



March 28, 2019

Yatin Patel
3200 El Camino Real
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Honorable Mayor Filseth, Vice Mayor Fine, and Members of the City Council
c/o Sheldon Ah-Sing
sahsing@m-group.us
250 Hamilton Avenue
Palo Alto, CA 94301

VIA EMAIL

Re: 3200 El Camino Real: Hotel Parmani (17PLN-00156) – April 1, 2019 Agenda

Dear Honorable Mayor Filseth, Vice Mayor Fine, and Members of the City Council:

I look forward to returning to City Council on April 1, 2019 for your consideration of our project's approval, which includes the necessary removal of a 50' special setback restriction on our site. My family and I are grateful that ARB and PTC have given their respective recommendations to proceed after a comprehensive, detailed four (4) year process. PTC's recommendation and City Council's concurrence with PTC to eliminate the 50' special setback restriction on our parcel will allow us to create what one ARB member described as "the most neighborhood friendly hotel design in the city that we have seen," replacing an aging 1940s-era structure with an attractive and functional building that reflects the authentic hospitality in our City.

Having said that, we do have one request that deviates from the PTC recommendation. The PTC recommended that the 50' special setback be eliminated only with regard to Mixed-Uses or Hotel uses. For the reasons explained below, we respectfully request that prior to adopting the Ordinance enclosed in your packet as Attachment B to the staff report that you modify Section 3 to remove this restriction as follows:

SECTION 3. The Council hereby amends the Setback map of the City of Palo Alto (PAMC section 20.08.020) to eliminate the 50-foot Special Setback for the subject site (3200 El Camino Real) (Exhibit 1) ~~for Mixed-Use and Hotel uses. the 50-foot Special Setback shall remain for all other land uses.~~

We have genuine concerns about replacing one restriction with yet another. Thank you all in advance for considering our concerns.



1. The 50' Special Setback Was Likely Imposed on our Property in Error.

It is not clear why the 50' special setback was imposed on this 100' parcel. The original ordinance that created the special setback (Ordinance 1869) was adopted in 1959, twelve (12) years after the motel was built. The special setback was imposed for the purpose of providing a landscape buffer to create a bucolic “campus-like” setting for the Stanford Research Park.

Our parcel is within the CS zoning district, not within the RP zoning district. The zoning map shows our site notched out of the Stanford Research Park, creating an anomalous condition where the site is subject to the 50' special setback yet is physically outside of the Stanford Research Park. It also shows that our parcel is just a small fraction of the size of the other parcels subject to the special setback along Hansen Way. Unlike with these other parcels, imposing the special setback on our property effectively precludes any redevelopment of the property. This creates an anomalous condition which we believe in fact was an administrative error. We now have the opportunity to correct this error and respectfully request that you do so by eliminating the special setback with respect to our property in its entirety.

2. Eliminating the Special Setback Only With Regard to Mixed-Uses and Hotel Effectively Precludes other CS Uses on the Site

Due to the narrow shape of our parcel, eliminating the 50' setback restriction on our parcel is a prerequisite to *any* development - now or in the future. With staff and previous Council input, we have diligently pursued the removal of the setback in parallel to securing entitlements for the hotel redevelopment that otherwise meet all CS zoning criteria. As evidenced by the package of entitlement applications that is now before you for final approval, we are committed to redeveloping the site as a hotel. However, as a matter of principle we point out that because any redevelopment of the site requires elimination of the special setback, the PTC recommendation to eliminate it only with regard to mixed and hotel uses effectively precludes all other allowed and conditionally allowable CS uses of the site and therefore effectively amounts to a rezoning of the site. This does not seem proper given there is no rezoning action before you.

3. City Council Has an Opportunity Now to Spare Future Generations From Expending Resources to Revisit the Same Issue Multiple Times.

Given the safeguards in place available to the City and our community – namely, the zoning code and discretionary entitlement approval process, we do not think it is necessary to introduce more complexity to a simple solution.

Today we have an opportunity to correct what in all likelihood was an error by removing this cloud permanently to achieve a tidy result. Decisions today, though well-intentioned, are based on incomplete information of our City's future needs. Please maintain the City's versatility to



adapt to future circumstances. It would be redundant to have any potential future applicant (perhaps my own children) come back before City Council to seek removal of the special setback restriction based on a particular land use.

The issue of removal of the setback restriction has resulted in years of hearings and an abundance of staff time and resources. Nobody could have known in 1959 that imposition of a seemingly benign special setback restriction on the smallest parcel on the block would effectively render our site undevelopable unless we went through a comprehensive city process to try to undo what the restriction never intended to do in the first place.

The City has a comprehensive discretionary approval process which affords it oversight of any project that comes before it. Do we want City Council to constantly referee the applicability of the special setback restriction based on land use? Removing the setback restriction permanently streamlines the process, removes any clouds of uncertainty for anyone in the future, and spares Staff from potentially revisiting the issue again decades from now.

4. The PTC Recommended Restriction on the Setback Elimination Deviates from the General Principle That Setbacks Be Applied to Structures Uniformly in Each Zoning District Regardless of the Use of Those Structures.

Based on my understanding of the City's Zoning Ordinance and the zoning ordinances of other cities, it appears that while setbacks vary between different zoning districts, they are generally applied uniformly within each zoning district regardless of use. In other words, setbacks are applied uniformly to all structures within a zoning district regardless of the use of those structures. The PTC recommendation to eliminate the special setback only for some uses (mixed use and hotel), and apply it to other uses breaks with this general principle that setbacks be applied to structures and not to uses. This could potentially set precedent that is unintended.

I humbly thank you for your consideration and look forward to presenting to you on April 1, 2019.

Sincerely,

Yatin Patel