TO: HONORABLE CITY COUNCIL

FROM: CITY MANAGER

DEPARTMENT: PLANNING AND COMMUNITY ENVIRONMENT

DATE: JANUARY 28, 2002

SUBJECT: 3924 EL CAMINO REAL [01-AP-07]: APPEAL OF THE DIRECTOR OF PLANNING AND COMMUNITY ENVIRONMENT’S APPROVAL, AFTER REVIEW AND RECOMMENDATION BY THE ARCHITECTURAL REVIEW BOARD (ARB), OF AN ARB APPLICATION [01-ARB-03] TO ALLOW FACADE UPGRADES AND LANDSCAPING IMPROVEMENTS TO TWO EXISTING ONE-STORY BUILDINGS. PROJECT WITHDRAWN; APPEAL TERMINATED

The applicant, Premier Properties, has submitted a letter withdrawing the approval for the project at 3924 El Camino Real that was the subject of the appeal of the action by Director of Planning and Community Environment. The appeal is therefore moot and will not be heard. A copy of the letter withdrawing the project is attached.

Without the ARB approval, the applicant may only complete improvements to the structures that require only building permits consistent with Palo Alto Municipal Code (PAMC) Section 18.94.090, Noncomplying Facility -- Maintenance and Repair.

Because the applicant has withdrawn the project, and there is no appeal, the City Council cannot take testimony on the item. However, in the context of the appeal that was filed before the project was withdrawn, several issues not specific to this project were raised by residents concerning the private alley behind the project, which may be addressed by the community under Council Oral Communications. The staff will continue to work with the neighborhood regarding issues such as access, truck deliveries and noise.

In addition, staff has identified two PAMC items that will be addressed. The first is codifying the public noticing procedure for ARB decisions made by the Director. Currently, the code does not require any type of noticing for decisions except to the applicant. Staff will be recommending to City Council an amendment to the PAMC that requires formal posting of the decisions. This amendment will be brought to the City
Council within the next ninety days. In the meantime, the staff is instituting this practice immediately for all ARB projects. The location for posting notices will be listed on the ARB agendas.

The second item that had surfaced with this project review was with respect to commercial uses open for 24 hours, specifically adjacent to residential neighborhoods. Currently, there are no restrictions on hours of operation for commercial uses open for 24 hours. The only control available to the City is when a Conditional Use Permit is required for some other reason. Staff is recommending that this issue be addressed with the Zoning Code Update.

PREPARED BY: ______________________________________________

JOHN LUSARDI
Advance Planning Manager

DEPARTMENT HEAD APPROVAL: ________________________________

LES WHITE
Interim Director, Department of Planning and Community Environment

CITY MANAGER APPROVAL: ________________________________

EMILY HARRISON
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Attachment

cc: Appellant
    Applicant