



# City of Palo Alto

## City Council Staff Report

(ID # 9375)

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**Report Type: Consent Calendar**

**Meeting Date: 7/30/2018**

**Summary Title: 999 Alma Street - Training Space CUP**

**Title: PUBLIC HEARING / QUASI-JUDICIAL. 999 Alma Street [18PLN-00060]: Request for a Hearing on the Director's Tentative Approval of a Conditional Use Permit for a Commercial Recreation (Gym) Use in an Existing Building on the Site. The Project Includes a Request to Begin Operations at 5:00 A.M. and end at 11:00 P.M. The South of Forest Area (SOFA) Coordinated Area Plan Permits by-Right Hours of Operation from 6:00 A.M. to 11:00 P.M. Environmental Assessment: Exempt from the provisions of the California Environmental Quality Act (CEQA) per Guidelines Section 15301. Zone District: RT-35 (SOFA II). APPELLANT'S HAVE WITHDRAWN REQUESTS FOR PUBLIC HEARING**

**From: City Manager**

**Lead Department: Planning and Community Environment**

### **Recommendation**

Staff recommends that Council:

1. Find the proposed project exempt from the California Environmental Quality Act (CEQA) in accordance with Sections 15301 of the CEQA Guidelines; and
2. Adopt the attached Record of Land Use Action approving the proposed Conditional Use Permit based on findings and subject to conditions of approval.

### **Background**

The subject appeals of the Director's tentative approval of a Conditional Use Permit (CUP) have been withdrawn (Attachments B and C). A CUP is typically acted upon by the director of planning, unless an appeal is filed. For the subject recreation gym use, two appeals were filed and a public hearing was held before the Planning and Transportation Commission. The Commission voted 5-1 recommending approval of the gym. Since the public hearing, the two appellant groups have indicated that they wish to withdraw their hearing requests. The item is

being presented for Council consideration, however, because the Municipal Code only recognizes withdrawal of a hearing request prior to the PTC hearing.

Accordingly, to complete the approval, staff recommends the Council approve the attached Record of Land Use action (Attachment A) approving the project.

More background information on the project is available in the PTC staff report: <https://www.cityofpaloalto.org/civicax/filebank/documents/65687>.

## **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 categorically exempt from the provisions of CEQA per Section 15301 (Existing Facilities).

### **Attachments:**

**Attachment A: Draft Record of Land Use Action (DOCX)**

**Attachment B: Hearing Request Letter 1 - Withdrawn (PDF)**

**Attachment C: Hearing Request Letter 2 - Withdrawn (PDF)**

**Attachment D: Project Plans (DOCX)**

**Attachment E: Public Comment (PDF)**

**ACTION NO. 2018-\_\_\_\_\_**  
**RECORD OF THE COUNCIL OF THE CITY OF PALO ALTO LAND USE ACTION FOR**  
**999 ALMA STREET: CONDITIONAL USE PERMIT (18PLN-00060)**

On July 30, 2018, the Council of the City of Palo Alto, after considering all of the evidence presented, approved the Conditional Use Permit application for a commercial recreation use with extended hours of operation located in the RT-35 Zoning District, making the following findings, determination and declarations:

**SECTION 1. Background.**

- A. An application for a conditional use permit (CUP) to allow a commercial recreation use with extended hours of operation on the site was submitted on February 13, 2018.
- B. Planning Staff tentatively approved the application on May 9, 2018. Two timely requests for a public hearing were received prior to the tentative decision becoming effective.
- C. The Planning and Transportation Commission held a duly noticed public hearing, at which evidence was presented and all persons were afforded an opportunity to be heard, and recommended approval of the Project on June 27, 2018. The Commission's recommendations are contained in CMR #\_\_\_\_\_ and the associated attachments.
- D. On July 30, 2018, the City Council, after reviewing the evidence presented, adopted the recommendation of the Planning and Transportation Commission and approved the subject CUP application.

**SECTION 2. Environmental Review.** The proposed project has been determined to be Categorically Exempt per Section 15301 (Existing Facilities) of the California Environmental Quality Act Guidelines.

**SECTION 3. Conditional Use Permit Findings.**

Conditional Use Permit approval is based on the findings indicated under PAMC Section 18.76.010:

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

The site is located in the South of Forest Avenue area at the intersection of Alma Street and Addison Avenue. The site is surrounded by a variety of other commercial uses and personal services, as well as a number of single family and multi-family residences. As conditioned, the commercial recreation use will be conducted solely within the building at 999 Alma Street, and the maximum hours of operation will be restricted. A commercial recreation (gym) use promotes healthy living and physical activity, and with reasonable restrictions on the operations, including restrictions on noise, parking, and glare as set forth in the Conditions of Approval, the use will not

be detrimental to the public health, safety, general welfare or convenience, and will not be detrimental or injurious to property or improvements in the vicinity.

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

The subject property is designated as Residential Transitional RT-35 in the SOFA II Coordinated Area Plan. This land use designation is intended to promote the continuation of a mixed use, walkable, area with a wealth of older buildings. In the future, as in the past, different non-residential uses will become more or less dominant. However, it is a goal of the plan to make sure that a particularly strong market in one sector does not drive out diversity. Neighborhood serving retail and service uses that serve the residential communities in and near SOFA are particularly valued. The differing height, intensity, and use restrictions recognize the differing potentials of the area as it moves between purely residential neighborhoods and the downtown, and closer to Alma Street and the transit center. A commercial recreation (gym) use is neighborhood-serving and would promote a diversity of compatible land uses in the RT-35 district. As conditioned, the project will be conducted in a manner that will be in accord with the applicable goals and policies of the Comprehensive Plan and the purposes of the Zoning Ordinance.

#### SECTION 4. Conditions of Approval.

1. CONFORMANCE WITH PLANS: Use and development shall be conducted in substantial conformance with the approved plans entitled, "Interior Tenant Improvements at 999 Alma Street," stamped as received by the City on April 6, 2018 on file with the Planning Department, 250 Hamilton Avenue, Palo Alto, California except as modified by these conditions of approval.
2. HOURS OF OPERATION. The Commercial Recreation conditionally permitted use hours of operation are limited to 5:00AM to 11:00PM Monday through Sunday. Back-of-house operations, such as deliveries and taking garbage/recycling to the curb, shall not occur prior to 6:00AM or after 9:00PM. The landlord may have different allowable hours of operation within this permitted timeframe. The landlord may have different allowable hours of operation.
3. AMPLIFIED MUSIC. Amplified music shall be permitted in the interior of the building only. Amplified music shall not be audible beyond the site boundaries.
4. NOISE. At no time shall any amplified music, the sound of dropped weights, or other noise associated with the use be detectable from the exterior of the building. This restriction shall not apply to HVAC systems associated with the use, such equipment shall conform to the standards set forth in the Palo Alto Municipal Code Title 9.
5. WINDOW SHADES. The project shall incorporate internal window shades on the Addison Avenue elevation that screen from view light and glare to the adjacent residential use. The shades shall unfurl no later than sunset, and shall remain drawn until sunrise the following day.

6. **PARKING.** The subject site has 41 legal noncomplying (i.e. grandfathered) parking spaces. An additional seven (7) parking spaces are required and shall be provided off-site per PAMC 18.52.050(c). Prior to the issuance of a building permit, the applicant shall provide documentation of a shared parking arrangement with the property at 100 Addison Avenue, or similar site located within 500 feet, to the satisfaction of the Planning Director.
7. **LATE PARKING.** The tenant shall direct gym members and employees to park at the 100 Addison Avenue property or along Alma Street prior to 6:00AM and after 9:00PM.
8. **USE AND OCCUPANCY:** The applicant shall apply for and obtain a Use & Occupancy Permit for the commercial recreation facility within 30 days of project approval. Unless further restricted by the Building Department, the use of the site shall not exceed 86 people at any given point in time in order to comply with the parking requirements of PAMC Section 18.52. This approval shall not affect the ability of the site to be used for a permitted retail use pursuant to the previously approved architectural review application (02-ARB-25) for the Anthropologie store.
9. **COMMERCIAL RECREATION USE:** The use is limited to the “Commercial Recreation” land use classification defined in Palo Alto Municipal Code Section 18.04.030(a)(33). Outdoor recreation shall not be permitted on the site without the approval of a separate Conditional Use Permit.
10. **NUISANCE ABATEMENT:** The use shall be operated in a manner to protect adjacent residential properties from excessive noise, odors, lighting or other nuisances from any sources during the business hours.
11. **TENANT RELATIONS.** Any complaints from other tenants of the site regarding noise or other issues associated with the operation of the commercial recreation use shall be addressed by the owner or long-term leaseholder of the building or through formal mediation. In addition, the City may take Code Enforcement or other appropriate action if the use is not in compliance with the Municipal Code or the terms of this Conditional Use Permit. Per Conditions of Approval 14 and 15, such action may include the imposition of additional conditions, or the revocation of the Conditional Use Permit.
12. **CODE COMPLIANCE:** The proposed use shall be comply with all applicable City codes, including Titles 9 (Public Peace, Moral and Safety) and 15 (Uniform Fire Code) of the Palo Alto Municipal Code and 19 (Public Safety) of the State of California Administrative Code.
13. **INTENSIFICATION OF USE:** Any intensification of use, such as an increase in size of the space, shall require an amendment to the conditional use permit and any other entitlements as specified in the Palo Alto Municipal Code.
14. **COMPLIANCE WITH CONDITIONS OF APPROVAL.** The applicant shall at all times be in compliance with the conditions of approval and documentation describing the community center’s operation. If commercial recreation operations result in unanticipated impacts that negatively impact the health, safety, convenience, or general welfare, the Director of Planning and Community

Environment may impose additional conditions to mitigate those impacts. Any changes by the Director to this approval or imposition of new or modified conditions shall be in writing and subject to the city’s appeal procedures for conditional use permits.

- 15. REVOCATION OR MODIFICATION OF APPROVALS: The director may issue a notice of noncompliance for any failure to comply with any condition of this permit approval, or when a use conducted pursuant to a conditional use permit is being conducted in a manner detrimental to the public health, safety and welfare.
- 16. 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 its actual attorney’s 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.

SECTION 5.        Term of Approval.

In the event the change to a commercial recreation use is not commenced within twelve months of the date of council approval, the approval shall expire and be of no further force or effect, pursuant to Palo Alto Municipal Code Section 18.77.090

PASSED:  
AYES:  
NOES:  
ABSENT:  
ABSTENTIONS:

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

APPROVED:

\_\_\_\_\_  
Deputy City Attorney

\_\_\_\_\_  
Interim Director of Planning and  
Community Environment

**Owen, Graham**

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**Subject:**

RE: 999 Alma and neighborhood quality

**From:** Liz Kniss <[lizkniss@earthlink.net](mailto:lizkniss@earthlink.net)>

**Date:** July 21, 2018 at 12:59:13 PM PDT

**To:** Neilson Buchanan <[cnsbuchanan@yahoo.com](mailto:cnsbuchanan@yahoo.com)>

**Cc:** Jonathan Lait <[jonathan.lait@cityofpaloalto.org](mailto:jonathan.lait@cityofpaloalto.org)>, Ed Shikada <[ed.shikada@cityofpaloalto.org](mailto:ed.shikada@cityofpaloalto.org)>, Robert De Geus <[robert.degeus@cityofpaloalto.org](mailto:robert.degeus@cityofpaloalto.org)>, Joshua Mello <[joshuah.mello@cityofpaloalto.org](mailto:joshuah.mello@cityofpaloalto.org)>, Planning Commission <[planning.commission@cityofpaloalto.org](mailto:planning.commission@cityofpaloalto.org)>, City Council <[city.council@cityofpaloalto.org](mailto:city.council@cityofpaloalto.org)>, Michael Dorricott <[michaeldorricott@gmail.com](mailto:michaeldorricott@gmail.com)>, Dena Mossar <[dmossar@gmail.com](mailto:dmossar@gmail.com)>, Michael Hodos <[mehodos@mac.com](mailto:mehodos@mac.com)>, Dave Price <[price@padailypost.com](mailto:price@padailypost.com)>, Gennady Sheyner <[gsheyner@paweeekly.com](mailto:gsheyner@paweeekly.com)>, John Guislin <[jguislin@gmail.com](mailto:jguislin@gmail.com)>, KJ and Fred Kohler <[fkohler@sbcglobal.net](mailto:fkohler@sbcglobal.net)>, Sandy Peters <[peterssandyj@pacbell.net](mailto:peterssandyj@pacbell.net)>

**Subject: Re: 999 Alma and neighborhood quality**

Thx for letting us know.

Liz

On Jul 21, 2018, at 2:30 PM, Neilson Buchanan <[cnsbuchanan@yahoo.com](mailto:cnsbuchanan@yahoo.com)> wrote:

On behalf the neighbors concerned about 999 Alma parking and traffic impact, I want to communicate their reluctant option to not pursue the appeal. Nevertheless, there is strong opinion that staff and PTC overlooked basic stewardship responsibilities to protect neighborhood quality and failed to analyze the cumulative impact on adjacent businesses who may be competing for very scarce parking.

In the allocation of upcoming budgets, we urge Council to assure Transportation Department receives full funding for staff and programs to manage parking and traffic proactively.

Unfortunately the staff and PTC decision to avoid a required parking study means that management of neighborhood parking continues in its remedial, retro mode\*\*\* contrary to the comp plan.

Since the Transportation staff is so over-committed, then the burden of neighborhood quality falls solely on nearby neighbors. I hope this situation will be addressed by the next City Council and City Manager,

\*\*\*For example, we urge that staff communicate to resident leaders by early August about staff plans and timelines to correct the lack of signage impeding enforcement of non-resident vehicles within the 10 RRP zones.

Neilson Buchanan  
155 Bryant Street  
Palo Alto, CA 94301

650 329-0484

650 537-9611 cell  
[cnsbuchanan@yahoo.com](mailto:cnsbuchanan@yahoo.com)



May 23, 2018

To: City of Palo Alto Planning and Community Environment Department  
250 Hamilton Avenue  
Palo Alto, CA 94301  
Attention: Graham Owen, Associate Planner

Received

MAY 23 2018

Department of Planning  
& Community Environment

Dear Graham:

We, the undersigned, request a hearing for the Conditional Use Permit (CUP) dated May 9, 2018 and issued May 10, 2018 regarding 999 Alma Avenue in Palo Alto as part of application 18PLN-00060.

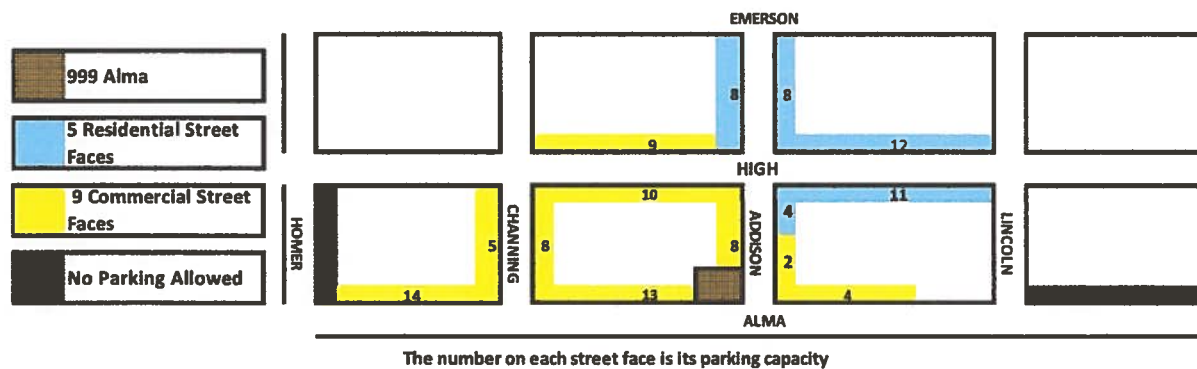
Our reasons are explained below.

**PARKING:** The area surrounding 999 Alma is heavily congested with parked cars during workdays. Palo Alto's Municipal Code 18.76.010(c) requires that a CUP:

- (1) Not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience;
- (2) Be located and conducted in a manner in accord with the Palo Alto Comprehensive Plan and the purposes of this title (Zoning).

We have asked for evidence to support these two findings in regards to parking but received none. The City conducted no parking study for the CUP prior to granting the permit. Meanwhile, other evidence indicates the permit will create a significant negative impact on general welfare and convenience, and that such a manner of operation is not in accord with the Comprehensive Plan.

Residents of Downtown have considerable historical data and continue to collect information about parking problems in the vicinity of this project. Two recent midday surveys were conducted of these nearby blocks:



The survey results show how crowded street parking already is around the gym:

Date	Type	Spaces in Use	Total Spaces	Utilization	Free Spaces
Thursday May 3, 2018 11:30 am	Commercial	38	73	52%	35
	Residential	34	43	79%	9
	Total				44
Thursday May 17, 2018 11:55 am	Commercial	37	73	51%	36
	Residential	34	43	79%	9
	Total				45
Average Total					45

The CUP cites a total of 48 parking spaces as needed for 999 Alma. With 20 of those being for the 5,000 sq. ft. medical office in the same building, the gym adds a need for 28 parking spaces. While seven cars will be allowed to park at the daycare facility at 100 Addison, that leaves 41 cars for the employees and customers of 999 Alma needing parking spaces. As the table above indicates, the 35 to 36 available nearby commercial spaces are insufficient to handle this. The use of residential spaces will likely be even higher. Employees and also customers staying for more than two hours might first park in a commercial zone and then move to a residential zone, which grant an additional two hours of free parking, to avoid purchasing a permit. Drivers approaching from the south or east will encounter residential spaces before commercial ones and thus likely use the former. Thus, the few available nearby residential spaces will likely be taken, thus completely saturating residential streets.

The likely impact then on both commercial and residential streets will be considerable. The City is already expending tens of millions of dollars and considerable staff time to reduce parking impacts in this area after massive outcry from residents. For the City to now claim that increasing the parking problems on these streets will have no negative impact is implausible and completely contradicts its own prior and current declarations.

Rather, the first finding for the CUP cannot be made because the increased parking activity in the commercial and residential areas will be detrimental to the general welfare and convenience of existing uses. The increase in parking demand means owners and tenants of properties on residential blocks may not be able to find any parking in front of their buildings, despite many have purchased permits from the City for that very purpose. Extra traffic and contention for parking is itself a safety issue the City has already acknowledged. Late night visitors to the gym parking in residential areas will also create noise that can easily disturb residents. The residence at 160 Addison is very close to the gym, as can be seen in the picture on the right taken from the Addison side of that housing. Remarkably, the CUP's argument for making the first finding does not even mention parking! There is no evidence therefore the City considered the impact of parking at all when making the finding.



The second finding for the CUP can also not be made. Page 4 of the recently-adopted Comprehensive Plan says the Plan "... encourages commercial enterprise, but not at the expense of the city's residential neighborhoods." In particular, Policy T-5.11 on page 93 says, "Work to protect residential areas from parking impacts of nearby businesses and uses, recognizing that fully addressing some existing intrusions may take time." The gym is clearly a commercial enterprise and it is a new intrusion because of its extended hours. Its parking shortage will harm the nearby neighborhoods. So it is definitely not in accord with the Comprehensive Plan. And once again, the CUP's argument for this finding also does not even mention parking! There is thus no evidence the City considered the impact of parking on nearby neighborhoods in any manner when making this second finding.

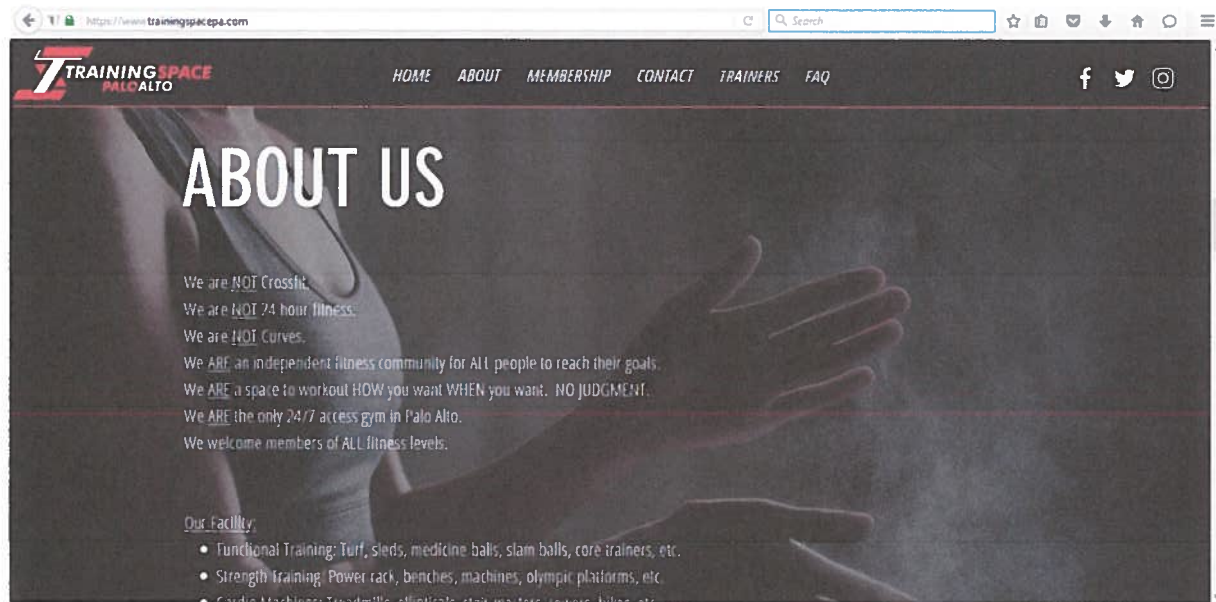
Although the CUP does include requirement 6 that "the tenant shall direct gym members and employees to park at the 100 Addison property or along Alma Street prior to 6:00 am and after 9:00 pm," this condition is hardly sufficient to address the concerns above. First, the CUP allows the gym to operate for 18 hours a day (from 5:00 am to 11:00 pm), but requirement 6 affects just three of those (5:00 am to 6:00 am and 9:00 pm to 11:00 pm), meaning the parking directive will not apply to the other 15 hours of daily operation. Then, the CUP contains no monitoring, reporting, neighborhood engagement, or other mechanism to insure gym members and employees actually comply. In other cases, such as for Castilleja School, located a few blocks away, the CUP contains very specific monitoring and reporting requirements. And thirdly, as is noted below, the gym will not even be staffed at these hours, so it is unclear how it could itself monitor and enforce the requirement.

There may be some confusion over the references to "grandfathering" of parking for the 999 Alma site. Under Municipal Code 18.52.030(c), grandfathering means new uses are not required to provide any parking spaces that were needed but missing on July 20, 1978, provided all existing parking on that date is retained. In this particular case, grandfathering exempts the gym and medical office from providing the 41 parking spaces that the building presumably needed but didn't have on July 20, 1978. But that exemption from providing onsite parking is separate from the independent findings under Municipal Code 18.76.010(c) required to grant a CUP. CUPs are for less-favored uses and look at the impacts of one specific proposed use on the community in general. A proposed use might be fully parked but still generate external parking and/or traffic negatively impacting others and thus not be granted a CUP. Hence, the grandfathering of 41 parking spaces for 999 Alma is not relevant to the CUP process and in no way means the City can avoid examining parking issues generated by 999 Alma's proposed gym upon the community. Rather, the CUP process requires that the City make deliberative findings that the parking impacts will not create considerable harm to the community. Those findings cannot be made for the current proposal.

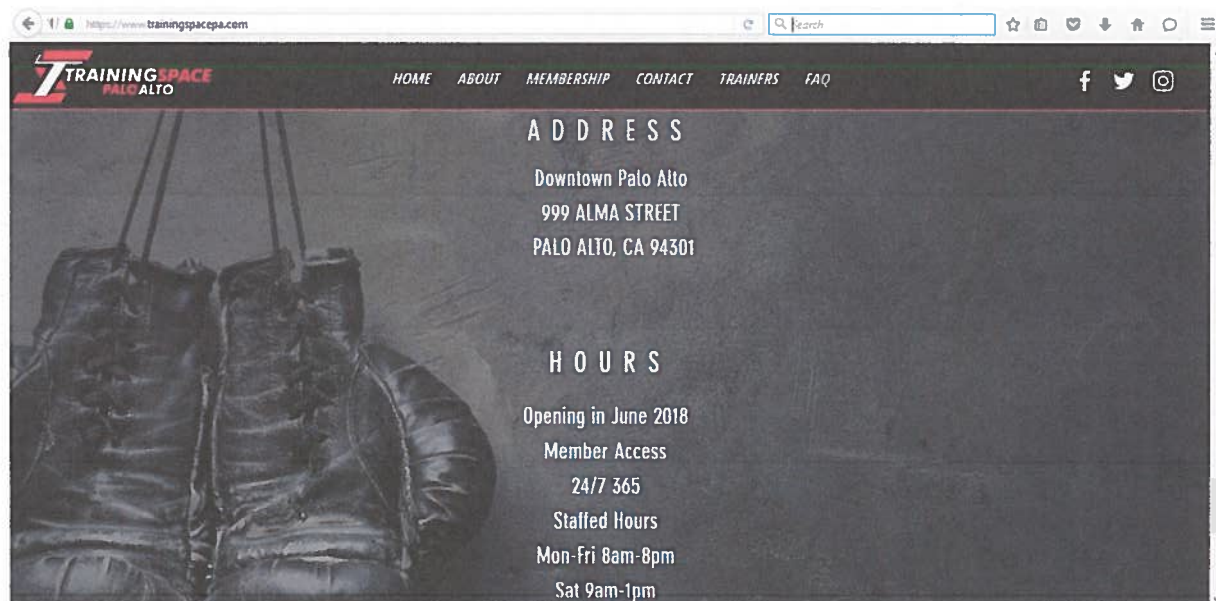
It is also problematic that a city staff member wrote in an email dated May 10, 2018, "Given their gym model, which is personal trainer-focused, I doubt there will be much parking spill-over onto the surrounding streets." The "doubt" that "there will be much spillover" reiterates that City is not relying on any formal study or analysis in its parking findings. Furthermore, the personal trainer-focused model is not itself a requirement of the CUP. The current gym operator or a successor could switch to having unsupervised exercise equipment rather than personal trainers and continue under the same CUP. If the City's CUP findings were in any way

based on the personal trainer-focused model, that model should then be a requirement in the CUP.

**OPERATIONS:** The gym's own website at <https://www.trainingspacepa.com/> as of May 22, 2018 contradicts the City's statement above about the personal training and also the 5 am to 11 pm operating hours limitation in condition 1 of the CUP. Rather, the gym is advertising that it will be a "24/7 access gym" as is seen in this excerpt from its website:

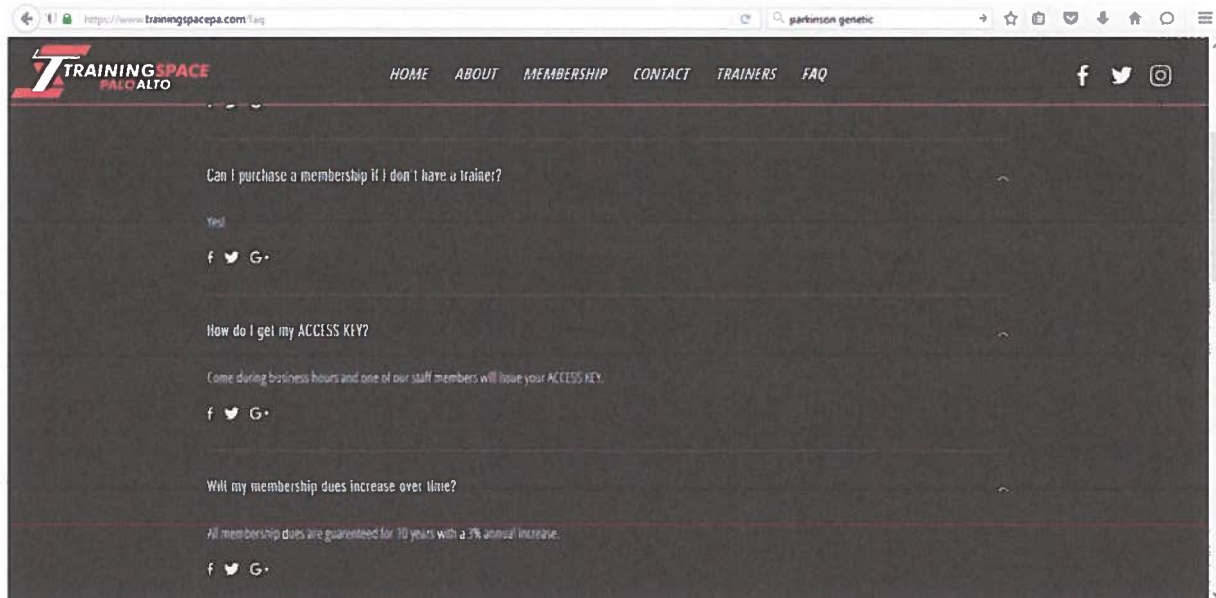


This next excerpt from the same web page says the gym offers 24/7 hours 365 days a year but that staff will be there for just twelve hours on weekdays and four hours on Saturdays.





The statement from City staff that the gym will be “personal trainer-focused” appears to be contradicted by the hours above, since those list times when the gym will not be staffed. Further evidence is on the gym’s FAQ page at <https://www.trainingspacepa.com/faq>, excerpted here:



The above says:

Can I purchase a membership if I don't have a trainer?  
Yes!

How do I get my ACCESS KEY?  
Come during business hours and one of our staff members will issue your ACCESS KEY.

These indicate that not all gym customers will have trainers and again that no staff will even be present at all times when customers can use the gym.

That unsupervised customers will have access to the building is not anticipated in the CUP. Such customers might park in front of residences, create noise, disturb residents, and /or violate other provisions in the CUP outside the building. There is no mechanism by which the gym could prevent or even monitor for this, given that it would have no staff present at the time.

**RECOMMENDATIONS:** For all the above reasons, we believe the Planning and Transportation Commission and the City Council should not uphold the CUP. Instead, we recommend:

- 1) A thorough and independent study first be conducted that analyzes different parking and traffic conditions, including those stemming from drop-off and pick-up at the incoming day care center at 100 Addison and how to ensure safety for children of the day care center and patients of the medical office given the extra traffic when those businesses and the gym begin operation.
- 2) A CUP requirement be added prohibiting gym members and employees from parking in residential spaces whatsoever. That would mean disallowing the gym from purchasing any RPP permits.
- 3) A CUP requirement be added to require the gym to develop a Transportation Demand Management (TDM) program that includes free transit passes for its employees.
- 4) A CUP requirement be added that the gym participate in the Downtown Transportation Management Association (TMA).
- 5) A CUP requirement be added to institute (a) strict and frequent monitoring, (b) reporting to the city and neighborhood, and (c) meaningful enforcement.
- 6) A CUP requirement be added that the gym must be staffed during operating hours so it can enforce the CUP requirements.
- 7) The hours of operation advertised by the gym on its website match the limits imposed by the CUP.
- 8) The CUP should renew every three years so that changes in local parking conditions can be accommodated.

Thank you very much,

Ray & Anneke Dempsey  
1036 Bryant Street

Deanna Dickman  
940 Bryant Street

Betsy & Robert Gamburd  
1024 Ramona Street

Michael Hodos  
944 Bryant Street

Ron & Mina Laurie  
1037 Ramona Street

Sandy and Jerry Peters  
1021 Ramona Street

Diana Wahler  
940 Bryant Street

  
Neilson Buchanan  
155 Bryant Street

## Owen, Graham

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**From:** Dena Mossar <dmossar@gmail.com>  
**Sent:** Friday, July 06, 2018 5:27 PM  
**To:** Owen, Graham  
**Cc:** Karen Smestad; Dena Mossar; Goldstein, Paul  
**Subject:** Public Hearing re: 999 Alma St. project

Graham: Karen Smestad and I have discussed our appeal of this project and have decided to withdraw our request for a hearing.

Do we need we need to do anything more official than this e-mail to remove our appeal from the docket?

Dena

Received

MAY 24 2018

Department of Planning  
& Community Environment

Graham Owen  
Associate Planner  
City of Palo Alto  
Planning Division  
P.O. Box 10250  
Palo Alto, CA 94303

May 24, 2018

**SUBJECT: 999 Alma Street, Conditional Use Permit for Commercial Recreation,  
18PLN-00060**

Mr. Owen:

This letter serves as a request for a public hearing of the proposed Director's Decision for 999 Alma giving tentative approval with conditions for project 18PLN-00060.

As near-neighbors of this site we have the following concerns, which we hope can be addressed in the requested public process. We make this request for the following reasons:

1. The tentative approval makes an exception to allowable hours of operation set out for Zone District RT-35, which were established in the SOFA II process. This exception would change the allowable opening hours of operation from 6am (as specified in the code) to 5am (one hour earlier than specified in the code). Stipulated closing time is set at 11pm and is in conformance with code.
2. The SOFA II process was a highly controversial public process involving a committee of stakeholders and numerous public discussions and hearings before both the Planning Commission and the City Council.
3. The project site is at the southern end of the RT-35 Zone District and is the closest property to adjacent single-family housing of all properties in the RT-35 zone area. There are no other commercial properties in the general area that begin operation at 5am—in fact, we believe the standard operating hours are 8am – 10pm. We do not believe that businesses in this area should be exempted from codified rules set in a very public process.
4. Planning staff has reasoned that allowing the tenant to open one hour earlier than permitted under existing code is justified because "CalTrain begins operation at this time." This assumption by staff seems to have not been based on anything other than their impression, as CalTrain does not begin operations at 5am on the weekends or holidays.
5. The proposed recreational facility at this site intends to operate seven days a week – presumably also on many holidays.
6. Palo Alto has been discussing ways to reduce train noise for many years. This long-standing policy seems to be in conflict with planning staff's assumption



that existing train noise excuses new sources of noise. We would argue that the existence of regionally-generated noise is not a justifiable reason to permit additional local noise.

7. Staff has stipulated that amplified music be permitted in the interior of the building only and shall not be audible beyond the site boundaries. They have further stipulated that all noise, including amplified music and dropped weights, not be detectable from the exterior of the building. It is our understanding, however, that staff has not conducted sound testing, or required that the applicant provide data, that would show that this stipulation can reasonably be met in the existing structure.
8. Staff has shown concern for light and glare and impacts on residential properties. However, the stipulated hours required to keep window shades drawn do not take into account daylight hours that vary with the season. For example, in December, lighted windows could affect residential properties for a full 4 hours before the requirement to close at 9pm became effective.
9. Staff has directed the tenant to direct gym members and employees to park at 100 Addison or along Alma Street prior to 6am and after 9pm. We do not believe that this is an enforceable requirement.
10. We understand that because of the City's policy regarding grandfathering parking-deficits in the area, this project is not required to realistically meet its parking requirement under code. Staff has stipulated that the applicant provide documentation of a shared parking arrangement within 500 feet of the site (most probably at 100 Addison) to provide a required additional seven (7) off-site parking spaces.
11. We believe that the neighborhood parking permit program will probably prohibit excessive parking in residential areas.
12. We are very concerned, and have been since the time Anthropologie occupied the site, that there is a dangerous conflict between pedestrian behavior (jaywalking between the parking lot and entrance to the facility) and automobile traffic—especially at those times the gym is open and there is no daylight (varying with the season). The Director's decision is silent on this topic.
13. We understand that after the Conditional Use Permit is issued, it would be our responsibility to work with Code Enforcement if problems arose. Though we hope that the new tenant would be a good neighbor and a successful new business, the proposed Director's Decision gives us no confidence that relevant issues have been adequately addressed.



Dena Mossar  
1024 Emerson St.  
Palo Alto, CA 94301



Karen Smestad  
1023 Emerson St.  
Palo Alto, CA 94301

## Attachment D

### **Project Plans**

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

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

1. Go to: <http://bit.ly/PaloAltoPlanningProjects>
2. Scroll down the center of the page and click “View pending projects”
3. Scroll to find “999 Alma Street” and click the address link
4. 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=4289&TargetID=319>

**Carnahan, David**

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**From:** Liz Kniss <lizkniss@earthlink.net>  
**Sent:** Saturday, July 21, 2018 12:59 PM  
**To:** Neilson Buchanan  
**Cc:** Lait, Jonathan; Shikada, Ed; De Geus, Robert; Mello, Joshua; Planning Commission; Council, City; Michael Dorricott; Dena Mossar; Michael Hodos; Dave Price; Gennady Sheyner; John Guislin; KJ and Fred Kohler; Sandy Peters  
**Subject:** Re: 999 Alma and neighborhood quality

Thx for letting us know.

Liz

On Jul 21, 2018, at 2:30 PM, Neilson Buchanan <[cnsbuchanan@yahoo.com](mailto:cnsbuchanan@yahoo.com)> wrote:

On behalf the neighbors concerned about 999 Alma parking and traffic impact, I want to communicate their reluctant option to not pursue the appeal. Nevertheless, there is strong opinion that staff and PTC overlooked basic stewardship responsibilities to protect neighborhood quality and failed to analyze the cumulative impact on adjacent businesses who may be competing for very scarce parking.

In the allocation of upcoming budgets, we urge Council to assure Transportation Department receives full funding for staff and programs to manage parking and traffic proactively.

Unfortunately the staff and PTC decision to avoid a required parking study means that management of neighborhood parking continues in its remedial, retro mode\*\*\* contrary to the comp plan.

Since the Transportation staff is so over-committed, then the burden of neighborhood quality falls solely on nearby neighbors. I hope this situation will be addressed by the next City Council and City Manager,

\*\*\*For example, we urge that staff communicate to resident leaders by early August about staff plans and timelines to correct the lack of signage impeding enforcement of non-resident vehicles within the 10 RRP zones.

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**Carnahan, David**

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**From:** Dena Mossar <dmossar@gmail.com>  
**Sent:** Tuesday, July 24, 2018 5:07 PM  
**To:** Council, City  
**Cc:** Goldstein, Paul; Dena Mossar  
**Subject:** Consent Calendar Item Scheduled for July 30, 2018

**999 Alma Street, Conditional Use Permit for Commercial Recreation, 18PLN-00060**

As near-neighbors of this site we would like to emphasize the importance of protecting residential neighborhoods from early morning noise and activity.

Though we have withdrawn the appeal of the staff recommendation, we are relying on the good will and assurances of the gym operator to protect us from potential impacts in the early-morning hours and on weekends. The gym operator has assured us that early-morning activity will be minimal. The burden of enforcing conditions on this project will, by definition, fall on the neighborhood.

We would like to make clear that modifying existing zoning to include early morning operations is a bad idea and, in our belief, should never have been allowed into this review process. In no way should the 5 am start for this project be used as a precedent for future applications. The fact that CalTrain begins operations at 5 am on weekdays is not a valid reason to permit conditional uses that begin at 5 am.

We hope that you will make clear to planning staff that there should be no exemptions made to the hours of operation authorized in Zone District RT-35 (6 am to 11pm).

Dena Mossar and Paul Goldstein  
1024 Emerson St.  
Palo Alto