parking demands of the nearby Professorville neighborhood. In response to resident complaints, a new parking manager was hired by the City to study the downtown and surrounding neighborhood’s parking issues. A community meeting to discuss alternatives suggested by the parking consultant occurred on April 26, 2011. Residents were mixed in their reactions to the idea of...
creating a residential parking permit program, with some meeting attendees agreeing that they would like the City to explore other options first. According to the City's Chief Transportation Official, the City would not implement a permit program unless requested and supported by the community. The City is also looking at ways to better manage City parking lots and on-street spaces. A second community meeting is scheduled for July 28, 2011.

Planning & Transportation Commission Recommendation
The Planning and Transportation Commission conducted a public hearing on June 8, 2011 to review the CUP. The Commission unanimously recommended (5-0-0-2, Commissioners Tuma and Keller absent) approval of the CUP, with a recommendation for Council to adjust Approval Condition #21. Condition #21 has been adjusted per P&TC recommendation in the attached ROLUA (Attachment A). The Commission's verbatim meeting minutes are provided as Attachment C.

The original Approval Condition #21 was worded as follows: “Prior to occupancy of the museum, the applicant shall remit $1,250 to the City of Palo Alto to cover approximately half of the costs for street improvements associated with establishing a two hour parking limit (if feasible, see below) along the south side of the entire block of Homer Avenue between the intersections of Waverley and Bryant Streets, and along Bryant Street extending to the rear lease line of the Roth Building. A handicapped accessible parking space would be provided along Bryant Street.”

The P&TC recommended that the $1,250 payment as part of this condition be used to contribute to the downtown residential neighborhoods parking study rather than as payment for costs for street improvements associated with establishing a two hour parking limit. The original staff-recommended condition had anticipated that these parking changes would be implemented upon completion of the Downtown Palo Alto Parking Management Program and prior to occupancy of the Roth Building, if the improvements were found to be an appropriate parking strategy for this project. Otherwise, the funds provided by the applicant could have been used to implement other parking strategies in proximity of the site, at the discretion of the Director.

The P&TC recommended condition #21 (as worded in the ROLUA) is as follows: “Prior to occupancy of the museum, the applicant shall remit $1,250 to the City of Palo Alto to fund the downtown residential neighborhoods parking study.”

Policy Implications
The proposed project is consistent with the Comprehensive Plan and the SOFA CAP I, and staff believes there are no other substantive policy implications.

Resource Impacts
The SOFA I Coordinated Area Plan anticipated that this site would be used as a public facility, and therefore no revenue was anticipated from development of the site, which is owned by the City. The Palo Alto History Museum will be responsible for upgrading the structure and for its
subsequent maintenance, relieving the City of Palo Alto from the burden of such costs with the exception of the cost of maintenance and utilities for the restroom open to the park public. The estimated annual cost to the city for restroom maintenance and utilities is $15,000.

**Timeline**

* Director’s Tentative CUP Approval and ARB and Minor SOFA Exceptions Approval  
  March 21, 2011

* Request for PTC Hearing of CUP by Mr. Ken Alsman  
  March 29, 2011

* PTC Review and Recommendation on CUP  
  June 8, 2011

* Final Action on CUP by the City Council  
  July 18, 2011

**Environmental Review**

The project is Categorically Exempt pursuant to Sections 15301 and 15331 of the CEQA Guidelines.

**Attachments:**

- Attachment A: Record of Land Use Action for 300 Homer (PDF)
- Attachment B: June 8, 2011 Planning and Transportation Commission Staff Report (PDF)
- Attachment C: Excerpt of June 8, 2011 PTC Minutes (PDF)

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Department Head:  
Curtis Williams, Director

City Manager Approval:  
James Keene, City Manager
Action No. 2011-xx

RECORD OF THE COUNCIL OF THE CITY OF PALO ALTO LAND USE ACTION
FOR 300 HOMER AVENUE (ROTH BUILDING): CONDITIONAL USE PERMIT [10PLN-00000-00174] (PALO ALTO HISTORY MUSEUM, APPLICANT)

On XXXX, 2011, the Council approved a Conditional Use Permit to allow Community Facility Use of the 19,182 s.f. Roth Building and 1,462 s.f. building addition, making the following findings, determination and declarations:

SECTION 1. Background. The City Council of the City of Palo Alto ("City Council") finds, determines, and declares as follows:

A. On May 11, 2010, Ambrose Wong of Garavaglia Architecture, on behalf of Palo Alto History Museum, applied for a Conditional Use Permit (CUP) to allow Community Facility Use of the 19,182 s.f. Roth Building and 1,462 s.f. building addition. The project ("Project") application also included a request for Historic and Architectural Review and "SOFA CAP 2 Minor Exceptions" for parking and street side yard building encroachment.

B. On March 21, 2011, the Director of Planning and Community Environment (Director) granted tentative approval of the Conditional Use Permit and simultaneously granted formal approval of the other application components (Historic Review, Architectural Review and associated SOFA CAP 2 Minor Exceptions) following reviews and recommendation by the Historic Resources Board and Architectural Review Board (ARB) on March 16 and 17, 2011, respectively.

C. Upon a timely request for Planning and Transportation Commission (Commission) hearing of the Conditional Use Permit filed by Mr. Ken Alsman, the CUP component was reviewed by Planning and Transportation Commission on June 8, 2011. The hearing requester did not submit a form and associated fee to appeal the HRB/ARB entitlement and associated SOFA CAP 2 Minor Exceptions granted by the Director on March 21, 2011.

D. The Commission recommended, on a 5-0-2 vote, that the City Council approve the CUP application subject to staff recommended conditions of approval, included in Section 6 of this document, with a modification to Approval Condition #21, thereby modifying yet upholding the Director of Planning and Community Environment’s decision to approve the Conditional Use Permit for the project. The Commission’s action is contained in the CMR: XXXXX.

SECTION 2. Environmental Review. This project is exempt from the provisions of the California Environmental Quality Act per Sections 15301 and 15331 of the CEQA Guidelines.

SECTION 3. Conditional Use Permit Findings

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1. The proposed use, at the proposed location, will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience.

The proposed history museum, which also includes a café, community room, public restroom and offices for a sub-tenant would aptly be located in a historic building adjacent to the City’s Heritage Park. The proposed use would not be detrimental or injurious to property or improvements in the vicinity in that Architectural Review conditions of approval have been incorporated to ensure sidewalks would be repaired and that important trees are maintained. Since the museum would be located near residential areas, specific conditions have been incorporated in the Conditional Use Permit to minimize potential noise and parking impacts during special events at the museum.

2. The proposed use will be located and conducted in a manner in accord with the Palo Alto Comprehensive Plan and the purposes of the Zoning Ordinance.

The Comprehensive Plan designation of the project site is ‘Major Institution/Special Facilities’, and the proposed project is consistent with Goals L-7 and L-8, and Policies L-51, L-52, L-53, L-58, L-59, L-61, L-62 and L-64. Furthermore, the project is consistent with the South of Forest Coordinated Area Plan Phase 1 (SOFA CAP I), which requires the restoration of the Roth Building to its original form and reuse for public, residential, or other uses. Furthermore, the purpose of the PF zone district is to accommodate educational and community services. The proposed history museum would serve as an important community facility where people of all ages would be able to learn more about the history of Palo Alto and engage in related/or unrelated group meetings and events.

SECTION 4. Conditional Use Permit Granted. Conditional Use Permit No. 10PLN-00000-00174 is granted to allow Community Facility Use of the 19,182 s.f. Roth Building and 1,462 s.f. building addition.

SECTION 5. Plan Approval.

The plans submitted for Building Permit shall be in substantial conformance with those plans prepared by Garavaglia Architecture titled, date stamped February 1, 2010, except as modified to incorporate the conditions of approval in this Record of Land Use Action. A copy of these plans is on file in the Department of Planning and Community Development.

SECTION 6. Conditions of Approval.
1. The plans submitted to obtain all permits through the Building Inspection Division shall be in substantial conformance with the revised plans date stamped February 1, 2010, project details and materials labeled ‘Exhibit A’, except as modified to incorporate these conditions of approval.

2. Minor exceptions pursuant to provisions in the SOFA CAP I are hereby granted with respect to a three foot encroachment into the required street side yard of 20 feet, and an exception to waive on-site parking for the proposed use of the historic Roth Building as a history museum by Palo Alto History Museum.

3. All conditions of approval shall be printed on the cover sheet of the plan set submitted to obtain any permit through the Building Inspection Division.

4. The following items shall be presented for review and approval by the ARB Sub-committee prior to building permit submittal:
   - Landscape plans showing plantings in access area to the public restroom and in the area of access to the café adjacent to Bryant Street. The plans shall also show graphic representations/concept sketches of all signage.
   - Details of all doors, windows, trellises and railings.
   - A revised design of the east elevation wall (near the rear façade) such that the parapet is lowered to expose the edge of the existing tile roof.
   - Cut sheets for outdoor café seating and other furnishings, with layouts of all seating shown on the landscape plan.
   - Locations of condensers or any other exterior mechanical equipment on the site plan.

5. The project applicant shall make a written request for an Amendment No. 2 to Option Agreement and Lease to Martha Miller, City of Palo Alto Real Estate Division to establish development limitations for the site. No building permit applications shall be submitted until after City Council approval of the Amendment.

6. To participate in the Transferable Development Rights (TDRs) Program the applicant shall submit a written request to the City Manager for designation of the Roth Building as an eligible sender site. TDRs may be sold prior to the renovation as long as two conditions are met. First, there shall be an execution of a protective covenant in favor of the City pursuant to PAMC Section 18.18.070(e). This code section specifically requires such a covenant “If the property is to be rehabilitated after the sale” of the TDRs. Additionally, PAMC Section 18.28 requires that the proceeds of TDRs from City-owned buildings be set aside for the renovation of that building or other City-owned historic buildings.
7. No signs are approved in conjunction with this approval. Signage shall require a separate application and approval.

8. A mural proposed on the east façade facing the tot lot shall be presented to the Historic Resources Board for review and recommendation at a future date if it is still proposed. This proposed mural is not approved in conjunction with this Architectural Review approval.

9. The design of the entry gate (if still proposed) shall be submitted for Historic Resources Board review and recommendation.

10. As required by County Ordinance, in the event of the discovery of human remains during demolition/construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendents of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to state law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

11. Upon submittal of an application for a building permit, the project is required to comply with the City’s Green Building Program (PAMC 16.14). The project is required to complete a green building application, and implement the programs requirements in building plans and throughout construction. More information and the application can be found at http://www.cityofpaloalto.org/depts/pln/sustainability_green_building/green_building/applications/default.asp and all questions concerning the City’s Green Building Program should be directed to Kristin Parineh at (650) 329-2189.

12. The following controls shall be implemented for the duration of project construction to minimize dust related construction impacts:
   a) All active construction areas shall be watered at least twice daily.
   b) All trucks hauling soil, sand, and other loose materials shall be covered or shall retain at least two feet of freeboard.
   c) All unpaved access roads, parking areas, and staging areas at the construction site shall be paved, watered three times daily, or treated with non-toxic soil stabilizers.
   d) All paved access roads, parking areas, and staging areas at the construction site shall be swept (with water sweepers) daily.
e) If visible soil material is carried onto public streets, the street shall be swept (with water sweepers) daily.

**CONDITIONAL USE PERMIT**

The following conditions are stated in conjunction with the Conditional Use Permit approval for this project application. The proposed use of the Roth Building as a museum with associated uses, including a café and community room, is categorized as a ‘community facility’, which requires the issuance of a Conditional Use Permit pursuant to PAMC Section 18.28.040.

13. The use of the Roth Building as a community facility shall be conducted in substantial conformance with the project plans labeled ‘Exhibit A’, and Conditional Use Permit Request Letter of September 8, 2010 and email correspondence of March 10, 2011, both labeled ‘Exhibit B’, on file with the City of Palo Alto Planning Division, except as modified by these conditions of approval.

14. Pursuant to Exhibit B, the hours of operation for the museum shall be limited to:
- M - Sat. 9:00 a.m. - 5:00 p.m., Sun. 9:00 a.m. - 4:00 p.m., plus one weekday evening until 9:00 p.m.
- The subtenant space shall be occupied by an office use only and shall be open only from M - Sat. 9 a.m. - 5 p.m.
- The café window service hours of 7 a.m. - 9 a.m., 7 days with the café seating area open from 9:00 a.m. - 4:00 p.m., 7 days.

15. Visitors of the Roth Building and renters of its community room shall be informed via various media - including websites, rental agreements and brochures - of the availability of parking spaces during specific times at 260 Homer Avenue, pursuant to the ‘Easement and Maintenance Agreement’ between the City of Palo Alto and Tall Tree Partners I LLC. Pursuant to the agreement, 60 spaces are available Monday through Friday from 6:00 p.m. to 10 p.m., and from 8:00 a.m. to 10 p.m. on weekends and specific legal holidays listed in the ‘Easement and Maintenance Agreement’.

16. All employees, patrons, subtenants and renters shall be encouraged to use alternate modes of transportation such as bicycling, walking or carpooling.

17. Employees including employees of subtenants shall park only in City parking lots/garages and shall purchase and maintain parking permits as soon as sufficient permits are available. An account of the total number of employees and the number of permits shall be submitted to the City's Transportation Division, with the first report due three months from the initial occupancy date, and annually thereafter. (Please note that employees who do not drive to the Roth Building are not required to purchase parking permits. Nevertheless, the
number of employees who do not drive to the Roth Building shall be noted in the aforesaid report required for submission to the City’s Transportation Division.)

Shared parking on other properties, in-lieu or in addition to the purchase of City parking permits, may be allowed subject to Director’s approval.

18. The community room shall be available for rental use M - Th from 9:00 a.m. - 9:00 p.m. and F, Sat., and Sun., from 9 a.m. to 11 p.m., with the following limitations and requirements:
   (1) During the hours of 9:00 a.m. to 6:00 p.m. M - F, the community room shall be available for use by groups of not more than 25 people. Use after 6:00 p.m. M - F by groups of 26-50 people shall not occur more than once per week.
   (2) Use of the community room for groups larger than 50 people shall be limited to evenings 6:00 p.m. - 11 p.m., weekends from 9 a.m. to 11 p.m. and specific legal holidays indicated on the ‘Easement and Maintenance Agreement’ between the City of Palo Alto and Tall Tree Partners I LLC regarding the use parking spaces at 260 Homer Avenue.
   (3) Such museum-related and non-museum special events with more than 50 people shall occur no more than a total of once a month, with the exception of June and December where two special events with gatherings of more than 50 people may be held. PAHM is responsible for submitting a notice to the City’s planning staff (addressed to the Director) and residences within 150 feet radius from the boundaries of Heritage Park including the lease lines of the Roth Building at least 72 hours in advance of such upcoming events. The notice shall include the event hours, description of the event, the anticipated number of people at the event and special accommodations made for traffic and parking.
   (4) Tables, chairs or other similar accoutrements may not be placed outside of the Roth Building lease lines. Consumption of alcohol is strictly prohibited outside of the lease lines. Rental agreements shall specify compliance with these requirements and shall require that guests maintain noise levels that do not disturb nearby residences. Encroachments into the park or Heritage Park improvements in conjunction with the museum use may be made in the future, subject to City approval.

19. At no time shall the occupancy of the building exceed the building occupancy load.

20. Noise levels emanating from the building shall not exceed the maximum level established in the PAMC Chapter 9.10.

21. Prior to occupancy of the museum, the applicant shall remit $1,250.00 to the City of Palo Alto to fund the downtown residential neighborhoods parking study.
22. Revocation or Modification of Approvals: The Director may issue a notice of noncompliance for any failure to comply with any condition of this permit approval, or when a use conducted pursuant to a conditional use permit is being conducted in a manner detrimental to the public health, safety and welfare.

ARBORIST

23. Compliance is required with all recommendations and tree protective measures contained in the approved Arborist Report dated January 13, 2011.

24. SITE PLAN REQUIREMENTS

The final Plans submitted for building permit shall include the following information and notes on the relevant plan sheets:

a. Sheet T-1 and T-2_Tree Protection-it's Part of the Plan (http://www.cityofpaloalto.org/environment/urbancanopy.asp), Applicant shall complete the Tree Disclosure Statement. Inspections and monthly reporting by the project arborist are mandatory. Inspections #1-7 shall be checked.

b. The Tree Preservation Report (TPR). All sheets of the TPR approved by the City titled, Assessment of recommendations for Seventeen (17) regulated trees at 300 Homer Palo Alto, CA and revised 1/13/2011, shall be printed on numbered Sheet T-1 and/or T-2 and added to the sheet index.

c. Protective Tree Fencing Type. Delineate on grading plans, irrigation plans, site plans and utility plans, Type II fencing around Street Trees and Type I fencing around Protected/Designated trees as a bold dashed line enclosing the Tree Protection Zone (per the approved Tree Preservation Report) per instructions on Detail #605, Sheet T-1, and the City Tree Technical Manual, Section 6.35-Site Plans.

d. Site Plan Notes. Note #1. Apply to the site plan stating, "All tree protection and inspection schedule measures, design recommendations, watering and construction scheduling shall be implemented in full by owner and contractor, as stated in the Tree Protection Report on Sheet T-1 and the approved plans". Note #2. All civil plans, grading plans, irrigation plans, site plans and utility plans and relevant sheets shall include a note applying to the trees to be protected, including neighboring trees stating: "Regulated Tree--before working in this area contact the Project Site Arborist at (650-697-0990)"; Note #3 (if applicable). "Basement foundation plan. Soils Report and Excavation for basement construction within the TPZ of a protected tree shall specify a vertical cut (stitch piers may be necessary) in order to avoid over-excavating into the tree root zone. Any variance from this procedure requires City Arborist approval, please call (650) 329-2441." Note #4. Utility plan sheets shall include the following note: "Utility trenching shall not occur within the TPZ of the protected tree. Contractor shall be responsible for ensuring that no trenching occurs within the TPZ of the protected tree by
contractors, City crews or final landscape workers. See sheet T-1 for instructions.”

25. LANDSCAPE PLANS.
a. Mandatory Landscape Architect (LA) Inspection Verification to the City. The LA of record shall verify the performance measurements are achieved with a separate letter of verification to City Planning staff, in addition to owner’s representative for each of the following:
   i. Percolation & drainage checks have been performed and are acceptable.
   ii. Fine grading inspection of all plantable areas has been personally inspected for tilling depth, rubble removal, soil test amendments are mixed and irrigation trenching will not cut through any tree roots.
   iii. Tree and Shrub Planting Specifications, including delivered stock, meets Standards in the CPA Tree Technical Manual, Section 3.30-3.50. Girdling roots and previously topped trees are subject to rejection.

26. TREE PROTECTION VERIFICATION. Prior to demolition, grading or building permit issuance, a written verification from the contractor that the required protective fencing is in place shall be submitted to the Building Inspections Division. The fencing shall contain required warning sign and remain in place until final inspection of the project.

DURING CONSTRUCTION

27. EXCAVATION RESTRICTIONS APPLY (TTM, Sec. 2.20 C & D). Any approved grading, digging or trenching beneath a tree canopy shall be performed using ‘air-spade’ method as a preference, with manual hand shovel as a backup. For utility trenching, including sewer line, roots exposed with diameter of 1.5 inches and greater shall remain intact and not be damaged. If directional boring method is used to tunnel beneath roots, then Table 2-1, Trenching and Tunneling Distance, shall be printed on the final plans.

28. PLAN CHANGES. Revisions and/or changes to plans before or during construction shall be reviewed and responded to by the project site arborist, (name of certified arborist of record and phone #), with written letter of acceptance before submitting the revision to the city for review.

29. TREE PROTECTION COMPLIANCE. The owner and contractor shall implement all protection and Contractor and Arborist Inspection Schedule measures, design recommendations and construction scheduling as stated in the TPR, and is subject to code compliance action pursuant to PAMC 8.10.080. The required protective fencing shall remain in place until final landscaping and inspection of the project. Project arborist approval must be obtained and documented
in the monthly activity report sent to the City. A mandatory Monthly Tree Activity Report shall be sent monthly to the City beginning with the initial verification approval, using the template in the Tree Technical Manual, Addendum 11.

30. TREE DAMAGE. Tree Damage, Injury Mitigation and Inspections apply to Contractor. Reporting, injury mitigation measures and arborist inspection schedule (1-5) apply pursuant to TTM, Section 2.20-2.30. Contractor shall be responsible for the repair or replacement of any publicly owned or protected trees that are damaged during the course of construction, pursuant to Title 8 of the Palo Alto Municipal Code, and city Tree Technical Manual, Section 2.25.

31. GENERAL. The following general tree preservation measures apply to all trees to be retained: No storage of material, topsoil, vehicles or equipment shall be permitted within the tree enclosure area. The ground under and around the tree canopy area shall not be altered. Trees to be retained shall be irrigated, aerated and maintained as necessary to ensure survival.

PRIOR TO OCCUPANCY

32. LANDSCAPE INSPECTION. The Planning Department shall be in receipt of written verification that the Landscape Architect has inspected all trees, shrubs, planting and irrigation and that they are installed and functioning as specified in the approved plans.

33. TREE INSPECTION. The contractor shall call for an inspection by the Project Arborist. A final inspection and report by the project arborist shall evaluate all trees to be retained and protected, as indicated in the approved plans, the activity, health, welfare, mitigation remedies for injury, if any, and for the long term care of the trees for the new owner. The report shall provide written verification to the Planning Department that all trees, shrubs, planting and irrigation are installed and functioning as specified in the approved plans. The final arborist report shall be provided to the Planning Department prior to written request for temporary or final occupancy. The final report may be used to navigate the security guarantee return process, when applicable.

34. PLANNING INSPECTION. Prior to final sign off, contractor or owner shall contact the city planner (650-329-2441) to inspect and verify Special Conditions relating to the conditions for structures, fixtures, colors and site plan accessories.

POST CONSTRUCTION

35. Prior to issuance of building permits, a “Roth Building Historic Landscape Maintenance Program” (Roth – LMP) would be required for use by contractors and staff. This document shall: (i.) be consistent with the Tree Technical Manual Section 5.00 ‘Tree Maintenance Guidelines’, (ii) recommend pruning controls for all
historic plantings, both old and new (for example, the flowering pears and ornamentals should be reduced and/or maintained at approximately 'x' height, and the oak shall be inspected yearly for safety, etc.), (iii.) include plant replacement and pruning need protocols with permissions and phone numbers of the authorized person responsible for the Roth - LMP, and (iv.) include the requirement for an annual Roth - LMP summary with maintenance recommendations for following years.

PUBLIC WORKS ENGINEERING
36. SIDEWALK, CURB & GUTTER: The site plan submitted with the building permit plan set must show the extent of the replacement work or include a note that Public Works’ inspector has determined no work is required. The plan must note that any work in the right-of-way must be done per Public Works’ standards by a licensed contractor who must first obtain a Street Work Permit from Public Works at the Development Center.

37. STREET TREES: Show all existing street trees in the public right-of-way. Any removal, relocation or planting of street trees; or excavation, trenching or pavement within 10 feet of street trees must be approved by Public Works’ arborist (phone: 650-496-5953). This approval shall appear on the plans. Show construction protection of the trees per City requirements.

38. WORK IN THE RIGHT-OF-WAY: The plans must clearly indicate any work that is proposed in the public right-of-way, such as sidewalk replacement, driveway approach, or utility laterals. The plans must include notes that the work must be done per City standards and that the contractor performing this work must first obtain a Street Work Permit from Public Works at the Development Center.

39. SIDEWALK ENCROACHMENT: Add a note to the site plan that says, “The contractor using the City sidewalk to work on an adjacent private building must do so in a manner that is safe for pedestrians using the sidewalk. Pedestrian protection must be provided per the 2007 California Building Code Chapter 33 requirements. If the height of construction is 8 feet or less, the contractor must place construction railings sufficient to direct pedestrians around construction areas. If the height of construction is more than 8 feet, the contractor must obtain an Encroachment Permit from Public Works at the Development Center in order to provide a barrier and covered walkway or to close the sidewalk.” No storage of construction materials is permitted in the street or on the sidewalk.

40. STORM WATER POLLUTION PREVENTION: The City's full-sized "Pollution Prevention - It's Part of the Plan" sheet must be included in the plan set. Copies are available from Public Works at the Development Center or on our website.

41. IMPERVIOUS SURFACE AREA: If the project will be creating or
replacing 500 square feet or more of impervious surface, the applicant shall provide calculations of the existing and proposed impervious surface areas with the building permit application. The Impervious Area Worksheet for Land Developments form and instructions are available at the Development Center or on our website.

42. GREASE INTERCEPTOR: If a food service/commercial kitchen is being proposed as part of this project, a grease interceptor may be required to be installed.

43. PERVIOUS SURFACES: New onsite pathways or walkways shall be of porous materials.

PUBLIC WORKS WATER QUALITY

Please note the following issues must be addressed in building plans prior to final approval by this department:

44. PAMC 16.09.106(e) Dumpsters for New and Remodeled Facilities: New dumpster areas shall be covered. The area shall be designed to prevent water run-on to the area and run-off from the area. **Note:** The dumpster areas appear to be covered.

45. PAMC 16.09.032(b)(8) Condensate from HVAC: Condensate lines shall not be connected or allowed to drain to the storm drain system.

46. PAMC 16.09.160(b) Architectural Copper: Copper roofing materials. On and after January 1, 2003, copper metal roofing, copper granule containing asphalt shingles and copper gutters shall not be permitted for use on any residential, commercial or industrial building for which a building permit is required. Copper flashing for use under tiles or slates and small copper ornaments are exempt from this prohibition. Replacement roofing and gutters on historic structures are exempt, provided that the roofing material used shall be prepatinated at the factory. For the purposes of this exemption, the definition of "historic" shall be limited to structures designated as Category 1 or Category 2 buildings in the current edition of the Palo Alto Historical and Architectural Resources Report and Inventory.

47. PAMC 16.09.106(g) Storm Drain Labeling: Storm drain inlets shall be clearly marked with the words "No dumping - Flows to Bay," or equivalent.

48. Designated Food Service Establishment (FSE) Project: The dumpster areas appear to be covered. The kitchen/café appears to be very small. A smaller grease removal device is an option dependant upon the proposed operations.

49. Grease Control Device (GCD) Requirements, PAMC Section 16.09.103(a) & cited Bldg/Plumbing Codes:
(a) The plans shall specify the manufacturer details and installation details of all proposed GCDs. (CBC 1009.2)
(b) GCD(s) shall be sized in accordance with the 2007 California Plumbing Code.
(c) GCD(s) shall be installed with a minimum capacity of 500 gallons.
(d) GCD sizing calculations shall be included on the plans. See a sizing calculation example below.
(e) The size of all GCDs installed shall be equal to or larger than what is specified on the plans.
(f) GCDs larger than 50 gallons (100 pounds) shall not be installed in food preparation and storage areas. Santa Clara County Department of Environmental Health prefers GCDs to be installed outside. GCDs shall be installed such that all access points or manholes are readily accessible for inspection, cleaning and removal of all contents. GCDs located outdoors shall be installed in such a manner so as to exclude the entrance of surface and stormwater. (CPC 1009.5)
(g) All large, in-ground interceptors shall have a minimum of three manholes to allow visibility of each inlet piping, baffle (divider) wall, baffle piping and outlet piping. The plans shall clearly indicate the number of proposed manholes on the GCD. The Environmental Compliance Division of Public Works Department may authorize variances which allow GCDs with less than three manholes due to manufacture available options or adequate visibility.
(h) Sample boxes shall be installed downstream of all GCDs.
(i) All GCDs shall be fitted with relief vent(s). (CPC 1002.2 & 1004)
(j) GCD(s) installed in vehicle traffic areas shall be rated and indicated on plans.

50. Drainage Fixture Requirements, PAMC Section 16.09.106(c) & cited Bldg/Plumbing Codes:
(a) To ensure all FSE drainage fixtures are connected to the correct drain lines, each drainage fixture shall be clearly labeled on the plans. A list of all fixtures and their discharge connection, i.e. sanitary sewer or grease waste line, shall be included on the plans.
(b) A list indicating all connections to each proposed GCD shall be included on the plans. This can be incorporated into the sizing calculation.
(c) All grease generating drainage fixtures shall connect to a GCD. These include but are not limited to:
   a. Pre-rinse (scullery) sinks (direct connection)
   b. Three compartment sinks (pot sinks) (direct connection)
   c. Drainage fixtures in dishwashing room except for dishwashers shall connect to a GCD (direct connection). Examples: trough drains (small drains prior to entering a dishwasher), small drains on busing counters adjacent to pre-rinse sinks or silverware soaking sinks.
   d. Floor drains in dishwashing area and kitchens
e. Prep sinks (indirect connection)
f. Mop (janitor) sinks
g. Outside areas designated for equipment washing shall be covered and any drains contained therein shall connect to a GCD.
h. Drains in trash/recycling enclosures
i. Wok stoves, rotisserie ovens/broilers or other grease generating cooking equipment with drip lines (indirect connection)
j. Kettles and tilt/braising pans and associated floor drains/sinks

(d) The connection of any high temperature discharge lines and non-grease generating drainage fixtures to a GCD is prohibited. The following shall not be connected to a GCD:
   a. Dishwashers (direct connection)
   b. Steamers (indirect connection)
   c. Pasta cookers (indirect connection)
   d. Hot lines from buffet counters and kitchens (indirect connection)
e. Hand sinks (direct connection)
f. Ice machine drip lines (indirect connection)
g. Soda machine drip lines (indirect connection)
h. Drainage lines in bar areas (indirect connection)

(e) No garbage disposers (grinders) shall be installed in a FSE. (PAMC 16.09.103(e))

(f) Plumbing lines shall not be installed above any cooking, food preparation and storage areas.

(g) Each drainage fixture discharging into a GCD shall be individually trapped and vented. (CPC 1014.5)

51. Covered Dumpsters, Recycling and Tallow Bin Areas PAMC, 16.09.032b(16)
   (a) New buildings constructed to house FSEs shall include a covered area for all dumpsters, bins, carts or container used for the collection of trash, recycling, food scraps and waste cooking fats, oils and grease (FOG) or tallow.
   (b) The area shall be designed and shown on plans to prevent water run-on to the area and runoff from the area.
   (c) Drains that are installed within the enclosure for recycle and waste bins, dumpsters and tallow bins serving FSEs are optional. Any such drain installed shall be connected to a GCD.
   (d) If tallow is to be stored outside then an adequately sized, segregated space for a tallow bin shall be included in the covered area.

52. Large Item Cleaning Sink, PAMC 16.09.032b(16): SEs shall have a sink or other area drain which is connected to a GCD and large enough for cleaning the largest kitchen equipment such as floor mats, containers, carts, etc. Recommendation: Generally, sinks or cleaning areas larger than a typical mop/janitor sink are more useful.
53. GCD sizing criteria and an example of a GCD sizing calculation (2007 CPC):

<table>
<thead>
<tr>
<th>Sizing Criteria:</th>
<th>DFUs</th>
<th>GCD Sizing:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drain Fixtures</td>
<td>(gallons)</td>
<td>Total DFUs</td>
</tr>
<tr>
<td>Pre-rinse sink</td>
<td>4</td>
<td>8</td>
</tr>
<tr>
<td>3 compartment sink</td>
<td>3</td>
<td>21</td>
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<tr>
<td>2 compartment sink</td>
<td>3</td>
<td>35</td>
</tr>
<tr>
<td>Prep sink</td>
<td>3</td>
<td>90</td>
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<tr>
<td>Mop/Janitorial sink</td>
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<td>172</td>
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<tr>
<td>Floor drain</td>
<td>2</td>
<td>216</td>
</tr>
<tr>
<td>Floor sink</td>
<td>2</td>
<td></td>
</tr>
</tbody>
</table>

Example GCD Sizing Calculation:

<table>
<thead>
<tr>
<th>Quantity</th>
<th>Drainage Fixture &amp; Item Number</th>
<th>DFUs</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Pre-rinse sink, Item 1</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>1</td>
<td>3 compartment sink, Item 2</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>2</td>
<td>Prep sinks, Item 3 &amp; Floor sink, Item 4</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>1</td>
<td>Mop sink, Item 5</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>1</td>
<td>Floor trough, Item 6 &amp; tilt skillet, Item 7</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>1</td>
<td>Floor trough, Item 6 &amp; steam kettle, Item 8</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>1</td>
<td>Floor sink, Item 4 &amp; wok stove, Item 9</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>4</td>
<td>Floor drains</td>
<td>2</td>
<td>8</td>
</tr>
</tbody>
</table>

Note:

- All resubmitted plans to Building Department which include FSE projects shall be resubmitted to Water Quality.
- It is frequently to the FSE’s advantage to install the next size larger GCD to allow for more efficient grease discharge prevention and may allow for longer times between cleaning. There are many manufacturers of GCDs which are available in different shapes, sizes and materials (plastic, reinforced fiberglass, reinforced concrete and metal)
- The requirements will assist FSEs with FOG discharge prevention to the sanitary sewer and storm drain pollution prevention. The FSE at all times shall comply with the Sewer Use Ordinance of the Palo Alto Municipal Code. The ordinances include requirements for GCDs, GCD maintenance, drainage fixtures, record keeping and construction projects.

PUBLIC WORKS OPERATIONS RECYCLING (AND REFUSE) COMMENTS

54. Service will have to be cart based – no room for front end loader
containers. Will need 6 to 10-96 gal carts for service (Dimensions 34.5” x 29.25” x 46.75”).

55. Based on drawings carts will have to be serviced curbside. Driver will not be able to go in to get the carts.

**BUILDING DIVISION**

56. Architectural Comments: On the First Floor Plan & Second Floor Plan, provide on the plans the minimum required plumbing fixture count for the restrooms on each floor based on the 2007 CA Plumbing Code, CPC Table 4-1

57. Structural Comments: A geotechnical report is required for the construction of the commercial building addition.

58. General Comment: The completed plan submittal package should be sent to an approved Outside Plan Check Consultant for plan review.

**FIRE DEPARTMENT**

59. Install a NFPA 13 fire sprinkler & NFPA 72 fire alarm system under separate permit.

60. All sprinkler drains, including those for floor control valves and inspector's test valves, as well as the main drain, shall not discharge within the building. Water discharged from these points shall be directed to an approved landscape location or to the sanitary sewer system. Maximum flow capacity to sanitary sewer is 30 gpm. Main Drain test discharge flow rate shall be impounded and attenuated to below sanitary sewer capacity before discharge.

61. Elevator to be equipped with a shunt trip circuit breaker.

62. When the Main Electrical Shutoff is located in the interior of the building, an exterior shunt trip or other approved means of emergency shutoff shall be provided. Please contact the Building Div. for details.

63. A valid Use & Occupancy Permit is required.

**UTILITIES ENGINEERING ELECTRICAL**

64. A completed Electric Load Sheet shall be submitted by the applicant (if this has not occurred already). This information is needed to determine if an upgrade is required to the existing electric facilities.

65. Applicant shall show the location of the existing electric meter on the site plan. If applicant plans on relocating the electric meter, the new meter location shall be shown on the site plan.
66. The Applicant shall comply with all the Electric Utility Engineering Department service requirements noted during plan review.

67. The Applicant shall be responsible for identification and location of all utilities, both public and private, within the work area. Prior to any excavation work at the site, the Permittee shall contact Underground Service Alert (USA) at 1-800-227-2600, at least 48 hours prior to beginning work.

The Following Shall be Incorporated in Submittals for Electrical Service

68. A completed Electric Load Sheet and a full set of plans must be included with all applications involving electrical work. The load sheet must be included with the preliminary submittal.

69. Industrial and large commercial customers must allow sufficient lead-time for Electric Utility Engineering and Operations (typically 8-12 weeks after advance engineering fees have been paid) to design and construct the electric service requested.

70. Only one electric service lateral is permitted per parcel. (Utilities Rule & Regulation #18.)

71. If the electric service is over 400 amperes, this project will require a padmounted transformer; the location of the transformer shall be shown on the site plan and approved by the Utilities Department and the Architectural Review process. Utilities Rule & Regulations #3 & #16 (see detail comments below). Utilities shall require a 10’ x 10’ area for the installation of the transformer. The transformer shall have 8 feet of clearance in the front and 3 feet of clearance on the sides and back.

72. The customer shall install all electrical substructures (conduits, boxes and pads) required from the service point to the customer’s switchgear. The design and installation shall be according to the City standards and shown on plans. Utilities Rule & Regulations #16 & #18.

73. Location of the electric panel/switchboard shall be shown on the site plan and approved by the Architectural Review process and Utilities Department.

74. All utility meters, lines, transformers, backflow preventers, and any other required equipment shall be shown on the landscape and irrigation plans and shall show that no conflict will occur between the utilities and landscape materials. In addition, all aboveground equipment shall be screened in a manner that is consistent with the building design and setback requirements.

75. For services larger than 1600 amperes, the customer will be required
to provide a transition cabinet as the interconnection point between the utility’s padmount transformer and the customer’s main switchgear. The cabinet design drawings must be submitted to the Electric Utility Engineering Department for review and approval.

76. For underground services, no more than four (4) 750 MCM conductors per phase can be connected to the transformer secondary terminals; otherwise, bus duct must be used for connections to padmount transformers. If customer installs a bus duct directly between the transformer secondary terminals and the main switchgear, the installation of a transition cabinet will not be required.

77. The customer is responsible for sizing the service conductors and other required equipment according to the National Electric Code requirements and the City standards. Utilities Rule & Regulation #18.

78. Any additional facilities and services requested by the Applicant that are beyond what the utility deems standard facilities will be subject to Special Facilities charges. The Special Facilities charges include the cost of installing the additional facilities as well as the cost of ownership. Utilities Rule & Regulation #20.

79. Projects that require the extension of high voltage primary distribution lines or reinforcement of offsite electric facilities will be at the customer’s expense and must be coordinated with the Electric Utility.

**UTILITIES ENGINEERING WGW**

80. An approved reduce pressure principle assembly (RPPA backflow preventer device) is required for all existing and new water connections from Palo Alto Utilities to comply with requirements of California administrative code, title 17, sections 7583 through 7605 inclusive. The RPPA shall be installed on the owner's property and directly behind the water meter, above ground, within 5’ of the property line. Show the location of the RPPA on the plans. Inspection by the utilities cross connection inspector is required for the supply pipe between the meter and the assembly. The applicant shall provide the City with current test certificates for all backflows.

81. An approved reduced pressure detector assembly is required for the existing or new water connection for the fire system to comply with requirements of California administrative code, title 17, sections 7583 through 7605 inclusive. Reduced pressure detector assemblies shall be installed on the owner's property adjacent to the property line, above ground, within 5’ of the property line. Show the location of the reduced pressure detector assembly on the plans. Inspection by the utilities cross connection inspector is required for the supply pipe between the City connection and the assembly.
82. A new gas service line installation is required. Show the new
gas meter location on the plans. The gas meter location must
conform to utilities standard details.

83. The applicant shall submit a completed water-gas-wastewater
service connection application - load sheet for City of Palo Alto
Utilities. The applicant must provide all the information requested
for utility service demands (water in fixture units/g.p.m., gas in
b.t.u.p.h., and sewer in fixture units/g.p.d.).

84. The applicant shall submit improvement plans for utility
construction. The plans must show the size and location of all
underground utilities within the development and the public right of
way including meters, backflow preventers, fire service
requirements, sewer mains, sewer cleanouts, sewer lift stations and
any other required utilities.

85. Utility vaults, transformers, utility cabinets, concrete bases,
or other structures can not be placed over existing water, gas or
wastewater mains/services. Maintain 1’ horizontal clear separation
from the vault/cabinet/concrete base to existing utilities as found
in the field. If there is a conflict with existing utilities,
Cabinets/vaults/bases shall be relocated from the plan location as
needed to meet field conditions.

86. The applicant must show on the site plan the existence of any
auxiliary water supply, (i.e. water well, gray water, recycled
water, rain catchment, water storage tank, etc).

87. The applicant shall be responsible for installing and upgrading
the existing utility mains and/or services as necessary to handle
anticipated peak loads. This responsibility includes all costs
associated with the design and construction for the
installation/upgrade of the utility mains and/or services.

88. Sewer drainage piping serving fixtures located less than one foot
above the next upstream sewer main manhole cover shall be protected
by an approved backwater valve per California Plumbing Code 710.0.
The upstream sewer main manhole rim elevation shall be shown on the
plans.

89. Flushing of the fire system to sanitary sewer shall not exceed 30
GPM. Higher flushing rates shall be diverted to a detention tank to
achieve the 30 GPM flow to sewer.

90. Sewage ejector pumps shall meet the following conditions:
   • The pump(s) shall be limited to a total 100 GPM capacity or
     less.
   • The sewage line changes to a 4” gravity flow line at least 20’
from the City clean out.

- The tank and float is set up such that the pump run time shall not exceed 20 seconds each cycle.

91. Existing wastewater laterals that are not plastic (ABS, PVC, or PE) shall be replaced at the applicant’s expense.

92. The applicant shall pay the capacity fees and connection fees associated with the installation of the new utility service/s to be installed by the City of Palo Alto Utilities. The approved relocation of services, meters, hydrants, or other facilities will be performed at the cost of the person/entity requesting the relocation.

93. A separate water meter and backflow preventer is required to irrigate the approved landscape plan for each parcel. Show the location of the irrigation meter on the plans. This meter shall be designated as an irrigation account and no other water service will be billed on the account. The irrigation and landscape plans submitted with the application for a grading or building permit shall conform to the City of Palo Alto water efficiency standards.

94. All existing water and wastewater services that will not be reused shall be abandoned at the main per WGW utilities procedures before any new utility services are installed.

95. All utility installations shall be in accordance with the City of Palo Alto utility standards for water, gas & wastewater.

SECTION 7: Terms of Approval

If the Conditional Use Permit granted herein is not used within one year of the date of City Council approval, or within two years of this approval upon Director’s extension of the CUP, the approval shall become null and void, pursuant to PAMC Section 18.77.090.

SECTION 8. Indemnity Clause.

To the extent permitted by law, the Applicant shall indemnify and hold harmless the City, its City Council, its officers, employees and agents (the “indemnified parties”) from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside or void, any permit or approval authorized hereby for the Project, including (without limitation) reimbursing the City its actual attorneys fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its own choice.

PASSED:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

ATTEST:  APPROVED:

_______________________ _______________________
City Clerk  Director of Planning and
          Community Environment

APPROVED AS TO FORM

_____________________________________
City Attorney

PLANS AND DRAWINGS REFERENCED:
Those plans prepared by Garavaglia Architecture date stamped February 1, 2010.
PLANNING & TRANSPORTATION DIVISION

STAFF REPORT

TO: PLANNING & TRANSPORTATION COMMISSION
FROM: Lata Vasudevan, Contract Planner
DEPARTMENT: Planning and Community Environment
AGENDA DATE: June 8, 2011
SUBJECT: 300 Homer Avenue: Request by Palo Alto History Museum (PAHM) for a Conditional Use Permit for Community Facility Use of the 19,182 s.f. Roth Building and 1,462 s.f. building addition. Historic and Architectural Review approvals included exceptions from the South of Forest Coordinated Area Plan Phase I parking requirements and from the minimum street side yard setback requirement. Request for hearing by Ken Alsman, 1057 Ramona Street, Palo Alto. Environmental Assessment: Categorically Exempt pursuant to Sections 15301 and 15331 of the CEQA Guidelines.

RECOMMENDATION:
Staff recommends that the Planning and Transportation Commission recommend that the City Council uphold the Director of Planning and Community Environment’s (Director) tentative decision to approve a Conditional Use Permit for the Community Facility use of the Roth Building, as conditioned.

BACKGROUND
Process History
In April 2000, the City Council approved the purchase of the Roth building and its .41 acre site for potential development as a “public facility or alternative use if a public facility is not feasible,” in conjunction with the South of Forest Avenue Coordinated Area Plan Phase I (SOFA CAP I). On May 20, 2002, the City Council approved a Request for Proposals (RFP) and directed staff to solicit proposals for the lease of the Roth Building. PAHM’s proposal to restore, preserve and improve the historic Roth Building for use as the Palo Alto History Museum was accepted by the Council in April 2004, at which time staff sent the Museum a draft Lease Option Agreement for its review. A Lease Option Agreement between the City and PAHM was approved by the City Council on June 22, 2007 with a twenty-four month term. On June 7, 2010, the City Council
approved Amendment No. 1 to the Lease Option Agreement extending the term until June 30, 2011. A copy of this Option Agreement is included in Attachment C.

In compliance with conditions of the Option Agreement, the applicant submitted a development project application for Historic Review and Architectural Review to the Planning Division on May 11, 2010 for the proposed rehabilitation and additions to the rear of the Roth Building. The application also included a request for a Conditional Use Permit (CUP), since the proposed museum is categorized as a ‘community facility’, which is a conditionally permitted use in the PF zone in which the project site is located. Staff based the development requirements for the project using the Heritage Park boundaries and required that PAHM obtain a setback exception for a three-foot encroachment into the street side yard requirement abutting Bryant Street and a parking exception since there are no viable options for onsite parking.

Using the Heritage Park boundaries as the lot lines requires that the project obtain a setback exception for the four-foot encroachment of the rear addition into the required street side yard of 20 feet and a parking exception since there are no viable options for onsite parking. The proposed floor area, site coverage, and rear setback of the Roth Building are compliant with zoning standards, and an amendment to the Option Agreement will formalize and restate the development standards applied to the Roth Building. The development regulations indicated below are proposed draft development standards for inclusion into the proposed amendment to the Option Agreement:

- **Gross Floor Area:**
  The maximum allowable gross floor area is limited to the floor area of the proposed Roth Building as depicted in the project plans, which would be approximately 20,580 square feet.

- **Setbacks:**
  - *Front* – minimum front setback shall be 20 feet.
  - *Interior Side* – minimum interior side setback shall be the same setback as the existing structure with uncovered stairways, ramps and landings allowed within the lease line.
  - *Street Side* – the street side setback shall be 20 feet from the lease line with uncovered stairways, ramps and landings allowed within the street side setback as shown in the project plans. A minor exception granted by the Director pursuant to the provisions of SOFA CAP I allows a four foot building encroachment into the street side yard requirement of 20 feet as shown on approved plans.
  - *Rear* – the lease line shall be the setback line.

- **Site Coverage:** shall be limited to the site coverage indicated on the approved plans.

- **Parking:** A minor exception granted by the Director pursuant to the provisions of SOFA CAP I allows the project without additional parking, provided that the project complies with all floor area, setback and site coverage requirements listed above. Bicycle parking as provided in the project plans shall be maintained.

- **CUP:** (The CUP conditions of approval will be restated in the Option Agreement.)

Public hearings were conducted before the Historic Resources Board on February 16, 2011 and before the Architectural Review Board on February 17, 2011. At the public hearings, the HRB
and ARB recommended approval (with conditions) of the Architectural Review entitlement along with Minor Exceptions for parking and a three-foot setback encroachment into the street side yard, as provisioned in the SOFA CAP I. On March 21, 2011, the Architectural Review, Minor Exceptions and CUP entitlements were tentatively approved by the Director of Planning and Community Environment subject to a 14-day appeal and request for hearing period.

On March 29, 2011, a request for hearing on the Director’s tentative approval of the CUP for the project was submitted by Mr. Ken Alsman (Attachment E), in accordance with PAMC Section 18.77.060. Mr. Alsman’s concerns primarily focus on parking impacts and conditions.

Project Description
The historic Roth Building is located in the PF (Public Facility) zone district and was recently listed on the National Register of Historic Places. The proposed project includes the historic rehabilitation of the 19,182 square foot Roth Building and a 1,462 square foot addition at the rear of the building for use as a museum, including gallery space, office space for museum staff, offices for a future subtenant on the second floor consisting of approximately 1,200 square feet, a community meeting room approximately 900 square feet in area, a gift shop, café, restrooms, archive storage space and mechanical/utility spaces. Minimal exterior modifications on the east side will accommodate a public restroom and the code-required second stairway. The applicant for the museum project proposes to have approximately 12 full time staff members and two part-time staff members including: (1) museum - three full time employees and a one part-time historian, (with anticipated volunteer participation), (2) subtenant – four to five full time employees and one part-time/full-time employee, and (3) café – two to four employees. Use of the proposed community room and the entire museum for special events, classes and speaker series are also proposed as described in Attachment D of this report.

The Option Agreement originally executed on June 22, 2007 with City Council time extensions, required a plan for fulfilling parking requirements. In conjunction with this requirement, the applicant submitted an easement agreement for the availability of 60 public parking stalls across from the project site at 260 Homer Avenue included in Attachment F and executed between the City and Tall Tree Partners, LLC (owners of 260 Homer Avenue) in May 2006. However, the availability of the parking spaces is for public use and not exclusively for use by the proposed museum. Also, these 60 parking spaces at 260 Homer Avenue are available during the evening hours and the weekends and do not coincide entirely with the proposed operating hours of the museum. Therefore, the Director included additional conditions of approval #13 - #19 to minimize impacts on the neighborhood with respect to parking impacts as shown in Attachment A.

SUMMARY OF LAND USE ACTION:
The Planning and Transportation Commission’s authority is to make a recommendation on the CUP for final action by the City. The basis for the Planning and Transportation’s recommendation is to determine whether the findings outlined in PAMC Section 18.76.010 are met, as included in Attachment A of this report. In summary, the Director has determined that sufficient conditions have been incorporated in the tentative granting of the CUP for the proposed use of the Roth Building as a museum such that the use would not be detrimental to the
general welfare or convenience in the vicinity of the project site, and that the proposed use is consistent with the Comprehensive Plan and the SOFA CAP I.

**SUMMARY OF KEY ISSUES:**
Mr. Alsman’s request for hearing letter included in Attachment E, dated March 29, 2011, specifies nine concerns with the Director’s tentative approval of the CUP as discussed below along with staff’s responses to his comments in italic font.

Items #1, #2, #3 and #7 in Mr. Alsman’s letter indicate that the proposed provision of bicycle parking spaces is insufficient, that the parking available at 260 Homer during limited hours is not expressly marked for public use, and that parking demands generated by museum employees and volunteers would generate the need for more parking spaces, that would impact three to four blocks of adjoining neighborhoods.

The project was reviewed by the City’s Transportation Division, which determined a maximum capacity of 270 people including 12 staff employees for the proposed, rehabilitated Roth Building. Based on a capacity of 270 people for the proposed museum use, 68 parking spaces would be required. The proposed 14 bicycle spaces, plus three long-term bicycle parking spaces is consistent with the requirements of PAMC Section 18.52.040. Staff acknowledges that the availability of parking at 260 Homer during specific hours is not apparent. However, condition of approval #15 in Attachment A requires that PAHM inform employees and visitors of the availability of parking at 260 Homer Avenue via various media. Also, staff could, at the Planning and Transportation Commission’s direction, strengthen condition of approval #13 to strictly limit the number of staff and volunteers to a maximum number of persons.

Staff finds that Mr. Alsman’s concern raised in item #4 of his letter indicating that employees of the museum would be required to park in the City Hall garage is not consistent with the wording contained in condition of approval #17.

This condition of approval requires that all employees park in any City parking facility and not just the City Hall garage. The availability of parking permits at the City garages varies weekly. Staff will provide an account of the availability of parking permits at City garages and lots at the public hearing.

Staff has the following response with respect to Mr. Alsman’s item #5 regarding staff’s original recommendation to restrict parking along Homer Avenue (abutting Heritage Park and Roth Building side of the Street and a portion of Bryant Street to two-hour limits.

Staff initially proposed changing the all day parking allowed along Homer Avenue and a portion of Bryant Street adjacent to the Roth Building to two hour limits. However, the Director determined that such a change should not occur unless it is feasible or desired by the community upon completion of a Downtown Palo Alto Parking Management Program as stated in condition of approval #21 in Attachment A.
Staff acknowledges item #6 in Mr. Alsman’s letter and the impacts of new downtown development as a result of the potential sale of transfer of development rights (TDRs) generated from the proposed rehabilitation of the Roth Building. However, it is important to note the purpose of the City’s TDR program and its limitations as set forth in PAMC Chapter 18 as discussed below.

The purpose of the TDR program is to implement the guidelines of the Comprehensive Plan by encouraging historic and seismic rehabilitation of buildings in City-designated Historic and Seismic Category List. The TDRs may be transferred to eligible receiver sites in the Commercial Downtown (CD zone districts. However, PAMC Section 18.18.040 requires that the Department of Planning and Community Environment monitor the number non-residential square feet in the CD zone districts and this section stipulates a moratorium on further nonresidential development when 350,000 square feet of non-residential development have received final design review approval pursuant to PAMC Section 18.76. PAMC Section 18.18.040 further specifies that the moratorium remain in effect for one year while the City undertakes a study to determine what regulations would be appropriate for the CD zone district. TDRs apply to the cap, but are not specifically applied until a development is proposed to use TDRs. The rehabilitation of the Roth Building project is eligible for TDRs, with the requirement that the City Council (at a date to be determined) designate the Roth Building as a sender site. TDRs from the Roth Building project would be used only if there are eligible buyers of the TDRs for use on sites as described in PAMC Section 18.18.080, with limitations on its use as described in PAMC Section 18.18.080(f).

In addition to the parking impacts, Mr. Alsman also raised CEQA compliance issues in Item #8 of his letter in Attachments E and in an email correspondence included in Attachment G.

It is staff’s opinion that the project is Categorically Exempt under Section 15301 ‘Existing Facilities’ of the CEQA Guidelines. The reuse of the Roth building as a public, residential or other uses is identified on page 18 of the SOFA CAP I, with the requirement for restoration and reuse of the Roth Building under Policy DC-14. As such, even though the Roth Building is presently vacant, its reuse is anticipated and such reuse has already been analyzed in the EIR prepared for the SOFA CAP I, as certified in Resolution No. 7950, with a determination of less than significant impacts regarding its reuse. Also, a traffic impact analysis was not required for this project according to the City’s Transportation Division since it was determined that the proposed museum is anticipated to generate, on average, less than 50 peak hour trips. Furthermore, parking impacts on surrounding areas as a result of a proposed project are not considered environmental impacts according to CEQA as a result of the outcome of a relevant court case. In “San Franciscans Upholding the Downtown Plan v. City & County of SF”, 2002), the CEQA Checklist’s Transportation /Traffic topic, question (f) asks, "Would the project result in inadequate parking capacity?" The court found that concern for a "parking deficit" per se is a social matter, not an environmental matter for CEQA review. Nevertheless, parking is addressed in the conditions of approval for the CUP for the proposed museum.
Staff has the following comments regarding Mr. Alsman’s primary concerns related to the City’s role in addressing parking impacts listed under item #9 of his letter.

Staff believes that Mr. Alsman’s concerns relate to parking issues that are more substantial than issues of this project. The City has taken active steps to address parking concerns raised by residents in the Professorville neighborhood since Mr. Alsman’s letter. The City of Palo Alto is currently studying downtown parking in an effort to ease street parking demands of the nearby Professorville neighborhood. In response to residents’ complaints, a new parking manager was hired by the City to study the downtown and surrounding neighborhood’s parking issues. A community meeting to discuss alternatives suggested by the traffic-data consultant occurred on April 26, 2011. Residents were mixed in their reactions to the idea of creating a residential parking permit program, with several meeting attendees agreeing that they would like the City to explore other options first. According to the City’s Chief Transportation Official, the City would not implement a permit program unless requested by the community. The City is also looking at ways to better manage its parking lots and on-street spaces. The efforts made so far to address parking impacts on nearby residences is consistent with condition of approval #24 in Attachment A.

POLICY IMPLICATIONS:
The proposed project is consistent with the Comprehensive Plan and the SOFA CAP I, and staff believes there are no other substantive policy implications.

TIMELINE:
- Director’s Tentative Approval of Architectural Review, Minor Exceptions and CUP  March 21, 2011
- Request for Hearing before PTC submitted by Mr. Ken Alsman March 29, 2011
- PTC Review and Recommendation June 8, 2011
- Final Action on CUP by the City Council July 18, 2011
- Approval of new Lease Option agreement between City and PAHM, which would formalize and re-state the development standards and CUP requirements for the proposed rehabilitation and use of the Roth Building, along with other stipulations. (Current Option Agreement expires on June 30, 2011) July 18, 2011

ENVIRONMENTAL REVIEW:
The project is Categorically Exempt pursuant to Sections 15301 and 15331 of the CEQA Guidelines.
ATTACHMENTS:
A. Director's letter for tentative approval, (including findings) of Architectural Review, Minor Exceptions and CUP, March 21, 2011
B. Location Map
C. Amendment No. 1 to Option Agreement between City and PAHM
D. Conditional Use Permit Project Request Letter from applicant, September 8, 2010*
E. Request for hearing letter from Mr. Ken Alsman, March 29, 2011
F. Parking Agreement between City of Palo Alto and Tall Tree Partners, LLC (for public use of 60 parking spaces)
G. Email correspondence from Ken Alsman received on March 31, 2011 (w/ email attachment)
H. City of Palo Alto Resolution No. 7950
I. Project Plans (Commission and Libraries only)

COURTESY COPIES:
PAHM
Garavaglia Architecture
Ken Alsman
Robin Kennedy
Mr. and Mrs. Frankenfield

PREPARED BY: Lata Vasudevan, AICP, Contract Planner

REVIEWED BY: Steven Turner, Advanced Planning Manager

DEPARTMENT/DIVISION HEAD APPROVAL: Curtis Williams, Director
PLANNING & TRANSPORTATION COMMISSION  
Verbatim Minutes  
June 8, 2011  

300 Homer Avenue*: Request by Palo Alto History Museum (PAHM) for a Conditional Use Permit for Community Facility use of the 19,182 s.f. Roth Building and additional 1,462 s.f. area. Historic and Architectural Review approvals included exceptions from the South of Forest Coordinated Area Plan Phase 1 parking requirements and from the minimum street side yard setback. Request for hearing by Ken Alsman, 1057 Ramona Street, Palo Alto. Environmental Assessment: Categorically Exempt pursuant to Sections 15301 and 15331 of the CEQA Guidelines.

Ms. Lata Vasudevan, Contract Planner: Good evening Chair and Commissioners. About 11 years ago in 2000 the City Council approved the City purchase of the Roth Building at 300 Homer Avenue and it underlying approximately .4 acre site on which the building sits in conjunction with the south of Forest Avenue Coordinated Plan Phase I, or SOFA CAP I, as it is commonly referred to. Moving forward in January 2004 the City Council approved a resolution dedicating the approximately two-acre portion of the Roth Building site as parkland. It is called Heritage Park, as you know, right now. This dedication essentially resulted in the adjoining approximately .4 acre Roth Building site with the limited specific boundaries that are shown as an attachment to my Staff Report basically with no space for onsite parking.

A few months later, after the parkland dedication, the Palo Alto History Museum, or PAHM as I am going to refer to it in the future in my presentation, submitted a proposal to restore, preserve, and improve the historic Roth Building for use as a Palo Alto History Museum, which was accepted by the City Council in April 2004. The City Council subsequently approved a lease option agreement between the City and PAHM, which is also an attachment to my report.

In compliance with the conditions of the option agreement the applicant submitted a development project application for historic review and architectural review to the Planning Division in May of 2010 for the purpose of rehabilitation and additions to the rear of the Roth Building. The application also included a request for a Conditional Use Permit since the proposed museum is categorized as a community facility, which is a conditionally permitted use in the PF, or Public Facility, zone in which the project site is located. The proposed project, as Commissioner Lippert mentioned, includes the historic rehabilitation of the approximately 19,000 square foot Roth Building and a rear addition for the museum. The museum includes gallery space, office space for museum staff, offices for a future sub-tenant on the second floor consisting of approximately 200 square feet, a community hall, a gift shop, café, and of course archive storage space. Minimal exterior modifications on the east side will accommodate a public restroom that is a restroom that is required for public access by Heritage Park users, and code required access.

The applicant for the museum project proposes to have approximately 12 full-time staff members and two part-time staff members. Use of the proposed community room and the entire museum for special events, classes, and speaker series are also proposed as described in Attachment D of the Staff Report. Attachment D is the Conditional Use Permit description provided by the applicant.
Given that the lease lines for the Roth Building are just the lease lines per se within the entire Heritage Park, and they are not the lot lines, Staff based the development requirements for the project using the Heritage Park boundaries, and required that PAHM obtain a setback exception for a three foot encroachment into the street side yard requirement abutting Bryant Street. The street side requirement is 16 feet. And a parking exception since there are no viable options for onsite parking.

The proposed floor area, site coverage, and rear setback of the Roth Building are compliant with zoning standards. An amendment to the option agreement, which will be presented to the City Council at a later date, will formalize and restate the development standards applied to the Roth Building. The standards are described in my Staff Report. It is important to restate these development standards as we do need to place limitations on floor area and setbacks and so forth, because this is a unique situation. The Heritage Park if you use it as a lot line is 105,000 square feet. The PF zone allows a 1:1 floor area ratio. So we do need to place specific limitations not just on floor area but setbacks and other zoning requirements as I have indicated in my Staff Report.

With respect to the HRB and ARB hearings, public hearings were conducted before the Historic Resources Board on February 16 and before the Architectural Review Board the following day on February 17 of 2011 on the proposed rehabilitation and the additions to the museum. At both of the public hearings the HRB and the ARB recommended approval with conditions of the architectural review entitlement along with minor exceptions for parking, and a three foot setback encroachment into the required street side yard requirement, as provisioned in the SOFA CAP. On March 21 of this year, a few months ago, the architectural review and minor exceptions and Conditional Use Permit entitlements were tentatively approved by the Director, subject to a 14-day appeal and request for hearing period.

The option agreement originally executed on June 22, 2007, with City Council time extensions as I have described in my Staff Report, required a plan for fulfilling parking requirements. In conjunction with this requirement the applicant submitted an easement agreement for the availability of 60 parking spaces across the street at 260 Homer. That agreement is included as an attachment to my Staff Report. However, the 60 parking spaces are not exclusively for use by the museum. They are actually public parking spaces. These spaces also don’t coincide entirely with the proposed operating hours of the museum. Therefore the Director included additional Conditions of Approval. This is related to the Conditional Use Permit aspect of the application. Conditions of Approval number 13 through number 19 in Attachment A of my Staff Report to minimize impacts on the neighborhood with respect to parking impacts.

On March 29 of 2011 a Request for Hearing on the Directors Tentative Approval of the Conditional Use Permit aspect of the application for the project was submitted by Mr. Ken Alsman. His letter is included in Attachment E, and this was submitted in accordance with the Municipal Code. Mr. Alsman’s concerns focus primarily on parking impacts and related conditions.

The Planning and Transportation’s authority in this public hearing is to make a recommendation on the CUP for final action by the City Council. The basis for the Planning and Transportation Commission’s request for Hearing tonight is to determine whether the findings outlined in the
Municipal Code Section 18.76.010, for conditions for granting a Conditional Use Permit, are met and can be made in the affirmative.

In summary, the Director has determined that sufficient conditions have been incorporated in the Tentative granting of the CUP for the proposed use of the Roth Building as a museum such that the use would not be detrimental to the general welfare or the convenience of the vicinity of the project site, and has ensured that the proposed use is consistent with the policies of the Comprehensive Plan, and the SOFA CAP Phase I.

I have included an informational packet in front of you, and also in the front entry area that includes excerpts of the SOFA CAP Phase I that relate and essentially encourage the reuse of the Roth Building as a public facility. While adaptive building reuse policies are specified in the SOFA CAP Phase I, there are important policies in the Comprehensive Plan also include policies that require adaptive reuse of historic buildings. Even in spite of the fact that there are these policies there are no special exceptions in the Municipal Code with respect to parking reductions allowed especially for historic buildings. There are parking reductions for example for shared parking, offsite parking requirements, the facilities near transit facilities, and so forth but there are no specific parking reductions that are specified for historic buildings.

Mr. Alsman’s Request for Hearing letter included the Attachment to my report specifies basically nine main concerns with the Director’s Tentative Approval of the Conditional Use Permit. Items one, two, three, and seven in Mr. Alsman’s letter indicate that the proposed provision of bike parking is insufficient, and that the parking available at 260 Homer during limited hours is not expressly marked for public use, and that parking demands generated by museum employees and volunteers would generate the need for more parking spaces that would impact three to four blocks of adjoining neighborhoods.

The Staff’s response is that the project was reviewed by the City’s Transportation Division, which approved a maximum capacity of 270 people as proposed by the museum, including 12 staff employees. Based on a capacity of 270 people for the proposed museum use that would normally require 68 parking spaces based on the City parking requirements of one is to four-person capacity.

The proposed 14 bike spaces plus three long-term bicycle spaces is consistent with the requirements of the Municipal Code with respect to bike parking requirements. Staff acknowledges that the availability of parking at 260 Homer during specific hours is not apparent. You basically have to approach the parking garage from around Homer, from Ramona, from the Oak Court Apartment buildings. However Condition of Approval number 15 of part of the Tentative Approval of the CUP requires that the history museum inform employees and visitors of the availability of parking at 260 Homer via various media, flyers, brochures, and so forth. Staff had also mentioned in the Staff Report that the Planning and Transportation Commission could provide direction to strengthen Condition of Approval number 13 to strictly limit the number of staff and number of volunteers to a maximum number of persons.

Staff finds that Mr. Alsman’s concern raised in item number four of his letter indicating the employees of the museum would be required to park in the City Hall garage is not really entirely consistent with wording contained in Condition of Approval number 17. This Condition of Approval requires that all employees park in any City parking facility and not just the City Hall
garage. The supplemental information in front of you includes the location of all the City parking lots.

The availability of parking permits at the City garage varies weekly. I also included that in my informational package. Right now there is a wait list, but two months ago there were quite a few parking spaces in the Webster garage. Also in this informational packet is an analysis of Downtown City parking facilities, again prepared by the City’s Transportation Division essentially showing that the City parking facilities are not at the full capacity in the AM and PM hours. This is again before evening time, between 8:00 and 10:00 and then between 12:00 and 2:00. Basically, again they are not used. They are not at full capacity. There are spaces.

I have also included a permit parking chart and also kind of the pricing that is involved. These permits do cost approximately $420.00 for a yearly permit. They are also available quarterly, and a daily permit is also available.

Staff has the following response with respect to Mr. Alsman’s concern regarding Staff’s original recommendation to the ARB to restrict parking along Homer Avenue. Staff initially proposed changing the all day parking along Homer Avenue, especially along the side of the Roth Building and Heritage Park side, which is now not limited. You can park all day. Staff at the ARB suggested changing it to allow just the two-hour limit. However, the Director determined that such a change shouldn’t occur unless it is feasible or desired by the community upon completion of a Downtown parking study, as stated in Condition of Approval 21 in our Conditions of Approval for the CUP.

Staff acknowledges item six in Mr. Alsman’s letter and impacts the new Downtown development as a result of the potential sale of TDRs, Transfer of Development Rights. It is important to note that the purpose of the City’s TDR program and its limitations, as I have described in my Staff Report, there are limitations. The rehabilitation of the Roth Building project is eligible for TDRs for historic rehabilitation with the requirement that the City Council, at a date to be determined, designate the Roth Building as a sender site. TDRs from the Roth Building project would be used only if there are eligible buyers of the TDRs for use on sites as described in the Municipal Code in the CD, Commercial Development Downtown District, with limitations on its use as described in the Municipal Code.

In addition to parking impacts CEQA compliance issues were also raised in Mr. Alsman’s letter. It is Staff’s determination that the project is categorically exempt under Section 15301 Existing Facilities of the CEQA Guidelines. The reuse of the Roth Building as a public facility or residential or other use is identified on page 18 of the SOFA CAP Phase I document with the requirement for the restoration and reuse of the Roth Building under Policy DC-14, again in the SOFA CAP Phase I document. As such, even though the Roth Building is presently vacant its reuse was and is anticipated and such reuse has already been analyzed in an EIR prepared for the SOFA CAP I document.

Also, a traffic impact analysis was not required for this project according to the City’s Transportation Division since it was determined that the proposed museum is anticipated to generate an average of less than 50 peak hour trips. Furthermore, parking impacts on surrounding areas as a result of a proposed project are not considered environmental impacts and the City Attorney perhaps can elaborate more on that. They are not considered environmental
impacts according to CEQA as a result of a relevant court case that I mention in my Staff Report. It is considered basically a social concern. Nonetheless, the Director has addressed parking in the Conditions of Approval for the CUP for the proposed museum, again to minimize and address any parking concerns.

Staff has the following comments regarding the primary concerns related to the City’s role in addressing parking impacts listed under item number nine of his letter. Staff believes that Mr. Alsman’s concerns related to parking issues are basically more than just the issues of the Roth Museum itself. The City has taken active steps to address parking concerns raised by residents in the Professorville neighborhood since Mr. Alsman’s letter. There has been a neighborhood meeting I believe on April 28. The City of Palo Alto is currently studying Downtown parking in an effort to ease street parking demands on the nearby Professorville neighborhood. In response to residents complaints and new parking manager was hired by the City to study the Downtown and surrounding neighborhood parking issues. According to the City’s Chief Transportation Official the City would not implement a permit program unless requested by the community. The City is also looking at ways to better manage its parking lots and on street spaces. The efforts made so far to address parking impacts on nearby residences is consistent with Condition of Approval number 24, which again is the Tentative Approval of the CUP. Again, my informational packet is further evidence showing the use of the parking garages during different times of the day provides further evidence that the City is actively studying parking impacts in the Downtown and adjacent Professorville areas.

So in conclusion, this item will be going to the City Council for final action. It is scheduled on July 18. Staff recommends that the Planning and Transportation Commission tonight recommend that the City Council uphold the Director of Planning and Community Environment’s Tentative Decision to approve the Conditional Use Permit for the Community Facility use of the Roth Building as a museum as conditioned.

Before I conclude my presentation I would like to point out two things. I would like to add that Staff so far has received three correspondences, which I believe are placed in front of you, and included on front desk. I would like to kind of point out a technical error in my report on page 2, paragraph two of my Staff Report. Basically it should say that the exception is for a three-foot and not a four-foot encroachment of the rear addition into the street side yard setback. So with that I will finally end my presentation and be happy to answer any questions you may have.

The Palo Alto History Museum is here and will speak at this time. Thank you.

Vice-Chair Lippert: Okay. I forgot to mention at the very beginning that this is a quasi-judicial hearing. So as such I have a disclosure to make, which is that I was contacted by the Palo Alto History Museum Secretary, Barbara Wallace. I just simply reviewed with her our procedures for this evening that they would have a 15-minute presentation and then open the public hearing. So are there any other Commissioners that have disclosures? Commissioner Fineberg.

Commissioner Fineberg: I need to disclose that about six months or a year ago I had the opportunity to walk through the facility with Karen Holman. We didn’t talk about the project itself or many of the matters that are on tonight’s item. They were unknown as of yet. What we focused on was mostly the architecture, looking at some of the lovely features of the meadow
grills, some of the beautiful copper rain gutters that have been pulled down, the conditions of
some stairwells in the rear, and it was mostly kind of an architectural expedition.

Vice-Chair Lippert: Commissioner Tanaka.

Commissioner Tanaka: Yesterday I was contacted also by Barbara Wallace, and had about a ten
to 15 minute conversation. We didn’t talk about anything that wasn’t in our Staff Report. So
there isn’t much to disclose. Thank you.

Vice-Chair Lippert: Commissioner Garber.

Commissioner Garber: I was contacted by Barbara Wallace. I listened to her voicemail and I am
embarrassed to say that I didn’t have a moment to return the call. So I apologize.

Vice-Chair Lippert: Commissioner Martinez.

Commissioner Martinez: I want to know why I wasn’t contacted by Barbara Wallace.

Vice-Chair Lippert: Commissioner Fineberg had one other disclosure.

Commissioner Fineberg: Thanks, I almost inadvertently forgot. I received a phone call from
Gail Woolly who asked if we could speak about this. We did not discuss anything other than
why I wouldn’t discuss it and mostly because of my feelings about our policy on the quasi-
judicial matters with ex parte contacts. I encouraged her to come tonight to speak so that we
would be able to simultaneously learn, and the public would be aware of whatever it is she has to
communicate.

Vice-Chair Lippert: So with that I will give the applicant, which is the Palo Alto History
Museum, 15 minutes to make a presentation.

Mr. Steve Steiger, Palo Alto History Museum: Good evening. The Palo Alto History Museum
seeks to create a local history museum and provide to the community a research, education, and
entertainment resource that currently does not exist within Palo Alto nor Stanford University.
We have worked hard to qualify the Roth Building, which is the former Palo Alto Medical Clinic
site, for National Register, which has been successful and allows the building to satisfy the
Secretary of the Interior’s Standards as required by the SOFA I plan.

A large portion of the 47 addition to the building was removed leaving a blunt façade. The
museum plans include a small addition to the rear to return the visual interest and function to the
rear of the building on the park side. This requires the small three-foot side setback exception
that is allowed by SOFA I CAP.

I would like to run a short video slideshow showing the building, with help from Staff here. We
are going to look at the building as it currently exists. We are just going to fly around. We are
now on the Bryant side. The rear side, this is where the two wings, the 47 addition were chopped
off. This is the side facing the playground. As we come around back to the Homer Street.
Now this our architect’s drawing of what it would look like of everything goes according to our plan. This is again the Bryant side. This is the rear three foot. He has just tried to mimic the effect of those two wings in a short space.

Coming around to the park side here there is a symbol of El Palo Alto but that is planned for a mural by Greg Brown. We have been in discussion with him about that. You also saw the door to the public restroom there. Then the back. We can stop it here.

The Palo Alto History Museum has been endorsed by the Palo Alto Women’s Club, the Historical Association, the Palo Alto Housing Corporation their Oak Creek project is directly across the street, the Stanford Historical Society, the Palo Alto Stanford Heritage, the Palo Alto Chamber of Commerce, and the Museum of American Heritage, which is located again across the street on Homer.

Additionally the museum has conducted two community meetings, one for nearby neighbors at the Women’s Club and a subsequent meeting for everyone within the notification area of the project. Both presentations were met with support by the attendees.

The subject of the appeal really as indicated in the letter from Mr. Alsman is the lack of parking on the site and the demands that parking would result on the project’s function. Any use of the Roth Building would require a parking exception because as the City when they designed the lot and the plan for both the park and the Roth Building site did not allow for any parking. They wanted to make Heritage Park as big as they could, and it at nearly two acres they did so. They also wanted to make the Roth Building less attractive for any commercial use should that ever be proposed.

There was no specific use planned for the Roth Building when they devised this plan, and it wasn’t until the RFP went out and we responded with the idea of a history museum that the history museum became the primary idea for this site. By the way, we were the only applicant to respond to the RFP at that time.

Uses associated with the museum are typical of a local history museum or any type of small museum. A small café, a bookstore/gift shop, there is also a community meeting room, and the outside restroom to serve park visitors. We will build it into the building but then it becomes the responsibility of the City to maintain it. Both of these latter two things were stipulations in the RFP that the City required of any applicant to develop the Roth Building.

To support the museum’s function and provide space for another nonprofit, which is accommodated in the lease agreement, we are making accommodations on the second floor for space for another nonprofit. We are in discussion with the Chamber of Commerce and the Visitor’s Bureau to have them be subtenants to us. We think their use of the building would enhance the visibility of the entire project, both their use and the library to the community.

Both the museum and the Chamber employee levels are quite low. The Staff Report says 12 staff members. This would essentially be full-time equivalents because we don’t envision our numbers being anywhere near that. This is a 20,000 square foot building and the employees are required to attain parking permits or other accommodations. So they are not going to be permitted to have on street parking use.
What is not clear in the thing is in the application the range of operating hours for the museum are quite generous because we were advised to ask for what you think would be your wildest successes that you would want has hours, and start from a smaller operation and maybe get to their if you are really successful. The model we are really looking at is the Museum of American Heritage across the street. Especially when they started their operation was Fridays and weekends. Most of their functions are in evenings or on the weekends. The exception for us would be possibly school visits during the week, but we don’t anticipate a large range of heavy use during the week. It is just not what local history museums are.

We are sympathetic to the parking situation in that area, and we understand why Ken Alsman has his concerns, but we ask for your support for the history museum project as proposed, and in doing so your support in creating a local resource not now in existence in a facility that will have far less impact on the neighborhood than any other use that I can think of. Thank you.

Vice-Chair Lippert: Thank you Mr. Steiger. With that we will open the public hearing. The first speaker will be Ken Alsman. He will be speaking on behalf of Victoria Curtis, Diana Wahler, and Deanna Dickman. We would give three minutes per speaker, so you have a total of 12 minutes.

Mr. Ken Alsman, Applicant: Hopefully I won’t need all of that. I live on Ramona Street here in Palo Alto in Professorville. I am a 20-year plus resident of that area. One of the first people to buy what was described by the realtor as a teardown and restore it. I have lived there very comfortably for some time.

As I hope you know, there has been a major invasion of all day employee parking in Professorville. There are no parking spaces that are not free for more than a couple of minutes as the day progresses. It is very disconcerting to many of us, and some of us have been working at it for two, three, four years to see if we couldn’t get the City to do something. I am very glad to say that Jaime and the Staff seem to be moving in a direction that we might actually see some solutions for the existing situation.

A number I want to point out to you thought to start off is that 12 to 15 employee parking demands, that means if you have 12 to 15 employees who don’t have a designated, usable parking space is equivalent to further invasion into the neighborhood of one city block. So for every 12 to 15 people who are employed in Downtown or at the museum or wherever else, or if you eliminate all day parking for those people that currently exists they have only one choice, and they will move into the neighborhood even further.

I am six blocks away from University Avenue. Employees are now parking one block past me onto Kipling. So this is a single-family residential neighborhood, and a National Register Historic District. We are providing the commercial parking for a large number of uses and it looks like we may be providing parking for the museum.

Let me first of all say that I have no doubt that you will approve this application for the museum. I think if I were sitting in your place I probably would too. I am supporter of it. A long time person involved in historic preservation, and someone who feels it is an important part of our community. But I also feel that Professorville is an important historical part of the community.
I came to the Historic Resources Board meeting not knowing that this application was on the docket. I came to ask them if they would provide some support to the other people in the city to help protect Professorville from this invasion of parking. I made my pitch. I sat down excited about hearing what was going to happen with the museum, and the more I heard the more I realized that no consideration was given to the negative impacts of this project. The traffic report was by formula, absolutely correct but by formula. No consideration was given to external impacts of people wandering around in the neighborhood looking for parking. None of that was considered. I understand it is difficult but it is a fact. No consideration was given at all to how this parking was really going to be provided.

I guess the thing that was most critical was very blithely the Staff said, oh and we are going to change all of the all day parking along Bryant and Homer to two hour parking. That is over 30 parking spaces that are currently used by Downtown employees. Now that has been changed subsequently and I thank Curtis and others for at least considering it. But it makes all the sense in the world. Who wants those pesky all day employees parking by the museum for God’s sake? Nobody wants that. But where are they going to go?

We had a Downtown major developer recently quoted in the paper as saying that parking is prosperity. Parking is prosperity. It is prosperity for them but we are providing the subsidy for his prosperity and we are providing a subsidy to the museum, and we may be willing to do that, but not to take all of that problem that is coming from Downtown and the commercial interests.

We live in a single-family residential neighborhood, a National Register Historic District. We are not a commercial district. Commercial entrepreneurs, commercial businesses should all pay attention to the parking needs. We should not be subsidizing that. We should not be providing it. It is changing the character of my neighborhood. It is less safe. It is less friendly. It is less attractive. We constantly see whatever coffee happens to come along with the drivers, the cups laying in the planter strips. I won’t go into that that is a little bit beyond this, but it is part of this overall problem.

I think there is going to be some level of solutions coming out of what Staff is doing, but they are as they should be predicing their analysis on existing conditions. No one has analyzed the impact of what is in the pipeline. By my quick estimate it is over 200,000 square feet of new office that is either undeveloped, in the process of being built, or unoccupied. I also sense that a large number of buildings in this area are being converted from relatively low intensity use to office use, high tech, start up companies, the kind of place that my two kids would love to work. They would work cheek by jowl with everybody else so that the standard of one parking space for every 250 square feet is blown away. It does not exist anymore. These people like to close to each other. They put lots of them in a small space, and there are no parking spaces. There are several examples of this but there is absolutely no review of this by the City that I am aware of, that I have been told about. There is no review.

So these are problems that go beyond the museum. I apologize to the museum for bringing these up during this presentation but it is something that is in your purview as Transportation and Planning people.

I am sorry I missed the first part of the presentation earlier today. I think there are a lot of assumptions that are being made about exceptions for Downtown development, incentives for
transit oriented. They are just very wonderful wishful thinking. My neighborhood is a result of that wishful thinking. My neighborhood is being destroyed, and we are six blocks away from University. It just doesn’t make sense to me that nobody is paying attention to it until I happen to go to the HRB meeting, and happen to hear this presentation, and happen to think my God, we ought to do something. This is nuts. Nobody is paying attention to this residential neighborhood.

I apologize for being as direct as I am. I apologize to the museum for delaying their project. But I don’t apologize for the need for the City to take some decent action. Thank you.

Vice-Chair Lippert: If you would hold your applause. We don’t either applaud or jeer at speakers. It makes them very uncomfortable and then people are reluctant to speak at all. So please.

Before we go to the public I forgot I was going to ask my Commissioners if they had any process questions regarding the CUP process that they wanted to ask Staff. What we will do is we will have three-minute questions apiece. So Commissioner Garber followed by Commissioner Fineberg.

Commissioner Garber: You had mentioned that our auspice this evening is reviewing this against the findings. There are architectural findings, there are SOFA CAP I minor exception findings, and then there is the whole Conditional Use Permit approval and letter. All of those?

Mr. Donald Larkin, Senior Assistant City Attorney: it is the Conditional Use Permit findings that you are making. The broader findings might be encompassed within that second finding which is located in a manner in accord with the Comprehensive Plan and the purposes of this Title, but it is really the findings that are the Conditional Use Permit that are the main findings that the Commission is asked to make tonight.

Commissioner Garber: Thank you.

Vice-Chair Lippert: Commissioner Fineberg.

Commissioner Fineberg: That was my question. So just to reiterate, so the findings required would be from what is in Attachment D, if I am reading it correctly, is the Conditions of Use Permit Approvals found by the ARB?

Mr. Larkin: No, it is the findings under the Conditional Use Permit. I will just read them so that it is clear. It is that the granting of the use permit is not detrimental or injurious to property or improvements….

Commissioner Garber: Excuse me, which attachment are you reading from? I apologize.

Mr. Larkin: It is Municipal Code Section 18.76.010 C, Findings. I am not reading it from the report. I believe that is it. For members of the public the findings are that the permit is not detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience. Two, the project be located and
conducted in a manner in accord with the Palo Alto Comprehensive Plan and the purposes of this
title zoning.

Mr. Williams: It is Attachment C that is Conditional Use Permit Findings.

Commissioner Fineberg: I am sorry unless I am reading my labels wrong my Attachment C is
Amendment 1, number 1 to Option Agreement.

Mr. Williams: It is actually embodied in Attachment A, because Attachment A includes several
attachments to that and Attachment C as part of that is a one page Conditional Use Permit
Findings.

Commissioner Fineberg: That is on the backside of a page, so as we flip through it is easy to
miss. Okay, thank you very much for that clarification.

Vice-Chair Lippert: Great. Any other process questions? Okay, with that we will go to the
public. The third speaker will be Chet Frankenfield followed by Elaine Meyer. You have three
minutes apiece.

Mr. Chet Frankenfield, Palo Alto: Thank you. The last time this item appeared before the
Commission I spoke in strong support of the project. I still strongly support the proposal to
restore, preserve, and improve the Roth Building for use as the Palo Alto History Museum. I
urge you to uphold the Planning and Transportation Director’s Decision to approve a Conditional
Use Permit.

I live on Bryant Street. My address is Channing but my unit is on Bryant Street next door to the
Roth Building. I experience the same parking problems as Mr. Alsman. So I can appreciate his
concerns. We do have a serious parking problem and hopefully the City is making progress in
trying to solve it. However, on Friday afternoons and weekends the major hours that the
museum plans to be open to the public street parking is usually available in our neighborhood.
In today’s Palo Alto Online, and I quote, “Mr. Alsman acknowledged the museum might be a
relatively small component in the total problem.” I totally agree.

The City has owned the Roth Building for over ten years and many people have been working
very hard for almost that length of time to provide the City with a place to share Palo Alto and
Stanford University’s history. They have almost achieved their goal. Please don’t let this last
obstacle deprive the whole city of this one-time opportunity. Thank you very much.

Vice-Chair Lippert: Thank you, Mr. Frankenfield. Elaine Meyer followed by Joy Ogawa.

Ms. Elaine Meyer, Palo Alto: Good evening Chair Lippert and members of the Commission.
Parking is indeed a very severe problem in the Downtown area, in the residential areas. So many
times you the Planning Commission and the City Council and the ARB approve developments
with exceptions for the parking requirements. You are creating the problem not solving it.

Why was given so many abuses of the parking situation? Why would someone decide to protest
this particular project? Is the problem that nobody is making a million dollars off of it so you
might as well kick it?
The City needs to attempt to solve the problem not just do parking studies. For example, there are 63 parking spaces under 800 High Street that were the major public benefit for that huge PC. Not only was that the supposed public benefit that seems to have disappeared, but the City gave the developer underground rights, without charging the developer, they just gave them underground rights to build that parking garage.

In 2003 when 800 High was a controversial project Mr. Alsman sent a letter out the neighborhood and I would like to quote a few sentences from his letter. “There will be a huge parking benefit for our neighborhood, and especially to those near the project. That is because the developer must build a 200 parking space garage under the project, and 63 spaces will be for public use taking employee and business parking off the streets. That makes employee parking off of four maybe five residential blocks, and this parking will be built at the developer’s cost not ours, at a value to the City and our neighborhood of about $2.0 million.”

However, the City appears not to enforce its own ordinances and the PC parking spaces under that building are invisible. Nobody knows they are there, and the people who live in that building say that it is partially empty. It is largely empty most of the time.

So I think the City’s parking problem can be partially alleviated by using the spaces that are already available to the public and publicizing them. Thank you.

Vice-Chair Lippert: Thank you, Ms. Meyer. Joy Ogawa followed by Herb Borock. If there are any other speakers please complete a speaker card and hand it to one of the Staff members.

Ms. Joy Ogawa, Palo Alto: Hi. I brought my laptop because I just happen to have the CEQA Guidelines on my laptop. I want to read to you part of the CEQA Guidelines, 15301, which Staff is depending on to say that this is exempt from CEQA. So it says, “Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alternation of existing public or private structures, facilities, mechanical equipment, or topographical features involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination.”

I am sorry but this is like a huge change in use. It is an expansion of use. The use for the past ten years has been nothing, vacant. This whole thing about anticipated use is all mumbo jumbo. I am sorry I don’t think it will hold up in a court of law if somebody wanted to take it to court.

My big problem here is not – I think it is a great project. I just think it is not an excuse for shoddy environmental analysis, or in this case no CEQA analysis. The ends don’t justify the means. Actually, they are exposing this project to attack. Somebody could take it to court and I think it is a really strong basis for saying they did absolutely no CEQA analysis and they are using like ridiculous excuses for why it shouldn’t have had any CEQA analysis.

Why don’t you just do a good CEQA analysis on every project? Don’t make decisions before hand like this is a popular project so we don’t have to do any CEQA analysis. I thought Elaine’s comments were very interesting, but for me it is not a matter of who is appealing or just kind of like the overall parking situation. It really is a matter of doing a sincere good effort every time
on CEQA analysis. Just because I like the project doesn’t mean I don’t think they should have
done a CEQA analysis. You should do a decent CEQA analysis every time.

I also am wondering this project required a CUP for the use so how could the use have been
anticipated when it is a CUP for the use? Even the applicant says that at the time that the site
was acquired and the RFP went out the City did not anticipate, had no concept or presupposition
of what the use is to be. So how can they say that the SOFA CAP environmental analysis
considered this particular use? It didn’t. My time is up.

Vice-Chair Lippert: Thank you, Ms. Ogawa. Herb Borock. If there are any other speakers,
again this is the time to get your card in.

Mr. Herb Borock, Palo Alto: Thank you Vice-Chair Lippert, and good evening Commissioners.
Elaine Meyer had quoted from Ken Alsman’s letter on 800 High of October 25, 1983 and the
statements that he made about employee parking were wrong. However, he does have I believe a
legitimate concern about the parking issue.

The Condition, I believe, number 17 is not enforceable in any practical way. Requiring people to
buy parking permits doesn’t mean they are going to use them. They can still park in the
neighborhood. If someone says they are not using a parking permit no one is going to be going
around checking every car to see whether any of them belong to employees in the building.

But there is one practical thing that can be done, and that is to remove the non-museum use, the
Chamber of Commerce and now I understand also the Visitor’s Center don’t have to be there,
but they do impact the parking issue both with employees and also with people coming to visit
during regular business hours when there is a parking problem in the neighborhood. That would
alleviate to some extent Mr. Alsman’s concerns by eliminating for example the Chamber of
Commerce or similar uses from the building.

I also note, by coincidence that the project appears to be building additional floor area of about
1,400 square feet, and that the non-museum uses being leased are about 1,200 square feet. Now
they are on different floors of the building, but the fact is that that is not an appropriate place for
these uses.

At one time it was thought that this site would be included as part of Heritage Park, and there
have been court opinions, and Attorney General’s opinions that a community use such as a
museum is compatible with park usage, but the Chamber of Commerce is not. I would suggest
as a mitigation for the potentially significant effect of the parking is to remove the non-museum
uses from the project. Thank you.

Vice-Chair Lippert: Thank you, Mr. Borock. With that I will give Mr. Alsman three minutes to
make any final comments that he wishes to make.

Mr. Alsman: Thank you. I didn’t know I was going to have three more minutes. With respect
to CEQA I tend to agree that the CEQA analysis – I mean the idea that parking is a social
concern, maybe we should have Mr. Zuckerman come in and talk about that. It is way beyond.
Believe me, in my neighborhood it is way beyond a social concern. In Palo Alto it is an issue. It
is an environmental issue. So I am not challenging the CEQA work. I am not challenging the
museum. I am challenging you guys to think hard about the exceptions that you grant, about how just 12 to 15 people who don’t have a parking space impact a city residential block. That is what you need to keep in mind in my view, because you make grand decisions, grand recommendations based upon wonderful philosophy.

I worked for the City of Mountain View for a long time. I started in 1968 by the mid 1970s we were doing parking incentives to encourage transit. Let me just tell you it ain’t happened yet and I don’t think it is going to. We brought light rail in, we did all kinds of things, but still people use their cars and they park. We didn’t have anything like Palo Alto has in terms of a business center and again, what is happening with even the smallest – next to my store is a little space. It used to be the Pacific Art League’s spaces. They used it a couple of times a month. It is now going to become a little office building for high tech development. I don’t know how many people they are going get in that 2,000 square feet, but when I asked the guy who was looking at it, I said, where are you going to park? He said, well, in the neighborhood. He is going to have to park four blocks away from that store to find a parking space. Thank you.

Vice-Chair Lippert: Okay, with that I will give Mr. Steiger three minutes. No, okay. With that we will return to the Commission. Go ahead, Curtis.

Mr. Williams: What I was thinking is that it might be useful for you to get just a couple of minutes from Jaime Rodriguez to give you some context of what the parking study is looking at. I want to note that Jaime was up all night helping install a signal controller. So I would like to let him make that presentation and take off if he would like.

Vice-Chair Lippert: Okay, Mr. Rodriguez.

Mr. Jaime Rodriguez, Chief Transportation Official: Good evening Commissioner Lippert and members of the Commission. Let me start by saying we have really been hearing the community within the greater Downtown regarding their concerns about parking, and I would like to think we have been extremely responsive in trying to address those concerns. One of the major things we doing now is we are initiating a huge parking effort, analysis, and study within the Downtown core. We did hold already one large community meeting back in April to look at potential – well to share with the residential community some of the parking solutions that we were considering both within the Downtown core and within the neighborhood. At that time in April we did focus on a recommendation to potentially look at a residential permit parking program within the Downtown core that is around this area of this particular project.

At that meeting, one of the outcomes that we heard back to Staff was to try and look at other solutions within the Downtown core before there were considerations for modifications to parking within the residential community. That is what we have been focusing our solutions on in the last month and a half or so, as well as starting a similar analysis within the California Avenue Business District.

What we plan to do in the near term is in July we are going to be holding a second community meeting within the Downtown core to focus on some of the parking management strategies that we are looking at within the Downtown core itself. When I say the Downtown core I am talking about the core between Lytton, University, and Hamilton, down to along the edge of Forest. So that includes parking strategies to better manage our off street parking inventory. That includes
surface lots and garages. It includes the deployment of way finding strategies that we will be
presenting in July as well.

That ties back to some of the concerns that we were hearing from the audience today, in that
there are a lot of public benefit uses that were deployed within the projects in the Downtown
core, specifically the one that was referred to several times as the 801 High Street. That is an
area that we don’t really advertise in the city as a public benefit. Great benefit, but not one that
we advertise. That will change with the way-finding program that we develop. That way-
finding program will extend to those public/private partnership parking facilities that we have
within the Downtown core. Another good example of one is the garage parking that is adjacent
to Nolo’s on Ramona as a good example. So another good one is also the lot behind the Westin
Hotel, it is another public/private partnership facility that we don’t really get a lot of use of
parking in. So those all tie back together into way finding, tie back together into management
uses in the way we distribute our parking permits.

When we were looking at the specific project at Staff level one of the things that we had a
concern about was employee parking. We raised some of the immediate same concerns that we
are hearing from the audience tonight. One of our solutions was to try and develop this
partnership with this project was to make sure that even though they are outside the Downtown
Business District, which would allow them to participate in any permit parking program, we will
actually require that they would purchase those in a partnership with the City. We would make
them available to them.

I apologize, am I speaking too fast? I am always conscious about that. What we would do first,
one of the main things we wanted to do was make permits available to the first lot that had a
capacity. This ties back to some of the changes we are already making. I will start with the
garage at Bryant Street. Just last week we converted the fourth floor of that garage from hourly
parking to permit parking. That allowed us to eliminate our queue of people that were waiting
for permits at that garage. We actually distributed approximately 130 permits just last week that
cleared out that queue, as well as opened up permits at other garages where people wanted a
permit. At Bryant Street they had to wait until an analysis was done and we could see how many
permits we could release. So that makes sure that when this project were to move forward if it
were to move forward quickly we could make permits available to them right away at the Bryant
Street garage or the Cowper Street garage where there is capacity. We would also work with this
particular project to make sure that we add on to our waiting list where there is perhaps more
convenient parking, say at the Civic Center, which we are also seeing as a location where we
have capacity and can expand that permit parking use as well.

So all of these strategies fit together. Way finding is a huge one. It is one of the ones we are
really focusing on for our community meeting coming up in July. What we have recently been
hearing also is that there is a new interest within the community to not just look at the Downtown
parking solutions, and table solutions within the residential community, but continue to move
them forward at the same time. That is something that we are going to revisit with the
community in the July timeframe. So that is a real quick synopsis of where we are going. I
would be happy to answer any specific questions if you have any.

Mr. Williams: I might just add to that that we are planning then to come to both the Planning
Commission and the City Council subsequently with a parking analysis, talk about some of the
things we have done, and then get your input on some of the sort of policy directions to go on some of the other issues.

Mr. Rodriguez: Thank you, Curtis. That is true.

Vice-Chair Lippert: Okay, what I am going to do is leave the public hearing open because I know that Commissioners are going to have some questions for not only the applicant but also possibly Mr. Alsman, and Staff. So with that we will begin with Commissioner Garber and we will do one round of five-minute questions each.

Commissioner Garber: Thank you. So Jaime, this is certainly not the first time that this Commission has heard issues such as this. I know that as a Commissioner the friends of mine that do live in this neighborhood are constantly querying me, querying would be a polite term, about parking issues in this neighborhood. We have also heard this in any number of other developments in any number of the other communities or neighborhoods around the city. This has been an issue that has come forward, the issue of modeling parking and traffic impacts is an issue that has been an active topic of conversation for some number of years.

The way that we have understood it to date is that the sort of standard of the industry way of modeling does not or somehow is missing the variables that need to be studied. We recognized in the course of the last couple of years with Stanford that we could have zero development in Palo Alto and over the next 15 to 20 years we would still have dramatic increases in the parking requirements to our city, and the traffic impacts as a result. It is not because of development that happens directly in Palo Alto but it is happening regionally, but standard or industry models of modeling that do not always take into account that. There has always been this additional problem of how do we get to that. How is your study that you are doing now trying to get a handle on some of these things that have been so mysterious in the past?

Mr. Rodriguez: Let me take a stab real quick and kind of brainstorm ideas as I am talking. It is actually a really good question. Specifically I think some of the ways we are trying to tackle that issue is by trying to think of what is the immediate, what is the technology solutions that we are going to be able to deploy within the Downtown core to make sure that we can meet the existing and the future needs. A lot of that comes back to just parking management. In our particular case of Palo Alto I really think it is kind of a lack of that parking management. We don’t do it very well. We are not smart about it.

Commissioner Garber: Let me interrupt you, because I know you have been up late and you are talking quickly. I just want to make sure I am understanding you there. Were you talking about allocation management? Is that the phrase that you said??

Mr. Rodriguez: I was saying parking management. When I say parking management it is the way that we use our existing facilities. I am talking specifically first about the surface lots and the parking garages. We have a huge investment as a community, not just as a city, but in partnership with our business community to make sure that people use those garages. What we don’t really do today very well is make sure that if people are moving into our Downtown core they can get a permit right away. We end up having queues of waiting lists for employers to offer permits to their employees.
The flipside then becomes you will begin to see extrusion of that business community to within
the surrounding residential communities. I think we are hearing that loud and clear. We
recognize that input from the community, and our data does show that extrusion happens during
the build up peak times of the day, and in the morning. We went very far. You will see this data
in August, at your particular level, at this Commission again. We studied the Downtown core
several times of the day, at midnight, at the eight to ten o’clock morning timeframe as people
were arriving to the Downtown core, between the lunch period, during the seven to nine dusk
period as people were leaving, and then again on a Saturday.

Really the data was very consistent with some of the comments that we are hearing. That there
was a lot of capacity in the garages, that people were not taking advantage of them, and that we
were also hearing from the business community that they were having a hard time finding a good
way to get those permits to their employees if they were not already providing them. So the
technology solutions that we are looking at I think will solve that because it helps us distribute
permits more quickly.

It also meets a goal that I think we have at the Transportation level, and I will go as far out on the
limb as saying it is our City policy that we don’t want to see anybody that is a visitor Downtown
get a citation. It is not good business. It is not being a friendly city. We want to make sure that
parking becomes available and if you want to park in Downtown that you can park. We are also
looking at pricing management strategies to go along with that. We want to encourage free
parking within the Downtown core but we don’t want to encourage free parking all day long. If
you exceed a certain time limit of free parking, we want to encourage people to stay so they
don’t have to worry about moving their car, and leave shopping, but that they can stay at a rate
structure beyond the free allocation. So those are some of the solutions that we are looking at.

We are also looking at the Transportation Demand Management solutions that go along with the
expansion of development. I think we are actually at one of the forefronts in Palo Alto with
some of the more recent developments where we are encouraging transit subsidy by new
development. Specifically I will talk about -- you probably have heard a lot in some of the past
projects you have seen where developers encourage participation in a VTA Eco Pass. It is a
great program but VTA transit service within the City of Palo Alto is actually extremely limited.
It is probably the best program that we should be encouraging at a TDM level for employers to
be participating in. So we have been working with the newer developments like the Birch Plaza,
we are working with the 101 Lytton project, we are working with the Westin Hotel expansion
project to encourage them to become GO Pass contributors and entities contributing towards
Caltrain to make sure that there is a really truly feasible option of transit that is meaningful for
them to participate in. It helps sustain the region as well as it helps to make sure there really is a
good option for people to get to these Downtown cores and the core dwelling station areas as
well.

Vice-Chair Lippert: Commissioner Fineberg followed by Commissioner Martinez.

Commissioner Fineberg: Given that you were up last night installing new adaptive traffic signals
this may be one of the only times I can honestly say that I happy that our City Staff is losing
sleep in the process of their work. Thank you for that, and please go home when we are done
and get some sleep.
I would like to follow up a little on Commissioner Garber’s question. I don’t know that this is where he was taking it, but we have issues with adequate parking throughout the city for many different reasons. In our Downtown core you are talking about focusing on the commercial areas and how we allocate, distribute, and ration our sites that have permits. I am a little confused because in one respect I am hearing that there are waiting lists. People can’t get permits. Then I hear that there are low utilization rates. How can that be happening simultaneously?

Mr. Rodriguez: I think part of it is that we do find that people do have permits and we find that people don’t actually use them. What they do with the permit if they don’t have I don’t know. I would probably say it would be reasonable to assume, just like you are hearing from some of the comments from the audience, that if they have a permit but they see a space on the street they would rather park there first, because it is in fact the most convenient. Now a lot of that falls back to some of the strategies that we want to deploy and the systematic manner to try and curb that type of behavior. We don’t want to see intrusion into the community and we don’t want to see a low usage of our parking facilities. Those are the types of things that we are trying to change. Those are the types of solutions that we are going to be taking to the community, to yourself, and to the Council over the remainder of the summer and into the early fall as study sessions for consideration and implementation.

Commissioner Fineberg: Okay. So without going down a path of trying to specifically redesign that, and I appreciate that answer, I think like many other of Mr. Alsman’s points he has raised we have some serious work to do. We have some serious analysis to do. The issues are much bigger than specific items that relate to just this project. Tonight’s focus needs to be on whether the findings are present or not on this project. So the rest of my questions are going to try to focus more on this specific project rather than knowing that many of those other greater solutions the burden is on us and on Staff to make sure that those greater solutions come over time.

Would it be possible or viable to have as one of the Conditions of Approval some form of valet parking? Can that be some kind of use that five permits or 20 permits or whatever number and for large events there be valet parking using permitted spaces? I throw that out. I am not expecting you to say yes or no tonight. But as a possible mitigation if there a finding that there is a shortage of parking that might be a kind of an out of the box solution. I don’t know whether that is something that can be done with permits or it has to be one person, one car. Maybe that is something we can throw into the mix of how we use some of those underutilized permit spaces.

One of the other things I didn’t see in some of the traffic analysis is a lot of the groups that come and use the facility, particularly the student groups, did the analysis include the assumption that a lot of them would be coming in buses or minivan pools? I can speak for at Palo Verde when our kids go on field trips the teachers know who has the minivan that can hold five kids. So we will get a class of 20 kids in four cars, which is absolutely consistent with the assumption of four or five people per car. If you told me anybody was doing that to go to the mall I would say, preposterous. But for that kind of function I would concur that those high numbers for the student groups.

Then also something I have not heard talked about is right now is when many of our school groups study the history of Palo Alto they go to the Pena Adobe House in San Jose. That has a lot more of a carbon footprint than a two or three mile trip to something that is actually in Palo Alto, aside from kind of being preposterous that we are studying Palo Alto history in San Jose.
So I think that there are some benefits of keeping our kids local, keeping them off the highways, reducing carbon footprint, and it is consistent with a lot of the goals that we have in the Comprehensive Plan as far as how we use transportation.

Vice-Chair Lippert: This is supposed to be a round of questions. We are going to comments after this. Commissioner Martinez, do you have questions?

Commissioner Martinez: As Commissioner Fineberg just said this seems to be a hearing not about the project but using the project as kind of a foil to talk about parking in the neighborhood. I wanted to ask the Planning Director whether this kind of Director’s approval of a Conditional Use Permit is there a place where it can go forth where there are concerns sort of as we find here or is this the only form and forum we have to address related concerns, but not directly about the project?

Mr. Williams: Well, we have created and I think one of the reasons Mr. Alsman brought this forward was because there really wasn’t sort of a mechanism for having that discussion elsewhere, and wanting to highlight it with Commissioners and the community. Simultaneous with that because we knew this was a much bigger issue we started with the parking study and that. So I think we have created another forum for that and moving ahead with this project we can still proceed with the parking study and the forum will ultimately be not only with the community but eventually with the Commission and the Council to discuss some of these bigger issues.

Mr. Larkin: I would just add though that I think the broader issues are appropriate to discuss. The Commission’s action is limited to action on the Conditional Use Permit.

Commissioner Martinez: I understand that. I appreciate that. It just seems like a rather kind of cumbersome way to talk about an important topic, and setting aside really what we are supposed to be here to approve or disapprove today, or recommend or not recommend.

I wanted to ask Staff is there is sense, I know in your recommended Conditions of Approval the ten, or 12 staff to park in City owned lots and that is taken care of. There are 68 potential visitors or cars at any one time. Is there a sense of how much off street parking is being projected to be accommodated in that, or is it an unknown? Mr. Alsman contends that there is going to be 68 more cars and we are saying no, there are probably zero cars? Is there some idea of what really the total number is, or the projected number of cars that are sort of out there in the neighborhood by this project?

Ms. Vasudevan: Commissioner Martinez, I am not sure if I am answering your question correctly. Are you asking what is the current parking situation right now surrounding the Roth Building?

Commissioner Martinez: No, what I am asking is I am trying to get back on the project so we can have a sense of it. I understand that in your recommendations the ten to 12 staff are going to be directed to park in City lots. You have also in your report indicated there may be as high as 270 visitors to the museum with potentially 68 vehicles that would have to be parked. Now what I am asking is some of that is going to be accommodated in the adjacent parking garage at some times and all of it may be at some times. I still get a feeling there is sort of a net number of cars
that are driving around the neighborhood that we are not accounting for. I wanted to get a sense
is it 30 cars, 20 cars, ten cars? Do we know or have a good projection of what that could be?

Mr. Williams: I don’t think we have a real good sense of what that could be. First of all, to have
270 people at this facility is an incredible number to start with. It may be capable of handling
that but that seems to me that the only time anything like that is likely to happen is under some
our, we have some language about special events that are over 50 people and having special
parking plans for those and that kind of thing. Just for it to happen as a matter of course would
seem to be on the extremely high side. So if we start out and say that maybe most of the time
maybe there is a school class and some other public and maybe there are 50 people there. That is
a much lower number for most of the time.

Now yes there are going to be those few times when you bump up near the maximum but for
most of the time maybe there is a need for 20 or so parking spaces. Like you said, I think it
really is going to depend on what time of day that is. If that is during eleven and two then it is
pretty hard to imagine they are not going to be looking for – they may very well be on the streets
in there. If it is nine or ten in the morning before the lunch crowd hits then the City Hall parking
garage can park all of those people during those hours assuming again they are probably there
less than three hours at the history museum. So I think you would have to do a very time
specific analysis. We would have to probably work with the museum more on a realistic normal
kind of expectation of what kind of traffic there would be in there, and then look at those outliers
as far as what would cause it to get to be over 200 people at one time. We have not gotten to that
level of detail of trying to then say does that mean there are 20 more cars parked in the
neighborhood or none. Those are the kinds of factors that would have to work into that and I do
think it is going to be very dependent on the time of day and the extent of use, and a special
event certainly would trigger a different type of approach than normal traffic to it. We have also
talked about during lunchtime there probably would be more foot traffic going there, people
from offices that would walk over and walk through the museum. That wouldn’t be an
automobile impact but then you may still have the school class that comes down at eleven and
there are five or six parent cars and they might not be able to find a spot in the parking garage
and they look outside too. So there are a lot of factors that go into it. I think the bottom line is
that there is likely to be some impact on that neighborhood parking in the absence of doing some
of the things Jaime is talking about in trying to free up spaces elsewhere in Downtown.

Vice-Chair Lippert: Commissioner Tanaka.

Commissioner Tanaka: I have some questions for our Chief Transportation Official. So you
heard some of the comments about the area kind of adjacent to the Roth Building in terms of the
parking situation. Given what you know so far is that an accurate representation? Is parking a
pretty big problem there?

Mr. Rodriguez: Within the specific area that is one of the more congested areas during that
afternoon peak period. That is what we are seeing.

One quick note that I did want to highlight is that actually one block over from this particular
project on Ramona, the block between Homer and Channing, there is actually public parking that
is also available within that underground garage for the project immediately next door. Those
are also part of those public use spaces that we don’t really take advantage of yet at the City level and advertising those. That is another thing that really needs to change.

One of the other items that we are going to be developing as part of our parking program that I forgot to mention earlier is actually outreach materials. We have a pretty nice map right now available online that shows parking between Lytton, University, and Hamilton, but doesn’t really expand south or north or east or west. We are going to expand that out to capture those partnership public benefit areas that we don’t do today.

**Commissioner Tanaka:** So today it sounds like the assessment that various members of the public have made is fairly accurate in terms of the parking issues. So with your new program, with all this Transportation Demand Management that you are going to be trying to do, and the way finding, do you think it is still going to be a problem? I know this is very qualitative, but what is your expert opinion based on what you are finding so far, and once you actually have this program up and running is it going to be a problem still? Right now is it just a way finding issue, you just have to figure out which garage to park in, or is this really still a long systemic problem, even after all this way finding?

**Mr. Rodriguez:** I really think that is going to depend on how much change the community together is willing to make. It is not just the City. It is the partnership with the businesses, it is a partnership with the residential communities, and it is a partnership with the Chamber. A lot of people have input on this particular issue. I think that one of the bigger elements that will dictate what happens with the surrounding community here will be their long-term interest in the development of a residential permit parking program, which I think we threw out to the community when we met with them back in April.

**Commissioner Tanaka:** I am really talking about just this particular area.

**Mr. Rodriguez:** This is the area again where that RPP was originally kind of being focused, and targeted. At least for now we are going to bring that back to the community in July.

**Commissioner Tanaka:** Well I guess I am asking you to make a guess or an opinion for this particular area after all this way finding, and all this outreach what is your best estimate of is this still going to be a problem like it is today or is it going to be a solved problem? What does your gut feel tell you?

**Mr. Rodriguez:** You are putting me on the spot. I have to be careful when I respond. I really do think that it is going to depend on what type of parking management strategies the community is going to want to accept. We won’t force anything down a community’s throat that they don’t want. That is not what we want to do at Staff level. It is not a good relationship builder. So I think it is going to depend on how much change the community will accept. If they don’t want to accept any type of change, and they don’t ever want to look at an RPP program, if we don’t want to look within the business community in allowing a change within that parking management I guess my immediate answer will be that it will stay the same, because if you don’t change and you continue to change the uses well you have to accept that fact. I think though if we can work together, and we are outreaching as much as possible to the businesses and to the neighborhoods, and we can come together to build consensus I think we can build change. I think that our goal is to try and get to less than 85 percent occupancy on the street. That would
be our goal. That means that you may continue to see use throughout the day but if you drive to
that block you should be able to park without having to drive around the block. That is what our
goal would be.

Commissioner Tanaka: Okay. So it sounds like you are saying that, and I am interpreting
because I didn’t really hear a clear answer, is that you think that this will solve the problem.

Mr. Rodriguez: I do think that there are solutions that we can work together to implement.

Commissioner Tanaka: Okay. Now, in other neighborhoods where there is a lot of intrusion
from commercial properties the residential neighborhood asked for a permit parking program. I
guess if this is a big systemic problem today why hasn’t this happened yet? Is this in process or
what is the current status? It seems like this is crying out for something like that, and why hasn’t
that kind of been the place? Why don’t we see this kind of – I think it is certain number of
signatures, a certain number of people to want this. Why hasn’t it happened yet?

Mr. Rodriguez: Well, long-term it needs to become a policy decision with input from this
Commission.

Commissioner Tanaka: No, I am just curious for the residents.

Mr. Rodriguez: From the resident perspective we actually did start that process off. That
actually was one of the very first projects that we took on as part of our parking program, but
based off the last community meeting we were kind of directed by the community to not do that.
To stop, to hold off, and develop those other strategies within the core before considering
opportunities like that within the community.

Mr. Williams: If I could add to that. So a number of folks in the area south of Downtown have
come to us in the past and asked about residential parking program, and have done a lot of
studies to justify that, and indicated what they think their fellow residents will pay to help
support that. We were busy with the College Terrace program and frankly did not want to move
forward. These programs take some Staff time to put them together even if there is a lot of
legwork done by the residents, time, and money and we are in a budget crisis. We are losing
people not gaining them. So we basically said let’s see a couple of years on the College Terrace
project and then we will come talk to you about it. So we were pretty much on schedule I think
with doing that. There was a lot of frustration that built up then, but it is a situation like Jaime is
saying where we just don’t go out and impose it either. There has to be broad support for it and
we have heard sort of both sides of that issue now. It is not a unanimous thing that everybody
out there wants to move forward with a residential parking program. So it is not easy to
implement.

Commissioner Tanaka: I see, so basically it has been kind of mixed and there have been
resourcing issues to make this happen as well. If it did happen it would probably solve this
problem.

Mr. Williams: If it did happen I am confident that generally that problem would be resolved.
Now there are down sides to it that some residents see out there too.
Commissioner Tanaka: Sure. I have one last question.

Vice-Chair Lippert: Actually we are probably going to do another round of questions and if people want to make comments at that point they can do so.

Mr. Williams: Could I ask if his question is of Jaime that he ask it now and that you finish that so we don’t keep him around for the whole meeting.

Vice-Chair Lippert: Okay, but I will probably have some questions of Jaime as well.

Mr. Williams: That is what I have said, if you have made your round on questions. I can answer the rest of them.

Vice-Chair Lippert: Okay. Ask your question.

Commissioner Tanaka: Thank you. So you mentioned about the fact that people who buy these permits for the parking they don’t necessarily park in the garage or where they are supposed to be parking. They park in the first available street parking. As part of this new thinking about parking have you thought about making people park in the garage in terms of if they don’t park there and they are found with that sticker on the street that they get perhaps a ticket or some sort of citation or notification they should be parking where their designated park is? That way you kind of make sure that people park off the street like they are supposed to.

Mr. Rodriguez: We did think about that. We talked about it internally how we can make that type of a solution work. They are public streets at the end of the day. We can’t restrict people from parking there unless there is a policy that allows for that such as a community supported residential permit parking program that allows a restriction of the people who are parking within that boundary area. So I think it would be extremely difficult to enforce that just because you have a permit if you don’t park in the garage and you park on the street. What I think we are trying to do is make sure that people do park in the garages. I will come back to this example of the Bryant Street garage where we just converted the floor last week. The people that had permits said oh gosh, I can’t park in the lower two levels and we are driving up. As we were changing the signs they were stopping us and saying thank you. Thank you for converting this floor because I hated parking on the fifth floor because my car got hot, it was a much more difficult walk for me on the stair well. So being in the shaded area was a big comfort for them. So that is what we are seeing. People will take advantage of that parking facility as long as it is convenient, and those are the types of things we are trying to develop right now or to identify what are those convenience factors that will make people change their behavior.

Commissioner Tanaka: Okay, great. Thank you.

Vice-Chair Lippert: With that I have a couple of questions. Regarding the CUP are there uses for that building that don’t require a CUP?

Ms. Vasudevan: Public City office, public facility is a permitted use.

Vice-Chair Lippert: Okay, so City offices. What would be the parking load for something like that?
Ms. Vasudevan: I believe one is for 250 and one is for 300 square feet.

Vice-Chair Lippert: Okay, so we are talking about it is a 20,000 square foot building so we are really talking about 100 parking spaces maybe, maybe 80.

Ms. Vasudevan: Similar to 68 to 80 parking spaces, yes.

Vice-Chair Lippert: So the parking load for the museum is less than that but it requires a Conditional Use Permit, correct?

Ms. Vasudevan: Yes. Again, we are assuming a 270-person capacity, which again is pretty high.

Vice-Chair Lippert: Okay. I am just saying here we have one load that is greater that doesn’t require a Conditional Use Permit if it was office.

Ms. Vasudevan: Correct.

Vice-Chair Lippert: If it was medical it would require none because it originally was a medical office building, and with medical office building use if it had remained there in fact it is historic and it is allowed to keep its use and not have to increase or provide parking. Is that correct? It is a hypothetical question so let’s ….

Ms. Vasudevan: That is correct. If it were remaining at one is 300 square feet.

Vice-Chair Lippert: Okay. So here we have a building that is 20,000 square feet and 66 parking spaces. So it is less than and it requires a Conditional Use Permit.

Ms. Vasudevan: Correct.

Vice-Chair Lippert: Okay, I framed that correctly. How many parking spaces are required for a park? There is a park next to the building. People us it, occupants. Do we require parking for parks? Mitchell Park has parking.

Mr. Larkin: I believe at the time Heritage Park was dedicated it did not require parking.

Vice-Chair Lippert: Okay. So I could have 200 of my friends in the park and we are not required to park them, are we? Okay.

Across the street from the Roth Building we have the Museum of American Heritage. What is their requirement in terms of parking?

Ms. Vasudevan: I am not familiar, I am not sure. It is probably the same as this. It is considered a community facility as well and it is one is to four person.
Vice-Chair Lippert: Mr. Steiger, you were shaking your head. Do you have something that you want to add to that? Do you know what the Museum of American Heritage has? Can you speak at the microphone?

Mr. Steiger: My understanding is they only have about fewer than ten parking spots onsite.

Vice-Chair Lippert: Okay. While you are up there the Palo Alto Women’s Club that also is a public facility so to speak. Does that have any parking associated with it?

Mr. Steiger: One.

Vice-Chair Lippert: One parking space, and how many members of the Palo Alto Women’s Club are there?

Mr. Steiger: There are 225.

Vice-Chair Lippert: Okay, 225. So we have a variety of public uses in that community that don’t require any additional parking so to speak. Am I correct? Okay. Let me just ask you one quick question because my time is running out here and I am going to have to go back my other Commissioners. How many employees are we looking at?

Mr. Steiger: Up to 12 full time equivalents. That is including the subtenant.

Vice-Chair Lippert: do they live in Palo Alto or are they coming from other areas?

Mr. Steiger: Some could come from other areas. Most of the volunteers I would imagine would be Palo Alto or Stanford.

Vice-Chair Lippert: They would be Palo Alto residents.

Mr. Steiger: A good number of them, certainly.

Vice-Chair Lippert: So they would be parking at their houses or in front of their houses on the street, but then when they come to the Downtown or they come to the Roth Building they would be required to purchase parking they couldn’t park on the street.

Mr. Steiger: Plus, our commitment to provide offsite indoor bicycling and a shower facility was encouraging employees to use that wasn’t allowed to be factored into the formula either.

Vice-Chair Lippert: I am going to allow myself one more question. The Roth Building is within half a mile of the transit center, is that correct? I will answer the question myself. It is. I picked that up from the last presentation that was prior to this.

Okay, so let’s go to another round of questioning. We will go in the same order. Commissioner Garber, Fineberg, Martinez, Tanaka, and Lippert.

Commissioner Garber: Ken. I hear your issues. Let’s talk for a moment about the building itself and its immediate impacts. You are a well-known Planner and a good one. You have gone
through the Conditions of Approval are there thoughts that you have specific to the Conditions of Approval that may help tactically the neighborhood to manage this potential issue that not only you but others are potentially seeing there?

Mr. Alsman: As I said, from my standpoint I think there is general agreement that this is a good use. The design of the building is something that we can support. Even the issues of the Transfer of Development Rights and the tenants and the addition of a cafeteria make a huge amount of sense. Nothing that they propose doesn’t make sense.

The problem is that it was never evaluated or thought given to how dramatic the impact is going to be on the adjoining neighborhood, nor were any solutions looked at. So we are on the horns of the dilemma. So we support the conditions.

Commissioner Garber: Before go through the horns, or maybe at the point of the horns, what I am asking specifically about the building, because I acknowledge all of the criticism that you are citing here. As we have heard from others there are a variety of other uses in the immediate area that have a variety of exceptions that were allowed to them.

Mr. Alsman: That is right. The neighborhood is already impacted by uses that don’t have parking.

Commissioner Garber: So presumably there is a piling on, an accumulation of different issues.

Mr. Alsman: Right.

Commissioner Garber: That are frankly beyond this immediate project, but they are ones that both the community suffers from immediately as well as the City needs to deal with in a more global way. Specific to the project though I am thinking the conditions you can proactively create the communication program that is being discussed here. You can create a TDM requirement such that we establish some baseline measures today and then we come back in a year and figure out if there is any direct impact as a result of this new use coming in, or there is some other duration that we can put into place there. Then I guess my question would probably be to Staff relative to the policing, which Commissioner Tanaka had asked about a moment ago, are there ways that you can actually police this.

Mr. Alsman: There are some ways that are external to the site itself. For instance, the opposite side of the street has got two hour parking. You can convert that all to all day parking. You could convert other – one of the things that has happened is a huge amount of Downtown has been converted from all day to two hour parking. You can reconvert that. You could look at easing up parking requirements and prices.

Right now if you go any day to one of the parking structures you will find 400 empty permit parking spaces in the morning or the afternoon. Four hundred empty just permit spaces and maybe three times that amount in the other.

Let me compliment Jaime. I think that he is trying to attack a very difficult animal here, and I think he is doing a great job. The only problem is I guess it is in response to Greg’s question, is this going to solve it? The thing that is missing from Jaime’s evaluation as far as I understand it
is there is no projection of the impact of those things in the pipeline or the total development
Downtown, or the exceptions that are being provided. So Jaime is trying to do it. He will do it.
He will come up with answers based upon current situation. So that is the answer tonight. It is
going to take underground parking, private underground parking at apartments and all that can be
used during the day.

Commissioner Garber: Ken, let me pull you back here, because again I am going to
acknowledge the larger problem here. I hear all the issues and I am with you on them. Relative
to our action this evening, my question to you is really very specific. Are there….

Mr. Alsman: Do not allow the all day parking spaces to be converted to two-hour parking
spaces. That is the only solution I have. That is the only solution. That is the thing that started
this off. That is 30 cars and the Staff has not said we are not going to do, they said we are going
to evaluate it.

Commissioner Garber: Okay.

Mr. Alsman: I am suggesting that you convert more two hour parking to all day parking, and
that will help relieve things, and give some opportunity for reasonable use of the museum.

Commissioner Garber: Great. Just before we go can we ask Staff to respond to that suggestion?
I am seeing Jaime stand up here.

Mr. Alsman: I have one other point relative to something that Jaime said earlier.

Commissioner Garber: Sure.

Mr. Alsman: That is that the residents at the last meeting did not want to go ahead with a
residential permit parking system. That was not at all universal. There are currently actions
being taken to do take inventory and circulate a petition to find out who is interested in doing it
because we know that it is going to be the only salvation in our neighborhood is to get the
residential permit system. As much as many of us hate it, but we are going to do it.

Commissioner Garber: Okay.

Mr. Williams: Just to respond to that. So Condition number 21 of the project says that the
applicant shall remit $1,250 to the City of Palo Alto to cover approximately half of the cost for
street improvements associated with establishing a two-hour parking limit if feasible. See below,
and then below talks about the completion of the Downtown study, etc., etc. That would be
along the south side of the entire block of Homer Avenue. So that condition sort of morphed
from initially a condition that required going to the two hour parking and the museum
contributing to the cost of doing that to one that is basically they contribute the equivalent
amount and then we determine whether that is part of the ultimate parking strategy or not.

I would suggest that it might be clearer at this point just to say prior to occupancy the applicant
shall remit $1,250 to contribute to parking solutions to minimize their impacts on the Downtown,
and leave out any of the wording about establishing a two-hour parking limit. That is a big
picture item, one of 50 ideas to look at Downtown. There isn’t any reason why we need to mention it specifically in that Condition number 21.

Commissioner Garber: I get that it would give the City flexibility to find ways. My only caution there would be let’s make sure that we look at the impacts of two hours versus all day, etc., and understand what that is as part of that.

Mr. Williams: Right but it doesn’t have to be specific to this project.

Commissioner Garber: Understood.

Vice-Chair Lippert: Okay. Commissioner Fineberg followed by Martinez.

Commissioner Fineberg: We are talking about issues related to parking in Professorville that are bigger than just this project. I want to make sure that our kind of brainstorming relating to this project doesn’t get generalized into recommendations that affect the entire neighborhood that may relate to this project, but not be to the best benefit of the entire parking program. One of the elephants in the room is whether all of this all day parking is really being generated from the people who work Downtown or whether there is even some spillover from Stanford in order to have no net new trips. We hear from numerous residents in different neighborhoods that Stanford people park and take the Marguerite Shuttle. So converting neighborhood streets to all day parking from two-hour parking and then striping the available parking from our commercial district and possibly making our commercial districts’ retail not viable is not necessarily a good thing. So before any of those decisions are made I think there needs to be a big picture look. So I think that your solution of striping as a specific solution before that analysis is done is a good one.

I would like to address Mr. Alsman for just a moment. Thank you for your questions and appeal of this project. I think you raised some issues that need to be addressed publicly. I am struggling with the question exactly that Commissioner Garber raised of if this project gets approved how do we best address the issues you have raised? I am not sure what tools we have, and I am frustrated that we know the area is under-parked. I absolutely agree with you that we are doing citywide a pretty, forgive my poor choice of words, but lousy job of modeling our traffic. We are basing it on a lot of assumptions that give us results that don’t make common sense. I don’t see a way that we can burden a specific project with finding solutions for that.

You are absolutely right when you talk about us not looking at cumulative impacts. We are not doing it possibly, I don’t know all the details on the square footage of proposed projects in the specific commercial Downtown area, but we don’t do it when we look at the impact on schools and the requirement for construction of new classrooms. We need to do a better job at those citywide on many areas. I think maybe this is a time that the Commission as a whole can look at what do we as a Commission need to do to become more proactive and not just react on a project-by-project basis. So for helping me see that, thank you.

Mr. Alsman: I appreciate the comments. These folks are my friends from the museum. I hope they are still my friends. It is out of that kind of concern that I am also at a loss as to okay, what the heck do we do? The only answer I can come up with for all of you is that street side parking is very viable. It is very easy to measure the impact of that if it isn’t there. I do think that there
are some options in some of the private underground parking lots for some use of those, if they
can come up with some agreements, but I don’t think you can make that a condition. These are
good folks. They are going to try to do the best they can to make it happen.

I have accomplished my purpose in this appeal by bringing this to your attention. I believe that
in all honesty you can see the concerns, and I appreciate that very much. Thank you.

Commissioner Fineberg: Thank you. One question if I could. Curtis just left so I don’t know if
you can take this one. I am making an assumption that when this whole SOFA plan was done
many years ago, ten years ago, there was an assumption that there would be an occupant in the
building. There would be a use. As Chair Lippert said, maybe 60 to 100 cars would have to
park. Did those assumptions become part of the CEQA analysis that was done for the area plan,
and are we using that as the justification for not doing additional CEQA analysis? If our City
Attorney could respond.

Mr. Larkin: Well, parking in and of itself is not an environment impact. I think Mr. Alsman
raised a good point that the use of ‘social impact’ is probably not a good choice of words. That
was the court’s choice of words. It would not have been mine. What the courts have said and
what the CEQA Guidelines say is that parking is not an environmental. So that most likely
wasn’t studied.

The only way that parking becomes as issue is if parking is so impacted that people have to go or
basically can’t park so they let their cars idle. That would be the only time that you would
actually study parking. So parking wouldn’t have been studied in that EIR and it is not
something we would study for this. It doesn’t mean the parking is not a concern, and what the
CEQA Guidelines actually say is you find other ways to address parking issues. The CUP is a
perfectly appropriate way to try to handle parking issues associated with the specific project.

Vice-Chair Lippert: Commissioner Martinez.

MOTION

Commissioner Martinez: I want to make a motion. I move that the Planning and Transportation
Commission recommend to the City Council that it uphold the Director of Planning and
Community Environment’s Tentative Approval of a Conditional Use Permit for a Community
Facility at the Roth Building, with the exception that item number 21 of the Conditions of
Approval be modified to delete the two-hour parking requirement and instead be reworded to
state that it be used to study parking options at the City’s …….

Commissioner Garber: The south side of the entire block of Homer Avenue.

Commissioner Martinez: Yes.

SECOND

Commissioner Garber: I will second.
Vice-Chair Lippert: Okay, it has been moved and seconded. Does the maker wish to speak to their motion?

Commissioner Martinez: I do. I think that Ken’s written document of the parking problem in the neighborhood was brilliant. If this were a debate I would declare Ken the winner and Staff the loser. It points to an important issue I think that we all understand tonight. But what is before us of the approval of the Conditional Use Permit for the Palo Alto History Museum is an insignificant issue part of that entire problem. Insignificant in that the applicant has I think done an admirable job in addressing the parking problem that they present to a substantially high level in directing their staff and the staff of their tenant to park in City owned lots, and to find off street parking that doesn’t impact the neighborhood for visitors to the museum, and that the hours of usage of the museum and the days of Friday, Saturday, and Sunday is going to present the smallest of all the parking issues of the neighborhood. So I think that this application should move forward.

Vice-Chair Lippert: Commissioner Garber.

Commissioner Garber: I wasn’t going to say anything but I just wanted to add a coda that I guess I don’t think of it as a debate. I don’t think of the Staff as the loser. I think this is a discussion. Just the same, I have nothing more to add. I was just going to speak to your hyperbole.

Vice-Chair Lippert: Anyone else wish to talk to this item? Commissioner Fineberg followed by Commissioner Tanaka.

Commissioner Fineberg: I will echo the comments of Commissioner Martinez. I will be voting in support of this. I am absolutely comfortable that the required findings that were read into the minutes earlier by our City Attorney regarding Municipal Code and the additional support of the findings of the ARB and the HRB are present.

The one area of concern I have, and I am not sure that I want to escalate it to a friendly amendment depending on what other Commissioners might think is I do have some concerns, as I have stated on numerous other projects, about how we monitor and enforce conditions of approval. This applicant included some pretty tight restrictions on hours of use, and uses of parking. It will be very easy to drift from that, but I am hesitant to say that we should somehow impose some tougher monitoring than we do on commercial projects, which are tens or hundreds of sizes larger where the impact of a deviation from the conditions has a much greater impact. So maybe if we can add to our list of things we need to look at that are outside the scope of this project, but we need to address the monitoring of the Conditions of Approval so the burden doesn’t come on either the neighborhood because there is no enforcement, or the Staff because there is no means or funds to enforce. How we solve that is for another project.

Vice-Chair Lippert: Commissioner Tanaka.

Commissioner Tanaka: I also will be supporting this motion. I agree with all of my fellow colleagues’ comments. The one thing I will add is I realize Staff is kind of maxed out right now, but maybe after the community meetings that Jaime is planning to do in this area that we actually have a study session or something like to actually discuss this problem per Ken’s arguments, just
to understand what is a more global solution to this problem. I know we are looking at this
project right now and we are not trying to fix that problem. I think my suggestion is that we at
some point when it is appropriate, and when Staff actually has time to actually look at this more
closely. Thank you.

Vice-Chair Lippert: My comments are basically that first of all I support the motion and uphold
the Director’s decision. I am rather perplexed. I don’t see how you could have a higher density
use in that building and get away with having that without a Conditional Use Permit, and yet
having a rather benign use, just a great use that this community supports and require a
Conditional Use Permit. I think that there is something wrong here with that.

I appreciate Mr. Alsman bringing together the issue of parking in Professorville, but all
neighborhoods are impacted by parking. I live in Downtown North I have people parking in
front of my house all day long. I welcome people parking in front of my house all day long for
one very good reason. When I see people coming here to work in Palo Alto I know that we have
a thriving economy, I know that there is business going on here, I know that there are people that
are walking to the Downtown, and that they are using it. I wish they weren’t in their cars. I wish
they came by train. I wish they came by public. I wish they rode their bicycles, but the truth is
that people are going to come in their cars. As long as we have streets and we have street
parking people are going to park on them.

With regard to the proposal here at hand I think that it is a reasonable solution to the problem. I
have a friendly amendment I would like to entertain, which is that as part of Condition number
21 the City has a plan right now that is still in development for actually having diagonal parking
spaces along part of Homer Avenue and that that be looked at in front of the Roth Building and
the park. What that allows for is where we currently have 38 on street parking spaces we can
actually get in 44 on street parking spaces. What that will allow for is an increase of six parking
spaces. So as part of Condition number 21 that was included in the motion that this also be
looked at as part of that Condition number 21. Does the maker accept that as a friendly
amendment?

Commissioner Martinez: I believe that it is a good idea and the City should look at it, but I
would not impose that on the applicant.

Vice-Chair Lippert: It is not imposed on the applicant it is part of Condition 21.

Commissioner Martinez: That the City would look at doing that?

Vice-Chair Lippert: Yes, as part of that $1,250.

Commissioner Martinez: Their $1,250 goes a long way. Yes, I accept that.

Commissioner Garber: Let me just ask though, because this would just be one of a variety of
things that the City should be looking at and evaluating against each other. So my tendency is
not to accept it because we are not listing all the other ones that they should be doing as well. I
think let’s make sure that this is included in it, and I would take that as a comment and a
direction because we also want it looked at. I don’t know what the other solutions could possibly
be but I would hope that there is more than just one.
Mr. Williams: We would certainly be willing to look at that and I will pass that along to Jaime, and be sure he does. The other concern I have about it is we really shouldn’t have conditions that are conditions on the City to do something. These are conditions on the applicant.

Vice-Chair Lippert: Well that is correct, but it says here that the applicant shall remit $1,250 to the City of Palo Alto to cover approximately half the cost of street improvements. What I am suggesting is that could be included as part of those street improvements.

Mr. Williams: It could and so could – but we have eliminated the one thing that is specific to talk about the street improvement. In fact, we are not going to say street improvements anymore. We are just going to say the cost of ameliorating parking conditions, the parking study, or contributing to that effort, and leaving it open for what those solutions may be.

Vice-Chair Lippert: Okay. What I am trying to get at here is that I think there is a way to actually get more parking on the street, which is another alternative, which I don’t necessarily think has been explored. Six parking spaces are half the parking spaces that we are requiring them to pay for on a monthly basis. That is why I think it is a really good solution.

I drove down Homer Avenue several times today to look at what the parking was like there. Guess what? I could find half a dozen parking spaces. So between the half a dozen parking spaces that already exist along Homer Avenue and half a dozen spaces that we could get by restriping that are the 12 parking spaces that they have to pay for on a monthly basis. It is a nonprofit organization that comes out of pocket.

Commissioner Garber: Yes, I am not arguing against that. All I am arguing is let’s give the City flexibility to do the study and evaluate all the things relative to each other, and take the time to do it rather than pretending to give them a solution that we have not considered with all of its possible impacts.

Vice-Chair Lippert: Okay, I will accept it as not being accepted as part of the friendly amendment. I think that there are other solutions out there. To give you an example St. Thomas Aquinas Church has parking behind the church that is not being used during normal business hours and there could be an offsite parking agreement between the museum and the church to use those parking spaces behind the church. That might be another option right there. So I think that there other options besides having to pay for parking. We are within half a mile of the transit center. They could pay into GO Passes as opposed to having to pay for parking spaces for those people that work there that are coming from other cities.

Lastly, I wanted to comment that the one thing that is sorely lacking is parking for handicap people. If this is going to be a public facility there is a necessity to have stripped zones for handicap accessible/van accessible parking spaces immediately adjacent to front of the building. That has not been necessarily identified.

Those are my comments, and with that I will close the public hearing and return to the Commission for a vote.

MOTION PASSED (5-0-2-0, Commissioners Tuma and Keller absent).
All those in favor of the motion as originally stated say aye. (ayes) Opposed? That passes with Commissioners Tanaka, Fineberg, Lippert, Garber, and Martinez voting yea and none opposed, and Commissioners Keller and Tuma are absent.