



# Architectural Review Board

## Staff Report (ID # 10309)

<b>Report Type:</b>	Action Items	<b>Meeting Date:</b> 6/6/2019
<b>Summary Title:</b>	375 University Avenue: Exterior Renovations (1st Formal)	
<b>Title:</b>	PUBLIC HEARING / QUASI-JUDICIAL. 375 University Avenue [19PLN-00103]: Recommendation on Applicant's Request for Approval of a Major Architectural Review to Allow the Renovation of an Existing Approximately 13,000 Square Foot Restaurant Building (Former Cheesecake Factory). Environmental Assessment: Exempt From the Provisions of the California Environmental Quality Act (CEQA) in Accordance With Guideline Section 15301 (Existing Facilities). Zoning District: CD-C (GF)(P) (Downtown Commercial With Ground Floor Retail and Pedestrian Overlays). For More Information Contact the Project Planner Sheldon Ah Sing at sahsing@m-group.us	
<b>From:</b>	Jonathan Lait	

### Recommendation

It is recommended that the Architectural Review Board (ARB) take the following action(s):

1. Recommend approval of the proposed project to the Director of Planning and Community Environment based on findings and subject to conditions of approval.

### Report Summary

The proposed project would update the façade of the commercial building at 375 University Avenue and remove the existing Cheesecake Factory branding. It is before the ARB because it is a change to the entire exposed façade of the building. As designed and conditioned, the project meets the applicable zoning requirements. The façade is proposed to be a contemporary storefront with glass, white stone veneer, and metal frame and canopy details. The shell of the building will remain with the same height and footprint. The project meets the design requirements of the GF and P combining districts. Draft findings and conditions of approval (Attachment B and C) are included with this report.

The Board may continue the project or forward a recommendation to the Director based on the draft findings and conditions, or as modified by the Board.

## Background

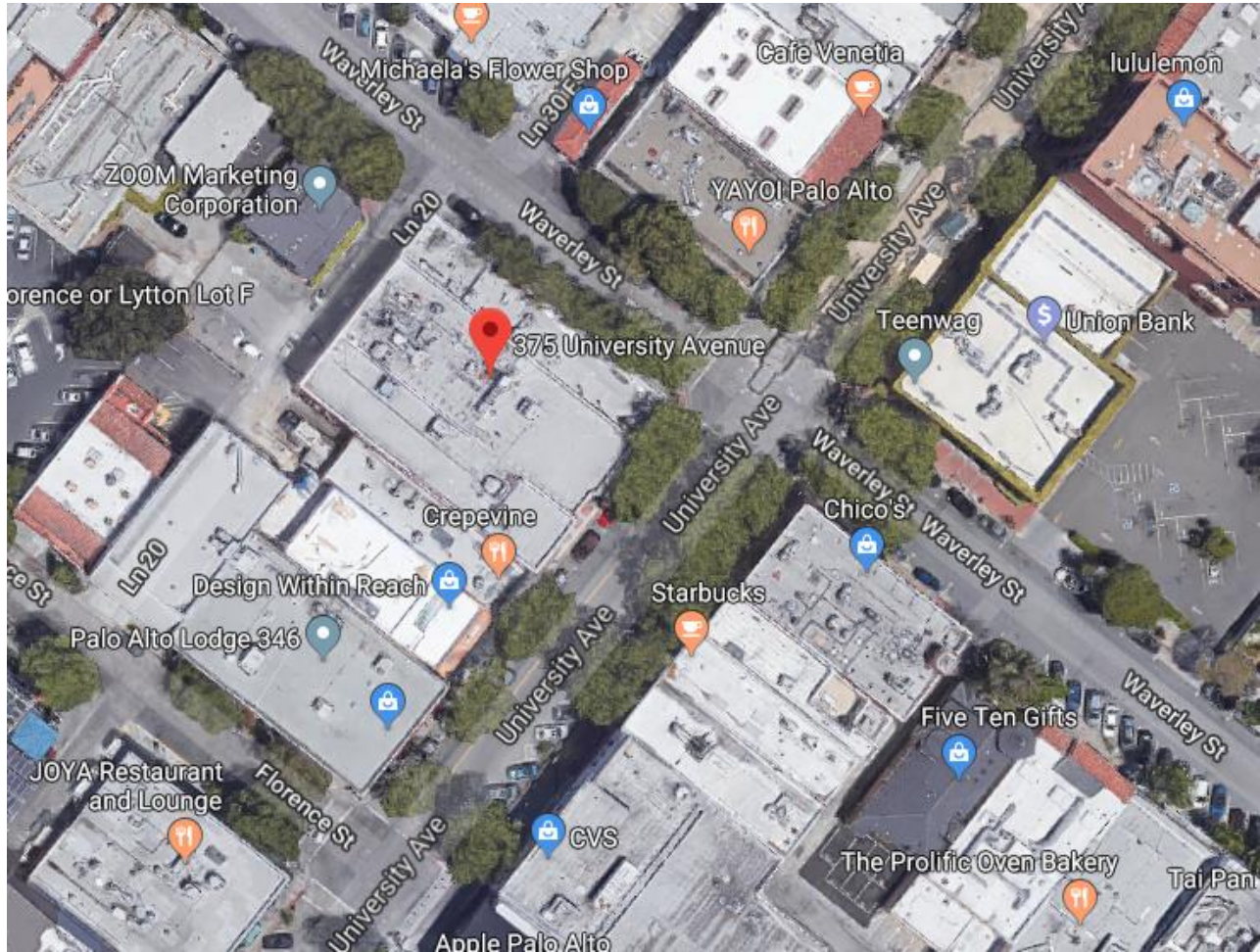
### Project Information

Owner:	Rapp Development CO LP
Architect:	Steven Olhlaber AIA, C2K Architecture
Representative:	Roxy Rapp, Rapp Development
Legal Counsel:	N/A

### Property Information

Address:	375 University Avenue
Neighborhood:	Downtown North
Lot Dimensions & Area:	75 feet x 135 feet, 10,125 sf
Housing Inventory Site:	Not Applicable
Located w/in a Plume:	Not Applicable
Protected/Heritage Trees:	Yes, in City planting strip
Historic Resource(s):	Not Applicable
Existing Improvement(s):	13,353 sf; 2 stories; 33'6" height; built 1920, renovated in 2003
Existing Land Use(s):	Vacant, former location of Cheesecake Factory restaurant
Adjacent Land Uses & Zoning:	North: CD-C (P) (office) West: CD-C (GF) (P) (restaurant) East: CD-C (GF) (P) (restaurant) South: CD-C (GF) (P) (retail)

Aerial View of Property:



Source: Google

### Land Use Designation & Applicable Plans

Zoning Designation:	Downtown Commercial with Pedestrian and Ground Floor Combining Districts – (CD-C(P)(GF))
Comp. Plan Designation:	Regional/Community Commercial
Context-Based Design Criteria:	Yes
Downtown Urban Design Guide:	Yes
South of Forest Avenue Coordinated Area Plan:	Not applicable
Baylands Master Plan:	Not applicable
El Camino Real Design Guidelines (1976 / 2002):	Not applicable
Proximity to Residential Uses or Districts (150'):	Not applicable
Located w/in the Airport Influence Area:	Not applicable

### Prior City Reviews & Action

City Council:	None
PTC:	None
HRB:	None
ARB:	Study Session at March 7, 2019 hearing
	Staff Report: <a href="https://www.cityofpaloalto.org/civicax/filebank/documents/69645">https://www.cityofpaloalto.org/civicax/filebank/documents/69645</a>
	Minutes: <a href="https://www.cityofpaloalto.org/civicax/filebank/documents/70975">https://www.cityofpaloalto.org/civicax/filebank/documents/70975</a>

### **Project Description**

The applicant is requesting approval to remodel the façade of the former Cheesecake Factory building on University Avenue. The building footprint, gross square footage, and height would not change, and the interior is being modified (demised) under a separate building permit. The façade is proposed to change from the Cheesecake Factory brand-style to a contemporary storefront with glass, white stone veneer, and metal frame and canopy details. An additional window is proposed on the rear, alley side of the building where a Cheesecake Factory sign was inset from the wall plane. The project also proposes to replace the sidewalk in front of the building removing Cheesecake Factory branding from the pavement.



EXISTING BUILDING - VIEW FROM UNIVERSITY AVENUE





*Proposed View from University Avenue*

**Requested Entitlements, Findings and Purview:**

The following discretionary applications are being requested:

- Architectural Review – Major (AR): The process for evaluating this type of application is set forth in PAMC 18.77.070. AR applications are reviewed by the ARB and recommendations are forwarded to the Planning & Community Environment Director for action within five business days of the Board's recommendation. Action by the Director is appealable to the City Council if filed within 14 days of the decision. AR projects are evaluated against specific findings. All findings must be made in the affirmative to approve the project. Failure to make any one finding requires project redesign or denial. The findings to approve an AR application are provided in Attachment B.

Separate from the purview of this proposal, the applicant was issued a Building Permit to demise the existing space into three tenant spaces on April 30, 2019.

**Analysis<sup>1</sup>**

**Neighborhood Setting and Character**

This project is located downtown in the former location of the Cheesecake Factory. The shell of the building will remain with the same height and footprint. However, the appearance of the building would change from the heavily branded Cheesecake Factory style to a more generic store front that would better integrate with the surrounding buildings and could accommodate a variety of potential tenants.

The proposed materials include stone veneer, which is mostly white, with a darker base, on the front of the building and painted cement plaster on the sides and rear, which have limited visibility from the street. The stone veneer wraps approximately a distance of 14 feet on the upper sides of the building. The existing building is taller than the buildings on either side, but not out of scale with the overall streetscape. The project also proposes to match the sidewalk to the adjacent Design Within Reach, which includes scored concrete and a brick band that is consistent with other Downtown sidewalks.

**Consistency with the Comprehensive Plan, Area Plans and Guidelines<sup>2</sup>**

The Comprehensive Plan includes Goals, Policies, and Programs that guide the physical form of the City. The Comprehensive Plan provides the basis for the City's development regulations and

<sup>1</sup> The information provided in this section is based on analysis prepared by the report author prior to the public hearing. The Architectural Review Board in its review of the administrative record and based on public testimony may reach a different conclusion from that presented in this report and may choose to make alternative findings. A change to the findings may result in a final action that is different from the staff recommended action in this report.

<sup>2</sup> The Palo Alto Comprehensive Plan is available online:  
<http://www.cityofpaloalto.org/gov/topics/projects/landuse/compplan.asp>

is used by City staff to regulate building and development and make recommendations on projects. Further, ARB Finding #1 requires that the design be consistent and compatible with applicable elements of the Palo Alto Comprehensive Plan.

The Comprehensive Plan land use designation for the project site is Community Commercial, which prescribes a FAR of 0.35 to 2.0. The project has a FAR of 1.32, which is consistent.

On balance, the project is consistent with the policies in the Comprehensive Plan and therefore fulfills the goals of the Plan as well. A detailed review of the project's consistency with the Comprehensive Plan is provided in Attachment B.

### Zoning Compliance<sup>3</sup>

A detailed review of the proposed project's consistency with applicable zoning standards has been performed. The project is zoned Downtown Commercial with the Ground Floor Retail and Pedestrian overlays. A summary table is provided in Attachment C. The proposed project complies with all applicable codes, including the contextual design standards

The project is determined to be legal non-conforming for Floor Area Ratio (FAR). However, the project is consistent with 18.18.120, which allows for improvements to be made to the building if they maintain the existing building envelope, and for the site to change its use, without having to come into compliance with FAR.

The site is also subject to the Ground Floor (GF) and Pedestrian Shopping (P) Combining Districts. The purpose of which are to promote active, pedestrian-oriented uses, with a high level of transparency and visual interest at the ground level and foster the continuity of retail stores and display windows and to avoid a monotonous pedestrian environment in order to establish and maintain an economically healthy retail district.

These districts require pedestrian-friendly, covered, and recessed entries, landscaping and architectural details to avoid blank walls, transparent glazing and display windows, and window coverings are not permitted.

The project meets the design requirements of the GF and P combining districts. The zoning code requires 112.5 sf of recess, and the project provides 148 sf. There are awnings that extend The front façade is mainly storefront glass.

### Downtown Urban Design Guidelines

The project is located in the University Avenue District of the Downtown Urban Design Guidelines (Guidelines). The project's design including small scale fenestration that meets the goal of maintaining ground-floor retail uses and enlivening the pedestrian environment. The Board may wish to add benches and landscaping on site to further enhance the pedestrian environment.

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<sup>3</sup> The Palo Alto Zoning Code is available online: [http://www.amlegal.com/codes/client/palo-alto\\_ca](http://www.amlegal.com/codes/client/palo-alto_ca)

Behind the building is an alley, Lane 20, that runs the length of the block from Florence Street to Waverley Street. Per the Guidelines (Page 25 and Figure 5), this is considered a “Place Alley” that is intended as true gathering places for pedestrians. The Plan envisions improvements to the existing alleys to create a pedestrian network allowing shoppers and workers to occasionally escape the automobile dominated street (Guidelines Page 22). The Guidelines go on to state, these alleys should be designed in such a way to allow and encourage pedestrian use, with service functions mostly not apparent. While vehicular access to parking and loading will take place on this alley, trash and recycling will be stored within the building. The project includes some minor improvements, such as adding a window that overlooks the alley on the second floor and adding two light fixtures above the rear doors. Staff would appreciate the Boards comments on these improvements to help determine if they are sufficient to meet the Place Alley Guideline and overall Downtown Guideline requirements.

#### Multi-Modal Access & Parking

The FAR is not changing, therefore no change in traffic is expected and no additional parking is required or proposed. The façade modifications pull the front façade in slightly from the edge of curb, so that there is more effective sidewalk and covered recessed entry to encourage pedestrian activity. Entrances to the building are also stepped back so that open doors do not encroach into the public right-of-way. As noted above, loading will take place in the existing alley way, which is typical for Downtown (Guidelines Page 22). This project is not located on a designated Safe Routes to School path.

#### Consistency with Application Findings

Staff has found the project to be consistent with the application findings, listed in PAMC 18.76. In addition to being consistent with the applicable codes, guidelines, and comprehensive plan policies, the project improves the building facades and pedestrian environment. A detailed review of the project’s consistency with the Findings is provided in Attachment B.

The project is minimally consistent with Finding #5: Landscape Design because no landscaping is proposed as a part of this project. The existing building is built to the extents of the property lines, making significant landscaping infeasible. One option may be to add planter boxes and other streetscape elements such as a bench to the front of the building. Staff would appreciate the ARB comments on this topic.

As a condition of approval, staff will also require all trash and recycling to take place within the building to meet current stormwater quality regulations, per PAMC Title 16.

### **Environmental Review**

The subject project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. Specifically, the project is exempt under CEQA Guideline 15301 (Existing Facilities), because no square footage is being added to the building.

## Public Notification, Outreach & Comments

The Palo Alto Municipal Code requires notice of this public hearing be published in a local paper and mailed to owners and occupants of property within 600 feet of the subject property at least ten days in advance. Notice of a public hearing for this project was published in the *Daily Post* on May 17, 2019, which is 20 days in advance of the meeting. Postcard mailing occurred on May 17, 2019, which is 20 in advance of the meeting.

### Public Comments

As of the writing of this report, no project-related, public comments were received.

## Alternative Actions

In addition to the recommended action, the Architectural Review Board may:

1. Approve the project with modified findings or conditions;
2. Continue the project to a date (un)certain; or
3. Recommend project denial based on revised findings.

### Report Author & Contact Information

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[efoley@m-group.us](mailto:efoley@m-group.us)

### ARB<sup>4</sup> Liaison & Contact Information

Jodie Gerhardt, AICP, Planning Manager  
(650) 329-2575  
[jodie.gerhardt@cityofpaloalto.org](mailto:jodie.gerhardt@cityofpaloalto.org)

### Attachments:

- Attachment A: Location Map (PDF)
- Attachment B: Draft ARB Findings (DOCX)
- Attachment C: Zoning Comparison Table (DOCX)
- Attachment D: Conditions of Approval (DOCX)
- Attachment E: Applicant's Project Description (DOCX)
- Attachment F: Project Plans (DOCX)

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<sup>4</sup> Emails may be sent directly to the ARB using the following address: [arb@cityofpaloalto.org](mailto:arb@cityofpaloalto.org)





**ATTACHMENT B**  
**ARB FINDINGS FOR APPROVAL**  
4115 El Camino Real, 17PLN-00280

The design and architecture of the proposed improvements, as conditioned, complies with the Findings for Architectural Review as required in Chapter 18.76 of the PAMC.

**Finding #1: The design is consistent with applicable provisions of the Palo Alto Comprehensive Plan, Zoning Code, coordinated area plans (including compatibility requirements), and any relevant design guides.**

*The project is consistent with Finding #1 because:*

The proposed project complies with the zoning code and requires no exceptions to the development standards. For more information please see Attachment C Zoning Compliance Table.

The project is overall consistent with the Goals and Policies of the Comprehensive Plan. Specific goals and policies have been identified as follows:

<b><i>Land Use and Community Design Element</i></b>	
<i>The Comprehensive Plan land use designation for the site is Regional/Community Commercial.</i>	The project continues the Regional/Community Commercial land use.
<b>Goal L-1:</b> A compact and resilient city providing residents and visitors with attractive neighborhoods, work places, shopping districts, public facilities and open spaces.  Policy L-2.9 Facilitate reuse of existing buildings.	This project revitalizes an existing storefront in Downtown. The change allows it to adapt to new tenants and maintain the area as a shopping district.
<b>Goal L-4:</b> Inviting pedestrian scale centers that offer a variety of retail and commercial services and provide focal points and community gathering places for the city's residential neighborhoods and employment districts.  Policy L-4.2 Preserve ground-floor retail, limit the displacement of existing retail from neighborhood centers and explore opportunities to expand retail.	The proposed façade will be more pedestrian-oriented than the existing, with more glazing providing visual interest to pedestrians on the street. It will also provide awnings over the sidewalk to protect pedestrians from rain and direct sunlight.  This project maintains an existing retail space and prepares for future tenants.
Policy L-4.5 Support local-serving retail, recognizing that it provides opportunities for local employment, reduced commute times, stronger community connections and neighborhood orientation.	By demising the building into three sections, it is more likely that a local business will be a tenant compared to a larger chain store.

Policy L-4.8 Ensure that University Avenue/Downtown is pedestrian-friendly and supports bicycle use. Use public art, trees, bicycle racks and other amenities to create an environment that is inviting to pedestrians and bicyclists.	This project will comply with all bicycle parking requirements, providing three long term and four short term bicycle parking spaces.
<b>Goal L-6:</b> Well-designed buildings that create coherent development patterns and enhance city streets and public spaces.	The project enhances the existing streetscape. The design is compatible with surrounding development and public spaces by taking materials cues from surrounding buildings. It also steps the entrances back slightly to prevent open doors from encroaching into the public right of way.
Policy L-6.1: Promote high quality, creative design and site planning that is compatible with surrounding development and public spaces.	
<b><i>Business and Economics Element</i></b>	
<b>Goal B-6:</b> Attractive, vibrant retail centers, each with a mix of uses and a distinctive character.	While is it currently unknown what type of tenant will be renting the retail spaces, this project will contribute to maintaining a mix of retail, personal services, etc. to the greater University Avenue area.
Policy B-6.1 Support and enhance the University Avenue/ Downtown area as a vital mixed use area prioritizing retail, personal service, small office, start-ups, restaurant, residential and arts and entertainment uses. Recognize the importance of an appropriate retail mix, including small local businesses, to the continued vitality of Downtown.	

**Finding #2: The project has a unified and coherent design, that:**

- a. creates an internal sense of order and desirable environment for occupants, visitors, and the general community,
- b. 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,
- c. is consistent with the context-based design criteria of the applicable zone district,
- d. provides harmonious transitions in scale, mass and character to adjacent land uses and land use designations,
- e. enhances living conditions on the site (if it includes residential uses) and in adjacent residential areas.

*The project is consistent with Finding #2 because:*

The area is comprised of various commercial retail and restaurant buildings one to two stories in height. The proposed project maintains the overall feel of existing streetscape by not changing the height of the existing building. It improves the existing streetscape by making it less corporate and increasing the amount of storefront glass.

The proposed project is consistent with the findings in that it provides high quality materials and finishes in a neutral color palette. The new materials are in keeping with the surrounding buildings: storefront windows, stone veneer siding, and metal details.

Pursuant to PAMC 18.16.090(b), the following context-based design considerations and findings are applicable to this project. These context-based design criteria are intended to provide additional standards to be used in the design and evaluation of development in a commercial district. The purpose is to encourage development in a commercial district to be responsible to its context and compatibility with adjacent development as well as to promote the establishment of pedestrian oriented design.

1. Pedestrian and Bicycle Environment	Project Consistency
The design of new projects shall promote pedestrian walkability, a bicycle friendly environment, and connectivity through design elements	This finding can be made in the affirmative in that the project provides for walkability with canopies over the sidewalk, and glazing which supports street visibility. The project also provides bike racks near the building entrances for short term use to support the bicycle environment.
2. Street Building Facades	
Street facades shall be designed to provide a strong relationship with the sidewalk and the street (s), to create an environment that supports and encourages pedestrian activity through design elements	This finding can be made in the affirmative in that project provides new sidewalks which are consistent with the City standard, which enhances continuity. The street-facing façade is primarily storefront windows that supports a visual connection with the street and pedestrians.
3. Massing and Setbacks	
Buildings shall be designed to minimize massing and conform to proper setbacks	This finding can be made in the affirmative in that the proposed project complies with the CD zone setback requirements, which is zero. The existing façade contained elements which slightly encroached past the setback, but the proposed changes corrects this.
4. Low Density Residential Transitions	
Where new projects are built abutting existing lower scale residential development, care shall be taken to respect the scale and privacy of neighboring properties	This finding does not apply.
5. Project Open Space	
Private and public open space shall be provided so that it is usable for the residents and visitors	This finding does not apply.

## 6. Parking Design

Parking shall be accommodated but shall not be allowed to overwhelm the character of the project or detract from the pedestrian environment

This finding can be made in the affirmative in that the project does not increase floor area or intensity of the use and it's parking is located off-site and within the Downtown Parking District.

## 7. Large Multi-Acre Sites

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

This finding does not apply

## 8. Sustainability and Green Building Design

Project design and materials to achieve sustainability and green building design should be incorporated into the project

This finding can be made in the affirmative in that the project is an alteration to an existing building, subject to and complying with the California Green Building Code (CalGreen, Tier 2).

**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.**

*The project is consistent with Finding #3 because:*

The project proposes a contemporary style that will integrate well with adjacent buildings. The front façade uses two colors of stone veneer siding, storefront windows, and metal details including grids and canopies, as well as a metal cap at the roof parapet. The sides are less visible from the street and have two colors of smooth stucco, and a painted roof parapet. The proposed colors are neutral grays with black details and are compatible with surrounding color schemes.

**Finding #4: The design is functional, allowing for ease and safety of pedestrian and bicycle traffic and providing for elements that support the building's necessary operations (e.g. convenient vehicle access to property and utilities, appropriate arrangement and amount of open space and integrated signage, if applicable, etc.).**

*The project is consistent with Finding #4 because:*

The overall design and access for the building is not changing. There is ample sidewalk in front of the building, which will be brought to the City standard for paving, replacing Cheesecake Factory branding. Bicycle parking will be provided as required. Delivery access is through one parking space in the alley behind the building.

**Finding #5: The landscape design complements and enhances the building design and its surroundings, is appropriate to the site's functions, and utilizes to the extent practical, regional indigenous drought resistant plant material capable of providing desirable habitat that can be appropriately maintained.**

*The project is consistent with Finding #5 because:*

The project is in a downtown, urban environment and has no existing or proposed landscape.

**Finding #6: The project incorporates design principles that achieve sustainability in areas related to energy efficiency, water conservation, building materials, landscaping, and site planning.**

*The project is consistent with Finding #6 because:*

In accordance with the City's Green Building Regulations, the project will satisfy the requirements for CALGreen Mandatory + Tier 2. This is demonstrated on the GB sheets in the plan set.



**Performance Criteria 18.23**  
**375 University Avenue, 19PLN-00103**

These performance criteria are intended to provide additional standards to be used in the design and evaluation of developments in the multi-family, commercial, and industrial zones. The purpose is to balance the needs of the uses within these zones with the need to minimize impacts to surrounding neighborhoods and businesses. The criteria are intended to make new developments and major architectural review projects compatible with nearby residential and business areas, and to enhance the desirability of the proposed developments for the site residents and users, and for abutting neighbors and businesses.

<b>Performance Criteria</b>	<b>Project Consistency</b>
<b>18.23.020 Trash Disposal and Recycling</b>	
<i>Assure that development provides adequate and accessible interior areas or exterior enclosures for the storage of trash and recyclable materials in appropriate containers, and that trash disposal and recycling areas are located as far from abutting residences as is reasonably possible.</i>	The existing trash facilities in the service alley will need to be brought into the structure to meet current stormwater standards.
<b>18.23.030 Lighting</b>	
<i>To minimize the visual impacts of lighting on abutting or nearby residential sites and from adjacent roadways.</i>	The proposed exterior lighting is sufficient to provide safe circulation and is directed downward to reduce glare and impacts to users of the site. New lighting is also proposed in the service alley.
<b>18.23.040 Late Night Uses and Activities</b>	
<i>The purpose is to restrict retail or service commercial businesses abutting (either directly or across the street) or within 50 feet of residentially zoned properties or properties with existing residential uses located within nonresidential zones, with operations or activities between the hours of 10:00 p.m. and 6:00 a.m. Operations subject to this code may include, but are not limited to, deliveries, parking lot and sidewalk cleaning, and/or clean up or set up operations, but does not include garbage pick-up.</i>	The current project proposal does not include late night uses or activities. Future commercial tenants that would like this will need to file for a Conditional Use Permit, as required per the Zoning Code.
<b>18.23.050 Visual, Screening and Landscaping</b>	
<i>Privacy of abutting residential properties or properties with existing residential uses located within nonresidential zones (residential properties) should be protected by screening from public view all mechanical equipment and service areas. Landscaping should be</i>	The project is a renovation of an existing building with no changes proposed to the roof. Mechanical equipment will be well screened from public view.

<b>Performance Criteria</b>	<b>Project Consistency</b>
<i>used to integrate a project design into the surrounding neighborhood, and to provide privacy screening between properties where appropriate.</i>	
<b>18.23.060 Noise and Vibration</b>	
<i>The requirements and guidelines regarding noise and vibration impacts are intended to protect residentially zoned properties or properties with existing residential uses located within nonresidential zones (residential properties) from excessive and unnecessary noises and/or vibrations from any sources in abutting industrial or commercially zoned properties. Design of new projects should reduce noise from parking, loading, and refuse storage areas and from heating, ventilation, air conditioning apparatus, and other machinery on nearby residential properties. New equipment, whether mounted on the exterior of the building or located interior to a building, which requires only a building permit, shall also be subject to these requirements.</i>	All activities of the project are within the building.
<b>18.23.070 Parking</b>	
<i>The visual impact of parking shall be minimized on adjacent residentially zoned properties or properties with existing residential uses located within nonresidential zones.</i>	The project does not propose parking.
<b>18.23.080 Vehicular, Pedestrian and Bicycle Site Access</b>	
<i>The guidelines regarding site access impacts are intended to minimize conflicts between residential vehicular, pedestrian, and bicycle uses and more intensive traffic associated with commercial and industrial districts, and to facilitate pedestrian &amp; bicycle connections through and adjacent to the project site.</i>	The project is a renovation of an existing building façade. The entries are designed to be consistent for pedestrian use.
<b>18.23.090 Air Quality</b>	
<i>The requirements for air quality are intended to buffer residential uses from potential sources of odor and/or toxic air contaminants.</i>	No proposed uses on the project site would produce odor or toxic air.
<b>18.23.100 Hazardous Materials</b>	
<i>In accordance with Titles 15 and 17 of the Palo Alto Municipal Code, minimize the potential hazards of any use on a development site that will entail the storage, use or handling of hazardous materials (including hazardous wastes) on-site in excess of the exempt quantities prescribed in Health and Safety Code Division 20, Chapter 6.95, and Title 15 of this code.</i>	This is not applicable to the proposed uses associated with the project.

**ATTACHMENT C**  
**ZONING COMPARISON TABLE**  
 375 University Avenue, 18PLN-00408

<b>Table 1: COMPARISON WITH CHAPTER 18.18 (CD-C DISTRICT)</b> Exclusively Non-Residential Development Standards			
<b>Regulation</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
<b>Minimum Building Setback</b>			
Front Yard	None Required	0	0
Rear Yard	None Required	0	0
Interior Side Yard	None Required	0	0
Street Side Yard	N/A	N/A	N/A
<b>Maximum Site Coverage</b> (building footprint)	None Required	10,125 sf	10,125 sf
<b>Maximum Height</b>	50 feet	33 feet 6 inches	33 feet 6 inches
<b>Daylight Plane for lot lines abutting one or more residential zoning districts or a residential PC district</b>	Daylight plane height and slope identical to those of the most restrictive residential zone abutting the lot line	N/A	N/A
<b>Maximum Nonresidential Floor Area Ratio (FAR)</b>	1.0:1 FAR 10,125	1.32:1 FAR 13,353 sf	1.32:1 FAR 13,353 sf <b>Legal Non-conforming</b> (See Section 18.18.120 below)

**18.18.100 Performance Standards.** In addition to the standards for development prescribed above, all development shall comply with the performance criteria outlined in Chapter 18.23 of the Zoning Ordinance. All mixed use development shall also comply with the provisions of Chapter 18.23 of the Zoning Ordinance.

**18.18.110 Context-Based Design Criteria.** As further described in a separate attachment, development in a commercial district shall be responsible to its context and compatible with adjacent development, and shall promote the establishment of pedestrian oriented design.

**18.18.120 Grandfathered Uses and Facilities.** This property has an FAR that exceeds current standards, that was legally built prior to August 28, 1986. The building shall be permitted to remodel, improve, or replace site improvements on the same site for continual use and occupancy, by the same use, provided such remodeling, improvement, or replacement complies with all of the following:

- (A) shall not result in increased floor area;
- (B) shall not relocate below grade floor area to above grade portions of the building;
- (C) shall not result in an increase of the height, length, building envelope, building footprint, or any other increase in the size of the improvement;

(D) shall not increase the degree of noncompliance, except pursuant to the exceptions to floor area ratio regulations set forth in Section [18.18.070](#);

(E) The Director may approve minor changes to the building's footprint, height, length, and the building envelope through Architectural Review of minor aesthetic architectural improvements and to improve pedestrian-orientation provided there is no increase to the degree of any non-complying feature.

<b>Table 2: CONFORMANCE WITH CHAPTER 18.52 (Off-Street Parking and Loading) for Downtown University Avenue Parking Assessment District</b>			
<b>Type</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Vehicle Parking (within the Downtown Parking Assessment District)	1 space per 250 (41 spaces)	49 off-site parking spaces	No change
Bicycle Parking	1/2,500 sf (40% long term and 60% short term) equals  Long Term: 3 Short Term: 4	None	Long Term: 3 spaces on-site Short Term: 4 spaces on University Ave. sidewalk
Loading Space	1 loading space for 5,000 - 29,999 sf	1 loading space in Alley	1 loading space in Alley

**ATTACHMENT D**  
**CONDITIONS OF APPROVAL**

375 University Avenue  
19PLN-00103

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**PLANNING DIVISION**

1. **CONFORMANCE WITH PLANS:** Construction and development shall conform to the approved plans entitled, "375 University Avenue, Palo Alto, CA 94301," stamped as received by the City on May 29, 2019 on file with the Planning Department, 250 Hamilton Avenue, Palo Alto, California except as modified by these conditions of approval.
2. **BUILDING PERMIT:** Apply for a building permit and meet any and all conditions of the Planning, Fire, Public Works, and Building Departments.
3. **BUILDING PERMIT PLAN SET:** A copy of this cover letter and conditions of approval shall be printed on the second page of the plans submitted for building permit.
4. **PROJECT MODIFICATIONS:** All modifications to the approved project shall be submitted for review and approval prior to construction. If during the Building Permit review and construction phase, the project is modified by the applicant, it is the responsibility of the applicant to contact the Planning Division/project planner directly to obtain approval of the project modification. It is the applicant's responsibility to highlight any proposed changes to the project and to bring it to the project planner's attention.
5. **PERMIT EXPIRATION.** The project approval shall be valid for a period of two years from the original date of approval. Application for a one year extension of this entitlement may be made prior to expiration.
6. **NOISE PRODUCING EQUIPMENT:** In accordance with PAMC Section 9.10.030, No person shall produce, suffer or allow to be produced by any machine, animal or device, or any combination of same, the local ambient at any point outside of the property plane.
  - a. In accordance with PAMC Section 9.12, no amplified music shall be used for producing sound in or upon any open area, to which the public has access, between the hours of 11:00pm and one hour after sunrise.
7. **FINAL INSPECTION:** A Planning Division Final inspection will be required to determine substantial compliance with the approved plans prior to the scheduling of a Building Division final. Any revisions during the building process must be approved by Planning, including but not limited to; materials, landscaping and hard surface locations. Contact your Project Planner, Emily Foley at [efoley@m-group.us](mailto:efoley@m-group.us) to schedule this inspection.

8. **INDEMNITY.** To the extent permitted by law, the Applicant shall indemnify and hold harmless the City, its City Council, its officers, employees and agents (the “indemnified parties”) from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside or void, any permit or approval authorized hereby for the Project, including (without limitation) reimbursing the City for its actual attorneys’ fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its own choice.
9. **SIGN APPROVAL NEEDED.** No signs are approved at this time. All signs shall conform to the requirements of Title 16.20 of the Palo Alto Municipal Code (Sign Code) and shall be subject to approval by the Director of Planning.
10. **ELECTRICAL PERMIT FOR ILLUMINATED SIGNS.** Illuminated signs require Building Department review and permits. Plans shall include sign location, wiring sizes and type, disconnect size and location of panel, conduit type and size, structural elements, etc.
11. **REFUSE.** Trash areas shall be maintained in a manner to discourage illegal dumping.

#### **PUBLIC WORKS ZERO WASTE**

12. Trash receptacles can only be used to temporarily store refuse (garbage, recycling, and compost) and not for other storage.

**PUBLIC WORKS ENGINEERING** Pamela Chun, Engineering Technician III, [pamela.chun@cityofpaloalto.org](mailto:pamela.chun@cityofpaloalto.org)

PRIOR TO ISSUANCE OF BUILDING PERMIT, EXCAVATION AND GRADING PERMIT, CERTIFICATE OF COMPLIANCE, STREET WORK PERMIT, AND ENCROACHMENT PERMIT:

13. **PUBLIC WORKS STANDARD CONDITIONS:** The City’s full-sized Standard Conditions sheet must be included in the plan set. The conditions noted on the sheet shall be adhered to for the full project duration until completion. Copies are available on the Public Works website:  
<https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=67175.06&BlobID=66261>
14. **STORM WATER POLLUTION PREVENTION:** The City's full-sized "Pollution Prevention - It's Part of the Plan" sheet must be included in the plan set. The sheet is available here:  
<http://www.cityofpaloalto.org/civicax/filebank/documents/2732>
15. **SIDEWALK ENCROACHMENT:** Add a note to the site plan that says, “The contractor using the city sidewalk to work on an adjacent private building must do so in a manner that is safe for pedestrians using the sidewalk. Pedestrian protection must be provided per the 2007 California Building Code Chapter 33 requirements. If the height of construction is 8 feet or less, the contractor must place construction railings sufficient to direct pedestrians around construction areas. If the height of construction is more than 8 feet, the contractor must obtain an



encroachment permit from Public Works at the Development Center in order to provide a barrier and covered walkway or to close the sidewalk.”

16. PUBLIC UTILITIES EASEMENT: Verify the existence of any Public Utilities Easements on the property and show on the plans.

**BUILDING DIVISION** David Chung, P.E., [david.chung@cityofpaloalto.org](mailto:david.chung@cityofpaloalto.org)

The following conditions are required to be part of any Planning application approval and shall be addressed prior to any future related permit application such as a Building Permit, Excavation and Grading Permit, Certificate of Compliance, Street Work Permit, Encroachment Permit, etc. as further described below.

22. At time of building permit, please include the following information/clarifications:

- Previous TI (Cheesecake Factory) plans for reference and clearly define and clarify any change of uses is proposed to each level.
- Exterior changes (openings, finishes, etc.) shown appear to be structural in nature. Submit all supporting structural designs, calculations, and details.
- Exterior changes/finishes over the property lines shall be clearly shown with an indication where the PL occurs. The attached finishes (i.e., veneer, stucco, wood finishes, etc.) shall be clearly shown and referenced on the plans.
- Plumbing fixture counts per CPC section 422.
- Exiting shall meet CBC chapter 10.
- Accessible path of travel to all common areas, entrances, and exits.
- T24 Energy calculations due to any envelope, lighting, mechanical, and electrical changes.

23. Contact the Building Department for submittal requirements.

24. The review and approval of this project does not include any other items of construction other than those written in the ARB project review application included with the project plans and documents under this review. If the plans include items or elements of construction that are not included in the written description, it or they may not have been known to have been a part of the intended review and have not, unless otherwise specifically called out in the approval, been reviewed.

#### **UTILITIES - WATER, GAS, WASTEWATER**

The following comments are required to be addressed at the submittal of the building permit application. These comments are provided as a courtesy and are not required to be addressed prior to the Planning entitlement approval:

25. The applicant shall submit a completed water-gas-wastewater service connection application - load sheet for City of Palo Alto Utilities. The applicant must provide all the information

requested for utility service demands (water in fixture units/g.p.m., gas in b.t.u.p.h, and sewer in fixture units/g.p.d.).

26. The applicant shall submit improvement plans for utility construction. The plans must show the size and location of all underground utilities within the development and the public right of way including meters, backflow preventers, fire service requirements, sewer mains, sewer cleanouts, sewer lift stations and any other required utilities.
27. The applicant must show on the site plan the existence of any auxiliary water supply, (i.e. water well, gray water, recycled water, rain catchment, water storage tank, etc).
28. The applicant shall pay the capacity fees and connection fees associated with new utility service/s or added demand on existing services. The approved relocation of services, meters, hydrants, or other facilities will be performed at the cost of the person/entity requesting the relocation.
29. An approved reduced pressure principle assembly (RPPA backflow preventer device) is required for all new water connections from Palo Alto Utilities to comply with requirements of California administrative code, title 17, sections 7583 through 7605 inclusive. The RPPA shall be installed on the owner's property and directly behind the water meter within 5 feet of the property line. RPPA's for domestic service shall be lead free. **Show the location of the RPPA on the plans.**
30. Each parcel shall have its own water service, gas service and sewer lateral connection

#### **GREEN BUILDING**

31. **Green Building Requirements for Non-Residential Projects.** For design and construction of non-residential projects, the City requires compliance with the mandatory measures of Chapter 5, in addition to use of the Voluntary Tiers. (Ord. 5220 § 1 (part), 2013). The following are required for Building Approval:
32. **The project is a nonresidential projects exceeding \$100,000 valuation** and therefore must acquire an Energy STAR Portfolio Manager Rating and submit the rating to the City of Palo Alto once the project has been occupied after 12 months. PAMC 16.14.250 (Ord. 5220 § 1 (part), 2013). The Energy Star Project Profile shall be submitted to the Building Department prior to permit issuance. Submittal info can be found at:  
[https://www.cityofpaloalto.org/gov/depts/utl/business/benchmarking\\_your\\_building.asp](https://www.cityofpaloalto.org/gov/depts/utl/business/benchmarking_your_building.asp).
33. **The project is a nonresidential new construction project and has a value exceeding \$25,000** and therefore must meet Enhanced Construction Waste Reduction Tier 2. PAMC 16.14.240 (Ord. 5220 § 1 (part), 2013). The project shall use the Green Halo System to document the requirements.

The following are required at Post-Construction after 12 months of occupancy.

34. **The project is a nonresidential projects exceeding \$100,000 valuation** and therefore must acquire an Energy STAR Portfolio Manager Rating and submit the rating to the City of Palo Alto once the project has been occupied after 12 months. PAMC 16.14.250 (Ord. 5220 § 1 (part), 2013). Submittal info can be found at:  
[https://www.cityofpaloalto.org/gov/depts/utl/business/benchmarking\\_your\\_building.asp](https://www.cityofpaloalto.org/gov/depts/utl/business/benchmarking_your_building.asp).

## PROJECT DESCRIPTION

FEBRUARY 7, 2019  
ARCHITECTURAL REVIEW BOARD  
CITY OF PALO ALTO  
250 HAMILTON AVENUE  
PALO ALTO, CA 94301

### RE: ARCHITECTURAL REVIEW BOARD APPLICATION FOR 375-379 UNIVERSITY AVENUE

DEAR CITY OF PALO ALTO ARCHITECTURAL REVIEW BOARD:

THANK YOU FOR REVIEWING THE ATTACHED PROPOSED EXTERIOR RENOVATIONS TO 375 / 379 UNIVERSITY: THE CHEESECAKE FACTORY RESTAURANT (NOW CLOSED / VACANT).

FOR THIS REVIEW WE WOULD LIKE THE BOARD TO FOCUS ON THE REDEVELOPMENT OF THE EXTERIOR FRONT OF THE BUILDING. THE PROJECT GOAL IS THE EXTERIOR RENOVATION OF THE CHEESECAKE FACTORY RESTAURANT TO A FACADE THAT REMOVES THE HEAVILY BRANDED DESIGN AND PROMOTES THE UNIVERSITY AVENUE PEDESTRIAN AND SHOPPING EXPERIENCE. THE EXISTING STRUCTURE, FLOOR AREA AND OVERALL SHELL IS EXISTING TO REMAIN.

THE PROJECT SCOPE CONSISTS OF THE FOLLOWING:

- RENOVATION OF THE MAIN UNIVERSITY AVENUE ELEVATION
- MINOR RENOVATIONS TO THE SIDES AND REAR (ALLEY) ELEVATIONS TO REMOVE OLD DECORATIVE CHEESECAKE FACTORY ELEMENTS (LIT MEDALLIONS ON REAR SIDES AND BACK BY THE CORNICE).
- NEW WINDOW AT ALLEY SIDE OF BUILDING IN ABANDONED CHEESECAKE FACTORY SIGNAGE RECESS.
- NEW PAINT SCHEME FOR THE BUILDING.

DESIGN OBJECTIVES ARE TO REDEFINE THE BUILDING TO:

- BE IN BETTER PROPORTION AND SCALE WITH ADJACENT BUILDINGS
- REMOVE THE EXISTING CHEESECAKE BRANDED DESIGN.
- CREATE A DESIGN FOR THE UNIVERSITY AVENUE ELEVATION THAT SUPPORTS ONE OR TWO TENANT OPPORTUNITIES
- USE UPSCALE STONE AND METAL MATERIALS CONSISTENT WITH ADJACENT BUILDINGS
- CREATE A CLASSICAL BUT CONTEMPORARY COMPOSITION WITH LARGE AMOUNTS OF GLASS THAT BRINGS ENERGY, ACTIVITY AND EXCITEMENT TO THE MID-BLOCK AREA.
- CREATE LARGE GLAZED OPENINGS TO PROMOTE STREETScape ACTIVITY AND TENANT VISIBILITY.

#### SITE:

THE BUILDING OCCUPIES A MID-BLOCK POSITION ON UNIVERSITY AVENUE. IT IS BUFFERED FROM WAVERLEY STREET BY PARIS BAGUETTE CAFÉ. ON THE OPPOSITE SIDE OF THE BUILDING IS CREPEVINE CAFÉ, DESIGN WITHIN REACH AND MEDALLION RUG GALLERY ON THE CORNER OF FLORENCE STREET. BUILDING HEIGHTS ON THE BLOCK (NOTE: ALL HEIGHTS ARE APPROXIMATIONS):

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MEDALLION RUG GALLERY: 38'-0"

DESIGN WITHIN REACH: 37'-0"

CREPEVINE: 22'-10"

## PROJECT DESCRIPTION

CHEESECAKE FACTORY: 33'-6" EXISTING / PROPOSED  
PARIS BAGUETTE: 24'-0

### DESIGN CONCEPT:

THE INSPIRATION FOR THE DESIGN REFERS TO THE LOOK AND FEEL OF THE BUILDING, PRIOR TO THE CHEESECAKE FACTORY REMODEL (CIRCA 2003). THE BUILDING HAD SIMPLE RECTANGULAR MASSING, VERTICAL PILASTERS AND WAREHOUSE STYLE WINDOWS. STARTING WITH THIS VOCABULARY, THE DESIGN IS A STUDY IN PROPORTION TO MAKE THE BUILDING LIGHT AND TRANSPARENT, CREATE OPEN AND INVITING TENANT SPACES AND BRING A HUMAN SCALE TO THE STREETScape THAT IS LACKING IN THE CURRENT CHEESECAKE FACTORY DESIGN.

THE PROPOSED UNIVERSITY AVENUE ELEVATION IS A LAYERING OF GRIDS THAT BREAKS DOWN THE OVERALL MASS OF THE BUILDING. THE STONE FRAME DIVIDES THE BUILDING IN HALF CREATING TWO TENANT SPACES. THE STEEL STRUCTURE DIVIDES THE STOREFRONTS FURTHER AND SETS THE FRAMING FOR LARGE EXPANSES OF WINDOWS THAT BLUR THE BARRIER BETWEEN THE STREET AND THE TENANT SPACES. THIS ALLOWS LARGE AMOUNTS OF NATURAL LIGHT INTO THE BUILDING. THE WAREHOUSE WINDOWS, AWNINGS AND SCALE OF THE STONE PROVIDE THE FINAL

DIVISIONS THAT BRING THE BUILDING TO A HUMAN SCALE. THE AWNING / STOREFRONT DATUM ALONG THE BLOCK ELEVATION IS BETWEEN 9'-9" AND 11'-5. THE BOTTOM OF THE PROPOSED AWNING IS 11'-4 1/2". THIS UNITES THE PEDESTRIAN EXPERIENCE ALONG THE BLOCK AND ADJUSTS SCALE OF THE BUILDING TO THE SIDEWALK REALM. THE STOREFRONT IS MAXIMIZED FOR GLAZING. THE WINDOWS ARE SET BACK 2'-6" FROM THE FACE OF BUILDING TO PROVIDE AN AREA FOR PEOPLE TO PAUSE AND ALLOW FOOT TRAFFIC TO CIRCULATE BY. THE PALETTE OF THE MATERIALS FOCUSES ON A SIMPLE AND UPSCALE SELECTION OF MATERIALS. THE STONE BODY IS A FILLED TRAVERTINE WITH A FLAMED GRANITE BASE. THIS MATERIAL IS COMPATIBLE AND SYMPATHETIC TO THE NEIGHBORING BUILDINGS ON THE BLOCK THAT USE STONE / BRICK. THE METAL WINDOWS AND FRAMING ARE A COMPLEMENTARY HUE OF BLACK. THE BUILDING IS CAPPED WITH A PAINTED METAL PARAPET CAP TO MATCH THE METAL COLOR. THE SIDES AND REAR ARE A PLASTER FINISH PAINTED TO MATCH THE STONE. THE DARKER GREY PAINT IS USED AS A BASE. THE DOORWAYS AND RECESSES IN THE REAR ARE PAINTED TO MATCH THE METAL PAINT COLOR. THE BUILDING LIGHTING IS SIMPLE SCONCES CASTING LIGHT ON THE STONE SURFACE AND HIGHLIGHTING THE NATURAL MATERIAL WITH UPLIGHTING SET IN THE SIDEWALK. THERE IS DIMMABLE LINEAR LIGHTING IN THE AWNING TO PROVIDE ILLUMINATION AT THE SIDEWALK TO ENCOURAGE WINDOW SHOPPING. THE BUILDING ADDRESS PLACARDS WILL BE INTERNALLY LIT PER CODE.

### SURVEY OF EXISTING SIDEWALK EXPERIENCE:

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MEDALLION RUG GALLERY: MINIMAL RETAIL WINDOWS  
DESIGN WITHIN REACH: LARGE RETAIL WINDOWS  
CREPEVINE: STREET CAFÉ SITTING AREA, WINDOWS  
CHEESECAKE FACTORY: MINIMAL WINDOWS (EXISTING)  
PARIS BAGUETTE: STREET CAFÉ SITTING AREA, WINDOWS, BLUE ACCENT GLASS

### PUBLIC SEATING:

THE PUBLIC CORNER BENCHES ON WAVERLEY AND UNIVERSITY PARTIALLY OVERLAP THE CHEESECAKE FACTORY FRONTAGE AND THE ADJACENT PARIS BAGUETTE CAFÉ.

### SHORT / LONG TERM BICYCLE PARKING:

TWO "U" SHAPED BIKE PARKING STANDS (MATCHING EXISTING STANDS ON THE BLOCK) CAN BE PLACED ALONG THE CURB LINE FOR THE BUILDING NEEDS. LONG TERM BICYCLE PARKING

**PROJECT DESCRIPTION**

WILL BE IN THE BUILDING AND PART OF THE TENANT IMPROVEMENTS.

BEST REGARDS,  
STEVEN OHLHABER AIA  
C2K ARCHITECTURE



## Attachment F

### **Project Plans**

Hardcopies of project plans are provided to Board members. These plans are available to the public online and/or by visiting the Planning and Community Environmental Department on the 5<sup>th</sup> floor of City Hall at 250 Hamilton Avenue.

#### **Directions to review Project plans online:**

1. Go to: [bit.ly/PApendingprojects](http://bit.ly/PApendingprojects)
2. Scroll down to find "375 University" and click the address link
3. On this project specific webpage you will find a link to the project plans and other important information

#### **Direct Link to Project Webpage:**

<https://www.cityofpaloalto.org/news/displaynews.asp?NewsID=4597&targetID=319>