Presentations from the

December 17, 2018

City Council Meeting

COUNCIL MEETING
12/17/2018
☑Received Before Meeting
2

Roth Building Update and Next Steps

City Council

December 17, 2018

CITY OF PALO ALTO

Overview

- Background and Timeline
- Updates since last City Council action, December 2017
- Review County grant opportunity
- Palo Alto History Museum presentation – review and update rehabilitation project (Phase 1)
- Recommended Action

CITY OF PALO ALTO

Background and Timeline Summary

- 2000 City purchases Roth Building and approves historic designation
- 2002 Council approves RFP for Roth Building options
- 2003 Council accepts Palo Alto Historical Association (PAHA) RFP proposal
- 2005 Council grants 40-year lease option to Palo Alto History Museum (PAHM)
- 2007 PAHM lease option agreement signed
- 2010 Roth Building placed on National Register
- 2014 – 2017 several one-year extensions granted to PAHM
- 2018 Planning approval (tentative)

CITY OF PALO ALTO

Updates Since 2017

- PAHM fundraising:
  - $1.8 million raised
- One-year lease option extension granted by Council expired November 30, 2018
- Planning review completed (tentatively)
- Application submitted to the County for roof repair grant funding
  - pending Council resolution)
- CEQA exemption recorded by the County

CITY OF PALO ALTO

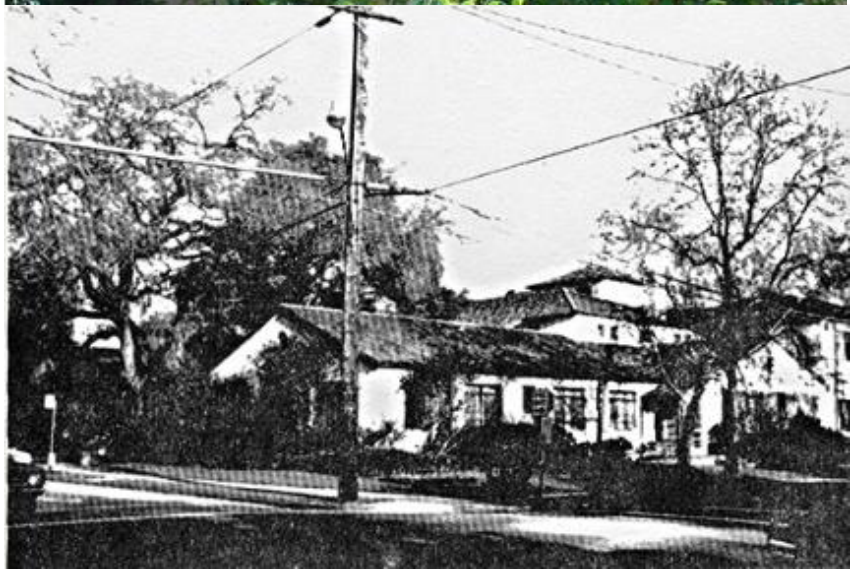
Project Funding Summary (Phase 1 construction $9.2M)

Description	Other Funding Sources Identified and Projected	Projected Cost	Balance
Building Project Total Rehabilitation Cost		**$9.2 million**	
City's contribution: TDRs, BSR, interest, library impact fees (est. $300k)	$4.3 million		
Museum raised up to date (cash and pledges) 2017	$1.4 million		
Phase One – Capital Shortfall (as of 2017)			**($3.5 million)**
Funding raised by PAHM since Dec. 2017 (as of 12/17/2018)	$1.8 million		
2018 Capital Shortfall			**($1.7 million)**
Prospective Funding Sources			
SeaScout TDRs (if granted)	$0.67 million		($1.03 million)
County Grant (roof) if granted	$0.3 million		($0.73 million)
Other possible County historic grants in 2019	TBD		

CITY OF PALO ALTO

County Grant Opportunity

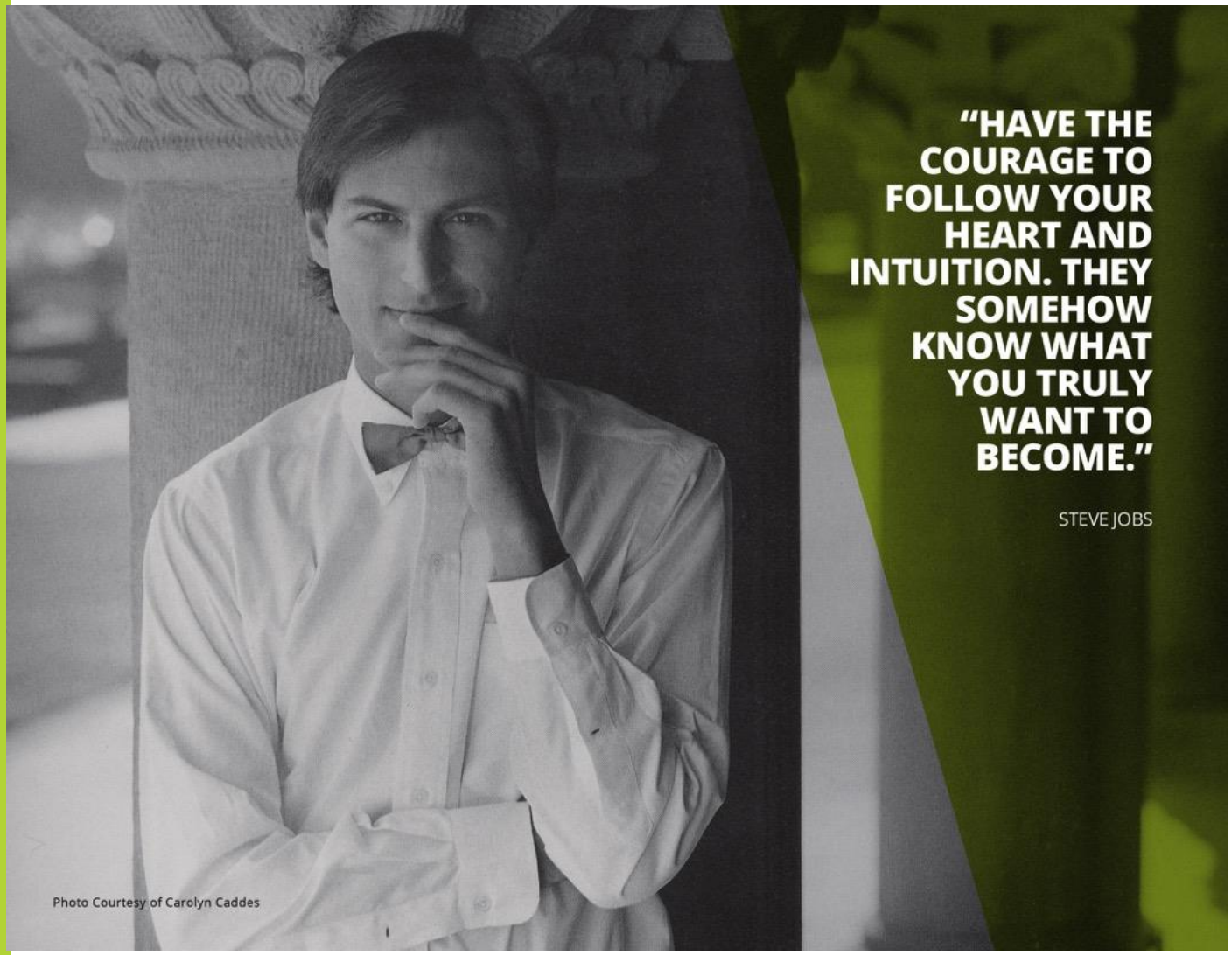
- County Historical Heritage Grant
- Funding for roof repair $305k
- County application submitted
- Resolution approved (pending)
  - Required parkland designation for 20 years
  - Modified resolution might not be accepted by County
- Additional potential funding opportunities from SC County in 2019



CITY OF PALO ALTO

Palo Alto History Museum Presentation

PALO ALTO MUSEUM



PALO ALTO MUSEUM

CITY CHALLENGE

Challenge met!
Over $1.8M raised!

$1.1M pledged
$0.7M in the bank

One year ago, City Council challenged us to raise $1.75M.

When met, additional funding would be released, and the project would continue.

PALO ALTO MUSEUM

GOAL

Create and operate a world-class community museum.

PHASE 1

Restore the Roth Building at 300 Homer.

PHASE 2

Create and operate a museum that shares Palo Alto's unique stories.

PALO ALTO MUSEUM

COSTS

Create and operate a world-class community museum.

PHASE 1

$3.5M – Planning

$9.2M – Construction

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PHASE 2

$8.8M – Museum Install

$2M – Initial Operations

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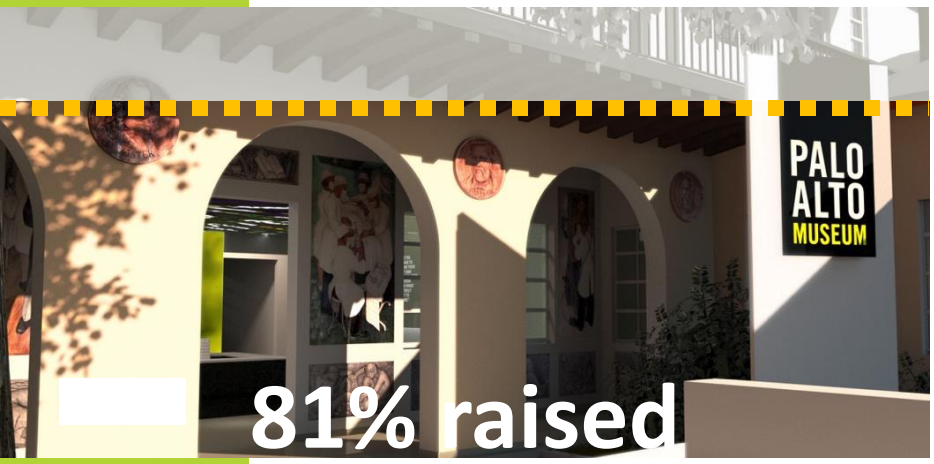

81% raised

Restore the Roth Building at 300 Homer.

PHASE 2

$8.8M – Museum Install

$2M – Initial Operations

23% raised

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Join the parade

of over 650 neighbors and friends supporting the Museum.

Thank you!

Recommended Action

Staff recommends the City Council approve the following:

- Extend the deadline by six months for the Palo Alto History Museum to achieve the goal of raising $1.75 million as set by Council in 2017 (to allow for validation of PAHM fundraising)

If proceeding with the Palo Alto History Museum project at the Roth Building, then

- Direct staff to revise and update lease agreement between the Palo Alto History Museum and return to City Council in six months for approval; and
- Approve resolution designating the Roth Building as a park and committing to use the Roth Building consistent with park use for a period of no less than 20 years and making other representations to apply for historic preservation grant funds from the County of Santa Clara to rehabilitate the Roth Building roof (Attachment A).

CITY OF PALO ALTO

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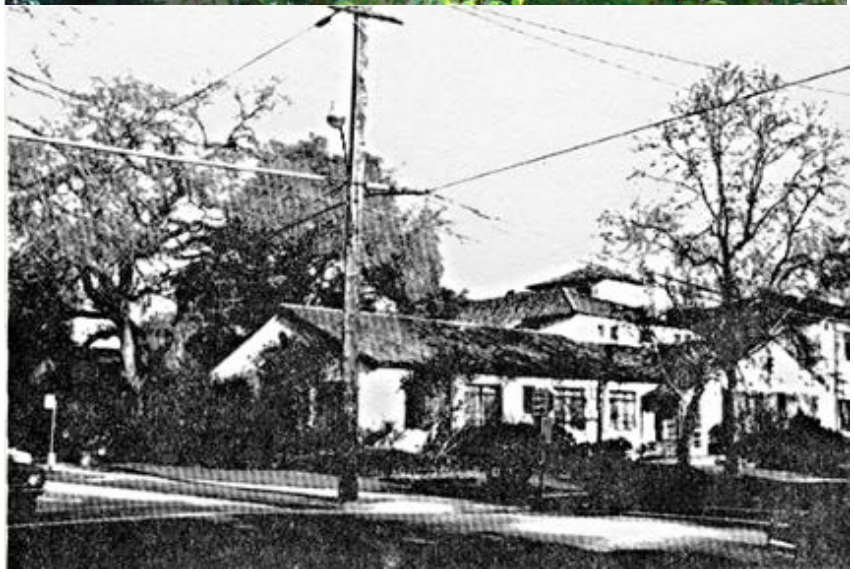

CITY OF PALO ALTO

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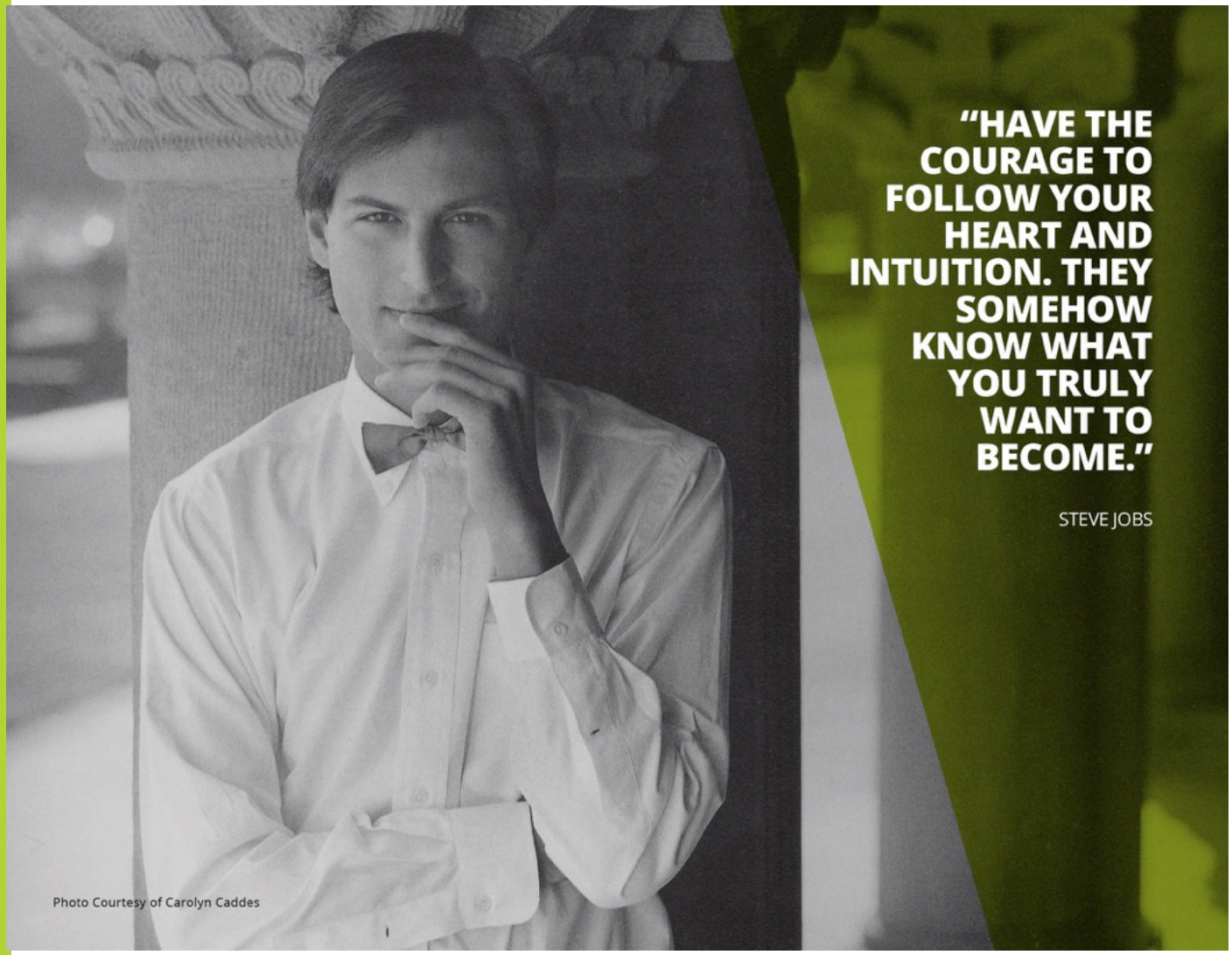

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CITY OF PALO ALTO

Public Comment

Nadia Naik

December 27th, 2018

Palo Alto City Council

info@calhsr.com
www.calhsr.com

CA|RR|D Californians Advocating Responsible Rail Design

1. Agendize future discussion of Criteria and Process

- Criteria last updated Sept 2017 (see appendix)
- Missing key criteria – for example:
  - Ongoing maintenance costs
  - Impacts on groundwater, creeks not addressed
- Amend Matrix criteria: A key criterion now is missing:
  - "Local Access: maintain or improve access to local neighborhoods, parks, schools and other destinations, along the corridor while reducing regional traffic on neighborhood streets."

2. Include Loma Verde Bike Crossing

- **Provides critical missing link** connecting Midtown to Ventura/Barron Park/Stanford Research Park
- **Identified as critical project** in both 2012 PA Bike/Ped Plan and Comprehensive Plan
- Selection of Grade Separation Alternatives should consider additional city projects in the immediate area that could:
  - Bring additional funding
  - Be easily incorporated into concurrent construction projects
  - Could broadly help build support for grade separation projects given additional benefits

3. Amend Scope of Work: include Freight-less Tunnel

- Short, freightless Meadown/Charleston tunnel **has merit and warrants further study**
- Residents prefer underground solution
- Citywide tunnel (WBP) <u>with freight</u> would obstruct Adobe Creek and Meadow/Charleston trench (MCT) would obstruct Adobe and Barron Creeks.
- Freight-less tunnel can go steeper than 2% and could clear Adobe creek. **Not addressed in report.**

3. Amend Scope of Work: include Freight-less Tunnel (continued)

- CARRD's suggested reduction of the tunnel diameter, which impacts cost and tunnel depth, **Not addressed by report.**
- AECOM can't opine yet because they reported they **have not yet received** the new Caltrain electric train only criteria being used to design tunnels to TransBay
- Information about value capture of land at the surface has not been made public yet
- Impossible to evaluate pros and cons without further study

*Total preliminary construction costs in 2018 dollars (subject to change)

(better) Improvement — Impact (worse)

!	Criteria	Trench! (MCT)	Hybrid! (MCL)	Viaduct! (MCV)	Short Freight: less! Tunnel
A	Improve!East:west!Connectivity				
B	Reduce!traffic!congestion!and! delays				
C	Provide!clear,!safe!routes!for! pedestrians!and!bikes				
D	Support!continued!rail!operations	!!!!!!!!!!!!	!	!	!
E	Finance!with!feasible!funding! sources	!	!	!	!
F	Minimize!Right:of!Way!acquisition	!!!!!!!!!!!!!	!	!	!
G	Reduce!rail!noise!and!vibration	!	!	!	!
H	Maintain!or!improve!local!access				
I	Minimize!visual!changes!along!the! corridor	!	!!!!!!!!!!	!!!!!!!!!!	!
J	Minimize!disruption!and!duration! of!construction	5!years	4!years	2!years	1.5: 2!years^
K	Order!of!magnitude!cost	$600M: $800M*	$200M: $250M*	$400M: $450M*	$450: $500M**

^Comparable SF Central Subway tunnel built in 14 months (Source: https://www.sfmta.com/central-subway-project-milestones)

** Estimated based on SF Central Subway tunnel that cost $238 in 2014 – assumed 2x increase

4. Do not eliminate alternatives YET!

- City has consistently **committed to the public** that discussion about the citywide tunnel would be held in January 2019
- Surveys show citywide tunnel is the most popular alternative
- Eliminating it without further public review, by the outgoing City Council, **would blindside residents**
- Similarly it is premature to remove Viaduct or Hybrid
- Further criteria refinement should be used to winnow down the final decisions

5. Approve inclusion of PA Avenue into University Ave area plan - shorten timeline

- CARRD **supports** a separate planning process for PA Avenue and University Ave station area
- Late 2019 is too late – **start ASAP**!
- Need to engage Stanford **now** in an official capacity
- Stanford GUP (General Use Permit) and Development Agreement ***are in progress***
- Timing is critical

Recommendations:

1. Agendize discussion on Criteria and Process going forward and Correct Matrix Criteria
2. Retain Loma Verde Bike Crossing
3. Amend Scope of Work to include Freightless Tunnel for South Palo Alto
4. Do NOT remove ANY alternatives yet (tunnel, hybrid, viaduct)
5. Approve inclusion of PA Avenue into University Ave area plan – **but shorten timeline**

APPENDIX

Current Matrix Criteria

Criteria

- Improve East-West Connectivity
- Reduce traffic congestion and delays
- Provide clear, safe routes for pedestrians and bikes
- Support continued rail operations
- Finance with feasible funding sources
- Minimize Right-of Way acquisition
- Reduce rail noise and vibration
- Maintain or improve local access
- Minimize visual changes along the corridor
- Minimize disruption and duration of construction
- Order of magnitude cost

Council approved criteria September 2017

Tier 1 Criteria: Most Important

- East-West connectivity: facilitate movement across the corridor for all modes of transportation.
- Traffic congestion: reduce delay and congestion for automobile traffic at rail crossings
- Ped/Bike circulation: provide clear and safe routes for pedestrians and bicyclists seeking to cross the rail corridor, separate from automobile traffic
- Rail operations: support continued rail operation and Caltrain service improvements
- Cost: finance with feasible funding sources

Tier 2 Criteria: Also Important

- Environmental Impacts: reduce rail noise and vibration along the corridor
- Environmental impacts: minimize visual changes along the rail corridor
- Local Access: maintain or improve access to local neighborhoods, parks, schools and other destinations, along the corridor while reducing regional traffic on neighborhood streets.
- Cost: minimize right-of-way acquisition by eminent domain
- Construction: minimize disruption and the duration of construction

Loma Verde in 2012 Bike Plan

ID	PROJECT NAME	PLANNING LEVEL COST ESTIMATE
ABC-2	Caltrain/Alma Barrier Crossing at Matadero Creek	$5 million

Project Description: Construct a grade-separated pedestrian and bicycle crossing of Caltrain/Alma Street in the vicinity of Matadero Creek/Park Boulevard or between Margarita and Loma Verde Avenues. This project closes a 1.3 mile gap between existing crossings at California Avenue and Meadow Street, greatly improving east-west connectivity in conjunction with other improvements.

Related Projects/Plans: Matadero Creek Trail Feasibility Study; Matadero/Margarita Bicycle Boulevard; Bol Park Pathway Improvements, El Camino Real spot improvements

Rankings:

Safety: *Medium*	Connectivity: *High*	Special: *High*
Integration: *High*	Inclusion: *High*	Innovation: *No*
Investment: *Medium/Low*	Institutional Partnerships: *Medium*	

Recommended Modifications to Grade Separations Alternatives

- KEEP CITYWIDE Deep Bore Tunnel | Tunnel (WBP)
- ADD SOUTH PALO ALTO | Deep-Bore Freightless Rail Tunnel
- CHURCHILL AVE. | Full or Partial Closure & Add Improvements (CAX)
- MEADOW DR. & CHARLESTON RD. | Hybrid (MCL)
- MEADOW DR. & CHARLESTON RD. | Rail Trench or Tunnel (MCT)
- MEADOW DR. & CHARLESTON RD. | Viaduct (MCV)

CITY COUNCIL MEETING

December 17, 2018

CITY OF PALO ALTO

WRECO

TJKM

alta PLANNING + DESIGN

apex STRATEGIES

AECOM

Agenda

- Objectives of Today's Discussion
- Project Background & Purpose
- Design Criteria
- Overview of Charleston / Meadow Alternatives
- Evaluation Matrix/Engineering Impacts
- Community Outreach Summary
- Council Action

Objective for Today's Discussion – Staff Recommendation

a) Separate from study all alternatives for the Palo Alto Avenue crossing (closure and hybrid) and include Palo Alto Avenue in a separate comprehensive planning effort

b) Separate from study the bicycle and pedestrian crossing of the Caltrain corridor in the vicinity of the Loma Verde Avenue and assess feasibility in a future study

c) Address the Rail Committee's recommendation regarding a deep bore tunnel by modifying the alterative to be South of California Avenue only and further explore the Scope and Budget for an alternative with freight trains on the surface and passenger trains underground for the Meadow and Charleston crossings

Objective for Today's Discussion – Staff Recommendation

d) Adopt a Modified List of the Grade Separation Alternatives:

1. SOUTH PALO ALTO | Deep Bore Tunnel
2. CHURCHILL AVE | Full or Partial Closure and Add Improvements (CAX)
3. MEADOW DR & CHARLESTON RD | Hybrid (MCL)
4. MEADOW DR & CHARLESTON RD | Rail Trench or Tunnel (MCT)
5. MEADOW DR & CHARLESTON RD | Viaduct (MCV)

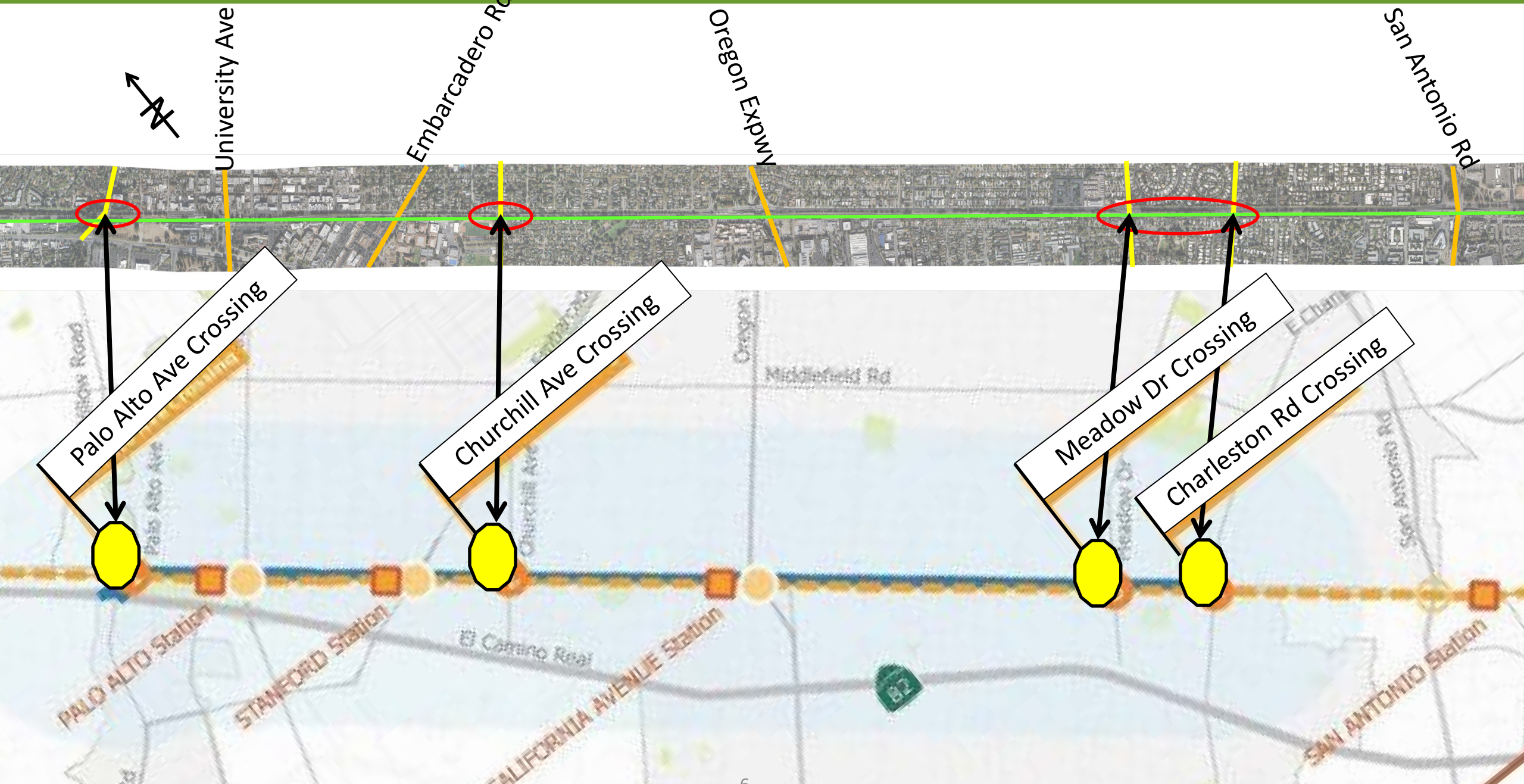
What is an at-grade crossing?

Also known as a “railroad crossing”… a location where a roadway and sidewalk cross railroad tracks at grade (same level as the street).

Drop-down gates and red flashing lights are used to stop traffic when a train approaches.

At-Grade Crossing
Meadow Drive and Caltrain Tracks

Palo Alto Existing At-Grade Crossings



Why is the City undertaking this effort?

Problem Statement

"While enhanced rail transit service is important to the City of Palo Alto, the Caltrain corridor creates a physical and visual barrier and is also the source of safety concerns at existing at-grade crossings. The rail corridor also creates issues in surrounding neighborhoods, such as noise, vibration, traffic and visual impacts. While the City of Palo Alto benefits from Caltrain service and supports Caltrain modernization, issues experienced will continue to get worse in the future with increases in Caltrain service and the probable addition of high speed rail."

Objectives

- Build off of previous rail corridor planning work
- Improve safety
- Reduce traffic congestion
- Minimize right-of-way acquisitions and local road closures
- Improve circulation and access (east-west) for all modes
- Separate bicyclist and pedestrians from automobile traffic
- Deliver improvements in a timely manner
- Reduce noise and vibration and minimize visual changes
- Support Caltrain service enhancements

Weekday Train Traffic

Total Number of Trains (per Weekday)

	Northbound (NB)	Southbound (SB)	Total
Caltrain (2018)	AM: 20 PM: 26 Total: 46	AM: 20 PM: 26 Total: 46	AM: 40 PM: 52 Total: 92
Caltrain (2022 Projection #)	57	57	114
High Speed Rail (2029 Projection +)	128 trains per day to/from San Francisco with an additional 24 trains starting at San Jose		
Union Pacific	3	3	6

2022 Projected Values based on Completion of the Peninsula Corridor Electrification Project (from FEIR, December 2014) (Prototypical Schedule)
+ 2029 Projected Values based on Blended Service and Completion of the High Speed Rail Project and 2014 CHSRA Business Plan

Key Dates Related to Grade Separation Alternatives

- **May 29:** Council selected 10 Grade Separation Alternatives
- **June 19:** Council removed the Churchill Ave. Hybrid and Reverse Hybrid Alternatives; thus, leaving 8 alternatives. Council also removed from study the widening of Embarcadero and instead requested a comprehensive traffic study to assess the impact of closing the Churchill Ave. crossing
- **August 15:** Rail Committee recommended combining the reverse hybrid with the full trench alternative due to only minor differences
- **October 2018:** Staff and Consultant met with Caltrain and SCVWD
- **November 27:** Rail Committee recommended study of a modified tunnel with freight on surface and passenger train below
- **November 28:** Community Meeting discussion of Meadow and Charleston

Recommendation 1: Downtown Coordinated Area Plan

Staff recommends Council separate from study all alternatives for the Palo Alto Avenue crossing (closure and hybrid) and include Palo Alto Avenue in a separate comprehensive planning effort due to the crossing's proximity to:

- Downtown
- Downtown North
- Transit Center & Caltrain Station
- El Palo Alto Tree
- Historic rail bridge spanning San Francisquito Creek

Given these characteristics, and in keeping with the Comprehensive Plan 2030, completing a separate parallel planning effort as part of a Downtown Coordinated Area Plan is recommended. See **Attachment F** for a defined problem statement and recommendation.

Of note: The two remaining alternatives for Palo Alto Avenue: Closure (PCX) and Hybrid (PAH)

Recommendation 2: Modification to East Meadow and Charleston Alternatives

Remove Loma Verde bicycle and pedestrian undercrossing

- Presently included as part of the hybrid (Alternative MCL). This is outside the construction limits for Alternative MCL and involves design challenges which would benefit from analysis in a future study.

Combine reverse hybrid with trench

- There were few practical differences between the reverse hybrid (MCR) and trench (MCT). Staff recommends the City Council merge MCR with MCT.

Recommendation 3: Modifications to Deep Bore Tunnel Alternative

The AECOM team has begun the analysis of a citywide deep bore tunnel concept and identified several key constraints:

- Cost
- Station impacts at University Avenue and California Avenue
- Property impacts of bore pits
- Property impacts for shoofly construction and rail realignments

The Rail Committee recommended that staff bring back information to further evaluate a South Palo Alto deep-bore passenger rail-only tunnel alternative with freight trains at surface level.

This variation raises some of the same issues as a citywide deep bore tunnel for both passenger and freight rail, but potentially avoids station impacts.

Recommendation 3: Modifications to Deep Bore Tunnel Alternative, cont.

Staff requests that Council consider modifying the limits of the deep-bore tunnel alternative to be South of California Avenue only, and further explore the Scope and Budget for an alternative with freight trains on the surface and passenger trains underground for the Meadow and Charleston crossings

Alternatives to Review – Finding Solutions

Meadow / Charleston Trench

- Lower the railroad below the roadways at Meadow and Charleston

Meadow / Charleston Hybrid

- Partially lower the roads and partially elevate the tracks at Meadow and Charleston

Meadow / Charleston Viaduct

- Raise the railroad above the roadways at Meadow and Charleston on structure

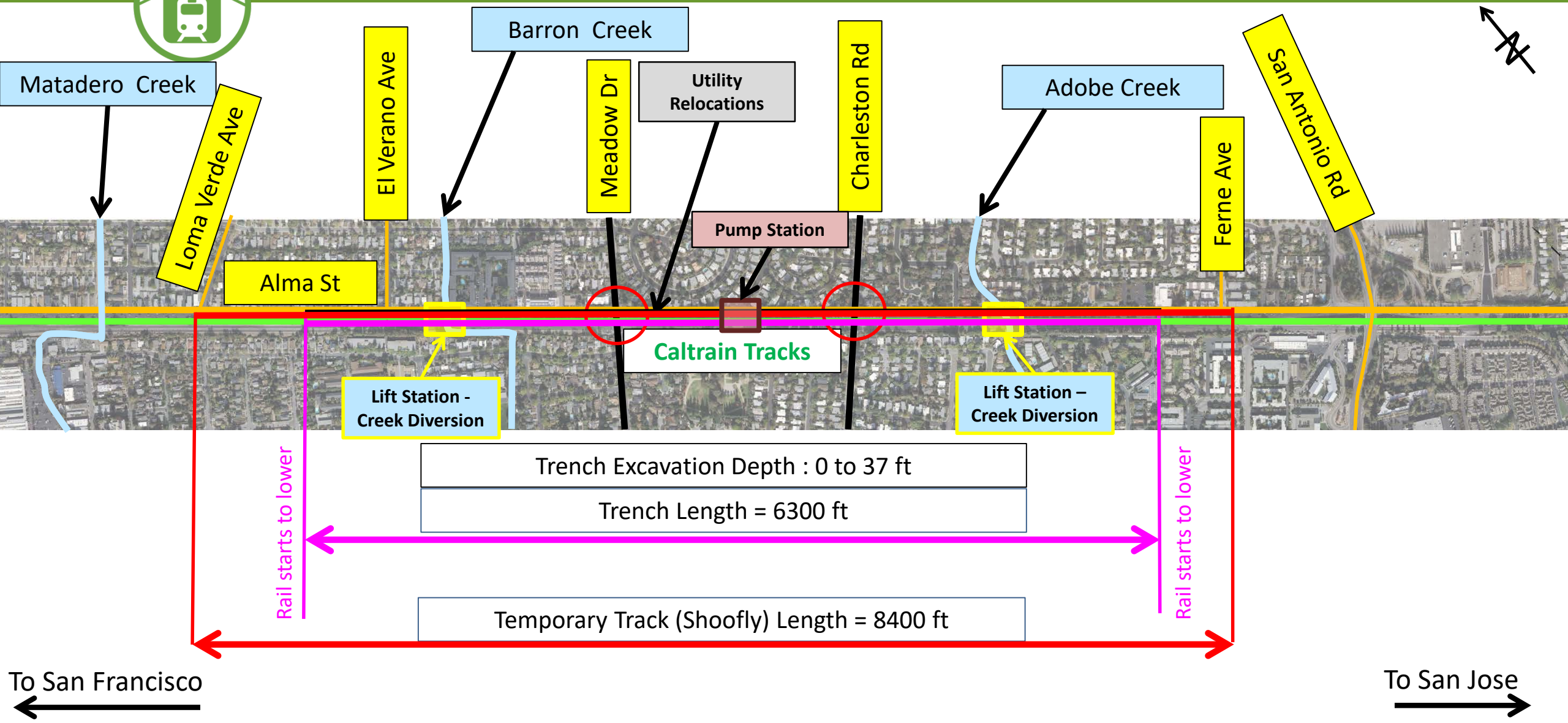
Design Criteria

- **Design**
  - Based on published design criteria and regulations

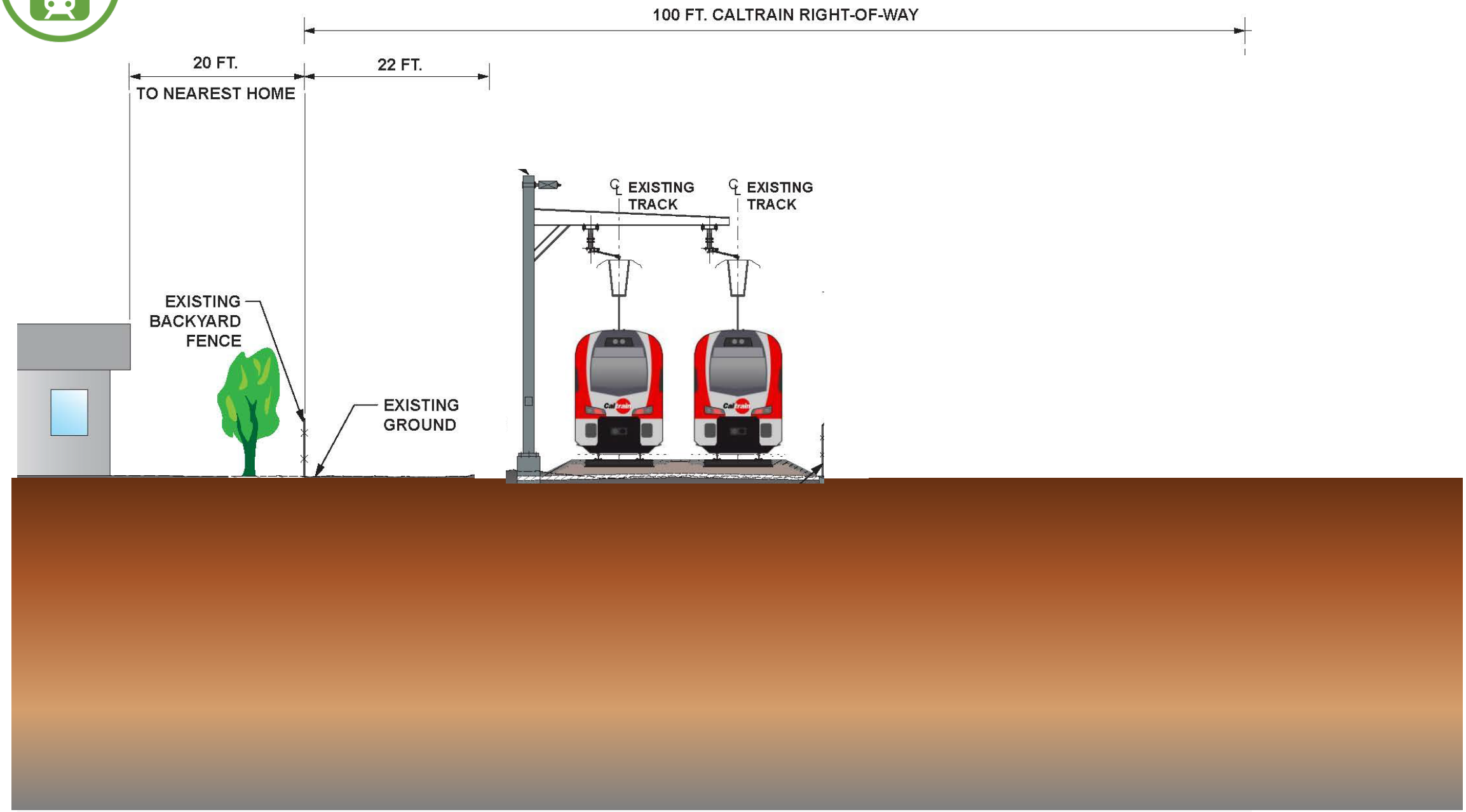
❑ **Identify Design Exceptions Where Design Criteria Cannot Be Met:**

- Railroad Profile Grade = 1% maximum
- Minimum Vertical Clearance = 24.5 feet for Trains
- Minimum Vertical Clearance = 15.5 feet for Roadways

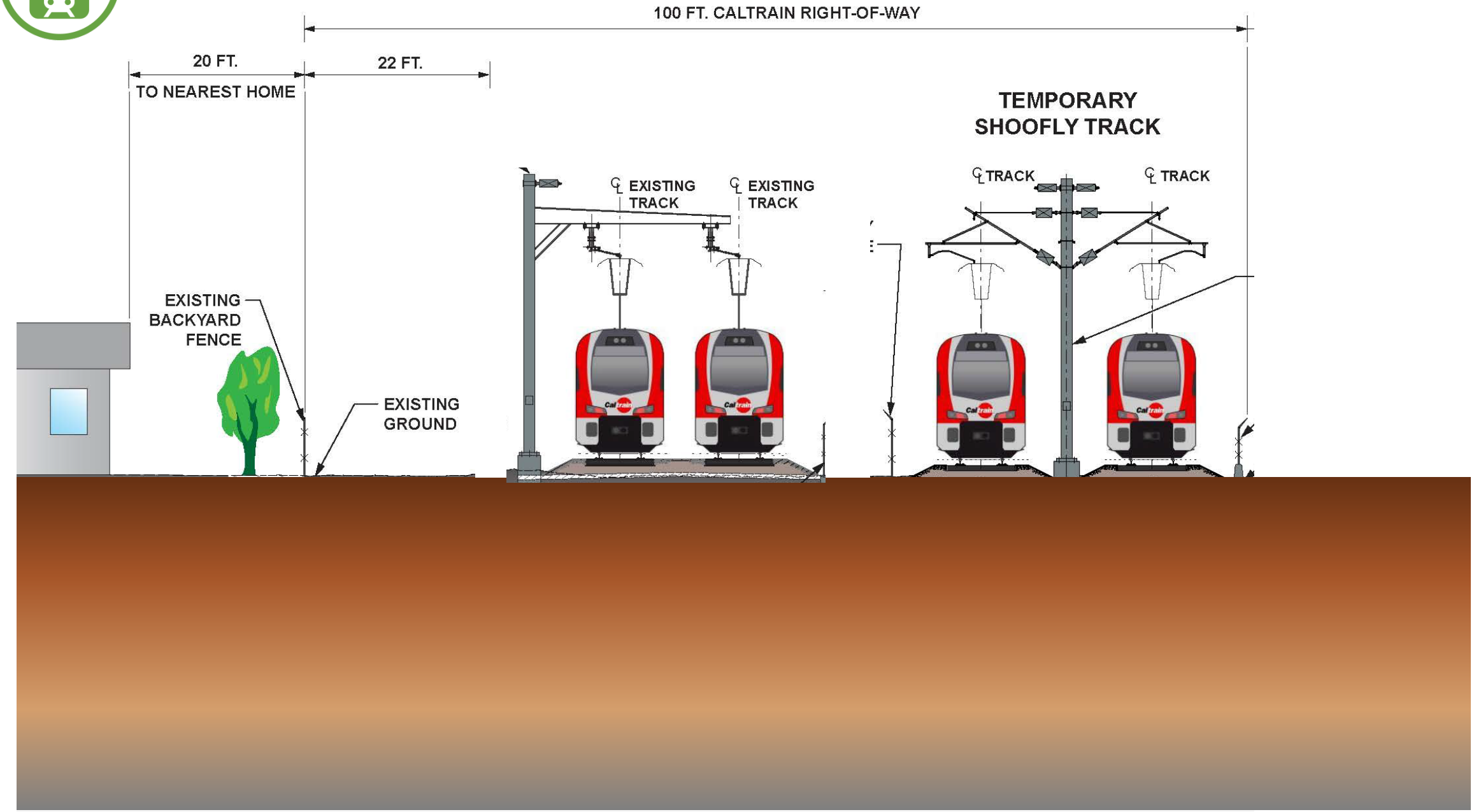
Meadow / Charleston Trench



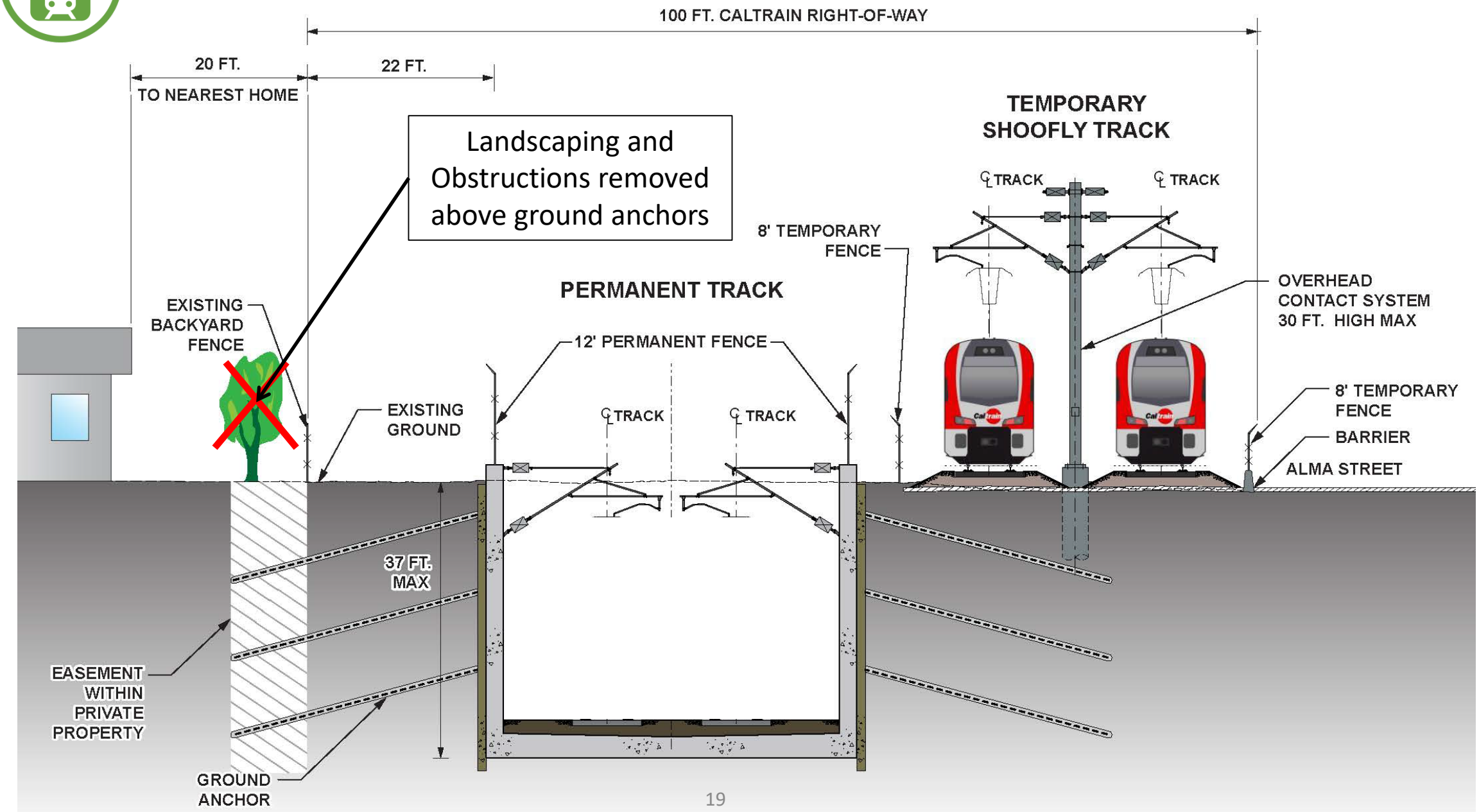
Trench Example Section - Existing



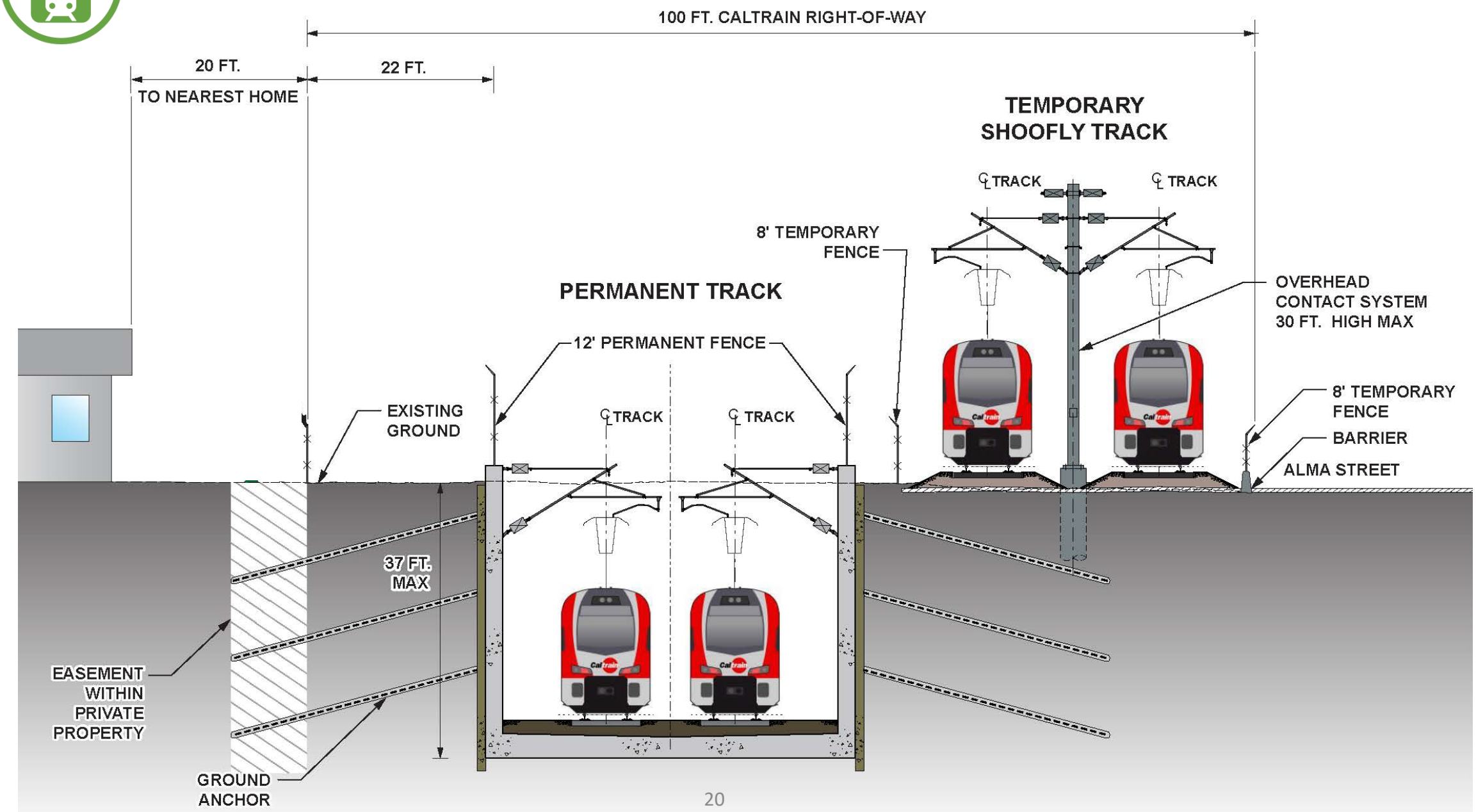
Trench Example Section with Temporary Track – Phase 1



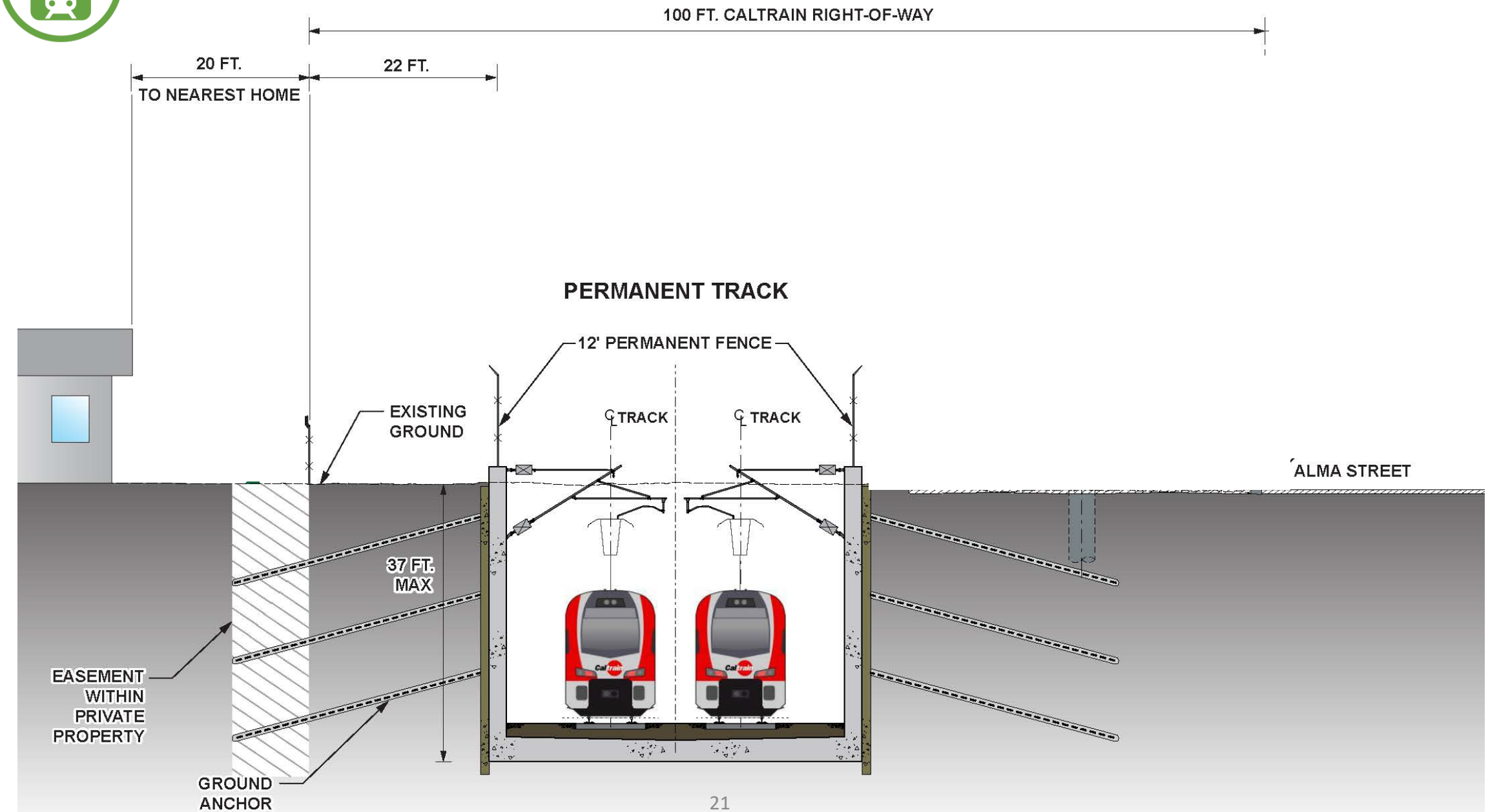
Trench Example Section with Temporary Track – Phase 2



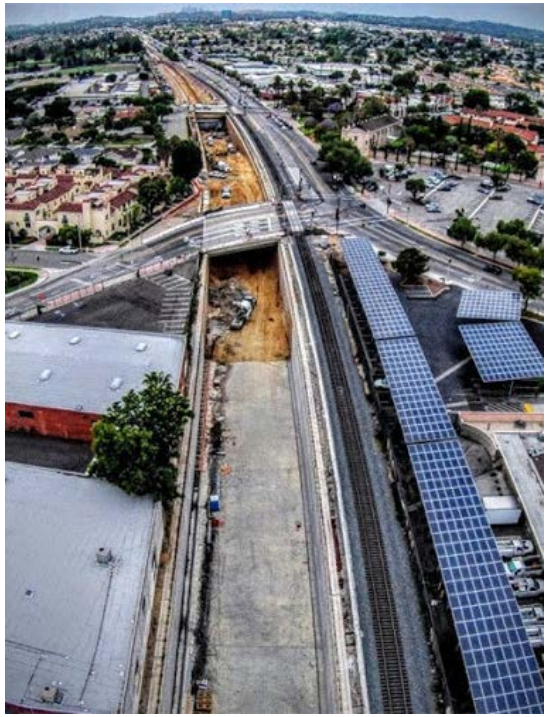
Trench Example Section with Temporary Track – Phase 3



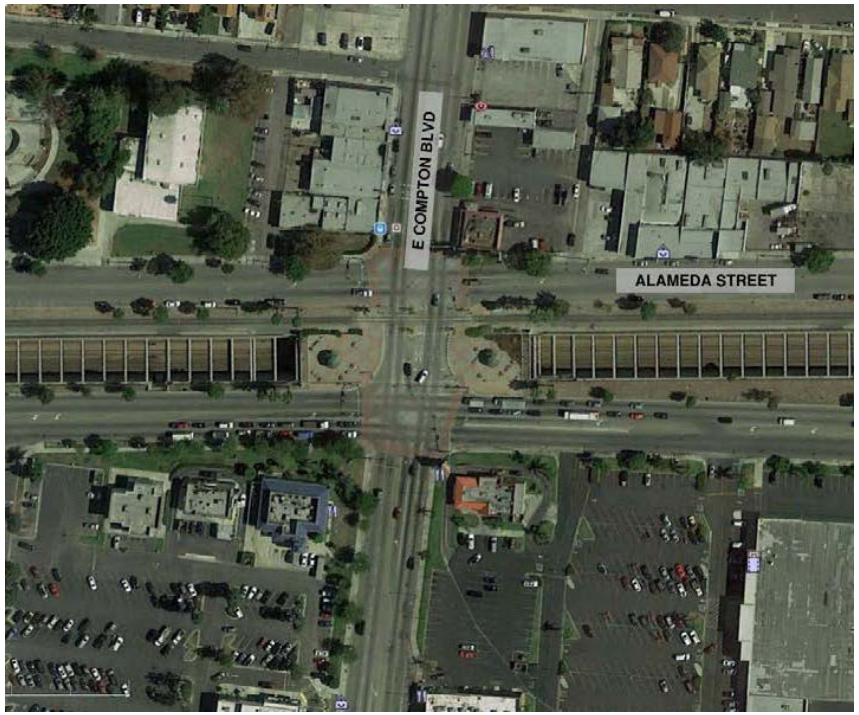
Trench Example Section with Temporary Track – Phase 4



Example Trench Grade Separations



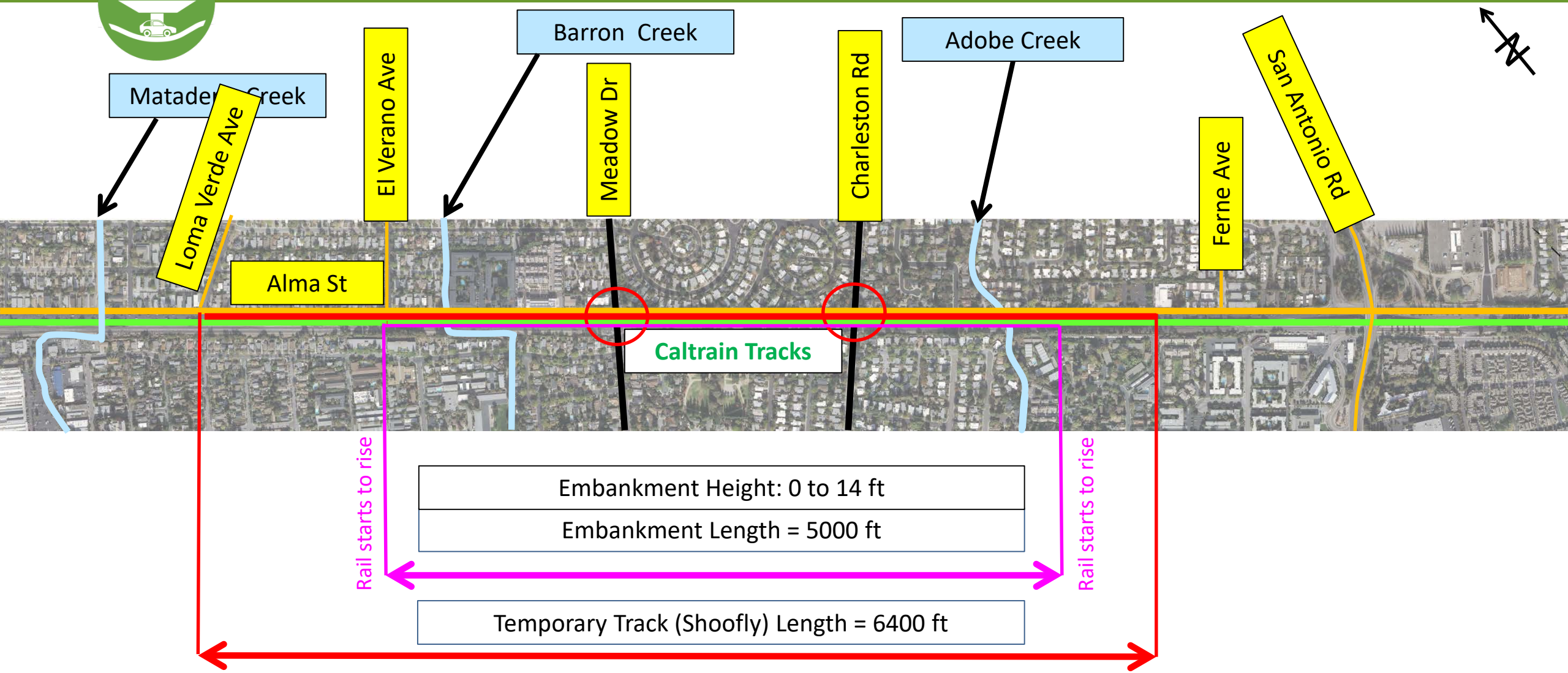
Alameda Corridor East
(ACE) Project
San Gabriel, CA



Alameda Corridor East (ACE) Project
Compton, CA

Reno Trench
Reno, NV

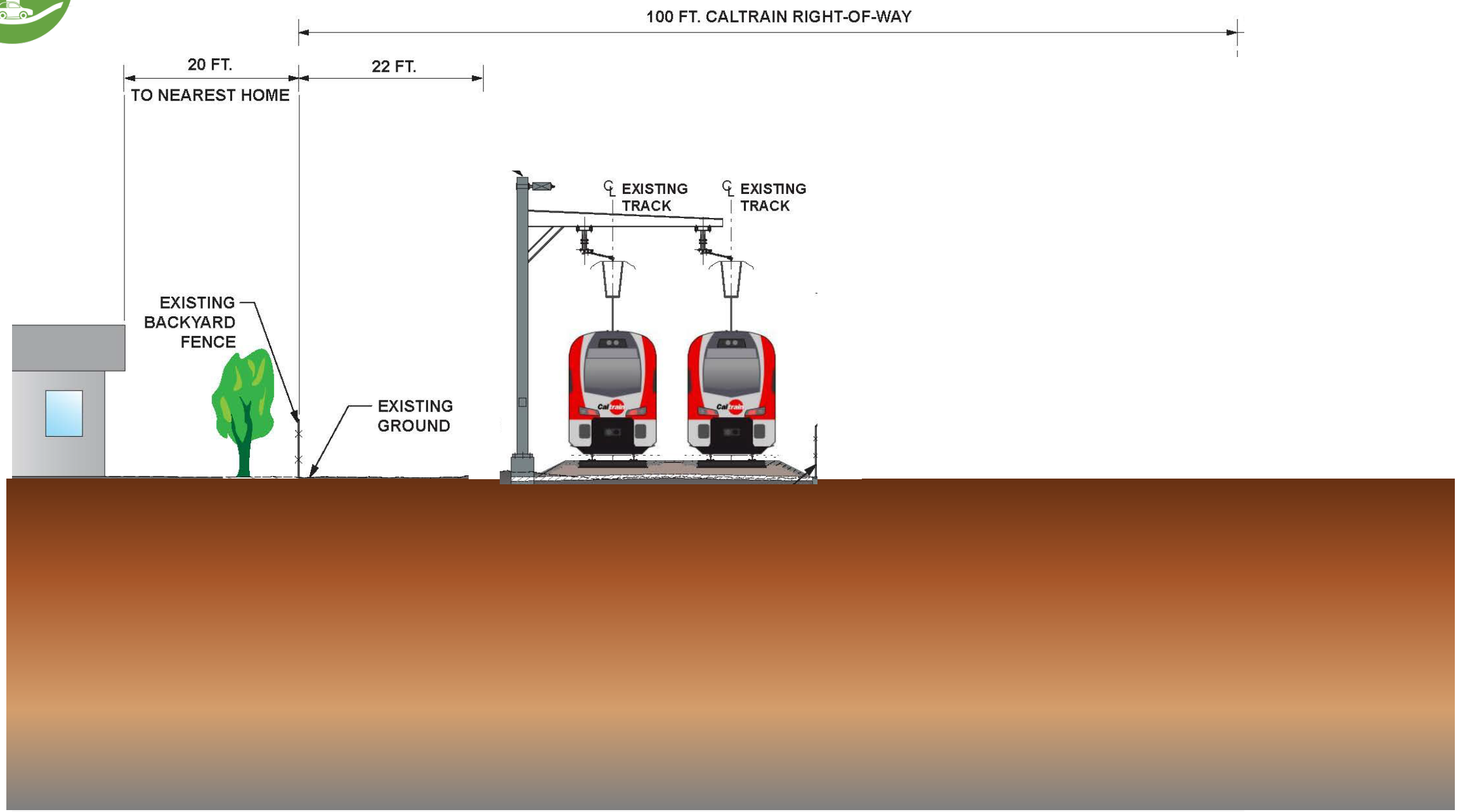
Meadow / Charleston Hybrid



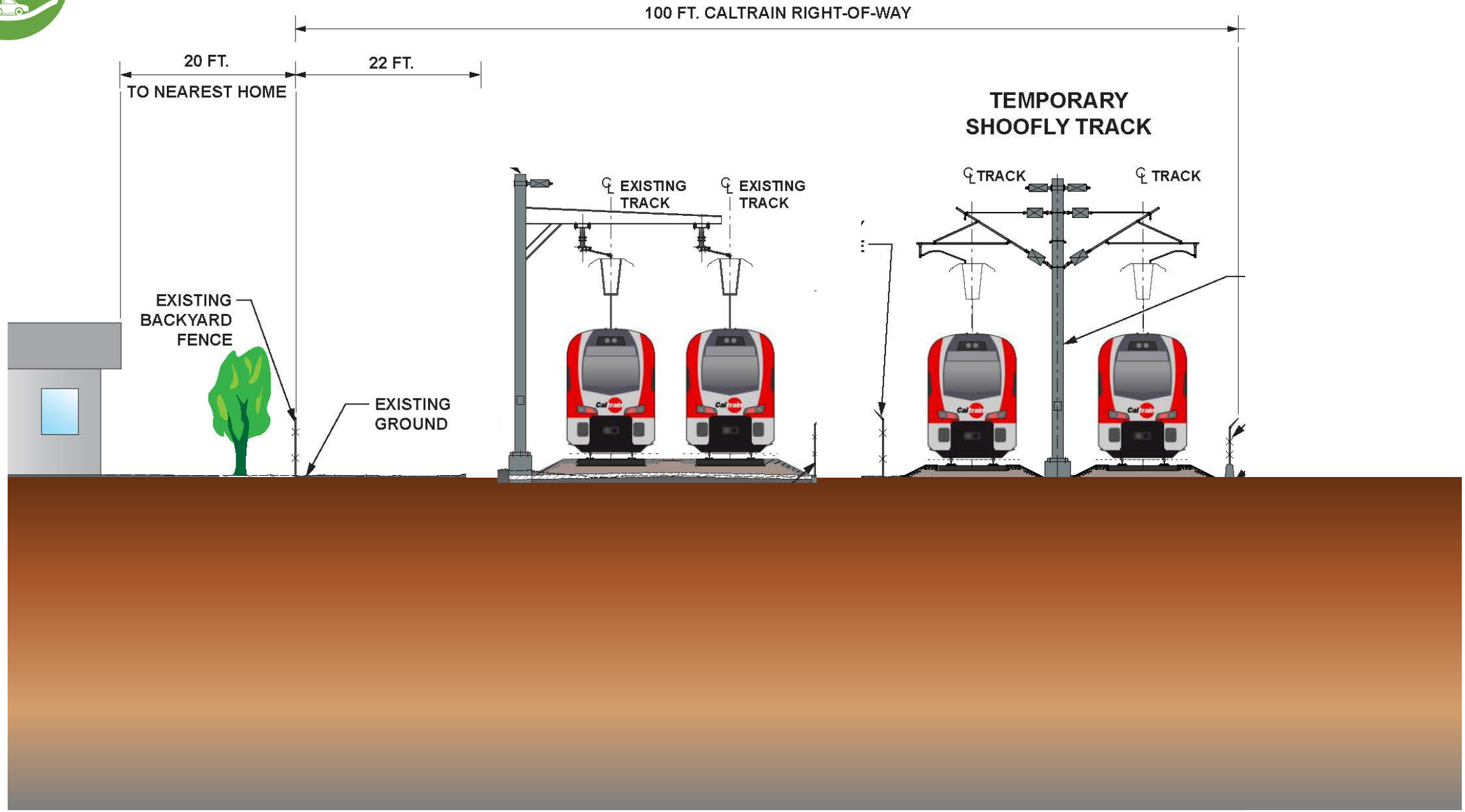
To San Francisco

To San Jose

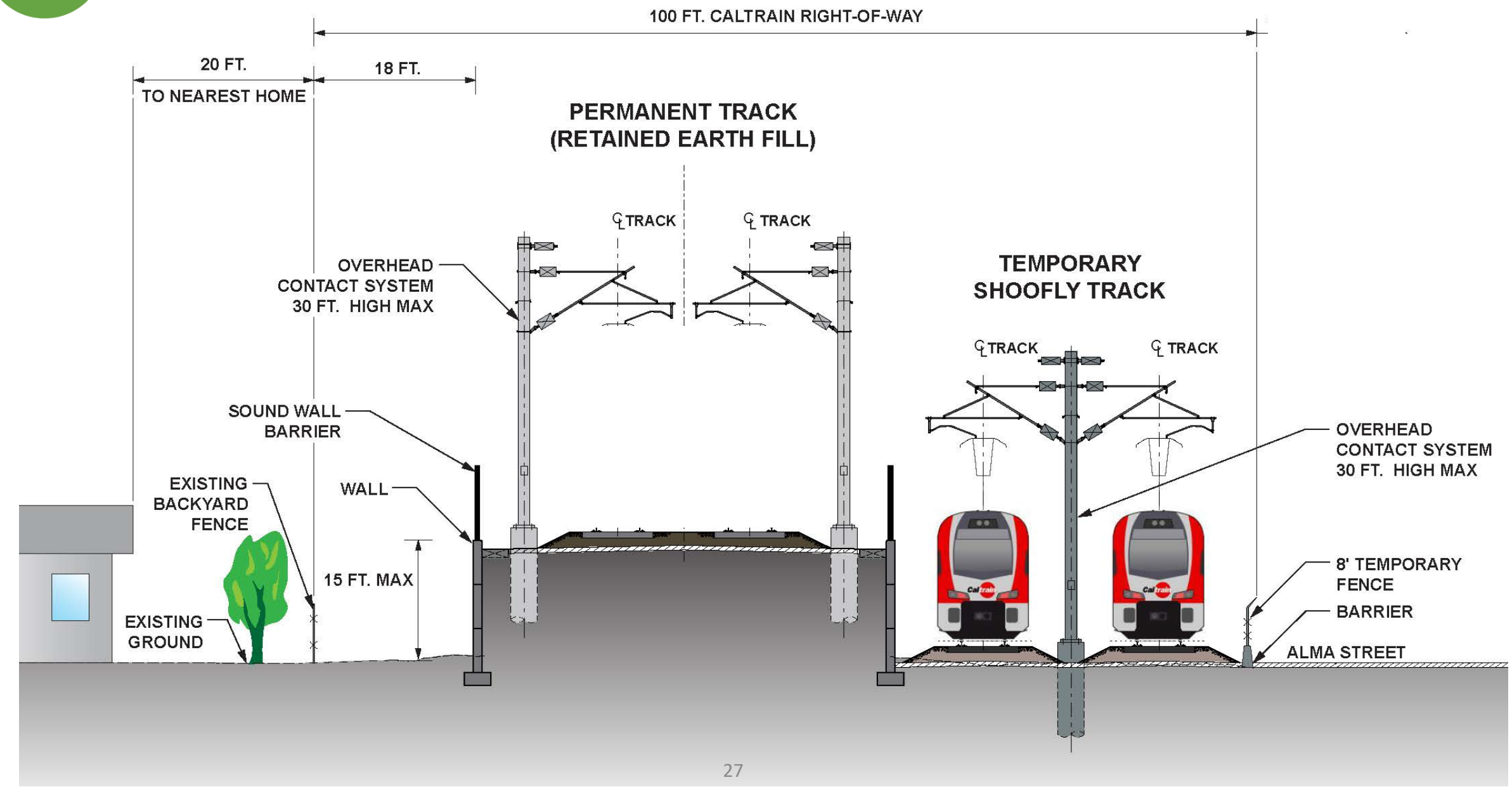
Hybrid Example Section - Existing



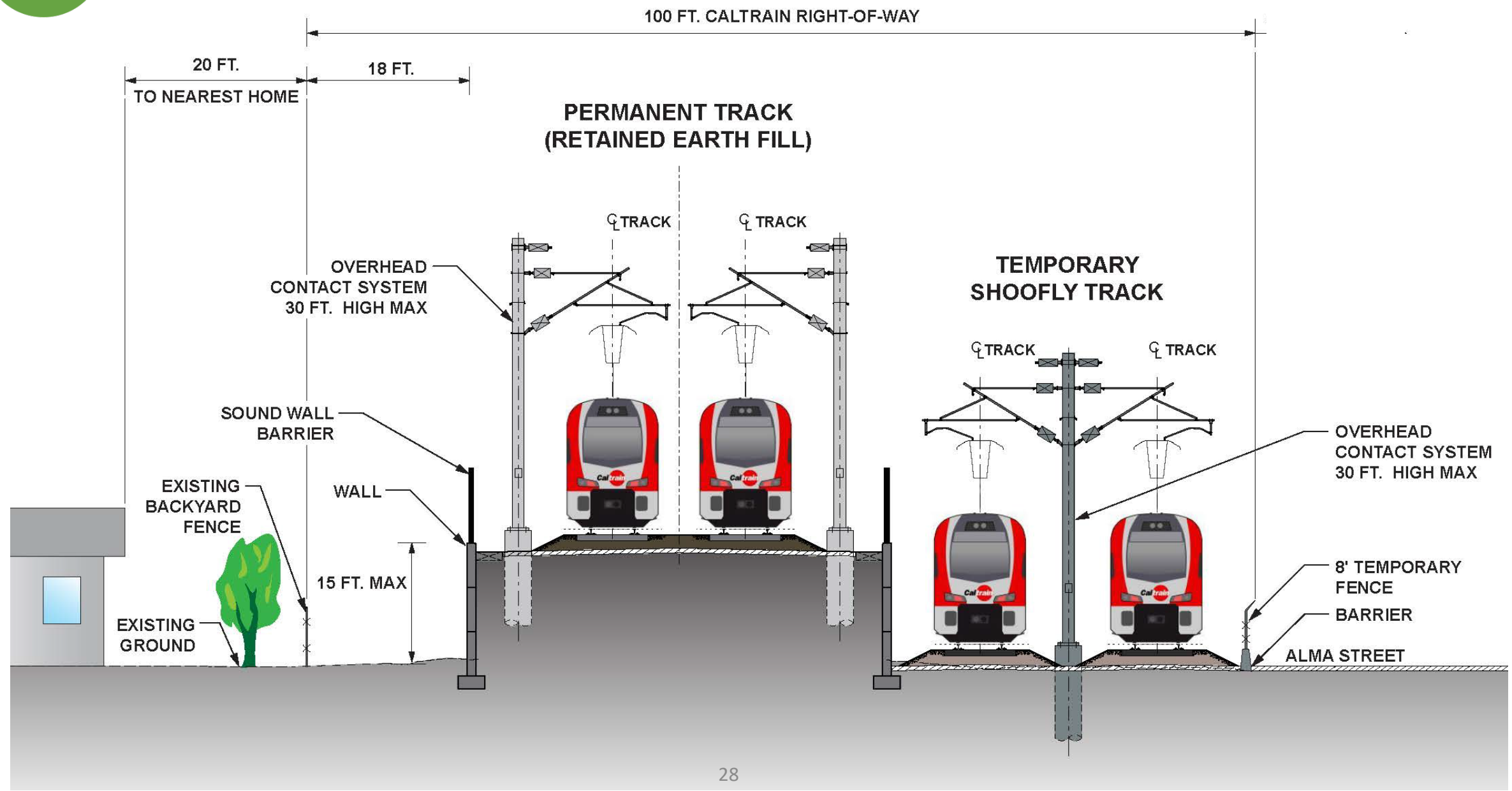
Hybrid Example Section with Temporary Track – Phase 1



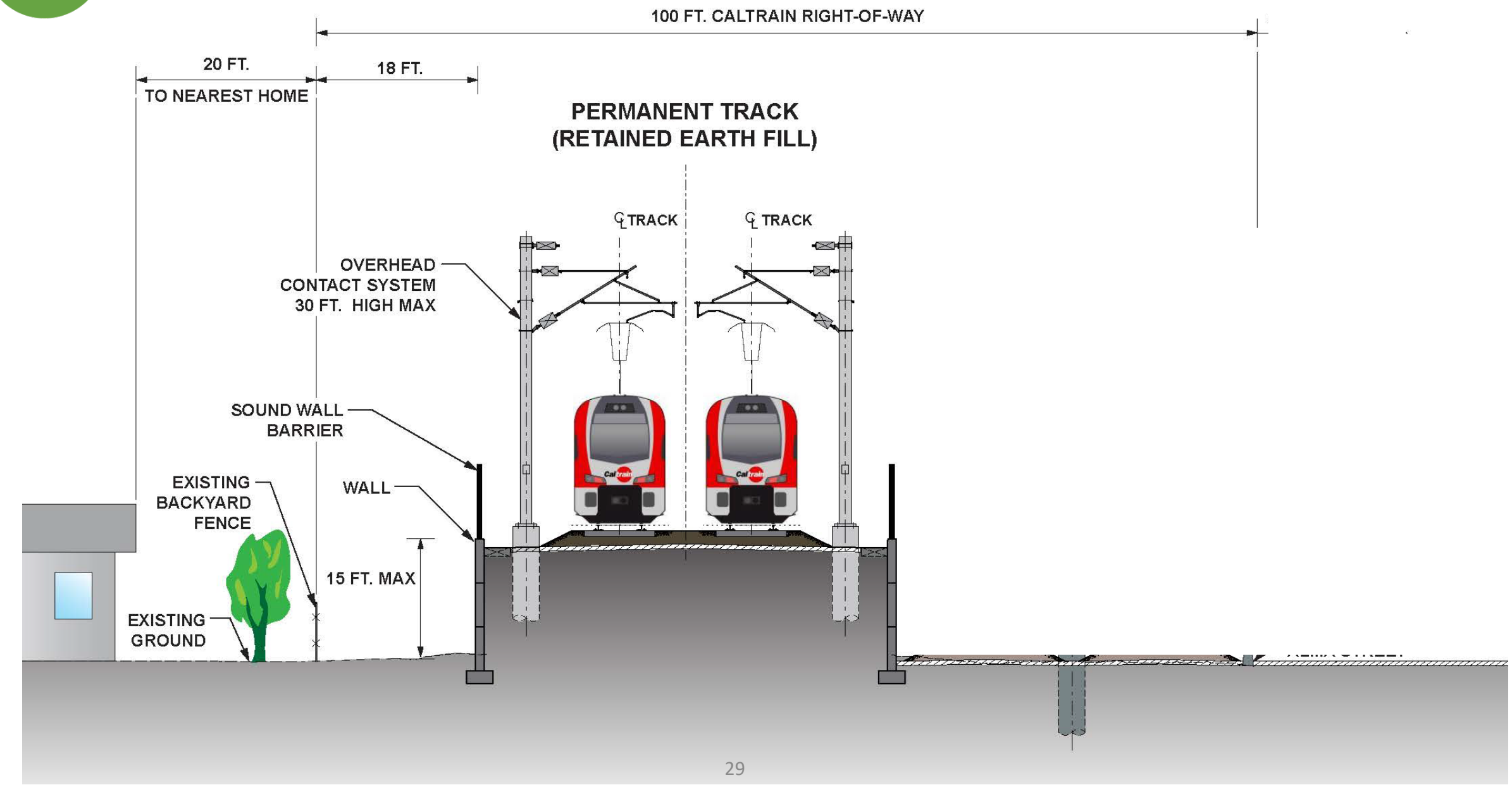
Hybrid Example Section with Temporary Track – Phase 2



Hybrid Example Section with Temporary Track – Phase 3



Hybrid Example Section with Temporary Track – Phase 4



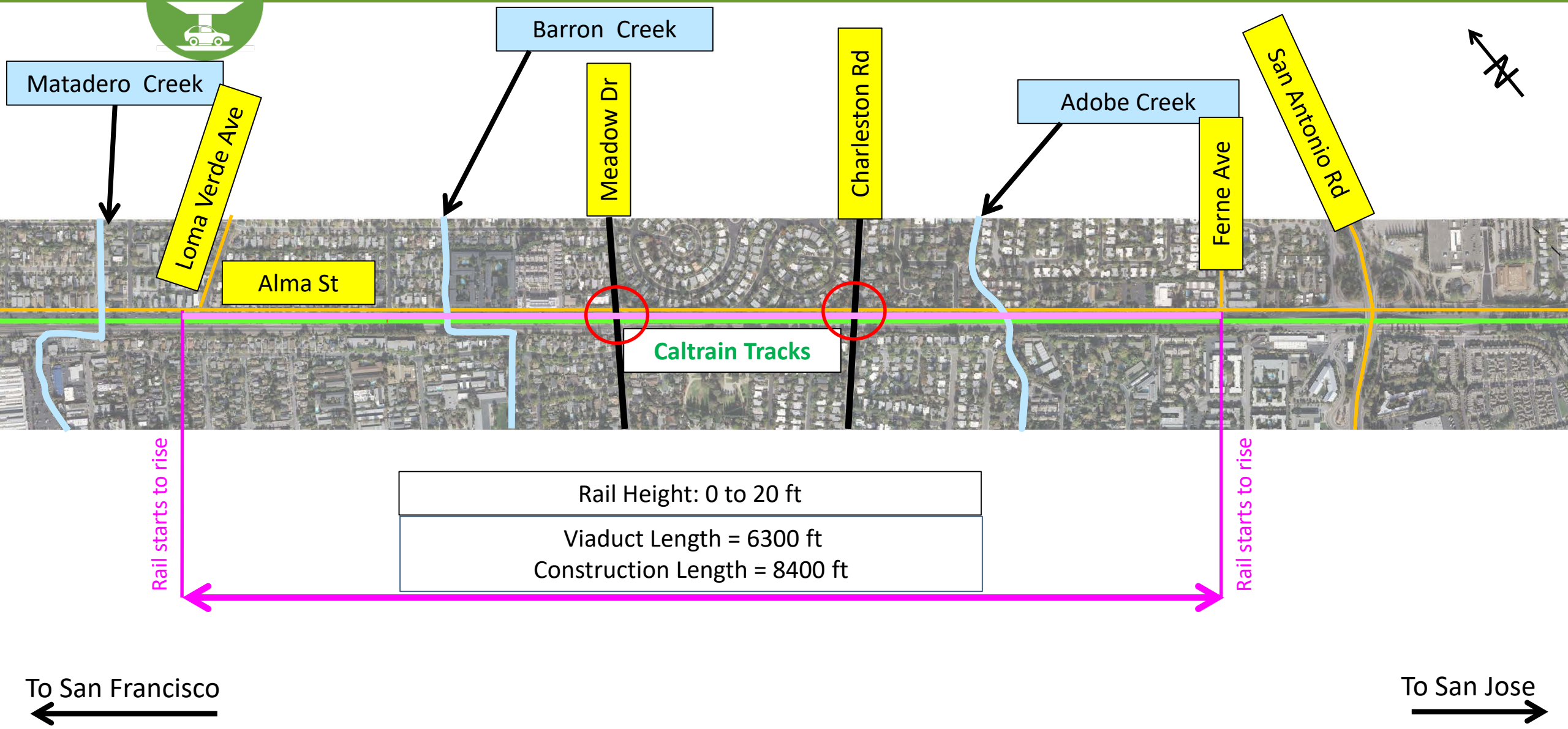
Example Hybrid Grade Separations

Holly Street, San Carlos

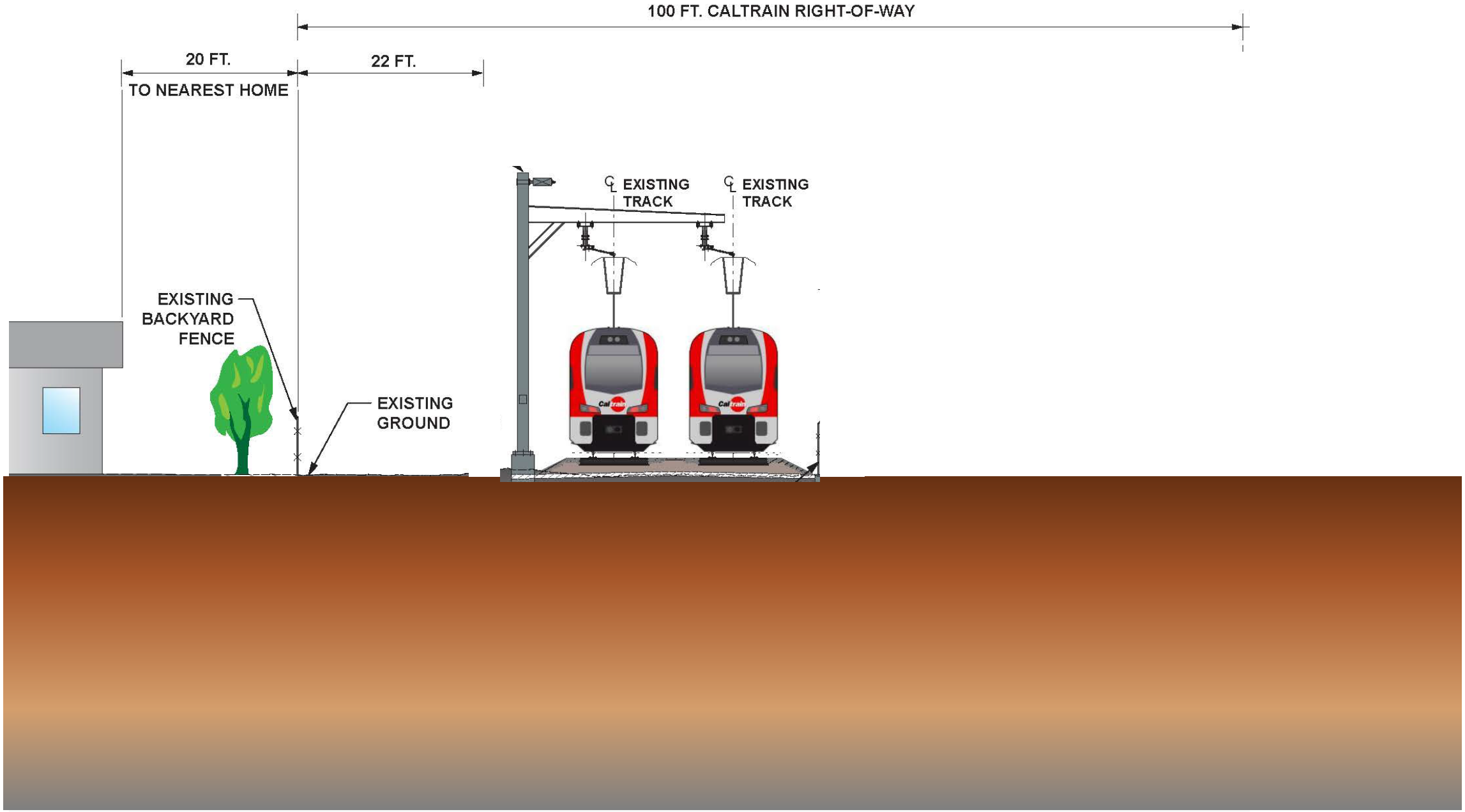
Ralston Ave, Belmont

42nd Ave, San Mateo

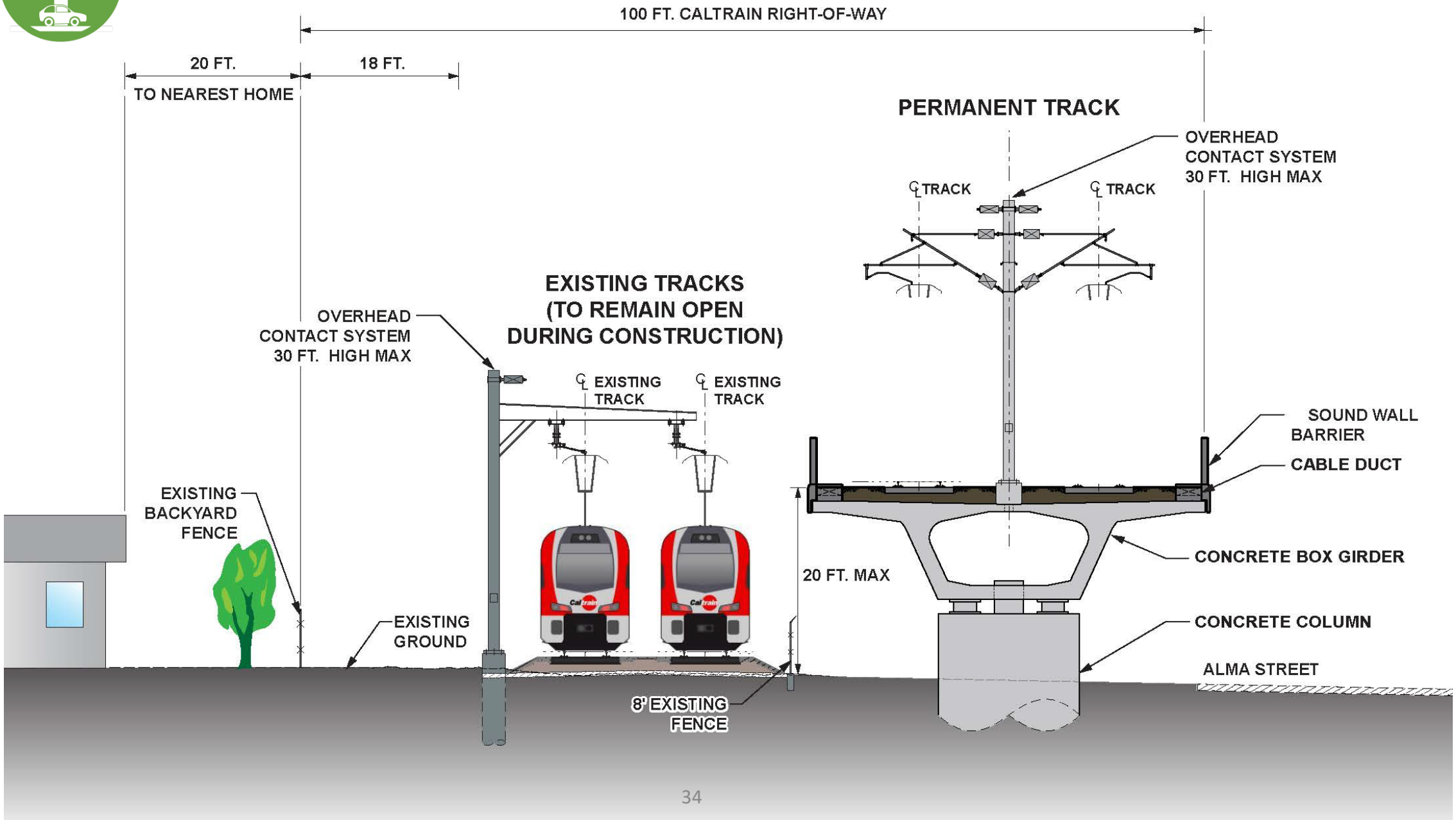
Meadow / Charleston Viaduct



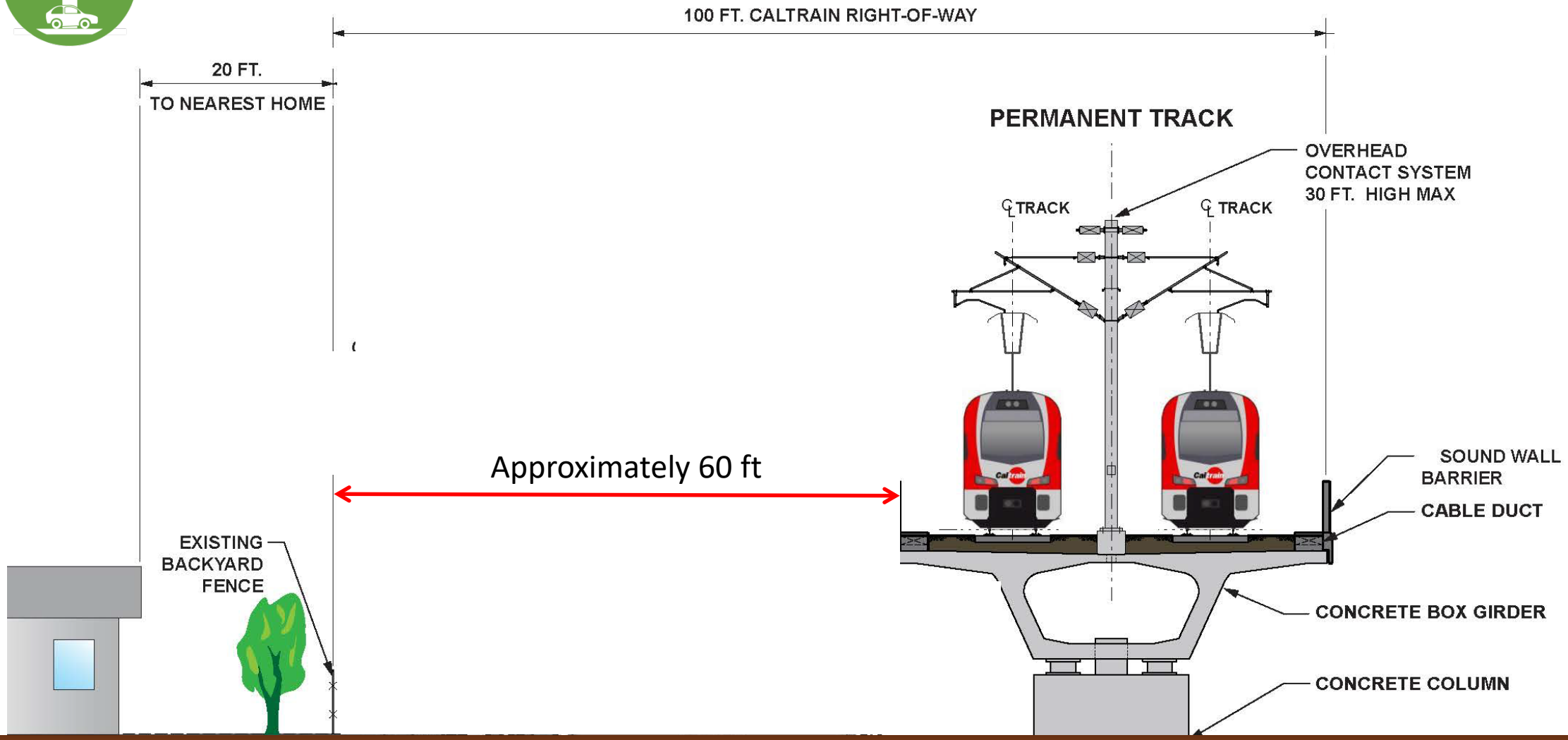
Viaduct Example Section - Existing



Viaduct Example Section – Phase 1

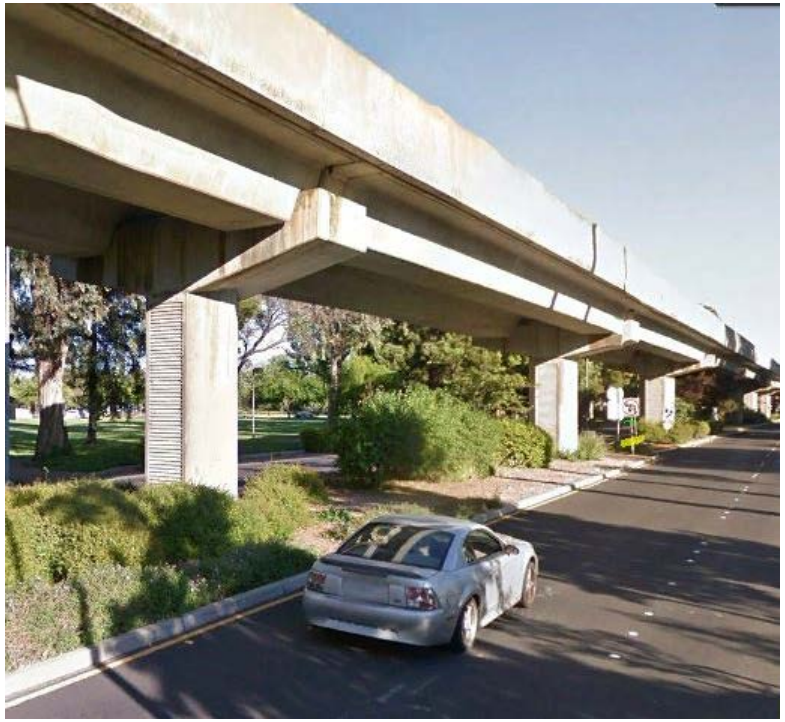


Viaduct Example Section – Phase 2



Example Viaduct Grade Separations

BART Viaduct, El Cerrito, CA



BART Viaduct, Concord, CA

Seattle Sound Transit, Tukwila, WA

Evaluation Criteria

Refining Process for Decisions

Tier 1 Criteria: Most Important

Technical

- East-West connectivity: facilitate movement across the corridor for all modes of transportation
- Traffic congestion: reduce delay and congestion for automobile traffic at rail crossings
- Ped/Bike circulation: provide clear and safe routes for pedestrians and bicyclists seeking to cross the rail corridor, separate from automobile traffic
- Rail operations: support continued rail operations and Caltrain service improvements

Financial

- Cost: finance with feasible funding sources

Tier 2 Criteria: Also Important

- Environmental impacts: reduce rail noise and vibration along the corridor
- Environmental impacts: minimize visual changes along the rail corridor
- Local access: maintain or improve access to neighborhoods, parks, schools and other destinations along the corridor while reducing regional traffic on neighborhood streets

Property

- Cost: minimize right-of-way acquisition by eminent domain

Construc-tion

- Construction: minimize disruption and the duration of construction

CITY OF PALO ALTO

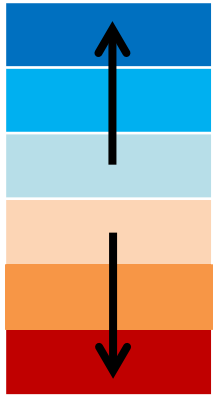
Adopted by City Council September 6, 2017

Meadow + Charleston Evaluation Matrix

	Criteria	Trench (MCT)	Hybrid (MCL)	Viaduct (MCV)	Comments
A	Improve East-West Connectivity				❑ Same connectivity for all three in final configuration
B	Reduce traffic congestion and delays				❑ Same traffic improvements for all three in final configuration
C	Provide clear, safe routes for pedestrians and bikes				❑ Reduced conflicts for bikes/peds for all three in final configuration
D	Support continued rail operations				❑ Viaduct can be built without a temporary railroad track (shoofly) ❑ Viaduct and Hybrid do not increase long-term maintenance or risk to operations ❑ Trench will have high maintenance costs and risks to train operations
E	Finance with feasible funding sources				❑ Based on estimated range of construction costs (K)
F	Minimize right-of-way acquisition				❑ Trench requires subsurface acquisition for structural elements and impacts to creeks will require right of way to construct pumps ❑ Hybrid requires driveway modifications ❑ Viaduct does not impact private properties
G	Reduce rail noise and vibration				❑ All alternatives eliminate train horn noise and warning bells ❑ All options have some degree of noise impact/improvement, such as: • In a trench, noise could reflect off walls and impact properties farther away – can be mitigated • In a viaduct and hybrid, wheel noise could radiate out – can be mitigated
H	Maintain or improve local access				❑ Same improvement for all three in final configuration
I	Minimize visual changes along the corridor				❑ Trench has train below grade – landscaping option limited to bushes or plants with shallow root systems ❑ Hybrid has train approximately 15 feet above grade – landscaping with trees for screening feasible ❑ Viaduct has train approximately 20 feet above grade – landscaping with trees for screening feasible
J	Minimize disruption and duration of construction	6 years	4 years	2 years	❑ Trench has extended road closures at Meadow and Charleston during construction ❑ Hybrid has extended road reductions at Alma, Meadow and Charleston during construction ❑ Viaduct has minimal road closures (weekend / nights only)
K	Order of Magnitude Cost	$800M to 950M*	$200M to $250M*	$400M to 500M*	*** Total Preliminary Construction Costs in 2018 dollars (Subject to Change)**

Legend:

Improvement

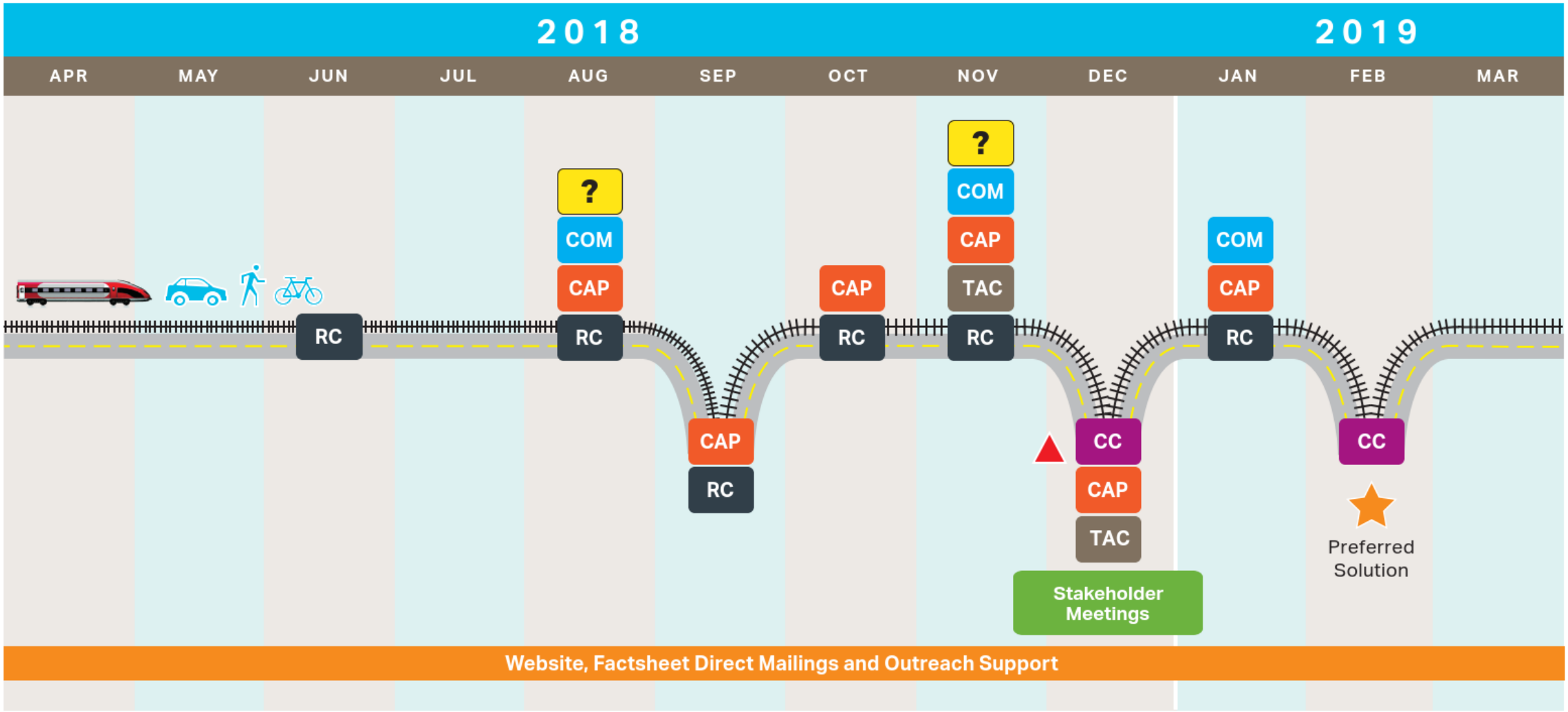


Impact

Meadow + Charleston Engineering Impacts

Engineering Impacts		Trench (MCT)	Hybrid (MCL)	Viaduct (MCV)
J	Creek/Drainage Impacts	❑ Requires diversion of Adobe and Barron creeks resulting in the need for pump stations. ❑ Numerous regulatory agency approvals required for creek diversion. ❑ Pump stations also required to dewater the trench. ❑ Increased risk of flooding due to pump stations.	❑ Pump stations required for lowered roadways. ❑ Increased risk of flooding due to pump stations.	❑ No significant creek or drainage impacts.
K	Long Term Maintenance	❑ Increased maintenance costs due to: •Pump stations for creek diversions •Pump stations for trench dewatering •Below ground railroad alignment.	❑ Increased maintenance costs due to: •Pump stations for trench dewatering •Above ground railroad alignment with embankments and undercrossing structures.	❑ Increased maintenance costs due to: •Above ground railroad alignment with embankments and viaduct structures.
L	Utility Relocations	❑ Major utility relocations for lowered railroad.	❑ Major utility relocations for lowered roadways.	❑ No major utility relocations.
M	Railroad Operations Impacts during Construction	❑ Temporary track (shoofly) is required.	❑ Temporary track (shoofly) required, but a bit shorter than the trench shoofly.	❑ No temporary track (shoofly) required.
N	Local Street Circulation Impacts during Construction	❑ Removal of right turn lanes on Alma St at Meadow and Charleston; however, movements still allowed. ❑ Closes Meadow while Charleston roadway bridges are constructed and visa versa.	❑ Removal of right turn lanes on Alma St at Meadow and Charleston; however, movements still allowed. ❑ Alma, Charleston, and Meadow reduced to 2 lanes.	❑ Reduced lane widths on Alma St, north of Meadow and south of Charleston. ❑ Possible nighttime closures of Meadow and Charleston.
O	Caltrain Design Exceptions Needed	2% grade on track required. Maximum allowed by Caltrain is 1%.	Temporary vertical clearance of 12 feet at undercrossing structures during construction. Minimum allowed by Caltrain is 15.5 feet.	1.4% grade on track required. Maximum allowed by Caltrain is 1%.

Community Engagement Schedule



COM City Community Meeting

CAP Community Advisory Panel Meeting

TAC Technical Advisory Committee

RC Rail Committee Meeting

CC City Council Meeting

? Community Questionnaire

Preferred Solution — Advance to Environmental Clearance

Narrow Master List of Ideas to Alternatives of Study

Community Outreach Summary

General themes we are hearing:

- Interest in getting Caltrain to commit to design exceptions
- Many think of these projects as something Caltrain should be funding and not the City
- Lack of understanding that this is a traffic congestion relief project for local streets
- Desire to tax businesses and not residences (homes) for funding
- Many questions on how various project ideas have been screened out and when

Meadow + Charleston – Trench

Community Identified Likes

- Bike/pedestrian patterns remain similar to existing (at-grade)
- May reduce rail noise
- Less visual impact with trains below existing grade between Charleston and Meadow

Community Identified Dislikes

- Easements required to support trench retaining walls (ground anchors)
- Limitations on landscaping (no trees)
- Possible flooding and noise impacts related to pumping stations for creek diversions
- Closures of Charleston while Meadow roadway bridges are constructed and vice versa

Meadow + Charleston – Hybrid

Community Identified Pros

- Minimal right-of-way impacts with only minor driveway modifications
- Opportunity to restore landscaping with trees at completion of construction

Community Identified Cons

- May increase rail noise
- Visual impact with raised railroad
- Severe impacts traffic during construction (2 lanes on Alma, Charleston, and Meadow)

Meadow + Charleston – Viaduct

Community Identified Likes

- No private property right-of-way impacts
- Minimal impact to traffic circulation during construction
- Opportunities for landscaping and other uses of land under viaduct

Community Identified Dislikes

- May increase rail noise
- Visual impact with raised railroad

Staff Recommendation

a) Separate from study all alternatives for the Palo Alto Avenue crossing (closure and hybrid) and include Palo Alto Avenue in a separate comprehensive planning effort

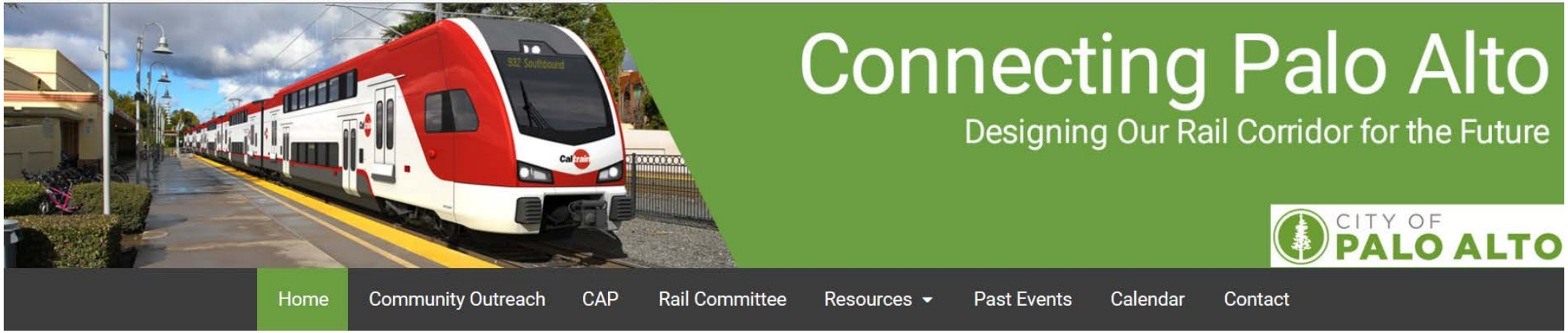
b) Separate from study the bicycle and pedestrian crossing of the Caltrain corridor in the vicinity of the Loma Verde Avenue and assess feasibility in a future study

c) Address the Rail Committee's recommendation regarding a deep bore tunnel by modifying the alterative to be South of California Avenue only and further explore the Scope and Budget for an alternative with freight trains on the surface and passenger trains underground for the Meadow and Charleston crossings

d) Adopt a Modified List of the Grade Separation Alternatives:

- SOUTH PALO ALTO | Deep Bore Tunnel
- CHURCHILL AVE | Full or Partial Closure and Add Improvements (CAX)
- MEADOW DR & CHARLESTON RD | Hybrid (MCL)
- MEADOW DR & CHARLESTON RD | Rail Trench or Tunnel (MCT)
- MEADOW DR & CHARLESTON RD | Viaduct (MCV)

Stay Engaged



Visit our website at: www.cityofpaloalto.org/ConnectingPaloAlto

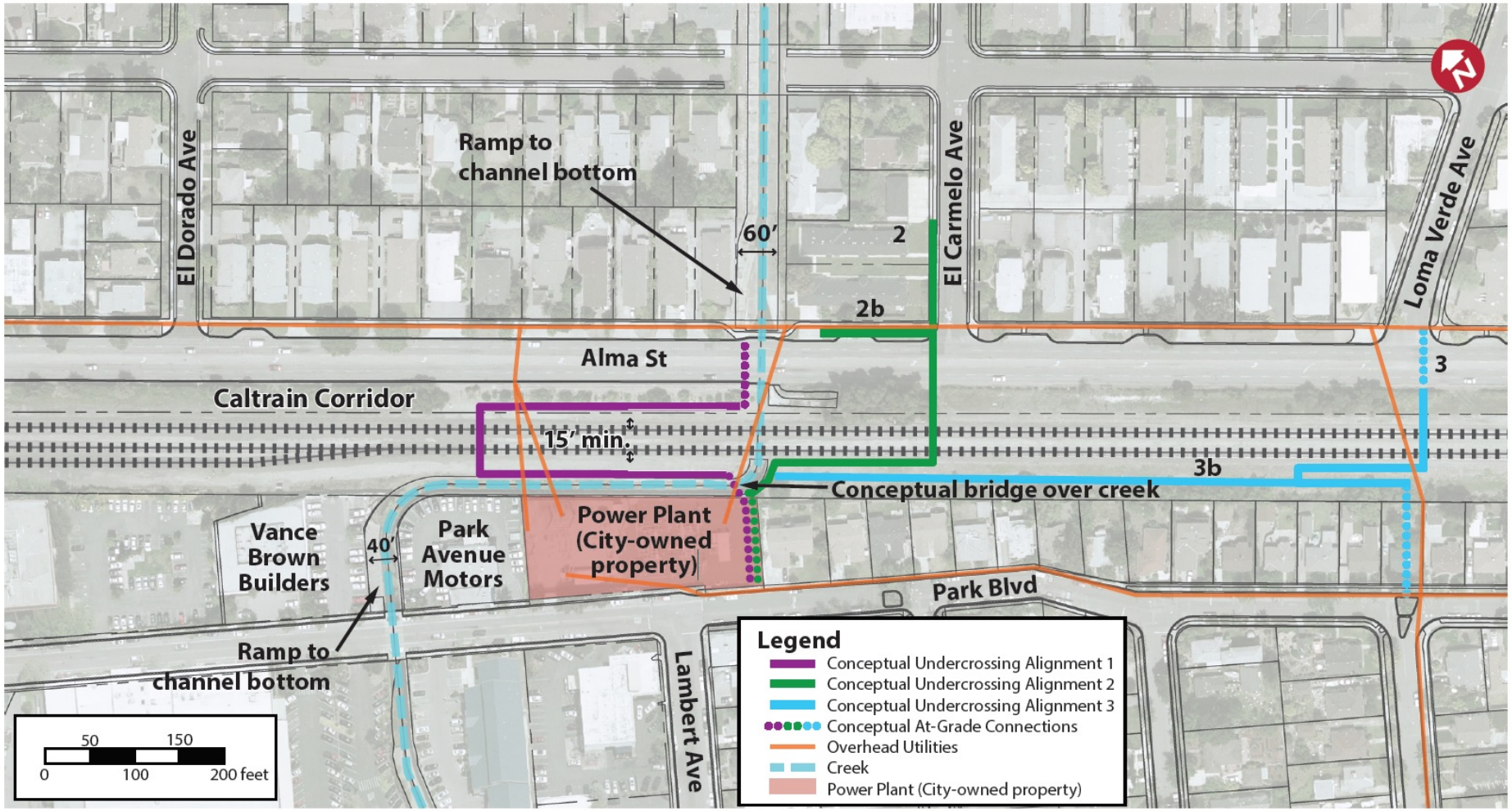
Contact us at:

transportation@cityofpaloalto.org

(650) 329-2520

Thank You

Loma Verde Ave. Bicycle/Pedestrian Undercrossing Options



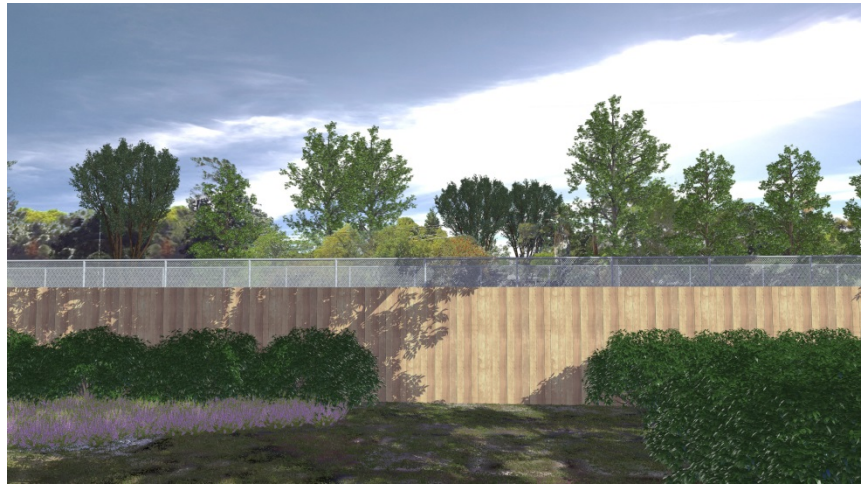
Source: Midtown Connector Feasibility Study, 2016

Meadow + Charleston - Trench

Meadow + Charleston - Hybrid

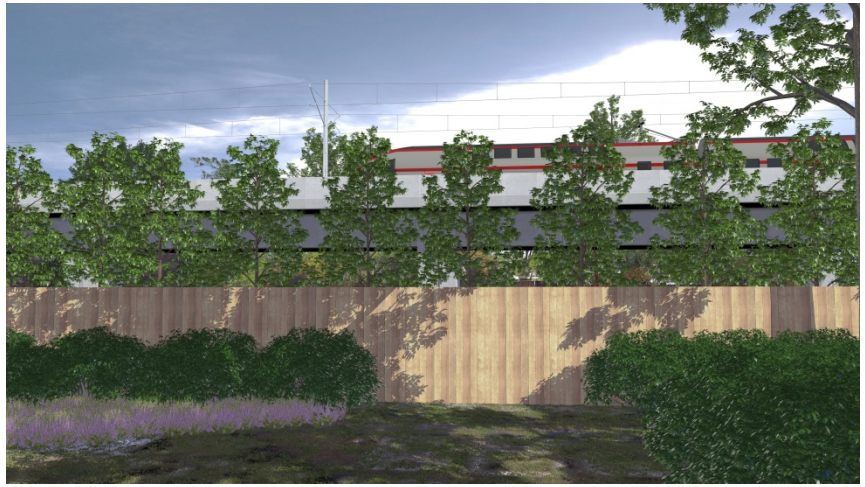
Meadow + Charleston - Viaduct

Renderings from Backyards



Meadow/Charleston Trench

Meadow/Charleston Hybrid



Meadow/Charleston Viaduct

429 University Avenue

December 17, 2018

CITY OF PALO ALTO

Project Background

- First presented to Council on Appeal on April 6, 2015
- City Council Remanded to ARB on November 30, 2015
- City Council Review and Approval of Modified Project on February 6, 2017
- Approval Subject to Three Items:

  3A. Decorative Wall Design Treatment

  3B. Landscape Details and Plans

  3C. Exterior Building Materials, Colors, and Craftsmanship

ARB Review

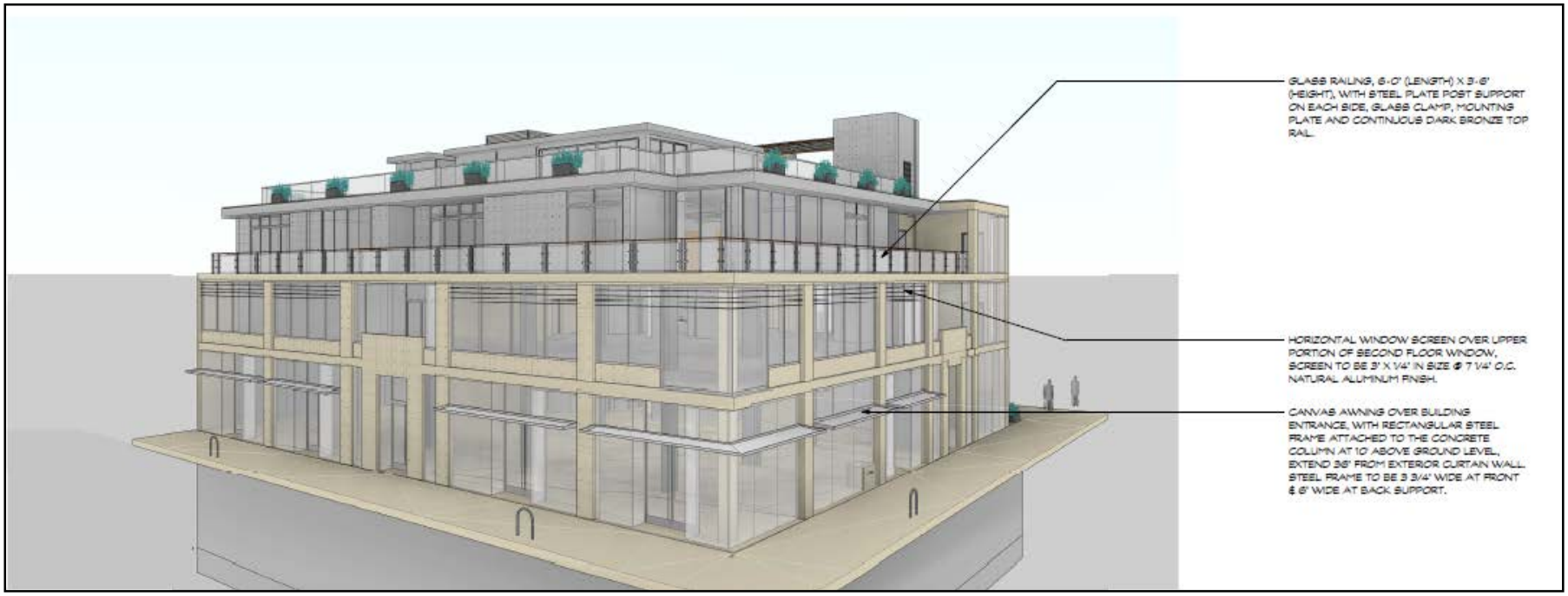
- ARB Reviewed Items 3A, 3B and 3C on:
  - August 16, 2018
  - September 20, 2018
  - October 4, 2018
- October 4 ARB Recommends Denial of the Application
- Interim Planning and Community Environment Director Approves 3A, 3B and Denies 3C on October 16, 2018

Appeal Statement

- Denial in error
- Lacks evidence
- Inconsistent with previous findings
- Exceeds scope of condition
- Wrongly applies Municipal Code requirements

Project Revisions

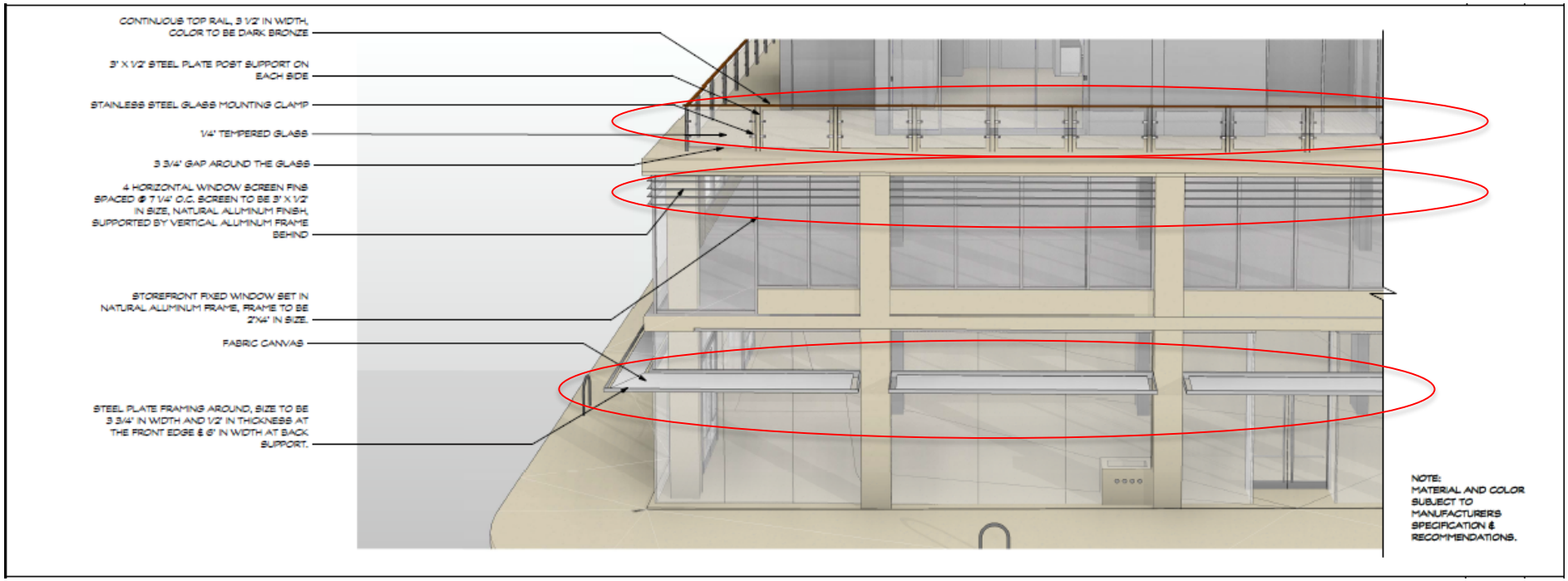
- December 14, 2018 and December 17, 2018, Kipling Post LP submits plans with pedestrian oriented detailing
- At Places Memo modifying staff recommendation



CITY OF PALO ALTO

Project Revisions

- Canvas awning along University and Kipling
- Horizontal window screen on upper window
- Glass railings with steel plate posts and dark bronze top railing



CITY OF PALO ALTO

Project Revisions

Kipling Street and Lane 30 perspective

CITY OF PALO ALTO

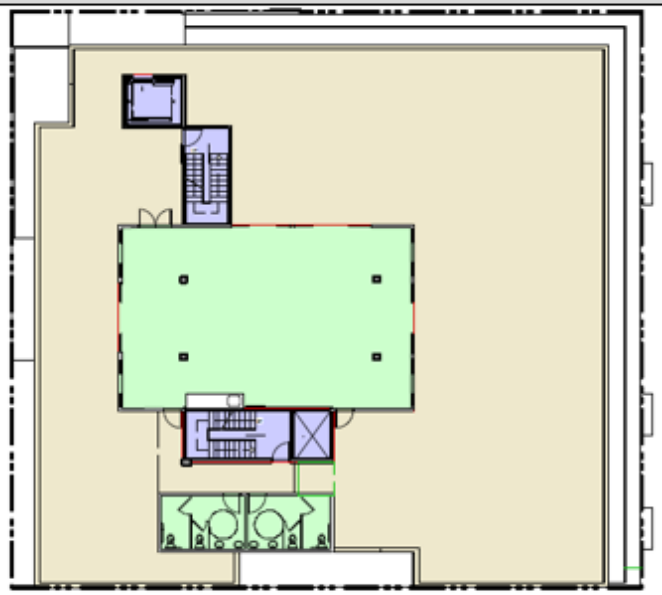
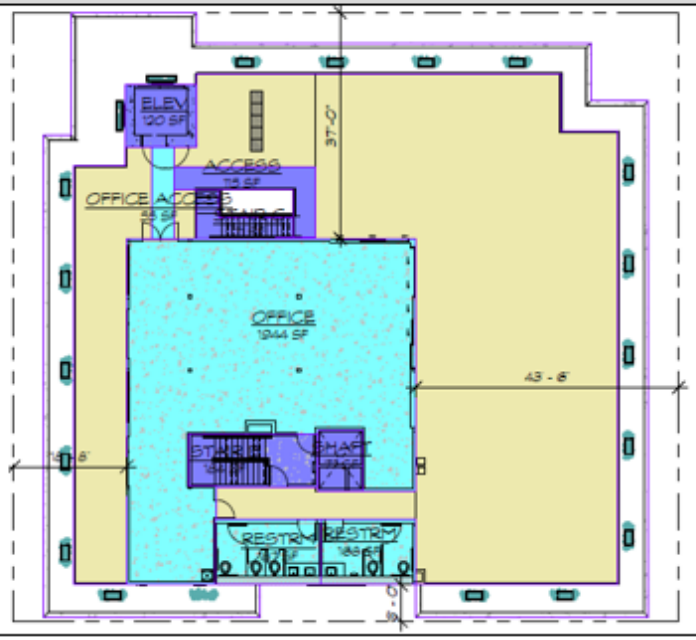
Project Revisions

Lane 30 elevation

Project Revisions: 4th Floor Consistency

Project Revisions: 4th Floor Consistency

Project Revisions: 4th Floor Consistency

4th Floor		
		• Changes to balconies, circulation, interior property line setback • Net Change ~392 SF (add)

CITY OF PALO ALTO

Record of Land Use Action

- Current entitlements set to expire in February 2019
- Modify the Director's Decision
  - Recommend extension of the entitlement to December 31, 2019,
  - Incorporate plan revisions submitted on December 14

CITY OF PALO ALTO

Recommendation

Approve the project, subject to the updated Record of Land Use Action

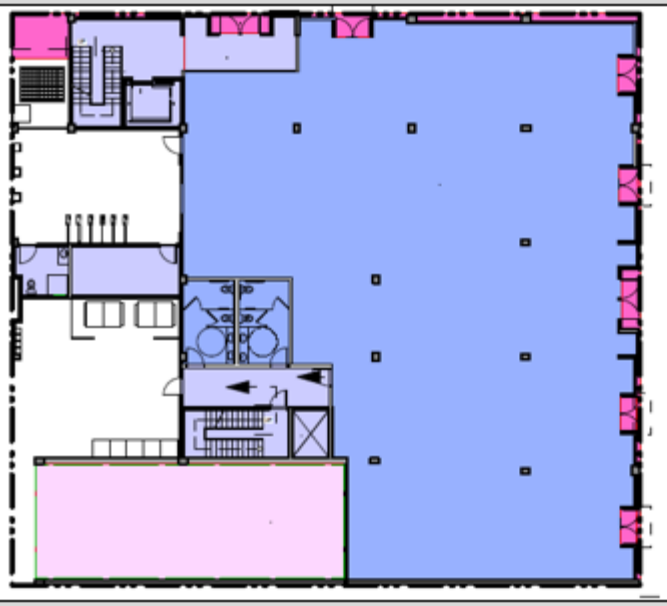
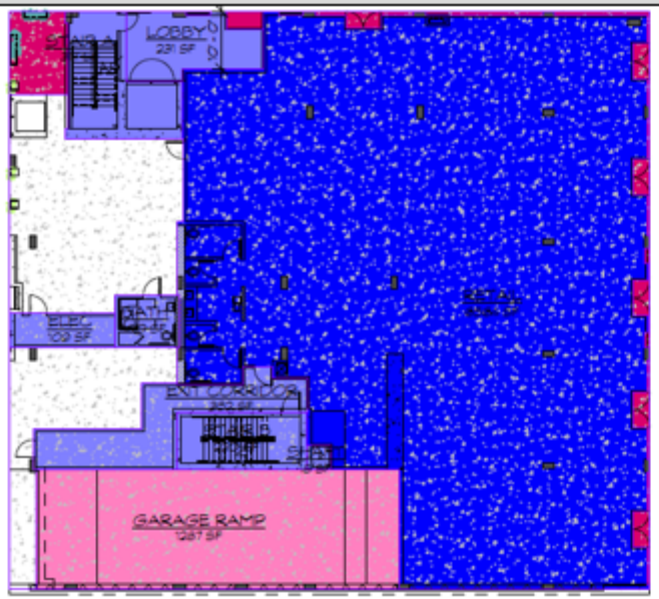
CITY OF PALO ALTO

429 University Avenue

December 17, 2018

CITY OF PALO ALTO

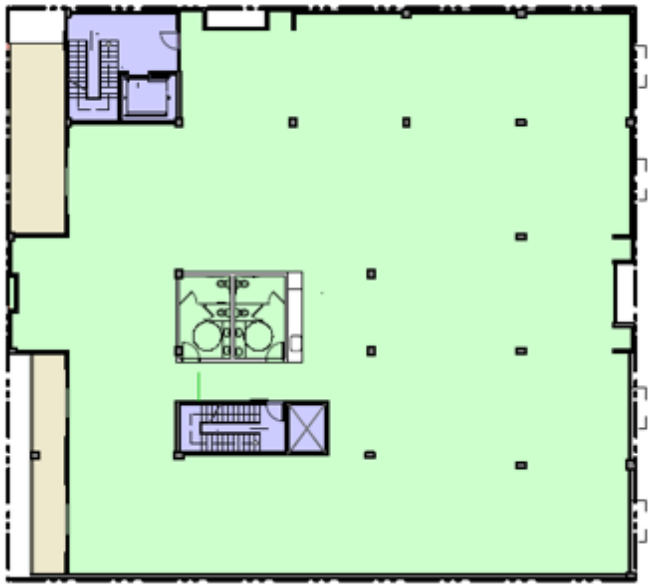
Project Revisions: 4th Floor Consistency

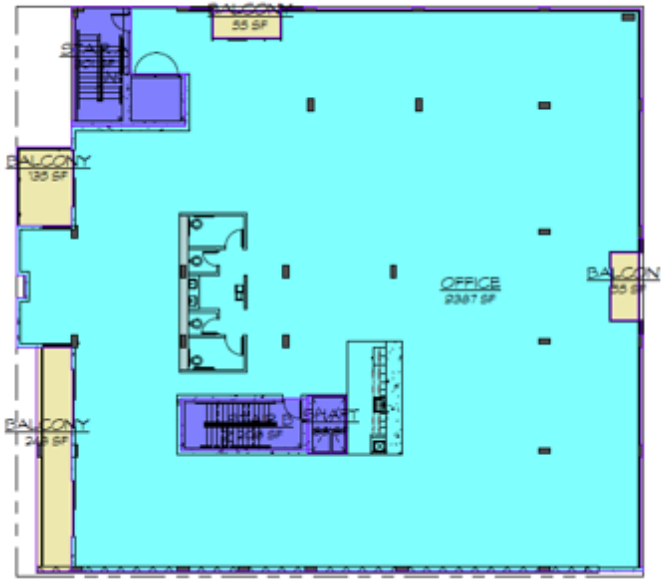
City Council Approved Drawings (2.6.17)	Director Approved Drawings (10.16.18)	Change Between Drawings
1st Floor		
		• Changes to driveway ramp, circulation, interior property line setback • Net Change ~46 SF (less)

CITY OF PALO ALTO

Project Revisions: 4th Floor Consistency

2nd Floor

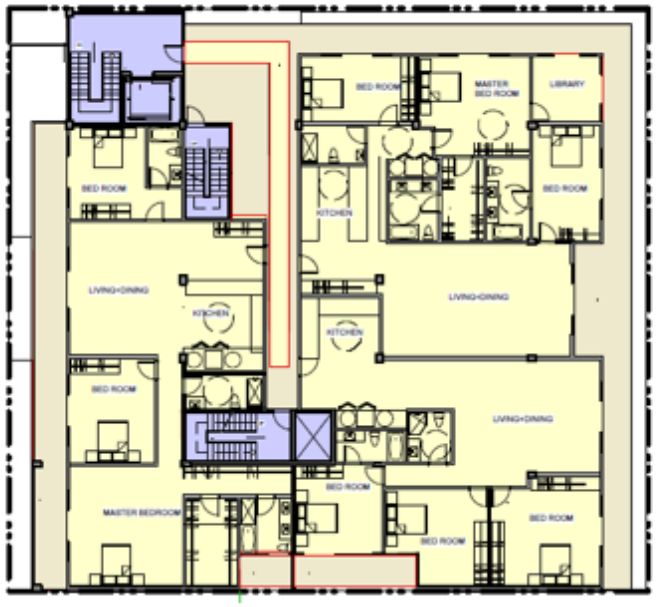
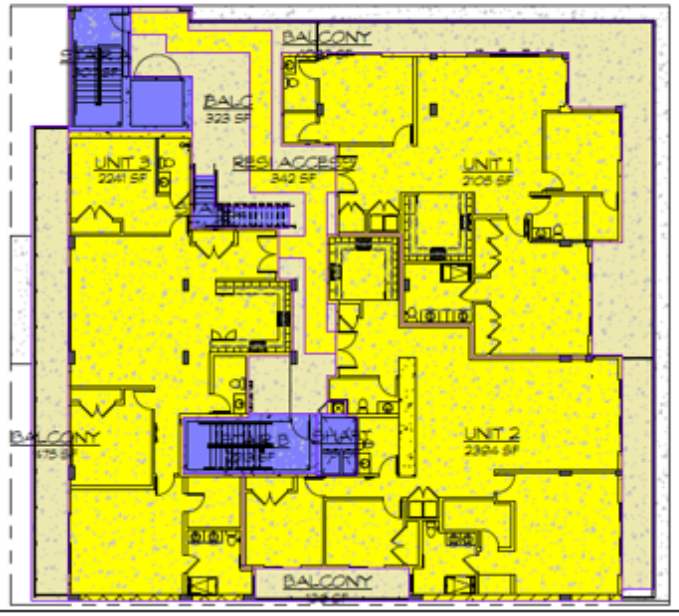




- Changes to balconies, circulation, interior property line setback
- Net Change ~87 SF (less)

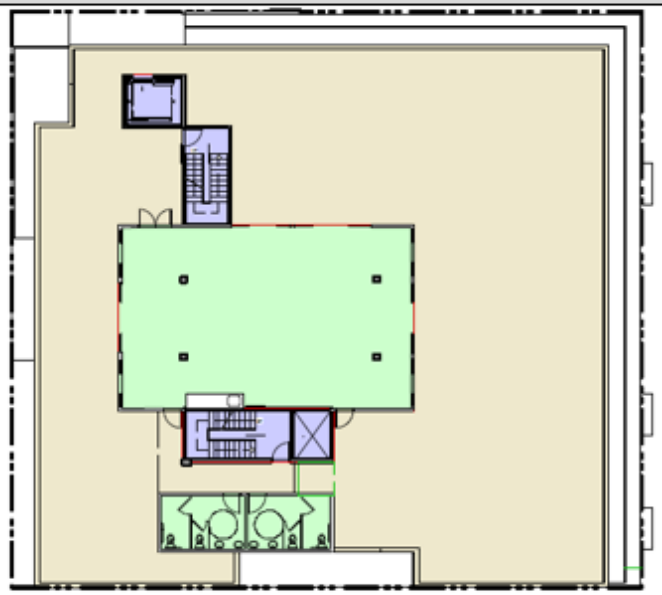
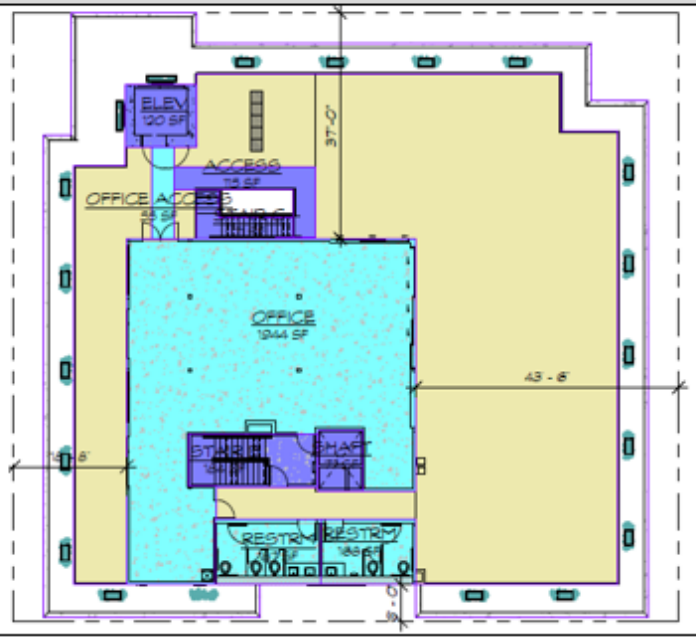
CITY OF PALO ALTO

Project Revisions: 4th Floor Consistency

3rd Floor		
		• Removed library, circulation changes, interior property line setback • Net Change ~259 (less)

CITY OF PALO ALTO

Project Revisions: 4th Floor Consistency

4th Floor		
		• Changes to balconies, circulation, interior property line setback • Net Change ~392 SF (add)

CITY OF PALO ALTO

Building Colors

Lighter colors proposed

Concern that lighter colors will fade

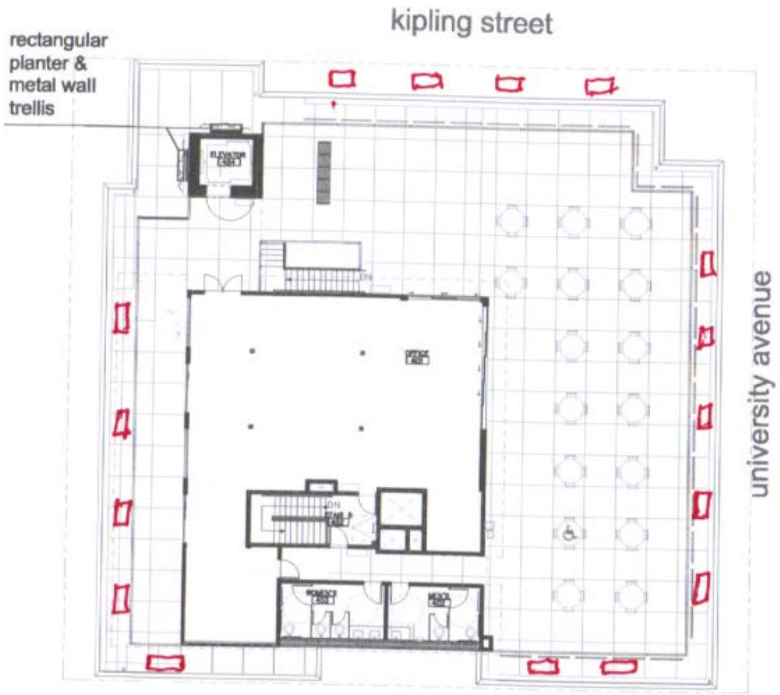
Ceiling and floors are consistent colors

University Avenue Elevation

Kipling Street Elevation

Landscaping

- 16 new rectangular pots added to roof
  - 30” long by 18” wide and 20” tall
  - CA Fuschia or Foothill Penstemon
- New trellis on rear of building
- First floor planters increased in height
- Third floor planters increased in diameter

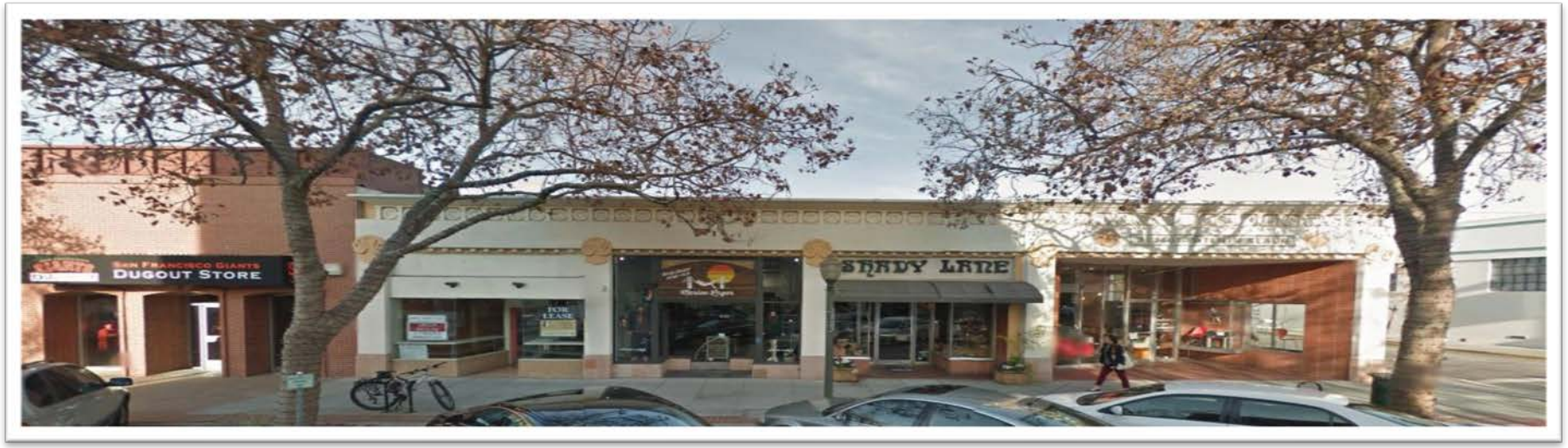


CITY OF PALO ALTO

West Wall Design

Tree Motif

CITY OF PALO ALTO



Support for Denial of Proposed Building for 429 University Ave at Kipling St

By

Neighbors and Community to Protect Kipling Street

Birge Clark Buildings to be Demolished

- 423 and 425 and 429 and 433 and 437 University Ave
- HRB Unanimously rejected this proposed plan (5-0)
- ARB has rejected current plans now before council on 10-4-18

www.pastheritage.org

One-story buildings Replaced with Mammoth 4-story building

- 1.0 FAR to nearly 3.0 FAR
- Disregards mandated design linkages
- Mass and size incompatible with neighboring buildings
- Pedestrian unfriendly
- Predominantly office

Pedestrian Unfriendly Design Violates Code

- Hostile Urban Design lacks shelter, recess, covers, awnings
- Massive Building Discourages use of Downtown alleys for pedestrian and bicycle-only use and prevents shops from opening onto alleyway (CP T-21 and DDG pp 14,16, 22, 31)
- Large scale and mass detracts from Pedestrian Orientated Design (MC 18.18.110)
- PAMC Requires Harmonious Transitions in Scale and Character *and* that are Considerate of Each Other (MC 18.76.020 a,b)

YogaWorks Will Be Obscured by Massive Rear Wall and Garage Door

- ⊗ Increased traffic poses safety threat to yoga students
- ⊗ Discourages use of alleyway as pedestrian pathway (CP T-21; DDG pp 22, 31)
- ⊗ Prevents shops from opening onto alley (DDG p 16)

City Council Motion Requirements (2-6-17)

- **Many citizens appealed and won concessions regarding this building**
  - **It is unfair and illegal to these citizens if you abandon their concerns now**

- **Approval of Project is subject to actual Project Matching Option 1 (Failed)**

- **ARB to Review and Make Recommendations to Director of Planning regarding:**
  - **Materials and colors**
  - **Craftsmanship-related detailing (Denied)**

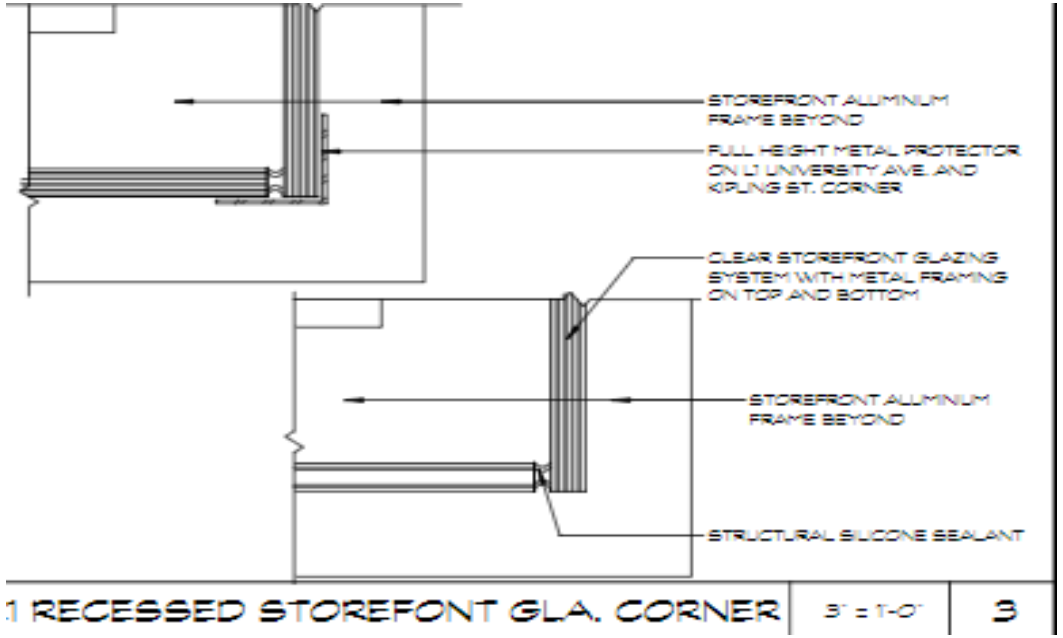
- **Purpose is to "ensure the ARB reviews the exterior materials and colors and architectural details to improve design linkages"**

Submitted Design is NOT Option 1

- Plans are Illegal because they do not comply with City Council Motion
  - Developer changed her plans
- Contentious Fourth Floor is now 16% larger (400 sq ft) and more visible
  - Developer received conditional approval of design, <u>not</u> a right to total square footage
  - offset square footage doesn't automatically get to be put on top of this mud pie
- Other Dimensions, Designs and Landscaping are different than original submission

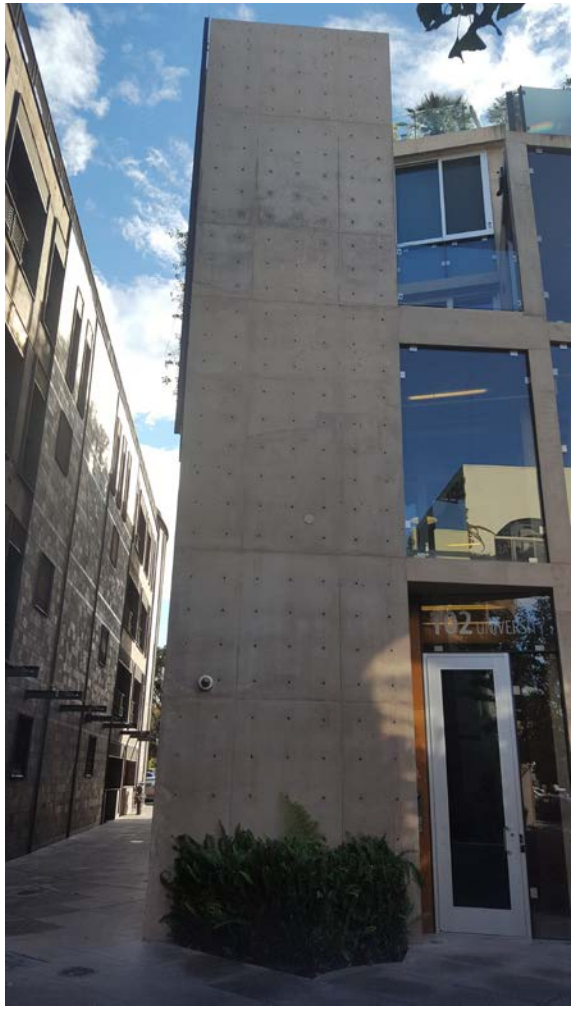
Design, Construction and Materials are Poor

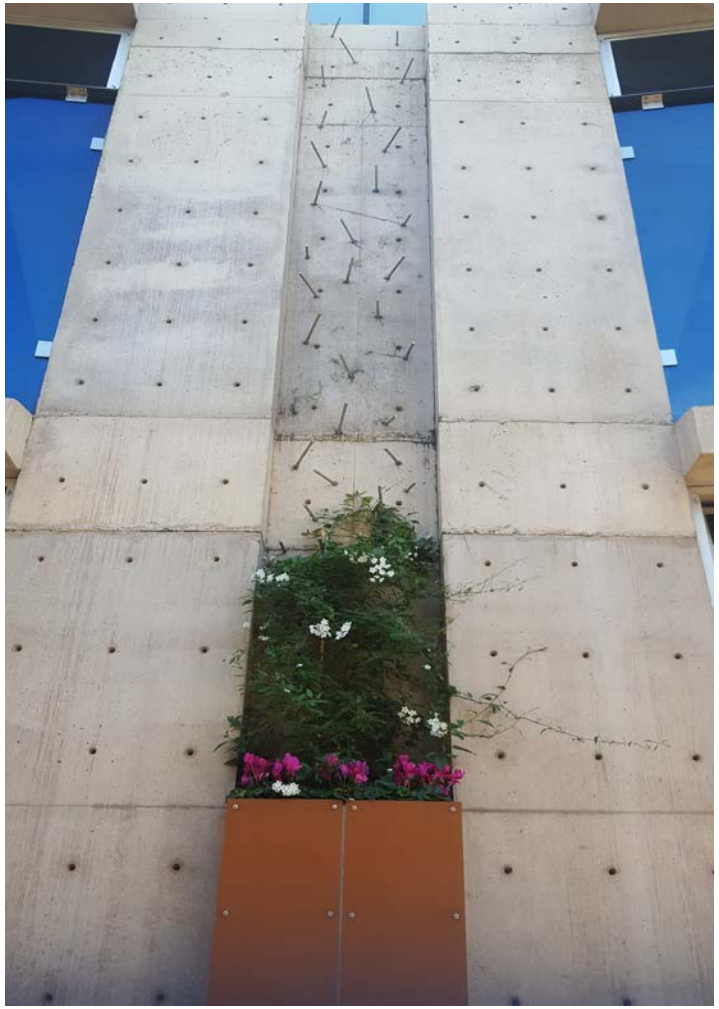
102 University Ave photos



Proposed 429 University Ave

Proposed Landscaping is Not Practical, Realistic or Beautiful





BEWARE

- This megacomplex is predominately an office space by %
- Worsens jobs to housing balance
- Three luxury apartments do not qualify for CHAA designation
    - Must be 2/3 housing *and* low income
- Intimidation by litigation based on a non-applicable law
- Attack and elimination of dissenting ARB members
- Developer has history of building and design controversies
- Target of ongoing union protests for unfair wages and practices

Request by Palo Altans and Neighbors

- Reject Illegal Current Design Proposal
- Building that enhances city and neighborhood
- Deny Extension Request
  - Applicant already given extension and had over 3 years
- Developers who don’t follow rules don’t get permits
- Don’t be bullied by a developer lawsuit
  - Backlash litigation against city from ignored citizens

Kipling Post's Appeal of Planning Director Denial of Minor Architectural Review, Condition of Approval No. 3c

Dec. 17, 2018, Agenda Item 3,

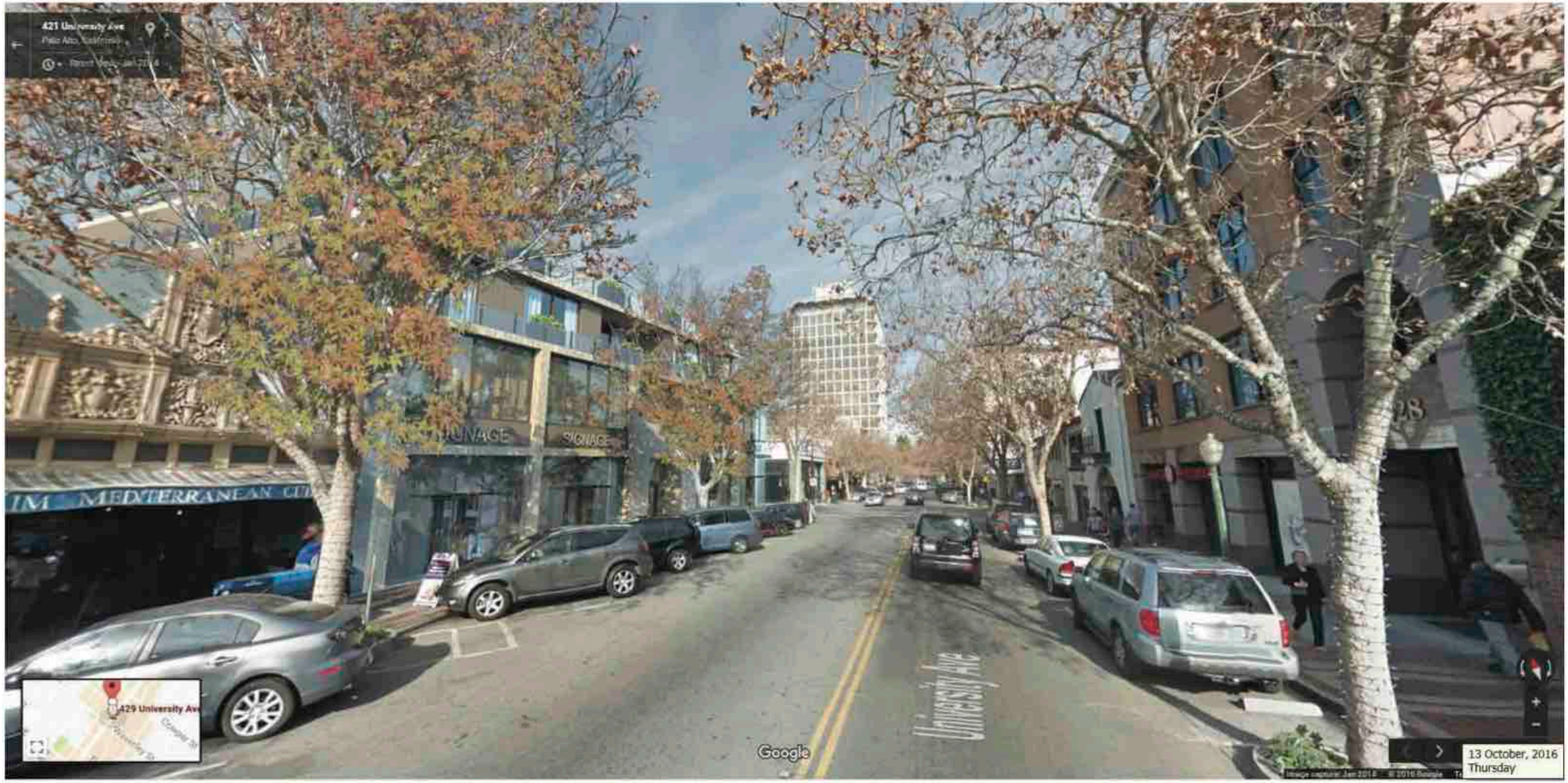
429 University Avenue Project

Palo Alto City Council

By Counsel Timothy Kassouni

5
SIGNAGE
SIGNAGE

DAVIS COLORS
1/4" CLEAR
429 UNIVERSITY AVE.
MIXED USE
APPLICATION 14PLN-0022
Ko


421 University Ave
Palo Alto, California
MEDITERRANEAN
SIGNAGE
SIGNAGE
University Ave
429 University Ave
Google
13 October, 2016
Thursday

City Manager Keene Seeks Meeting

- City Manager Mr. Keene recommended the continuance of the hearing to today, stating that: "…*talking with the Planning Director, it was clear that there were some reasons that I think he really could have found that the Project might be able to meet approval*".
- In response to the City Manager's recommendation, a meeting was held with Kipling Post's counsel, Elizabeth Wong on behalf of Kipling Post LP, Interim Planning Director Mr. Lait, and City Attorney Albert Yang. The meeting resulted in a successful agreement on the terms of recommended approval of the Project.

Agreement Reached

As follow-up to the meeting, Deputy City Attorney Albert Yang wrote: ”*I am writing to memorialize our agreement reached … Kipling Post LP will incorporate the following elements into its proposed project:*

1. *Awning over the building entrances. …*
2. *Window “screen” material on the upper portion of second floor windows. …*
3. *Contrasting materials added to second and third floor railings. …”*

Project Recommended for Approval

- Per Mr. Yang's request, these changes were incorporated in renderings delivered by Ko Architects, to the City on December 14, 2018.

- Mr. Yang, on behalf of the City confirmed in an e-mail that Planning is "… *recommending that the project be approved with these changes and <u>without the need for any additional discretionary review by the City</u>.*"

GLASS RAILING, 6'-0" (LENGTH) X 3'-6" (HEIGHT), WITH STEEL PLATE POST SUPPORT ON EACH SIDE, GLASS CLAMP, MOUNTING PLATE AND CONTINUOUS DARK BRONZE TOP RAIL.

HORIZONTAL WINDOW SCREEN OVER UPPER PORTION OF SECOND FLOOR WINDOW, SCREEN TO BE 3" X 1/4" IN SIZE @ 7 1/4" O.C. NATURAL ALUMINUM FINISH.

CANVAS AWNING OVER BUILDING ENTRANCE, WITH RECTANGULAR STEEL FRAME ATTACHED TO THE CONCRETE COLUMN AT 10' ABOVE GROUND LEVEL, EXTEND 36" FROM EXTERIOR CURTAIN WALL. STEEL FRAME TO BE 3 3/4" WIDE AT FRONT & 6" WIDE AT BACK SUPPORT.

UNIVERSITY AVE. AND KIPLING ST. BIRDVIEW | 1

CONTINUOUS TOP RAIL, 3 1/2" IN WIDTH, COLOR TO BE DARK BRONZE

3" X 1/2" STEEL PLATE POST SUPPORT ON EACH SIDE

STAINLESS STEEL GLASS MOUNTING CLAMP

1/4" TEMPERED GLASS

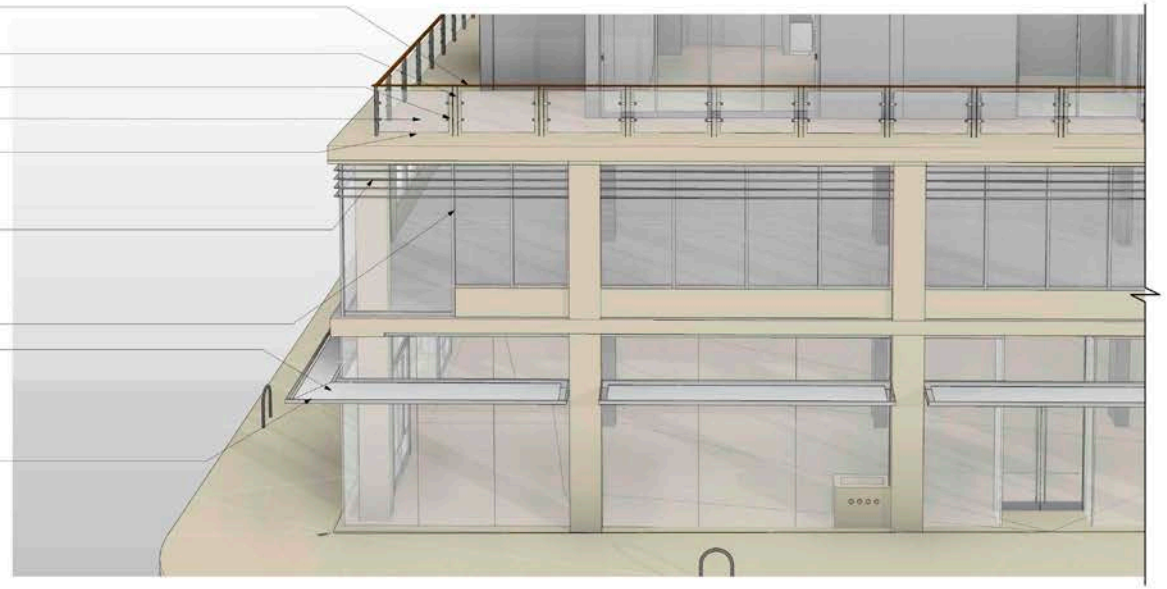
3 3/4" GAP AROUND THE GLASS

4 HORIZONTAL WINDOW SCREEN FINS SPACED @ 7 1/4" O.C. SCREEN TO BE 3" X 1/2" IN SIZE, NATURAL ALUMINUM FINISH, SUPPORTED BY VERTICAL ALUMINUM FRAME BEHIND

STOREFRONT FIXED WINDOW SET IN NATURAL ALUMINUM FRAME, FRAME TO BE 2"X4" IN SIZE.

FABRIC CANVAS

STEEL PLATE FRAMING AROUND, SIZE TO BE 3 3/4" IN WIDTH AND 1/2" IN THICKNESS AT THE FRONT EDGE & 6" IN WIDTH AT BACK SUPPORT.



NOTE:
MATERIAL AND COLOR SUBJECT TO MANUFACTURER'S SPECIFICATION & RECOMMENDATIONS.

KIPLING ST. VIEW ZOON IN | 2

429 UNIVERSITY AVE.
MIXED USE
RETAIL . OFFICES
3 RESIDENTIAL UNITS

429 UNIVERSITY AVE.
PALO ALTO, CA 94301

Ko Architects, Inc.
900 High Street, Suite 1
Palo Alto, CA 94301
P: 650.853.1908
www.koarch.com

LICENSED ARCHITECT PETER YAT-PING KO C24,487 7-31-19 STATE OF CALIFORNIA

MAJOR ARB APPLICATION #14PLN-00022
CITY COUNCIL APPROVAL NO.2017-2

REVISIONS

PROJECT	17-721
DATE	11.3.2017
DRAWN BY	CZ
SCALE	

SHEET

AWNINGS PERSPECTIVES **A.01**

© KO ARCHITECTS, INC.

HORIZONTAL WINDOW SCREEN OVER UPPER PORTION OF SECOND FLOOR WINDOW; SCREEN TO BE 3' X 1/4" IN SIZE @ 7 1/4" O.C. NATURAL ALUMINUM FINISH.

GLASS RAILING, 6'-0" (LENGTH) X 3'-6" (HEIGHT), WITH STEEL PLATE POST SUPPORT ON EACH SIDE, GLASS CLAMP, MOUNTING PLATE AND CONTINUOUS DARK BRONZE TOP RAIL.

CANVAS AWNING OVER BUILDING ENTRANCE, WITH RECTANGULAR STEEL FRAME ATTACHED TO THE CONCRETE COLUMN AT 10' ABOVE GROUND LEVEL, EXTEND 3'6" FROM EXTERIOR CURTAIN WALL. STEEL FRAME TO BE 3 3/4" WIDE AT FRONT & 6" WIDE AT BACK SUPPORT.

UNIVERSITY AVE. AND KIPLING ST. VIEW | 1

3" X 1/2" STEEL PLATE POST SUPPORT ON EACH SIDE

STAINLESS STEEL GLASS MOUNTING CLAMP

1/4" TEMPERED GLASS

CONTINUOUS TOP RAIL, 3 1/2" IN WIDTH, COLOR TO BE DARK BRONZE

3 3/4" GAP AROUND THE GLASS

4 HORIZONTAL WINDOW SCREEN FINS SPACED @ 7 1/4" O.C. SCREEN TO BE 3" X 1/2" IN SIZE, NATURAL ALUMINUM FINISH, SUPPORTED BY VERTICAL ALUMINUM FRAME BEHIND

STOREFRONT FIXED WINDOW SET IN NATURAL ALUMINUM FRAME, FRAME TO BE 2'X4' IN SIZE.

2' TALL CONCRETE WALL BELOW WINDOW

NOTE:
MATERIAL AND COLOR SUBJECT TO MANUFACTURER'S SPECIFICATION & RECOMMENDATIONS.

ENLARGED UNIVERSITY AVE. VIEW | 2

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LICENSED ARCHITECT
KO KAT-FING KO
C24,487
7-31-19
STATE OF CALIFORNIA

MAJOR ARB APPLICATION #14PLN-00022
CITY COUNCIL APPROVAL NO.2017-2

REVISIONS

PROJECT	17-721
DATE	11.3.2017
DRAWN BY	CZ
SCALE	

SHEET

WINDOW SCREEN PERSPECTIVES **A.02**

© KO ARCHITECTS, INC.

KIPLING ST. AND ALLEY VIEW | 1

NOTE:
MATERIAL AND COLOR SUBJECT TO MANUFACTURER'S SPECIFICATION & RECOMMENDATIONS.

ALLEY VIEW | 2

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www.koarch.com

LICENSED ARCHITECT
PETER TAT-PING KO
C24,487
7-31-19
STATE OF CALIFORNIA

MAJOR ARB APPLICATION #14PLN-00022
CITY COUNCIL APPROVAL NO.2017-2

REVISIONS

PROJECT	17-721
DATE	11.3.2017
DRAWN BY	CZ
SCALE	

SHEET

RAILING PERSPECTIVES **A.03**

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HORIZONTAL WINDOW SCREEN OVER UPPER PORTION OF SECOND FLOOR WINDOW, SCREEN TO BE 3' X 1/4' IN SIZE @ 7 1/4' O.C. NATURAL ALUMINUM FINISH.

STOREFRONT FIXED WINDOW SET IN NATURAL ALUMINUM FRAME, FRAME TO BE 2'X4' IN SIZE.

2' TALL CONCRETE WALL BELOW WINDOW

CANVAS AWNING OVER BUILDING ENTRANCE, WITH RECTANGULAR STEEL FRAME ATTACHED TO THE CONCRETE COLUMN AT 10' ABOVE GROUND LEVEL, EXTEND 38' FROM EXTERIOR CURTAIN WALL. STEEL FRAME TO BE 3 3/4' WIDE AT FRONT EDGE & 8' WIDE AT BACK SUPPORT.

CLEAR FRAMELESS GLASS STORE FRONT SYSTEM WITH TOP AND BOTTOM METAL RAIL SUPPORT RECESSED INTO THE SLAB, AND 2 3'X3' STEEL TUBE VERTICAL SUPPORT ON EACH SIDE OF THE FRAMELESS PIVOT DOOR.

VIEW ALONG UNIVERSITY AVE. 1 | 1

CANVAS AWNING WRAP AROUND THE CORNER OF THE UNIVERSITY AND KIPLING

6' (WIDTH) X 3' (THICKNESS) STEEL TUBE ATTACHED TO THE CONCRETE COLUMN

STEEL PLATE FRAMING AROUND, SIZE TO BE 3 3/4' IN WIDTH AND 1/2' IN THICKNESS AT THE EDGE.

FABRIC CANVAS

NOTE:
MATERIAL AND COLOR SUBJECT TO MANUFACTURER'S SPECIFICATION & RECOMMENDATIONS.

VIEW ALONG UNIVERSITY AVE. 2 | 2

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3 RESIDENTIAL UNITS

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LICENSED ARCHITECT
PEIER TAT-PING KO, A.N.
C24,487
7-31-19
STATE OF CALIFORNIA

MAJOR ARB APPLICATION #14PLN-00022
CITY COUNCIL APPROVAL NO.2017-2

REVISIONS

PROJECT	17-721
DATE	11.3.2017
DRAWN BY	CZ
SCALE	

SHEET

PERSPECTIVERS **A.04**

© KO ARCHITECTS, INC.

What the Staff Report on this Appeal Says

- ". . . The project does not comply with the contextual and compatibility criteria of the municipal code in that it does not share general characteristics or establish design linkages with the overall pattern of development."
- **PROBLEM: This City Council made exactly the <u>opposite</u> Findings when it approved the project in 2017**

In Approving the Project, the City Council Issued <u>18 Findings of "Compatibility"</u> in 2017:

- <u>Finding 1</u>: design is consistent with Code requirements "including **compatibility** requirements"
- <u>Finding 2</u>: "provides **harmonious transitions in scale, mass and character** to adjacent land uses . . . ."
- <u>Finding 2</u>: design promotes **pedestrian walkability** through wide sidewalks with recessed entries
- <u>Finding 2</u>: building facades create an environment "that supports and encourages pedestrian activity"

2017 City Findings (con't)

- Finding 2: Building façade facing University preserves existing storefront pattern
- Finding 2: design minimizes massing
- Finding 3: design is of "high aesthetic quality" and **incorporates "textures, colors and other details that are compatible with and enhance the surrounding area"**
- Finding 4: design allows for **ease and safety of pedestrian traffic**

2017 City Council Findings (con't)

- "The project is compatible with the surrounding development based on the building's **size, scale and mass**."
- "The project reflects a similar massing and rhythm to other properties along University Avenue . . . [and] provide[s] "an appropriate transition . . . to the . . . buildings nearby."
- The project "provides a transition in scale and character along University Avenue."
- "The building's modern design **blends and transitions with the surrounding buildings through similar materials** and horizontal rooflines."

2017 City Council Findings (con't)

- "The building reinforces the pedestrian character of University Avenue . . . ."
- "design features create a project that is **pedestrian friendly** and designed on a human scale . . . ."
- "The project is **compatible** with the immediate environment of the site."
- The design results "in a **gradual transition in scale . . .increasing the compatibility and character of the project with its immediate environment.**"

2017 City Council Findings (con't)

- "The design of the building offers a harmoniously compatible transition with the design character of the streetscape along University Avenue."
- The building's modern look is "consistent with the character of the surrounding buildings . . . along University. . . ."

Condition of Approval No. 3 Sets Forth a <u>Limited</u> Task for the Planning Director

- For Planning Director approval:
- "(a) A decorative wall design treatment, feature or element, shall be applied to the exterior walls immediately adjacent to the southern property line . . . ."
- "(b) Landscape details and plans for all proposed planting, including individual planters, the greenwall, and landscaping near the rooftop elevator."
- **(c) "The exterior building materials, colors and craftsmanship-related detailing associated with the project."**

Kipling Post Complied and Made Proposals at Three ARB Hearings

- Ko Architects presented a new materials board to the ARB. The board included **samples of the metal and glass, and sample materials and colors for cement, stucco, and paint**. The two colors, “sandstone” and “silversmoke” were similar to those from the immediately adjacent building at 423 University.
- Ko Architects then revised the materials board for the second ARB Minor Level hearing on September 20, 2018, to include an option for a lighter palette, using “San Diego buff” and “pewter” as the two colors. At the hearing, Ko Architects recommended the darker hues with the explanation that the concrete colors would look different depending on the lighting, and that integral color concrete would naturally lighten over time.

- At the third ARB Minor Level hearing on October 4, 2018, Ko Architects presented many craftsmanship details and concrete contractor Bill Brown [a specialist in architectural concrete construction, who did the concrete work at 102 University], was brought in to address the ARB and to answer any questions.

Planning Director Has Repeatedly Changed His View on Compliance with 3c During This Process

- The Planning Director in his draft findings before each ARB hearing on this issue, recommended **approval**
- Then, at the last minute, literally days before his ruling, he sent an email (Oct 12) that changed his position:

October 12, 2018 Email from Director Lait

- Sun shades/awnings
- **Recess ground floor glass façade by as much about 2 feet and add recessed area to second floor**
- **Add texture to exterior concrete “that recognizes the high level of detail on surrounding buildings”**

- Notice he doesn’t say anything about colors
- Notice that he doesn’t say if you do these things you will be approved
- He only says he will seek approval from the ARB again
- That’s the same ARB that has never recommended approval in even a single one of more than 12 hearings

Planning Director's October 16 Final Determination

- Planning Director changes his mind again
- He claims that the "textures, colors and craftsmanship are not compatible with and do not enhance the surrounding area."
- For the first time, he claims that the color scheme is too "cool"
- He demands more linkages to other buildings when the City Council repeatedly determined in 2017 that those types of transitions and linkages already exist
- His report references Juliet balconies, faux balustrade screens, recessed store fronts, awnings, sunscreens, and decorative lighting
- He wants craftsmanship details that apply to more traditional buildings, not a modern design

Nature and Design of the Building Approved by the City Council in 2017

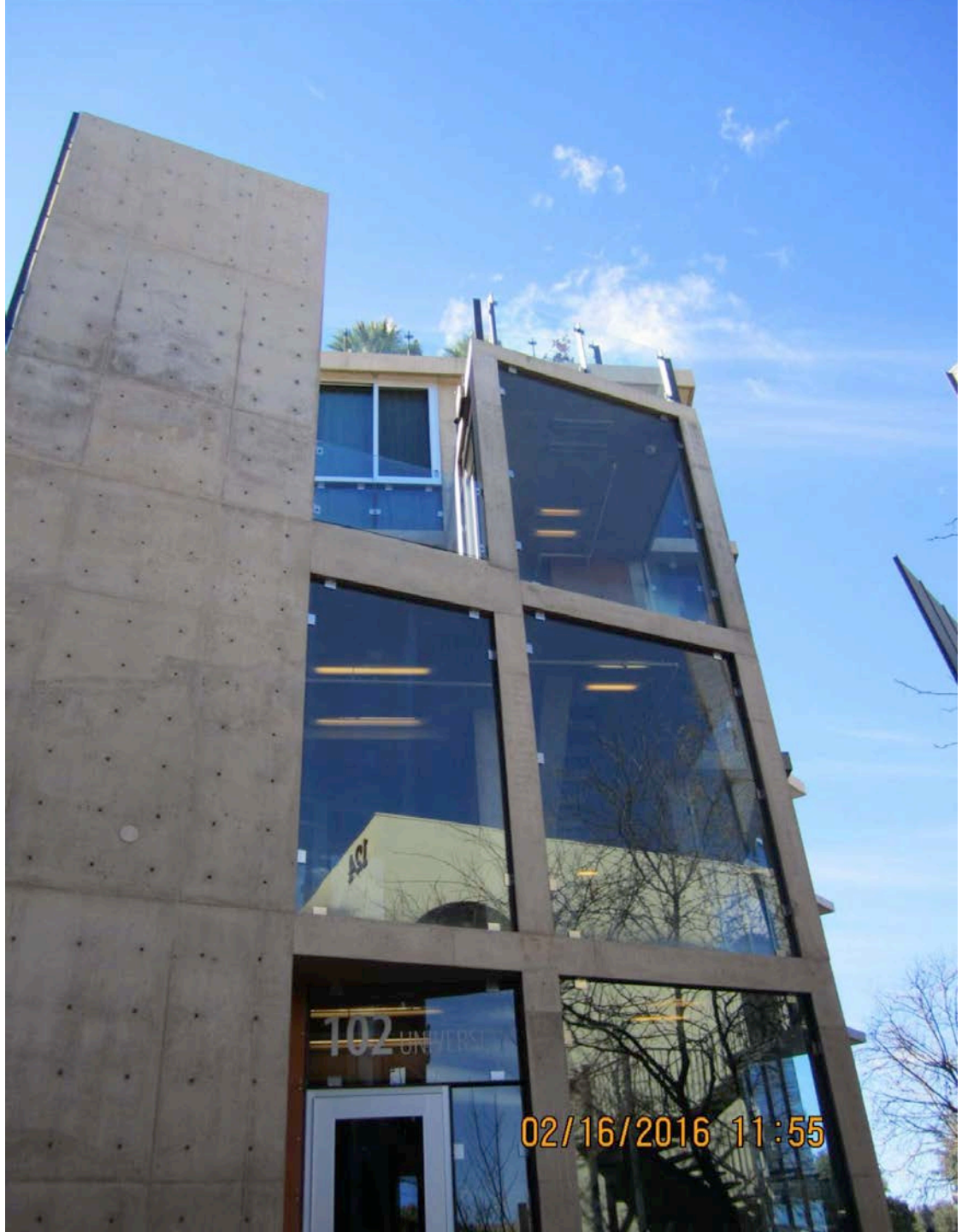
- **City Council approved the modern design of concrete and glass**
- **Condition 3c doesn't require re-designing the project or changing the fundamental character, design or architectural style.**
- Rather, Condition 3c merely ensures that the color isn't something wild, or that details added to the exterior don't undermine the City Council's findings
- Condition 3c doesn't require that the Applicant add exterior buildings materials, but rather only requires that if they are added they be consistent with the approval

The Planning Director Is Creating Requirements Here That the City Has Not Applied to Other Buildings On University Avenue

- 102 University Avenue (Slides 28, 29,30)
- 500 University Avenue (Slide 31)
- Apple Store on University Avenue (Slide 32)
- 428 University Avenue – across project site (Slide 33)

02/16/2016 11:53

WiL
WORLD INNOVATION LAB
1-A
02/16/2016 11:52


102
02/16/2016 11:55

11/26/2018
7GVS315

Siam Royal
Authentic Thai Cuisine
Siam Royal

Peet's Coffee & Tea
HIRING
CREAM
Peets
433
WAIT
Create
FUTURE

Condition of Approval No. 3

- Condition 3 of the **City Council's 2017 approval** **<u>restricted</u>** the scope of the additional ARB review to: (1) decorative wall design treatment to be applied to exterior wall on southern property line; (2) landscape details; and (3) the "exterior building materials, colors and craftmanship-related detailing . . . ."
- ARB **failed** to limit its review to that scope
- The Planning Director is **legally obligated** to reject any ARB recommendations beyond that scope
- Instead, the Planning Director **unlawfully** seeks to **<u>force fundamental architectural design changes, ignoring the limitations set by this City Council</u>**

City Is Exposed to Legal Liability and Damages

- **Taking of Private Property**, including Temporary Taking damages that accrue for every day that completion of the project is delayed.
- Constitutional Due Process and Equal Protection Violations
- Federal Civil Rights violations that entitles Kipling Post to damages and attorney's fees against the City and individual Planning staff
- Damages under the vested rights doctrine accruing from the City's refusal to live up to its approval of the project in 2017

City Is Exposed to Legal Liability and Damages (cont'd)

- **Spot Zoning**
- "Spot zoning" occurs when a parcel of land is rezoned to give it fewer or greater rights than the parcels surrounding it. (Foothill Communities, supra, 222 Cal.App.4th at pp. 1307, 1311-1312, 166 Cal.Rptr.3d Cal.Rptr.3d 369 (Arcadia Development).)

Litigation Track Record

- In 2013, Mr. Kassouni prevailed in *Lockaway Storage v. County of Alameda*, where the court awarded the owner more than $1 million in damages and $750,000 in attorney's fees, and settled with individual County employees for their biased conduct for $500,000.
- The facts here are remarkably similar.
- In 2016, Roth prevailed in *Boatworks v. City of Alameda*, where the court invalidated $39 million in impact fees due to the City exceeding its authority and acting arbitrarily. The court awarded $600,000 in attorney’s fees.

If the Appeal Is Denied, Litigation Is the Only Option

- Kipling Post is at the end of the line
- Over twelve ARB hearings have been held, each revealing the extreme bias of that body
- The Planning Director repeatedly changes his mind as to what is required and ignores the previous findings of this City Council
- Kipling Post is being forced to pursue the legal remedies

TIMELINE = 6 yrs

ARB - COUNCIL TIMELINE
429 UNIVERSITY

DATE	EVENT	VERSION	ARCHITECT	BOARD	NOTES
11/7/2013	Pre ARB		Hayes Group	ARB	
11/20/2014		REV 3B	Hayes Group	ARB	
12/18/2014		REV 4	Hayes Group	ARB	
1/7/2015		REV 4A	Hayes Group	ARB	
1/15/2015			Hayes Group	ARB	
2/19/2015		REV 5	Hayes Group	ARB	
4/6/2015	pulled from consent calendar			City Council	
5/4/2015	City Council - Appeal by Harbour			City Council	
9/10/2015				HRB	
9/17/2015	ARB review	REV 6	JTA Designs	ARB	after appeal
3/17/2016		REV 7, 8	Topos Architects	ARB	Topos models A & B
8/4/2016		REV 9	Joseph Bellomo Architects	ARB	
9/1/2016	Study Session presented Option 1	REV 10	Joseph Bellomo Architects	ARB	
9/20/2016	presented Option 2		Joseph Bellomo Architects	ARB	
10/20/2016	presented Option 3	REV 11	Joseph Bellomo Architects	ARB	
2/6/2017	Approved Option 1 from REV 10		Joseph Bellomo Architects	City Council	
3/20/2017	consent calendar		Joseph Bellomo Architects	City Council	
8/16/2018	ARB Minor		Ko Architects	ARB	
9/20/2018	ARB Minor - orig sched 9/6/18		Ko Architects	ARB	
10/4/2018	ARB Minor		Ko Architects	ARB	
12/3/2018	City Council - Appeal by Kipling Post		Ko Architects	City Council	
12/17/2018	City Council - Appeal by Kipling Post		Ko Architects	City Council	

ARB = 15 HRB = 1 COUNCIL = 6

Gmail

Elizabeth Wong <elizabethwong2009@gmail.com>

RE: 429 University

1 message

7/18/18 : Lait : Make changes to F2, F3, F4

Lait, Jonathan <Jonathan.Lait@cityofpaloalto.org> Wed, Jul 18, 2018 at 5:16 PM
To: Elizabeth Wong <elizabethwong2009@gmail.com>
Cc: Peter Ko <design@koarch.com>, Tracy Wang <tracy@koarch.com>, Adam Petersen <APetersen@m-group.us>, Andrew Wong <a.jaime.wong@gmail.com>, Jaime Wong <jandewong@gmail.com>, "Flaherty, Michelle" <Michelle.Flaherty@cityofpaloalto.org>, "Morse, Rosemary" <Rosemary.Morse@cityofpaloalto.org>, "Gerhardt, Jodie" <Jodie.Gerhardt@cityofpaloalto.org>

Elizabeth,

7/18/18

We have you scheduled for August 16 ARB. We need 14, color, half-sized sets of plans by August 3. An electronic copy by next Tuesday is needed to begin preparing the staff report. This will be considered a Minor AR, that requires Board level review.

The hearing will address the various items that are required to return to the ARB (landscaping, wall design at interior property line, etc.)

The revised plans, attached, will also be reviewed, but staff would recommend some changes to the Board. If, however, you address the following bulleted changes in advance of the hearing, I believe staff can reasonably concluded that the project is consistent with the Council approved plans (Option 1) and ARB review would not be required. These changes include the following:

- Second Floor: restore the balconies along University Avenue and Kipling Street to the size shown in the Option 1 plans (which would have the effect of enclosing the circulation area near the elevator and stairway, while keeping this separated as required by building) and make a commensurate floor area reduction on the fourth floor.

- Third Floor: Set back the terrace railing two-feet eight-inches (2'-8") along University Avenue and Kipling Street as shown in the Option 1 plans. Remove the 18-inch projecting overhang from University Avenue and Kipling Street. There should be no building projections extending beyond the property line at any floor level.

- Fourth Floor: Set back the roof terrace railing five feet (5') from the building edge at all locations, including near the elevator, alley, and adjacent to the interior property line. Additionally, shift the office closer to University Avenue, consistent with the 39-foot 9-inch setback, while maintaining the same setbacks at Kipling and the alley. Finally, with these changes combined with the changes on the Second Floor, the office would not need to extend to the interior property line and instead can be aligned with the bathrooms.

- Lastly, sheet A0.2.2 needs to include the open stair case area in the square footage calculation table.

I will be out of the office after next Tuesday and will miss the August 16 meeting – hopefully we can be in alignment as to what the Board will consider before then. If you need any clarification, please feel free to contact Jodie or Adam. If you want to send us a final plan set before Tuesday, I'm happy to look at that too.

Thanks, Elizabeth.

From: Lait, Jonathan
Sent: Tuesday, July 17, 2018 6:45 PM 7/17/18
To: 'Elizabeth Wong' <elizabethwong2009@gmail.com>
Cc: Peter Ko <design@koarch.com>; Tracy Wang <tracy@koarch.com>; Adam Petersen <APetersen@m-group.us>; Andrew Wong <a.jaime.wong@gmail.com>; Jaime Wong <jandewong@gmail.com>; Flaherty, Michelle <Michelle.Flaherty@CityofPaloAlto.org>; Morse, Rosemary <Rosemary.Morse@CityofPaloAlto.org>; Gerhardt, Jodie <Jodie.Gerhardt@CityofPaloAlto.org>; Lait, Jonathan <Jonathan.Lait@CityofPaloAlto.org>
Subject: RE: 429 University

Hi Elizabeth,

We received the plans and I have reviewed them with Adam and Jodie.

You'll receive an update email from us tomorrow.

From: Elizabeth Wong [mailto:elizabethwong2009@gmail.com]
Sent: Monday, July 16, 2018 6:35 PM
To: Lait, Jonathan <Jonathan.Lait@CityofPaloAlto.org>
Cc: Peter Ko <design@koarch.com>; Tracy Wang <tracy@koarch.com>; Adam Petersen <APetersen@m-group.us>; Andrew Wong <a.jaime.wong@gmail.com>; Jaime Wong <jandewong@gmail.com>; Flaherty, Michelle <Michelle.Flaherty@CityofPaloAlto.org>; Morse, Rosemary <Rosemary.Morse@CityofPaloAlto.org>
Subject: 429 University

Jonathan,

Please confirm receipt of a set of drawings we dropped off at Planning reception late this afternoon on July 16, 2018. These are the drawings you requested in order to schedule us for an ARB minor level

Gmail

7/20/18 Ko Architects to make 'Changes'

Elizabeth Wong <elizabethwong2009@gmail.com>

Summary of Meeting Friday July 20, 2018 -- 429 University Ave

1 message

Elizabeth Wong <elizabethwong2009@gmail.com> Mon, Jul 23, 2018 at 9:25 AM
To: "Lait, Jonathan" <Jonathan.Lait@cityofpaloalto.org>
Cc: Peter Ko <design@koarch.com>, Tracy Wang <tracy@koarch.com>, "Flaherty, Michelle" <Michelle.Flaherty@cityofpaloalto.org>, "Morse, Rosemary" <rosemary.morse@cityofpaloalto.org>, "Hoyt, George" <George.Hoyt@cityofpaloalto.org>, Andrew Wong <a.jaime.wong@gmail.com>, Jaime Wong <jandewong@gmail.com>, Adam Petersen <APetersen@m-group.us>, "Ed.Shikada@CityofPaloAlto.org" <ed.shikada@cityofpaloalto.org>, "Keene, James" <james.keene@cityofpaloalto.org>

Good morning Mr. Lait,

This email shall memorialize the meeting last Friday July 20, 2018 on 429 University Ave.

ARB -

A Minor Level Review ARB is scheduled for August 16, 218, to present 3 items pending from the Council approval: the materials board, landscape and the western wall.

CHANGES -

We will be making the changes ("Changes") to the second, third, and fourth floors per our discussions at the July 20 meeting. However, sheet A0.2.2 will not change in square footage in regards to the open staircase. This item was crossed off by you at such meeting.

We understand that your approval for the building permit is conditioned on the implementation of the Changes.

We have a meeting scheduled with you on Monday August 20, 2018, at 11 am. This meeting will be cancelled only in the event an Approval from Planning for the Project is received by me prior to the August 20 meeting.

Thank you.

Elizabeth Wong

OCT 12 : MR LAIT

Gmail

- MAJOR CHANGES
- GOES BACK TO MAJOR ARB

Elizabeth Wong <elizabethwong2009@gmail.com>

429 University Avenue (one more year + hundreds of thousands of dollars in costs)

1 message

Lait, Jonathan <Jonathan.Lait@cityofpaloalto.org> Fri, Oct 12, 2018 at 5:01 PM
To: "Elizabeth Wong (elizabethwong2009@gmail.com)" <elizabethwong2009@gmail.com>

(Exactly what Michael Harbour wants)

Dear Elizabeth,

I write in advance of issuing a Director's decision for the subject Architectural Review application. Following the Architectural Review Board's October 4, 2018 recommendation, I am prepared to partially approve the application with respect to the decorative element on the southern elevation and landscaping plan, and partially deny the application with respect to the exterior building materials, colors, and craftsmanship. As currently presented, the exterior materials, colors, and craftsmanship are not consistent with Architectural Review findings 2 and 3 (see below).

However, I believe a few simple changes may be effective to address ARB's concerns and allow me to make the required findings. For example, the following changes would add textures, colors, and details more compatible with the highly ornamented character of the surrounding area:

* Addition of sun shades or awnings along the University Ave frontage
* Recessing the ground floor glass façade by 18-24" on the University Avenue (with removed floor area added to second floor)
* Adding texture to the exterior concrete on the first and second floors that recognizes the high level of detail on surrounding buildings.

If you are amenable to incorporating some or all of these changes, I would seek recommendation of approval from the ARB on the updated design prior to issuing my decision. I believe the ARB's support is important for the ultimate success of your project. Please contact me by 650 329-2679 if you are interested in pursuing this path for your application.

Jonathan

Relevant ARB Findings
Finding #2: The project has a unified and coherent design, that:

1. creates an internal sense of order and desirable environment for occupants, visitors, and the general community,
2. preserves, respects and integrates existing natural features that contribute positively to the site and the historic character including historic resources of the area when relevant,
3. is consistent with the context-based design criteria of the applicable zone district,
4. provides harmonious transitions in scale, mass and character to adjacent land uses and land use designations,
5. enhances living conditions on the site (if it includes residential uses) and in adjacent residential areas.

Finding #3: The design is of high aesthetic quality, using high quality, integrated materials and appropriate construction techniques, and incorporating textures, colors, and other details that are compatible with and enhance the surrounding area.

Ko Architects, Inc.

SLIDE 4
Ko Architects

To: Elizabeth Wong

November 29th, 2018

Re: 429 University Mixed Use Project
Planning Director's decision letter response

Dear Elizabeth,

I am writing this letter as a response to the suggested changes by the Planning Department Director, Jonathan Lait, prior to his decision letter on October 12, 2018. The implementation of these suggestions will be onerous and in contradiction to the City Council approved Option 1. This is how I understand them:

- **Addition of sun shades or awnings along the University Ave. frontage.**

This addition will encroach into the city sidewalk and the public right-of-way which was not acceptable to the Planning Department. Neither sun shades nor awnings were part of the design features shown on the Council approved elevations. Any discrepancy from the Council approved elevations or design had raised concerns from the project planner and ARB members.

- **Recessing the ground floor glass façade by 18-24" on the University Avenue (with removed floor area added to second floor)**

This is not part of the Option1 approved by the City Council. This will alter the Council approved allowable retail floor area. To add the office area in the second level would change the council approved office floor area as well. This will create a conflict with the total allowable floor areas proved to be unacceptable to the Planning Department.

- **Adding texture to the exterior concrete on the first and second floors that recognizes the high level of detail on surrounding buildings.**

This will completely alter the look and feel of the building rendering it more ordinary with no distinguishable identity. The City Council approved drawings specifically call out the building material pallet to be of three materials: concrete, steel and glass. The approved concrete is with the integral color and high-quality smooth finish. This change will no longer be the building envisioned by Ko Architects and I would not like to be associated with such modification.

Cladding the building will add weight to an already maxed out building in its structural design and calculation. The present components will no longer be structurally feasible, and the structural basis of design will need to be revisited.

An additional layer to the façade of the building will encroach into the public right of way. Cladding requires mechanical retention elements, or adhesion such as metal support, meshing and "thin-set".

Should you have any questions or comment, please feel free to contact me at (650) 853-1908.

Sincerely,

Peter Ko, AIA, LEED AP

Ko Architects, Inc.

HARBOUR 10/11/18

Michael Harbour, Downtown North

429 University Ave Proposal is Rejected Again by Palo Alto ARB

https://www.paloaltoonline.com/news/2018/10/11/divisive-downtown-project-suffers-setback

The proposed building at the corner of University Avenue and Kipling Street is inappropriate in size, mass, scale and design. Kipling St is a charming street lined by Victorian homes. The solid cement square structure shares no design linkages with any of its surroundings. The proposed building violates the Palo Alto Municipal Code, the Palo Alto Comprehensive Plan,and Downtown Development Guidelines. This building has been rejected by the Palo Alto Architectural Review Board (ARB) numerous times. It was also unanimously rejected by the Historical Review Board (HRB) as being too large and incompatible with neighboring architectural design. Multiple Birge Clark buildings will be demolished and replaced with a design that the ARB says does not benefit the city. The City Council gave the developer a gracious opportunity to get the design right, but the developer has failed to do that and now is the time for the this building design to be permanently denied.

NOT BIRGE CLARK BUILDING

If it were approved, the developer would nearly triple the existing cubic square footage due to a series of giveaways and incentives from the city including Transfer Development Rights (TDRs). This has allowed the building to go from an existing one story structure to a massive four story complex. It is not pedestrian friendly as it lacks overhangs, alcoves and warmth. It will cast a tall shadow over neighboring buildings. It is located on the most narrow street in downtown Palo Alto where parking is already very difficult and cars sideswipe one another when passing. It is under parked by dozens of parking spaces and will further worsen the downtown parking problem and traffic congestion.

The developer has refused to work with the neighbors and citizen groups to offer any concessions. Unfortunately the goal of maximizing square footage for profit has torpedoed the age-old adage of being a good neighbor. This building represents everything that is wrong with the current state of Palo Alto development including profits over people and community. Now is the time for this building to be permanently denied by the Palo Alto Planning Department and City Council. The citizenry deserves a better designed project that will benefit all.

HARBOUR
12/14/18

HOWEVER: NOT A SINGLE LAW WAS IGNORED

Should persistent developers get to ignore city laws?

by Michael Harbour

How many years should a developer be allowed to wear down city staff and residents in order to push through bad construction plans?

The City Council will hold a crucial meeting on Dec. 17 to evaluate the future of 429 University Ave., at Kipling Street, in downtown Palo Alto after facing years of pressure from the property owner to accept her development plans or face litigation. Now is the time that the Council should follow the respective recommendations of the Palo Alto Planning Department, Architectural Review Board, Historical Review Board and many neighbors and permanently deny the developer's poorly designed plan.

This proposed building is a massive four-story, cold cement block patterned after the city garage and office complex at 102 University Ave. The proposed design is not pedestrian friendly, which should be a priority since it is prominently located in a public shopping area. It removes the existing pattern of shelter, awnings and alcoves, which are comforting in rainy weather and replaces them with an immense flat wall. The proposed building does not enhance the surrounding historical neighborhood. The largest proportion of the building is dedicated to office space, which will most likely subject the rest of us to the associated traffic congestion created by new daily roundtrip commuters using the space.

The proposal also includes demolishing four Birge Clark buildings on the site, including those once occupied by the Shady Lane gift store and Design Within Reach showroom. Municipal Code specifies that a proposed new building must be appropriate in size, scale, mass and transition to its neighbors. The Council passed a motion stating that the developer must consider all sides of the building in its design, including Kipling Street and the alleyway behind the building. The Downtown Development Guidelines also encourage the responsible development of new businesses that open onto alleyways. This proposal inhibits that goal.

Kipling Street is a quaint street lined by historic one- and two-story Victorian homes and beautiful gardens. Kipling Street also is the narrowest street in downtown Palo Alto — nearly half the width of Bryant or Waverley streets. Yet, the developer is trying to build a multi-use project that would overwhelm the existing Victorians with the same tall and massive buildings permitted on El Camino Real. The alley adjoining Kipling Street serves as an entrance for several businesses. This proposed building would swallow up its neighbors and convert the alley into a busy garage ramp.

The developer has tried to publicly spin this megacomplex as a step toward creating needed housing in Palo Alto. In her appeal letter to the City Council, the developer states that the denial of her project is a violation of the California Housing and Accountability Act (CHAA). She has tried to intimidate the City with the threat of an expensive lawsuit for denying her the right to build three luxury apartments. However, the CHAA only applies to "very low-, low- and moderate-income households," which this project is not. The CHAA only pertains to developments where "at least two-thirds" is designated as housing.

Finally, this proposal also violates the City Council motion of Feb. 6, 2017, which specified that the final approved plan must "match" that which was originally submitted and approved by the Council. The developer has not met those conditions because she changed her plans.

The developer has enlarged the size of the offices on the fourth floor by an additional 16 percent from the original plans. The ground-floor retail space also has been reduced. The height and massing created by the existence of a fourth floor is one of the most contentious and opposed aspects of this entire project because it will tower over its one-story neighbors.

The Planning Director cites in his denial letter the developer's "refusal" to comply with details to assure approval. In thumbing her nose at the city official who is entrusted with enforcing Palo Alto's municipal building code, the developer has demonstrated a contempt for rules. She also has attempted to whittle down the Architectural Review Board so that she can control the outcome. She accused one ARB member, Wynne Furth, of bias, which ultimately led Furth to recuse herself to avoid any conflict. (Prior to joining the board, Furth had written a letter as a private citizen supporting a project appeal.) She then hired and quickly terminated Peter Baltay, an architect on the ARB, thereby requiring him to also recuse himself. Of the three remaining members on the ARB, she has now accused Robert Gooyer of bias because he voted against the plan and Osma Thompson of being too new to be able to adequately participate. The only person whom she hasn't publicly challenged is the sole ARB member who voted in favor of her project.

During this process, we also have seen the developer's family make a $5,000 political contribution to one specific council member, Greg Tanaka. When confronted, he returned the donation just before voting in favor of the developer's project. Tanaka was ultimately fined by the California Fair Political Practices Commission for violations of the state's Political Reform Act because he failed to properly disclose contributions from some of Palo Alto's other top developers. This activity has shaken the trust we have in city government. Enough is enough. The citizens of Palo Alto deserve better. The proposal should be turned down without any additional extension. ■

Palo Alto resident Michael Harbour is a specialist in HIV/AIDS Medicine and Public Health who practices at Santa Clara Valley Medical Center. He can be emailed at mjharbour@comcast.net.

BUILDING PERMIT STATUS

SLIDE 16

Permit Approvals

Task	Status	Status Date	Action By
Building Review	Approved	10/06/2018	DAVID CHU...
Elect Utilities Review	Approved With Conditions	04/05/2018	DANIEL ER...
Fire Review	Approved Inspection Re...	06/29/2018	HENRY RAF...
Planning Review	Not Approved	09/17/2018	ADAM PETE...
Public Works Eng. Review	Not Approved	09/26/2018	PAIGE SAF...
Water Quality Review	Approved Inspection Re...	03/16/2018	BRIAN JON...
WGW Utilities Review	Approved With Conditions	08/08/2018	JOHN NGUY...
Landscape Review	Not Required	06/07/2018	KELSEY AN...
Urban Forestry Review	Approved	06/26/2018	WALTER PA...
Ready To Issue			
Permit Issuance			
Structural	Approved	08/02/2018	MEDHAT HE...
Structural	Approved	07/13/2018	MEDHAT HE...
Architectural	Approved	08/02/2018	DAVID CHU...
Mechanical/Plumbing	Approved	08/02/2018	DAVID CHU...
Electrical	Approved	08/02/2018	DAVID CHU...
Structural	Approved	08/01/2018	DAVID CHU...
Architectural	Approved	08/01/2018	DAVID CHU...
Mechanical/Plumbing	Approved	08/01/2018	DAVID CHU...
Electrical	Approved	08/01/2018	DAVID CHU...

18000-00836 - KIPLING POST LP

Task	Status	Status Date	Action By
Building Review			
Elect Utilities Review	Approved	08/06/2018	GOPAL JAG...
Fire Review			
Planning Review	Not Approved	09/17/2018	ADAM PETE...
Public Works Eng. Review	Not Approved	09/11/2018	PAIGE SAF...
Water Quality Review			
WGW Utilities Review	Approved	08/17/2018	JOHN NGUY...
Landscape Review			
Urban Forestry Review	Approved	07/26/2018	WALTER PA...
Ready To Issue			
Permit Issuance			

18000-00837 - KIPLING POST LP

CONTINUOUS REVIEWS SINCE MARCH 3, 2018

DUE TO CHANGES BY PLANNING:

WASTE OF FUNDS AND TIME

COUNCIL HEARING 12/3/18 TRANSCRIPT

Keene: Madam Mayor, may I interject a comment?

Kniss: Of course

Keene: So, umm, I would suggest the Council consider removing item number eleven. That's in your purview, really, being on consent, and I just say this

One, at the end of last week, talking with the planning director, it was clear that there were some reasons that I think he really could have found that the project might be able to meet approval but that was not able to get to that agreement and, I guess, got the sense that a little bit more time might allow a fuller conversation about that. Just secondly, I know that there have been some questions sort of raised about square footages and the way it's assigned in the building and I don't think it's that the staff has adequately been able to answer those in the public realm for the council so I would put those out as reasons for the council to consider pulling that item and bringing it back on an upcoming agenda. There's no way we could do it on the 10th, we've moved these other items ...

Kniss: okay, then I will ask for one of my colleagues to make a motion to remove this

Fine: I'll make that motion

Kniss: okay, motion from councilmember Fine, second?

_____: I'll second

Fine: to a date uncertain?

Kniss: umm, three people have suggested that this ... yes

Stump: The item having been pulled, we would recommend that it be scheduled on the 17th of December.

Kniss: Our motion will be that we hold it for tonight and schedule it for the 17th. So that's the motion councilmember Fine?

And that has been seconded by me and by the vice-mayor

If no one wants to speak to this, would you vote on the board.

12/13/18 DEPUTY CITY ATTORNEY YANG:

- AGREEMENT:
- DELIVER 12/14/18
- Recommend Approval
- WITHOUT ADDITIONAL discretionary review

From: "Yang, Albert" <Albert.Yang@CityofPaloAlto.org>
Date: Thursday, December 13, 2018 at 10:53 AM
To: "TOM ROTH (rothlaw1@comcast.net)" <rothlaw1@comcast.net>
Subject: 429 University/Kipling Post; Summary of our discussions on 12/12/2018

Hi Tom,

Thank you for your assistance and efforts in bringing the parties together on this project. As we discussed, I am writing to memorialize our agreement reached on Wednesday, December 12, 2018. Your client, Kipling Post LP, will incorporate the following elements into its proposed project:

1. Awnings over the building entrances. The awnings will be canvas, with a rectangular metal frame attached to the concrete columns at a height in keeping with awning heights of neighboring buildings. The frame material will be a width determined by the architect, but greater than 3" wide (the City's feedback was that wider/taller material would better reflect the size of the building. The awnings will wrap around the corner of University and Kipling and continue along the Kipling elevation. The awnings will be horizontal or at a slight angle to the building elevations. Awnings will not extend greater than 47" from the building.
2. Window "screen" material on the upper portion of second floor windows. Horizontal elements will be added to the second floor windows, with 6-8" spacing, beginning at a height above eye level (approximately six feet above the floor).
3. Contrasting materials added to second and third floor railings. A dark colored synthetic material will be used along the top of the balcony railings and in between the glass panels (approximately every six feet).

Your client was not willing to propose changes to the color scheme or texture of the concrete elements of the building. Your client expects to provide renderings of these change, as well as drawings or diagrams labeling the colors and materials, on Friday, December 14, 2018.

City staff will review these materials and forward them to the City Council on Monday, December 17, 2018 in an "at-places memo" recommending that the project be approved with these changes and without the need for any additional discretionary review by the City.

Please let me know if you believe I have omitted or mischaracterized any aspects of our discussions.

Best,

Albert S. Yang | Deputy City Attorney

250 Hamilton Avenue | Palo Alto, CA 94301

P: 650.329.2171 | E: albert.yang@cityofpaloalto.org

12/14/18 Architect delivers

Gmail

Elizabeth Wong <elizabethwong2009@gmail.com>

429 University Mixed Use revised Dwgs.

1 message

Peter Ko <design@koarch.com> Fri, Dec 14, 2018 at 12:12 PM
To: "Lait, Jonathan" <Jonathan.Lait@cityofpaloalto.org>, "Albert.yang@cityofpaloalto.org" <Albert.yang@cityofpaloalto.org>
Cc: TOM ROTH <rothlaw1@comcast.net>, Elizabeth Wong <elizabethwong2009@gmail.com>, Tracy Wang <tracy@koarch.com>

Good morning Jonathan,

Per our meeting, attached are the revised renderings of the above referenced project for your review and use.

Please let me know if you have question.

Thank you very much.

Sincerely,

Peter Ko, AIA, LEED AP
NCARB Certified
Ko Architects, Inc.
900 High Street, Suite 1
Palo Alto, CA 94301
Phone: 650.853.1908
design@koarch.com

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429 University Ave-for city council-12-14-18 revised II.pdf
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