



Architectural Review Board

Staff Report

Agenda Date: November 7, 2013

To: Architectural Review Board

From: Elena Lee, Senior Planner **Department: Planning and Community Environment**

Subject: 429 University [13PLN-00372]: Request by Hayes Group Architects, on behalf of Kipling Post LP, for Preliminary Architectural Review of a proposal for a new four story mixed use building with ground floor retail, two floors of office and one floor of residential. Zone District: CD-C(GF)(P).

RECOMMENDATION

Staff requests the Architectural Review Board (ARB) conduct a preliminary review of the proposed project and provide comments on the design to staff and the applicant. No formal action may be taken at a preliminary review; comments made at a preliminary review are not binding on the City or the applicant.

BACKGROUND

Site Information

The subject site is located on an 8,250 square foot (sq. ft.) site on the southwest corner of University Avenue and Kipling Street. The property is developed with a 7,208 sq. ft. one-story commercial building. The building has been designated with the addresses of 429-447 University Avenue. The property is located within the central portion of the downtown area and is within the Downtown Parking Assessment District. The property is bounded by University Avenue to the east and Kipling Street to the north. The site is surrounded by commercial uses to the north, south and east. A mix of commercial and residential uses is located to the west. Parking and service or loading spaces are provided at the rear of the site via Lane 20, a 20 foot wide alley.

Project Description

The applicant's preliminary plans include the demolition of the existing one-story building. The applicant has submitted a historic report that concludes that the building is not historically significant. The assessment of the site's historic significance will be analyzed as part of the environmental clearance prepared for the project in compliance with the California Environmental Quality Act (CEQA). The applicant proposes to replace the building with a new four story 24,750 sq. ft. mixed use building. The building would include two levels of underground parking, retail use on the first floor, office use on the second floor, a residential unit on the third floor and shared residential and commercial uses on the fourth floor. The fourth floor would also include a large rooftop terrace for both the residential and commercial tenants. The garage would be accessed by a driveway from the rear alley on the southwest corner of the building. The applicant submitted

two conceptual designs featuring frameless storefront glass, cast-in-place concrete, metal overhangs, metal panels and spandrel railings.

The applicant has purchased 8,830 sq. ft. of Transfer of Development Rights (TDR) for use on this property to increase the floor area to 3.0:1. The property does not have a historic designation and is not eligible for seismic floor area bonus. This TDR square footage is still eligible to be exempt from parking requirements.

The conceptual plans provide context in site plan, floor plans, three dimensional renderings, elevations and building sections to assist the ARB review. The formal application for the project will be subject to the California Environmental Quality Act (CEQA) and Architectural Review Board review. Comments from City department staff have been forwarded to the applicant for consideration. The ARB's feedback will be used to inform the applicant and staff on what is expected for reviews of the formal applications and other miscellaneous permits, in accordance with the requirement of the Municipal Code.

DISCUSSION

Zoning Compliance

The proposed placement of the building would meet the minimum setbacks. The site has a zoning designation of CD-C(GF)(P), or Downtown Commercial – Community with Ground Floor and Pedestrian Combining Districts. The development standards for this zoning designation do not include required setbacks from property lines, with the exception of the ten foot rear setback for the residential component of the building. The project appears to meet the setback requirements for the commercial component. Although the enclosed residential portion is set back at least ten foot, the open terrace/balcony on the third floor is within ten feet of the rear property line. In addition, the fourth floor terrace shared by the residential and commercial tenants is also located within ten feet of the rear setback line. The building appears to meet the 50 foot height limit. The Zoning Code does allow utility or mechanical features to exceed the height limit by not more than fifteen feet, which this project does include.

The Floor Area Ratio (FAR) standard for development of a mixed use project in the CD-C zone district is a 2.0:1 FAR (16,500 sq. ft.), with a maximum of 1.0:1 for the residential component and 1.0:1 for the commercial component. Mixed uses are allowed additional floor area with the use of Transferrable Development Rights (TDRs) for a total of 3.0:1. Properties not on the City's Seismic list nor Historic Category 1 or 2 are also allowed to request a one-time 200 sq. ft. bonus [PAMC 18.18.070(a)(1)], but the total floor area on the site cannot exceed the 3.0:1 FAR maximum. An 8,250 sq. ft. site would be allowed a maximum FAR of 24,750. Accordingly, the site would be eligible for a maximum of 8,250 sq. ft. via a TDR bonus. The project's proposed FAR (24,750 sq. ft.) would be the maximum allowed utilizing TDRs and the 200 sq. ft. bonus. However, the applicant's distribution of square footage is problematic. As stated above, the property is limited to a TDR bonus of 8,250 sq. ft. and 5,000 sq. ft. is proposed to be provided from two properties on Homer Avenue. A remaining 3,830 sq. ft. is proposed to be provided from 340 University Avenue, for a total of 8,830 sq. ft., exceeding the 8,250 sq. ft. maximum. Because the residential component is at 0.91 FAR, below the maximum of 1.0, the applicant is proposing to apply the remaining residential FAR to the commercial component to keep the overall FAR to

3.0. However, transfer of square footage would not be allowed. The TDR bonus is limited to 8,250 sq. ft. and the commercial component must be reduced to 16,500 sq. ft.

The floor area ratio could also be impacted by two additional issues. The Zoning Code excludes underground parking facilities from gross floor area. The floor plan for the first underground parking level shows a shower facility. Because it is not a parking facility, it should be counted towards the floor area. The roof top terrace includes three distinct roof top forms that cover the otherwise open terrace. Per the Zoning Code, permanently roofed balconies or porches (or similar feature) located above the ground floor and substantially enclosed by exterior walls could count towards floor area. The design of the roof top forms appears to create areas that feel more enclosed. However, detailed plans, including a roof plan, were not submitted and would require further study during the formal review process. The site is also subject to the Ground Floor (GF) Combining District Zoning designation, which would prohibit office uses on the first floor.

Parking

Commercial floor area of 16,500 sq. ft. requires 66 spaces. Two spaces are required for one residential unit. If there were no assessments or transferred area associated with parking exceptions for the site, a total of 68 spaces would be required for the project under the current Zoning Ordinance. The site has been assessed for 21 parking spaces not provided on the site (parking equivalent to a total square footage of 5,250 sq. ft. at 21 spaces times 250 sq. ft. per space). However, the applicant states 7,208 sq. ft. exists on the site, of which 1,958 sq. ft. was parked via eight spaces on site. The new project would not have to provide 21 assessed spaces but the eight spaces associated with the 1,958 sq. ft. remainder area would still need to be provided. The Zoning Code exempts parking requirements for up to 5,000 sq. ft. provided via TDRs, provided the TDRs were recorded to allow the exception. While the square footage provided for the TDRs purchased from the Homer Avenue properties did qualify for the exemption, the TDRs from the 340 University (3,830 sq. ft.) did not include the exemption. Parking spaces would be required for the 3,830 square feet. But as stated above, the applicant would be limited to a maximum of 8,250 sq. ft. for the TDR bonus. With these exemptions, the site would have to provide a total of 27 parking spaces on site (66 commercial spaces required minus 21 spaces already assessed minus 20 spaces exempt via TDR equals 25 spaces plus 2 spaces for residential). The applicant currently proposes to provide 29 parking spaces on site, two more spaces than required given the transferred bonus area and assessed area. The applicant will also be required to provide adequate bicycle parking for both short and long term spaces.

Pedestrian Shopping Combining District

The site is subject to the Pedestrian Shopping Combining District (P), which requires projects to incorporate design features that foster a lively pedestrian environment and an economically healthy retail district. Projects with this designation must incorporate the following features:

- (1) display windows, or retail display areas;
- (2) pedestrian arcades, recessed entryways, or covered recessed areas designed for pedestrian use with an area not less than the length of the adjoining frontage times 1.5 feet; and
- (3) landscaping or architectural design features intended to preclude blank walls or building faces.

The plans do show a substantial amount of store front glass, which meets the retail/display window requirements and serves to create more interest for pedestrians. The three pedestrian entry points along University Avenue and Kipling Street are recessed and covered by metal overhangs. The applicant proposes two additional planting areas along University Avenue and slightly wider sidewalks to enhance the pedestrian environment.

Option A and B Design

The applicant has proposed two options for the ARB's feedback. Both have a ground floor of frameless glass for the retail use and feature large balconies and an open terrace on the third and fourth floors. Option A is differentiated by the use of metal panels to break up the façade, starting at the roof terrace with metal overhangs and extending to the second floor. Option B relies more on cast in place concrete to provide visual interest. The panels that cover a portion of the roof, similar to Option A, are comprised of cast-in-place concrete and are limited to the fourth floor. Cast-in-place concrete is also used to frame more of the second floor office façade. Attachment A provides the applicant's description of the design proposal. Staff has concerns about the proposed design, both for Option A and B, especially the roof forms proposed over the terrace.

Downtown Urban Design Guide

The site is also subject to the Downtown Urban Design Guide (Guide), which was developed to provide guidelines regarding development and design in the downtown area. The Guide divides the downtown area into seven districts, with each having a unique identity and design characteristics. The project site is located in University Avenue District. The Guide reinforces University Avenue as the retail core and identifiable center of the downtown area. This area should maintain a strong concentration of ground floor retail and provide a focal point as an exciting outdoor/pedestrian environment with vibrant architecture and other amenities. The applicant proposes to generally comply with these goals by designing a building with a defined ground floor retail environment with large storefront glass and recessed entries.

Context-Based Design Considerations, Findings and Comprehensive Plan Conformance

Developments within the CD-C Zoning District are also required to comply with the Context-Based Design Considerations and Findings found in PAMC Chapter 18.18. Projects are required to be responsible to the context and promote pedestrian oriented design. Six of the findings shown below are particularly applicable to the site. The ARB is requested to consider how well the preliminary design addresses these findings. During review of a formal application, staff will provide an analysis of the project with respect to the findings and to applicable Comprehensive Plan Policies. A list of applicable Comprehensive Plan policies will be provided to the ARB at places.

1. Pedestrian and Bicycle Environment: The design of new projects shall promote pedestrian walkability, a bicycle friendly environment, and connectivity through design elements.
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.
3. Massing and Setbacks: Buildings shall be designed to minimize massing and conform to proper setbacks.
4. Project Open Space: Private and public open space shall be provided so that it is usable for the residents, visitors, and/or employees of a site.

5. Parking Design: Parking needs shall be accommodated but shall not be allowed to overwhelm the character of the project or detract from the pedestrian environment.
6. Sustainability and Green Building Design: Project design and materials to achieve sustainability and green building design should be incorporated into the project. Green building design considers the environment during design and construction.

City Department Comments

The plans were routed to other City departments for review and the written comments provided are included in Attachment C. Based on the preliminary plans provided to staff, the most significant concern was provided by the Transportation Division. The primary concern was safety of vehicles exiting the driveway ramp and pedestrian visibility in the alley. This may require the building be set back farther to increase visibility.

ENVIRONMENTAL REVIEW

No environmental review is required for a Preliminary Review as it is not considered a project under the California Environmental Quality Act (CEQA).


ATTACHMENTS

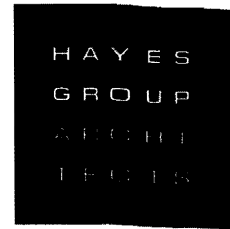
- Attachment A: Project Description*
 - Attachment B: Zoning Compliance Table
 - Attachment C: Development Plans (Board Members Only)*
- * Prepared by Applicant; all other attachments prepared by Staff

COURTESY COPIES

Ken Hayes: Khayes@thehayesgroup.com
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Prepared By: Elena Lee, Senior Planner 

Manager Review: Amy French, Chief Planning Official 



September 12th, 2013

City of Palo Alto
Department of Planning & Community Environment
250 Hamilton Avenue, 5th floor
Palo Alto, CA 94303

Re: 429 University ARB Preliminary Review Project Description

To Planning Staff and ARB Members:

Attached is Hayes Group Architect's submittal package for 429 University for ARB preliminary review. The project applicant is Hayes Group Architects on behalf of the owner, Kipling Post LP. This package includes 8 sets of half size drawings and 8 full size drawings including the site survey, contextual photos, the proposed site plan, floor plans, elevations and 3D options.

1. EXISTING CONDITIONS

The site is located at northwest corner of University Avenue and Kipling Street. The existing, 7,208 SF, one-story commercial/retail building is served by a 20 foot wide alley, Lane 30, at the rear of the site.

The building is surrounded by commercial buildings on all street frontages including the alley. Across University Avenue is the Varsity Theater, a local historic resource.

2. PROPOSED PROJECT

We propose to demolish the existing building and construct a new 24,750 SF, four-story, commercial / residential mixed use condominium building with two levels of underground parking. The first floor will be retail use while the second floor and part

of fourth floor will be office use. The third floor and part of fourth floor will be residential use. A rooftop terrace will serve both the commercial and residential uses.

The site will receive 8,830 SF of Transfer Development Rights to achieve this area; 5,000 SF of TDR is exempt from parking while the balance is parked on site at 1/250 GSF. The site is eligible to receive Transfer Development Rights exempt floor area under Palo Alto Municipal Code Section 18.18.080 (e) paragraphs 1 and 2.

As this is a preliminary review, we have developed two options for your comment. Option A focuses on unifying the upper stories and roof terrace into one form that floats above the ground floor retail frameless glass. The upper form is broken apart into smaller segments that create syncopation along Kipling Street and that reveals its profile at the University Avenue frontage where it is infilled with either the roof terrace railing, the residential balcony or the second floor office glazing. The profile of the upper form serves to create a framework that holds these disparate program elements together. The form on University Avenue also is more expressive of the block face scale of the main street.

Option B, like Option A, has a ground floor of frameless glass for the retail use; however, the upper floors are each represented as layers. The uppermost layer consists of a repeating framework of forms that reveal their profile to University Avenue and serve to create a perch for the roof terrace. The office floor is a similarly solid framework that floats above the ground floor. Openings in the second floor form are filled with window systems that project from the openings giving the building depth and shadow.

Both options have the office and residential entry off of Kipling while retail entries are along the University and Kipling frontages. The entry to the underground parking garage is located off of the rear alley.

Materials include cement plaster walls, exposed, highly-finished, smooth, concrete and metal panels and railings. Clear dual-glazed anodized aluminum storefront windows fill the openings. Frameless glass is used to enclose the ground floor retail space.

3. PARKING & BICYCLE SPACES

The existing parcels are within parking assessment district. Currently the site has 8 parking spaces serving the existing building. Per Palo Alto Parking Assessment Roll, 29 parking spaces are needed. 8 parking spaces are provided on site, and 21 parking spaces are provided through the downtown parking assessment district. 5,000 SF of TDR is exempt from parking per **PAMC 18.18.080(f)(1)**. 3,830 SF of

TDR will require 15.32 parking spaces. See area and parking summary on the cover page of the drawings.

Below is a summary of parking requirements:

- 8 spaces for existing 7,208 SF area
- No space is needed for one time 200 SF bonus (18.18.070(a)(1))
- No space is needed for 5,000 SF TDR area ^{OK}
- 15.32 spaces required for 3,830 SF TDR area at 1/250
- 4.17 spaces required for 1,042 SF new floor area
- Two spaces required for the residence

29 total parking spaces are required for this project. 29 parking spaces will be provided in the underground garage.

For bike parking, three long-term and four short-term parking are required for commercial and one long-term is required for residential. Eight bike parking spaces are proposed.

4. TRASH/RECYCLING

A new, covered trash and recycling facility will be constructed at the back of the site, and serviced from the alley.

5. GREEN BUILDING STANDARD

In accordance with the city's Green Building Ordinance, the building will comply with the CalGreen Tier 2 requirements. The residential portion shall comply with Build-it-Green requirements.

We look forward to a staff review and scheduling of an ARB hearing so that we can proceed with the development of this project.

Please call me at (650)365-0600x15 if you have any questions.

Sincerely,



Ken Hayes, AIA
Principal

cc: Elizabeth Wong, Kipling Post LP

Attachment B
Zoning Code Compliance Table

DEVELOPMENT STANDARDS FOR CN ZONE DISTRICT	STANDARD	PROPOSED PROJECT	CONFORMS
Site coverage (building footprint)	No Requirement	7,888 (95%)	Project Complies
Floor area (gross floor area)	2.0 FAR or 16,500 sq. ft.	3.0 FAR or 24,750 sq. ft.	Project Complies with TDR
Building setbacks			
Front (University Avenue)	No Requirement	0 ft.	Project Complies
Rear	No Requirement for commercial component. 10 feet for residential	0 ft. for building	Commercial- Yes. Residential- Terrace/Balcony within 10 feet
Street Side (Kipling Street)	No Requirement	0 ft.	Project Complies
Interior Side	No Requirement	8 inches	Project Complies
Building Height	50 feet	50 feet	Project Complies
Parking Spaces	Required per PAMC 18.52	Proposed Project	Conformance
Vehicle spaces	1 space per 250 sq. ft.	29 spaces	27 spaces with 16,500 commercial sq. ft. Project Complies