



# City of Palo Alto

## City Council Staff Report

(ID # 10194)

---

**Report Type: Action Items**

**Meeting Date: 4/15/2019**

**Summary Title: 190 Channing: Vesting Tentative Map**

**Title: PUBLIC HEARING / QUASI-JUDICIAL. 190 Channing Avenue [18PLN-00274]: Request for Approval of a Vesting Tentative Map to Allow for Four Residential Condominium Units and two Office Units on One Parcel.**

**Environmental Assessment: The project is Exempt From the California Environmental Quality Act (CEQA) in Accordance With CEQA Guidelines Section 15315 (Minor Land Divisions). Zoning District: RT-35 SOFA II CAP (Residential Transition)**

**From: City Manager**

**Lead Department: Planning and Community Environment**

### **Recommendation**

Staff recommends that the City Council take the following action(s):

1. Find the project is exempt from the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15315, Minor Land Divisions; and
2. Approve the Vesting Tentative Map based on findings and subject to conditions of approval in the Draft Record of Land Use Action (RLUA) in Attachment B.

### **Executive Summary**

The project includes a request for approval of a Vesting Tentative Map to create six condominium units (four residential and two commercial) on a single parcel at 190 Channing Avenue totaling 7,625 square feet (0.18 ac). The project site is located within the South of Forest 2 Coordinated Area Plan (SOFA II CAP) boundaries and within the RT-35 Zone District. Approval of the map also includes acceptance of a proposed utility easement on the parcel that is required per City of Palo Alto Utility standards. A location map is included in Attachment A. The proposed Vesting Tentative Map is included in Attachment E.

Through a separate Architectural Review application (File No. 18PLN-00043), the applicant proposed and was approved to construct a three-story mixed-use building with office use on the ground floor and four residential units above.

## **Background**

On August 16, 2018, the applicant filed an application for a Vesting Tentative Map. Tentative Maps are required whenever the request includes the creation of five or more parcels or units. Vesting Maps may be requested at the discretion of the applicant and allows the property owner to vest the right to develop the parcel consistent with the policies and regulations at the time the application was deemed complete.

The process for evaluating this type of application is set forth in Title 21 of the Palo Alto Municipal Code (PAMC) and California Government Code 66474. Council reviews whether the amended subdivision is consistent with the Subdivision Map Act (in particular Government Code 66474), Title 21 of the Palo Alto Municipal Code, the Palo Alto Comprehensive Plan, and other applicable provisions of the Palo Alto Municipal Code and State Law.

Title 21 of the Palo Alto Municipal Code requires that all entitlements be completed prior to formal review of the Vesting Tentative Map. In compliance with this requirement, the applicant's request for Major Architectural Review was approved on March 5, 2019 following a public hearing held by the ARB on February 7, 2019 in which the ARB voted 4-0 (Boardmember Thompson absent) to recommend approval of the Major Architectural Review application. The staff report can be found at: <http://tinyurl.com/190-Channing-AR-Staff-Report> and the video can be viewed at: <http://tinyurl.com/190-Channing-AR-Video>. Site improvements include demolition of the existing office building and surface parking lot and its replacement with an 8,681 square foot (sf), three-story, mixed-use building that includes two office units on the ground floor, three residential units on the second level, and one residential unit on the third floor.

Following approval of the Architectural Review application, the Planning and Transportation Commission reviewed the proposed Vesting Tentative Map on March 13, 2019 and voted 6-0 (Commissioner Roohparvar absent) to recommend approval of the map to Council. The staff report can be found at: <http://tinyurl.com/190-Channing-PTC-SR> and the video can be viewed at: <http://tinyurl.com/190-Channing-PTC-Video>.

## **Discussion**

The project is located within the boundaries of the SOFA II CAP. The land use designation of sites within these boundaries is SOFA II CAP. The site is zoned RT-35, a specific zoning created under this coordinated area plan. The site is surrounded on all sides by other parcels within the RT-35 Zone District and the SOFA II CAP.

### Consistency with the Comprehensive Plan, Area Plans and Guidelines<sup>1</sup>

Approval of the Vesting Tentative Map would allow for implementation of the approved development. The site will be developed as a mixed-use office and residential building, which is consistent with uses allowed under the SOFA II CAP land use designation. The map will facilitate the redevelopment of a parcel within the City's urban service area which is consistent with Policy L-1.1 of the Comprehensive Plan. The associated mixed-use development to be constructed on the lot would add new residential units that contribute to the housing inventory, as well as office space that is designed to be more pedestrian friendly than the current office building, consistent with Goals L-6 and L-9 in the City's Land Use Element. The project also would replace at grade, paved parking with underground parking, which the Comprehensive Plan encourages (Program L-6.6.1 and Policy L-9.2).

The approved development is consistent with the Pedestrian and Bicycle Master Plan. Specifically, it maintains the sidewalk and improves the pedestrian area with landscaping, a bench, and bicycle parking where none currently exists. The proposed project would not impact any goals to improve bicycle facilities within this area.

The project's consistency with other Comprehensive Plan policies and other SOFA II CAP requirements, such as the performance standards, are included in Attachment B of this report. The project was found to be consistent with the Comprehensive Plan as well as applicable area plans and guidelines.

### Zoning Compliance<sup>2</sup>

The RT-35 district is intended to promote the continuation of mixed use, walkable, areas with a wealth of older buildings. Mixed-use projects with residential and office uses are a permitted use within the RT-35 Zone. The size of the parcel would remain unchanged and is consistent with code requirements for the RT-35 District, which has no minimum lot size or dimensions, as outlined in Attachment C. Therefore, staff finds that the proposed Vesting Tentative Map complies with all applicable requirements of the Zoning Code.

### Consistency with Application Findings

The necessary findings for approval of the Vesting Tentative Map are contained in State law and incorporated into Title 21 of the Municipal Code. Under the Subdivision Map Act, Council must make a series of "reverse" findings to justify approval. If the findings cannot be made, the subdivision must be approved. In particular, under Government Code Section 66474, Council

---

<sup>1</sup> The Palo Alto Comprehensive Plan is available online: <http://www.cityofpaloalto.org/gov/topics/projects/landuse/compplan.asp>

<sup>2</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)

shall recommend denying a Tentative Map if it makes any of the following findings:

- a) That the proposed map is not consistent with applicable general and specific plans.
- b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- c) That the site is not physically suitable for the type of development.
- d) That the site is not physically suitable for the proposed density of development.
- e) That the designs of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

A detailed review of the proposed project's consistency with applicable Title 21 findings has been performed and can be found in Attachment B.

### **Policy Implications**

The project site is identified in the City's Housing Element as a Housing Opportunity site with a potential maximum yield of six (6) units and a realistic capacity of five (5) dwelling units. The project proposes four units, which is less than the realistic capacity for the site. That said, it should be noted that mixed-uses are also encouraged in this area, and the ground floor office space impacts the total realistic housing capacity of the site. Although the third floor could accommodate more than one unit, the additional unit(s) would require more parking on the site, which could not be accommodated. Therefore, although one less unit is proposed in comparison to that identified in the Housing Element, approval of the Vesting Tentative Map would allow for creation of four new housing units, consistent with the goals and policies outlined in the Comprehensive Plan.

The applicant is not requesting any exceptions to the code. The Vesting Tentative Map applies with the Comprehensive Plan, the SOFA II CAP, the Palo Alto Municipal Code, and the Subdivision Map Act.

### **Resource Impact**

The developer would be required to pay all applicable development impact fees totaling approximately \$282,593 for the map and the proposed improvements, plus the applicable public art fees, as documented in Condition of Approval #2 in Attachment B.

## **Timeline**

Following a decision on the Vesting Tentative Map, the applicant would be required to file for a Vesting Final Map and meet all conditions of the Vesting Tentative Map. The Vesting Final Map would be placed on the Council consent agenda and must be in substantial conformance with the Vesting Tentative Map.

## **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 proposed Vesting Tentative Map is exempt from CEQA in accordance with Guidelines Section 15315, Minor Land Divisions.

### Public Comments

As of the writing of this report, four public comments were received related to the Vesting Tentative Map. These included two written comments, which are included in Attachment D, and two verbal comments. All four of these comments expressed concerns that the project did not propose denser development given the transit-oriented location of the site and the site's proximity to downtown. The comments encouraged future revisions to code and policies in order to allow for denser development on such sites in the future.

### **Attachments:**

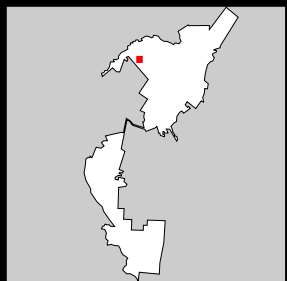
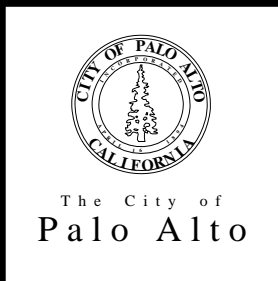
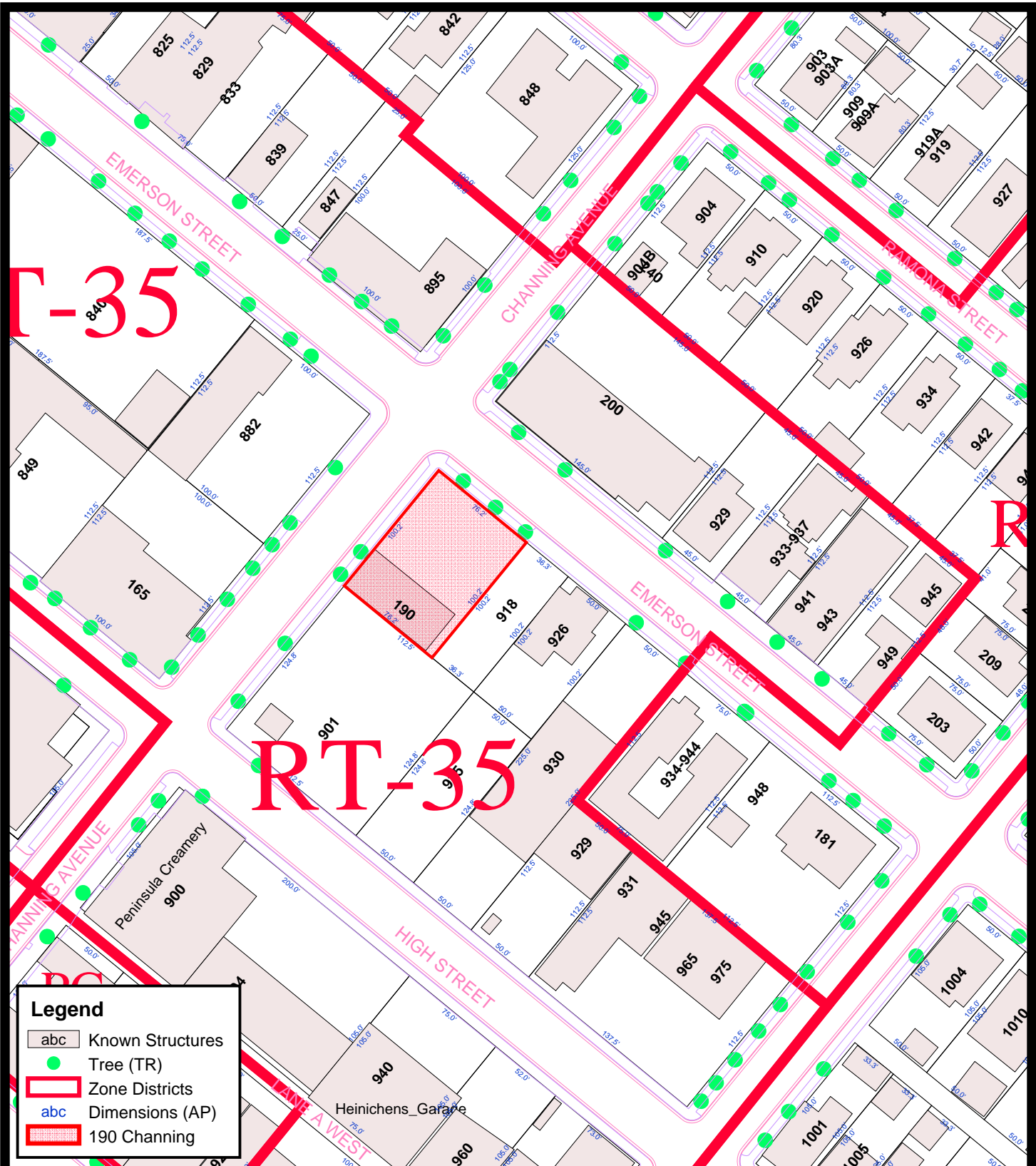
**Attachment A: Location Map(PDF)**

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

**Attachment C: Zoning Comparison Table (DOCX)**

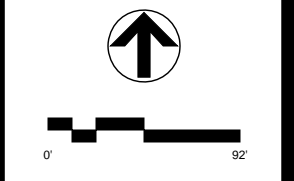
**Attachment D: Public Comments (PDF)**

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



190 Channing Avenue

This map is a product of the City of Palo Alto GIS



**APPROVAL NO. \_\_\_\_\_**  
**RECORD OF THE COUNCIL OF THE CITY OF PALO ALTO LAND USE**  
**ACTION FOR 190 CHANNING AVENUE: VESTING TENTATIVE MAP**  
**APPLICATION [18PLN-00274]**

On \_\_\_\_\_, 2019, the City Council of the City of Palo Alto approved the Vesting Tentative Map for a condominium subdivision to create six condominium units on a single parcel, making the following findings, determinations and declarations:

**SECTION 1. Background.**

A On August 16, 2018, Hayes Group Architects, on behalf of Cole Dawson, applied for a Vesting Tentative Map for the creation of six condominium units, including four residential condominiums and two commercial condominiums, on a single parcel (“The Project”).

B The project site is comprised of one lot (APN No. 120-28-051) that totals 7,625 square feet (0.18 ac). The site will be developed with one commercial structure. Commercial land uses and/or vacant lots are located adjacent to the lot to the north, south, east and west.

C Following staff review, the Planning and Transportation Commission reviewed the project and recommended approval on March 13, 2019 subject to conditions of approval.

D On \_\_\_\_\_, 2019, the City Council held a duly noticed public hearing, at which evidence was considered and all persons were afforded an opportunity to be heard in accordance with the City Council’s policies and procedures.

**SECTION 2. Environmental Review.** The City as the lead agency for the Project has determined that the project is subject to environmental review under provisions of the California Environmental Quality Act (CEQA). 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 and was found to be exempt from CEQA in accordance with CEQA Guidelines Section 15315 (Minor Land Divisions).

**SECTION 3. Vesting Tentative Map Findings.** A legislative body of a city shall deny approval of a Tentative Map, if it makes any of the following findings (California Government Code Section 66474). The City Council cannot make these findings for the following reasons:

1. *That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451:*

The proposed Vesting Tentative Map is consistent with the City’s Comprehensive Plan (i.e. general plan). Specifically, mixed-use development with office or retail uses on the ground floor and residential units above are encouraged in the SOFA II CAP land use designation and the proposed condominium subdivision allows for the creation of four new housing units on the site, which is

consistent with Program H2.1.2 and Policy H2.2 as outlined in the Housing Element. The project is located within the boundaries of the South of Forest Area II Coordinated Area Plan (SOFA II CAP). The SOFA II CAP outlines the zoning requirements, including the lot specifications within the coordinated area plan. The map is consistent with all of the requirements outlined in the SOFA II CAP. Therefore, the map is consistent with applicable general and specific plans.

2. *That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans:*

As noted above, the design of the subdivision, which includes two commercial units on the ground floor and four housing units above is consistent with policies in the Comprehensive Plan, which encourage mixed-uses in urban areas, especially those that include housing. The proposed improvements are consistent with the Comprehensive Plan, as outlined in Table 1. The map and improvements are also consistent with the performance criteria outlined in the coordinated area plan as outlined in Table 2 below.

**Table 1: Comprehensive Plan Consistency**

Comp Plan Goals and Policies	How project adheres or does not adhere to Comp Plan
<b>Land Use and Community Design Element</b>	
<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.	The proposed improvements include a mixed-use development with a multi-family residential component in a transit-oriented area. This type of development and location encourages a compact City and is consistent with regional strategies to address the interaction of jobs, housing balance and transportation issues. It would not cause the City to exceed any identified office CAP. The project is designed to be pedestrian friendly, providing residents and visitors with an attractive streetscape and place to work and live.
<b>Policy L-1.3:</b> Infill development in the urban service area should be compatible with its surroundings and the overall scale and character of the city to ensure a compact, efficient development pattern.	
<b>Policy L-1.9:</b> Participate in regional strategies to address the interaction of jobs, housing balance and transportation issues.	



<p><b>Policy L-1.10:</b> Maintain a citywide cap of 1.7 million new square feet of office/R&amp;D development, exempting medical office uses in the Stanford University Medical Center (SUMC) vicinity. Use January 1, 2015 as the baseline and monitor development towards the cap on an annual basis. Require annual monitoring to assess the effectiveness of development requirements and determine whether the cap and the development requirements should be adjusted. Continue to exempt medical, governmental and institutional uses from the cap on office/R&amp;D development.</p>	
<p><b>Policy L-1.11:</b> Hold new development to the highest development standards in order to maintain Palo Alto’s livability and achieve the highest quality development with the least impacts.</p>	
<p><b>Goal L-2:</b> An enhanced sense of "community" with development designed to foster public life, meet citywide needs and embrace the principals of sustainability</p>	<p>The proposed improvements include four additional residential units on a Housing Opportunity Site to help meet the Citywide need for housing. It embraces the principals of sustainability through its transit-oriented location, as a mixed-use development, and as a building that will meet all Green Building Plus Tier 2 requirements. It also substantially improves the pedestrian environment along these frontages in a pedestrian-oriented area of the City, providing improvements to the street trees within this area. The City’s Comprehensive plan encourages mixed-use development that includes housing and also encourages the location of employment near transit.</p>
<p><b>Policy L-2.3:</b> As a key component of a diverse, inclusive community, allow and encourage a mix of housing types and sizes designed for greater affordability, particularly smaller housing types, such as studios, co-housing, cottages, clustered housing, accessory dwelling units and senior housing.</p>	
<p><b>Policy L-2.6:</b> Create opportunities for new mixed use development consisting of housing and retail.</p>	
<p><b>Policy L-2.11:</b> Encourage new development and redevelopment to incorporate greenery and natural features such as green rooftops, pocket parks, plazas and rain gardens.</p>	
<p><b>Policy L-3.1:</b> Ensure that new or remodeled structures are compatible with the neighborhood and adjacent structures.</p>	
	<p>The proposed development is compatible with the immediate neighborhood, providing mixed-use office/residential in an area near transit and near local retail services. The 35 foot tall building is compatible</p>

<p><b>Policy L-3.4:</b> ensure that new multi-family buildings, entries and outdoor spaces are designed and arranged so that each development has a clear relationship to a public street.</p>	<p>with nearby buildings which range from approximately 21 to 34 feet. The new mixed-use building is a substantial improvement from the existing at-grade parking lot and small office building surrounded by a chain-link fence. Both the office entrances and entrance to the residential units open onto Channing Avenue. The balconies create a sense of habitation and these, combined with small pockets of open areas and vegetation along the frontage, create a relationship with the public street.</p>
<p><b>Policy L-5.1:</b> Foster compact Employment Districts developed in a way that facilitates transit, pedestrian and bicycle travel. Provide mixed uses to reduce the number of auto trips.</p>	<p>The proposed improvements includes at-grade bicycle parking and substantially improves the pedestrian environment along these frontages in a key connection to the downtown area. It includes mixed-use development and shared parking to reduce auto trips.</p>
<p><b>GOAL L-6:</b> Well-designed buildings that create coherent development patterns and enhance city streets and public spaces.</p>	<p>The building is well designed and in keeping with adjacent buildings and uses. It enhances the streetscape in this area. The project is consistent with the Zoning for the RT-35 district and applicable design guidelines, as outlined in the South of Forest Area Coordinated Area Plan for development in this location.</p>
<p><b>Policy L-6.1:</b> Promote high-quality design and site planning that is compatible with surrounding development and public spaces.</p>	
<p><b>Policy L-6.2:</b> Use the Zoning Ordinance, design review process, design guidelines and Coordinated Area Plans to ensure high quality residential and commercial design and architectural compatibility.</p>	
<p><b>GOAL L-9:</b> Attractive, inviting public spaces and streets that enhance the image and character of the city.</p>	<p>The proposed improvements replace at grade parking with an underground garage. The development includes shared parking, as encouraged by L-9.2 while still providing safe streets and sufficient parking to meet demand. It enhances the streetscape with vegetation and provides amenities such as a bench and bicycle parking, enhancing the public space at this corner lot. It maintains and enhances the sidewalk in this area.</p>
<p><b>Policy L-9.2:</b> Encourage development that creatively integrates parking into the project, including by locating it behind buildings or underground wherever possible, or by providing for shared use of parking areas. Encourage other alternatives to surface parking lots that minimize the amount of land devoted to parking while still maintaining safe streets, street trees, a vibrant local economy and sufficient parking to meet demand.</p>	
<p><b>Policy L-9.3:</b> Treat residential streets as both public ways and neighborhood amenities. Provide and maintain continuous sidewalks, healthy street trees, benches and other amenities that promote walking and “active” transportation.</p>	

<b>Transportation Element</b>	
<p><b>Goal T-1:</b> Create a sustainable transportation system, complemented by a mix of land uses, that emphasizes walking, bicycling, use of public transportation and other methods to reduce GHG emissions and the use of single-occupancy motor vehicles.</p>	<p>With approval of the shared parking for two spaces, the development provides for its auto parking needs. It is transit-oriented and walking and biking distance from a variety of amenities such as grocery stores, retail, and eating and drinking uses.</p>
<p><b>Program T1.19.1:</b> Provide facilities that encourage and support bicycling and walking.</p>	
<p><b>Policy T-3.7:</b> Encourage pedestrian-friendly design features such as sidewalks, street trees, on-street parking, gathering spaces, gardens, outdoor furniture, art and interesting architectural details.</p>	<p>Although the development includes removal of the existing street trees, these existing trees are mostly in poor or declining conditions. The project would include replacement of all of these street trees and improve the planting areas to allow for proper growth of the new street trees. It also significantly improves the pedestrian environment.</p>
<p><b>Policy T-3.9:</b> Support citywide sustainability efforts by preserving and enhancing the tree canopy where feasible within the public right-of-way, consistent with the Urban Forest Management Plan, as amended.</p>	
<p><b>Program T5.1.1:</b> Evaluate the need to update parking standards in the municipal code, based on local conditions, different users' needs and baseline parking need. Allow the use of parking lifts for office/R&amp;D and multi-family housing as appropriate.</p>	<p>The project incorporates parking lifts for office and multi-family housing, as encouraged by this Comprehensive Plan policy. It also includes below grade parking and removes an existing at-grade paved parking lot while still ensuring that proper landscaping is provided along the frontage and that the underground garage is designed around the existing protected oak tree, which would be preserved.</p>
<p><b>Policy T-5.6:</b> Strongly encourage the use of below-grade or structured parking, and explore mechanized parking instead of surface parking for new developments of all types while minimizing negative impacts including on groundwater and landscaping where feasible.</p>	
<b>Natural Environment Element</b>	
<p><b>Policy N-2.10:</b> Preserve and protect Regulated Trees, such as native oaks and other significant trees, on public and private property, including landscape trees approved as part of a development review process and consider strategies for expanding tree protection in Palo Alto</p>	<p>The proposed development includes protection of the existing oak tree on the neighboring property. The underground basement has been revised to provide more space between the tree and the underground garage. In addition, the current design includes permeable surfaces within the vicinity of this tree. It should be noted that the existing building is built up to the property line immediately adjacent to this tree. Therefore, having this permeable area immediately adjacent the tree in lieu of the existing building is an improvement from existing conditions.</p>

<b>Housing Element</b>	
<p><b>Program H2.1.2:</b> Allow increased residential densities and mixed use development only where adequate urban services and amenities, including roadway capacity, are available.</p> <p><b>Policy H2.2:</b> Continue to support the redevelopment of suitable lands for mixed uses containing housing to encourage compact, infill development. Optimize the use of existing urban services, and support transit use.</p> <p><b>Program H2.2.3:</b> Use coordinated area plans and other tools to develop regulations that support the development of housing above and among commercial uses.</p>	<p>The Housing Element strongly encourages the development of housing in transit rich locations, especially on underdeveloped sites. The Housing Element also identifies this site as a housing opportunity site.</p> <p>The proposed project implements the SOFA 2 CAP, which encourages mixed use buildings that include housing. The existing office use would be replaced with mixed-use office/residential building in a transit rich location, consistent with the Housing Element.</p>

<b>Table 2: SOFA 2 CAP Performance Standards Consistency</b>	
<p><b>5.050 (a) PAMC Performance Standards</b> Residential, non-residential and mixed-use projects shall comply with PAMC Chapter 18.64.</p>	<p>The performance standards that were previously outlined in PAMC Section 18.64 were revised and are now reflected in PAMC Section 18.23, Performance Criteria, in accordance with Ordinance 4933.</p>
<p><b>5.050 (b) Noises, Odors, and Clutter:</b> Noises, odors, and clutter shall be screened effectively from streets and adjacent properties.</p>	<p>There is nothing proposed as part of this project that would result in noises, odor, or clutter being visible from the public right-of-way or adjacent properties.</p>
<p><b>5.050(c) Trash and Service Equipment</b> Trash and service equipment, including but not limited to satellite receiving dishes, dumpsters, recycling containers, and air conditioning units, shall be located on the rear of buildings or otherwise out of public view and shall be enclosed or screened with 100% opaque materials around all sides, including landscaping where permissible.</p>	<p>The trash and recycling enclosure is screened from public view at the rear of the property and set back from the side property line, yet still accessible for service pick-up.</p>
<p><b>5.050(d) Trash Recycling Areas:</b> Trash recycling areas and similar offensive areas shall be entirely enclosed (top and sides) and screened with 100% opaque materials when located adjacent to or in close proximity to existing residential uses, proposed residential uses, and residentially zoned properties.</p>	<p>The trash recycling area is entirely enclosed and screened. Though it is not adjacent to any existing residential uses, adjacent sites are zoned to allow for residential uses and could eventually be developed for residential or mixed-use residential purposes.</p>
<p><b>5.050(e) Reduction of Noise and Visual Impacts:</b> New commercial and mixed-use projects, including such noise generating uses as vehicle, automobile repair, automobile service station, and transportation centers, shall be designed to reduce potential noise and visual impacts on adjacent uses with particular attention to existing residential uses.</p>	<p>There are no existing residential uses within the immediate vicinity of the project and the project does not include operational activities that would generate more extensive noise, such as an automobile service station, automobile repair, or transportation center. Noise from project operations would be typical of small multi-family residential uses and a small office use and are not anticipated to be impactful on existing uses</p>

	within the vicinity or potential future uses within the vicinity, even if residential uses were to be proposed.
<p><b>5.050(f) Reduction of External Noise Impacts</b> All new development or substantial remodeling of existing uses, which might be impacted by such uses shall incorporate design features to minimize potential impacts from noise producing uses on future building tenants and users.</p>	The project design would include a stacker parking system and HVAC equipment that would generate noise. The stacker parking system is completely enclosed within the underground garage and would not result in noise impacts on adjacent properties. All HVAC equipment would be required to meet code requirements, including restrictions on the noise level and placement of such equipment to ensure compliance with Title 9 of the PAMC.
<p><b>5.050(g) Storage Yards:</b> All commercial uses with outside service or storage yards, including vehicle storage yards, shall provide attractive, opaque screening around the entire perimeter of these yards. Screening shall include dense landscaping in combination with an opaque fence if feasible.</p>	This is not applicable to the proposed project. Regardless, the project still includes a wall along the perimeter landscaping to provide privacy between parcels for the rear open space area. Landscaping is also provided along the perimeter.
<p><b>5.050(h) Elimination of Odors and Fumes</b> All uses producing strong odors and fumes, which can be detected from off or adjacent to the property shall install equipment or containment areas in order to eliminate such detectable odors and fumes.</p>	The project does not include a use that is anticipated to generate any detectable odors or fumes that could be detected from off or adjacent to the property (e.g. a restaurant or industrial use). Standard trash, compost, and recycling carts would be provided and an enclosure would be constructed to house these.
<p><b>5.050(i) Light Sources</b> Interior and exterior light sources shall be shielded in such a manner as to prevent visibility of the light sources and to eliminate glare and light spillover beyond the perimeter of the development.</p>	The proposed project includes both interior and exterior lighting. The photometric study provided on Sheet A2.5 shows that there would be minimal lighting for the public right-of-way (small walkway lights at a maximum of .29 foot-candles). In most cases lighting would not extend beyond the property line. Staff notes that the extensive windows on the second and third floors are not anticipated to result in light spillover or glare; however the lighting for these interior spaces would make these spaces more visible to areas outside of the property line.
<p><b>5.050(j) Prohibition of Nuisance</b> All uses, whether permitted or conditional, shall be conducted in such a manner as to preclude any nuisance, hazard, or commonly recognized offensive conditions or characteristics, including creation or emission of dust, gas, smoke, noise, fumes, odors, vibrations, particulate matter, chemical compounds, electrical disturbance, humidity, heat, cold, glare, or night illumination.</p>	There are no anticipated uses on the site that would result in nuisances or hazards that would impact the public interest, health, comfort, convenience, safety, and general welfare from such nuisance, hazard, or offensive condition.

<p>Prior to issuance of a building permit or occupancy permit, or at any other time, the chief building official may require evidence that adequate controls, measures, or devices have been provided to insure and protect the public interest, health, comfort, convenience, safety, and general welfare from such nuisance, hazard, or offensive condition.</p>	
<p><b>5.050(k) Private Useable Open Space</b> Residential and Mixed Use development shall provide useable private open space in a yard, patio, porch, deck, balcony, French balcony at least two feet in depth, or loggia for each dwelling unit. The type and design of the useable private open space shall be appropriate to the architectural character of the building, and shall consider dimensions, solar access, wind protection, views, and privacy. Notwithstanding PAMC Section 18.04.030 (65)(A), loggias up to 80 square feet per dwelling unit shall be excluded from gross floor area. Spaces enclosed with windows are not open space.</p>	<p>The proposed project includes extensive private open space in the form of both ground floor open space and balconies. The proposed private balconies are desirable open space that considers dimensions, solar access, wind protection, views, and fit in with the architectural character of the building. However, the balconies along the side lot line and facing Emerson Street do tend to provide more sweeping views into the neighboring property along Emerson. However, the balcony along the interior side lot line is set back and tall landscape screening is provided to screen views. Currently the adjacent property is not developed and therefore impacts would be minimal. No balconies are provided along the rear lot line where a potential multi-family residential project is proposed.</p>
<p><b>5.050(l) Common Useable Open Space</b> Residential and Mixed Use development in the RT-35 and RT-50 zones shall provide common useable open space. The design of the common useable open space shall be suitable for a variety of user groups, including families with children. The common useable open space shall be intentionally designed for the use and enjoyment of the residents and as an integrated composition with the building, with particular attention to solar access, protection from wind, visibility both into and from the area, quality and durability of paving and furnishings, and use of appropriate and attractive plant materials. The size and dimensions of the common open space(s) shall be adequate and suitable for the number of units served by the open space(s).</p>	<p>The proposed project is located within the RT-35 Zone district and provides common useable open space. The common useable open space is intentionally designed for the use and enjoyment of the residents and as an integrated composition with the building, with attention to solar access, protection from wind, and visibility into and from the area. It would be more desirable of the ground floor open space area were available for common use, rather than private use for the office tenant. However, on balance, staff finds the project to be consistent with this performance standard.</p>

3. *That the site is not physically suitable for the type of development:*

The site is well suited for the proposed development. Mixed-uses with office on the ground floor and residential above is highly encouraged in this residential transition area. The proposed

development is consistent with all the requirements of the underlying RT-35 Zone District and the proposed use is a permitted use within this zone district and under the SOFA II CAP land use designation outlined in the Comprehensive Plan. The Vesting Tentative Map includes a condominium subdivision on a single parcel; therefore, the size of the parcel would not change. The existing parcel is consistent with the RT-35 zone district lot size requirements.

4. *That the site is not physically suitable for the proposed density of development:*

There is no maximum density listed in the SOFA II CAP for sites within the RT-35 district. However, this coordinated area plan generally encourages higher density housing in transit rich locations. The proposed development includes mixed-use development on a site encouraged for mixed use and includes four housing units on a housing inventory site with a realistic capacity of five units. Therefore, the site is physically suitable for the proposed density of development.

5. *That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat:*

The proposed Vesting Tentative Map and approved improvements would not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. There are no open space areas or natural features within the vicinity of the project site. The area is entirely urban in nature. The adopted Palo Alto 2030 Comprehensive Plan includes Map N-1, which identifies sensitive animal and plant species within the Palo Alto quadrangle, a large geographic area that includes the urban portions and portions along the bay and within the foothills, based on information in the California Natural Diversity Database (CNDDDB). Based on this map and the urban nature of the site, the subject property does not contain any habitat for endangered, rare, or threatened species and has not historically supported any of these species.

6. *That the design of the subdivision or type of improvements is likely to cause serious public health problems:*

The proposed condominium subdivision and improvement of the site with a mixed-use development would not have the potential to cause a serious public health problem. The proposed use would not include use or storage of hazardous materials in large quantities and the site is not located on a hazardous waste site pursuant to 65962.5 of the government code.

7. *That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.*

The proposed Vesting Tentative Map and anticipated improvements will not conflict with any public easements (e.g. utility or access easements) on the site. There are no public easements on the property currently. The proposed development includes more than one gas meter; therefore, the Vesting Tentative Map includes an offer of a new public utility easement for access to the meters.

**SECTION 4. Vesting Tentative Map Approval Granted.** Vesting Tentative Map approval is granted by the City Council in accordance with PAMC Sections 21.12 and 21.20 and the California Government Code Section 66474, subject to the conditions of approval in Section 6 of this Record.

**SECTION 5. Final Map Approval.** The Final Map submitted for review and approval by the City Council shall be in substantial conformance with the Vesting Tentative Map prepared by BKF Engineering, "Vesting Tentative Map for Condominium Purposes, 190 Channing Palo Alto, Santa Clara, California", consisting of one lot, dated December 12, 2018, except as modified to incorporate the conditions of approval in Section 6. A copy of this plan is on file in the Department of Planning and Community Environment, Current Planning Division. Within two years of the approval date of the Preliminary Parcel Map, the subdivider shall cause the subdivision or any part thereof to be surveyed, and a Parcel Map, as specified in Chapter 21.08, to be prepared in conformance with the Preliminary Parcel Map as conditionally approved, and in compliance with the provisions of the Subdivision Map Act and PAMC Section 21.16 and submitted to the City Engineer (PAMC Section 21.16.010[a]).

**SECTION 6. Conditions of Approval.**

**Planning Division**

1. **EXISTING FEATURES:** The applicant shall confirm the location all existing features of the site, including protected and non-protected trees, wells, structures, utilities, and easements to the satisfaction of Public Works, the Planning Division, and any other agency that would have an interest in those features.
2. **DEVELOPMENT IMPACT FEES.** Development Impact Fees, including housing impact fees, currently estimated in the amount of \$282,593.57 plus the applicable public art fee, per PAMC 16.61.040, shall be paid prior to the issuance of the related building permit.
3. **IMPACT FEE 90-DAY PROTEST PERIOD.** California Government Code Section 66020 provides that a project applicant who desires to protest the fees, dedications, reservations, or other exactions imposed on a development project must initiate the protest at the time the development project is approved or conditionally approved or within ninety (90) days after the date that fees, dedications, reservations or exactions are imposed on the Project. Additionally, procedural requirements for protesting these development fees, dedications, reservations and exactions are set forth in Government Code Section 66020. **IF YOU FAIL TO INITIATE A PROTEST WITHIN THE 90-DAY PERIOD OR FOLLOW THE PROTEST PROCEDURES DESCRIBED IN GOVERNMENT CODE SECTION 66020, YOU WILL BE BARRED FROM CHALLENGING THE VALIDITY OR REASONABLENESS OF THE FEES, DEDICATIONS, RESERVATIONS, AND EXACTIONS.** If these requirements constitute



fees, taxes, assessments, dedications, reservations, or other exactions as specified in Government Code Sections 66020(a) or 66021, this is to provide notification that, as of the date of this notice, the 90-day period has begun in which you may protest these requirements. This matter is subject to the California Code of Civil Procedures (CCP) Section 1094.5; the time by which judicial review must be sought is governed by CCP Section 1094.6.

4. 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 and at Applicant’s expense, elect to defend any such action with attorneys of its own choice.

### **Public Works Engineering Department**

#### **PRIOR TO FINAL MAP SUBMITTAL**

5. Subdivider shall prepare and submit documents per PAMC 21.16.020 along with the Final Map.
6. Off-site improvements such as curb and gutter, sidewalk replacement, street tree replacement and/or new street trees, street lights, utility upgrades or street resurfacing, striping are typically required with subdivisions. Since the proposed projects are part of subdivision, applicant(s) shall be aware that off-site improvements such as those listed above will be required. At a minimum plans provide an off-site improvement Plan set that show new curb, gutter and sidewalk along the project frontages to be removed and replaced, full street width resurfacing (grind and overlay) will be required, new street trees, striping, all off-site utility upgrades. Applicant shall meet with Urban Forestry to evaluate if new street trees can be planted along the project frontages.
7. Provide closure calculations and cost estimate for the off-site improvements described above.
8. Subdivision Improvement Agreement is required to secure compliance with condition of approval and security of improvements onsite and offsite per PAMC Section 21.16.220.
9. The Final Map shall include CITY ENGINEER STATEMENT, CITY SURVEYOR STATEMENT, BENEFICIARY STATEMENT, DIRECTOR OF PLANNING AND COMMUNITY ENVIRONMENT STATEMENT and CITY CLERK.
10. The City of Palo Alto does not currently have a City Surveyor, we have retained the services of Siegfried Engineering to review and provide approval on behalf of the City. Siegfried will be reviewing, signing and stamping the Final Map associated with your project.

In effort to employ the services of Siegfried Engineering, and as part of the City’s cost recovery measures, the applicant is required to provide payment to cover the cost of Siegfried Engineering’s review.

Our intent is to forward your Final Map to Siegfried for an initial preliminary review of the documents. Siegfried will then provide a review cost amount based on the complexity of the project and the information shown on the document. We will share this information with you once we receive it and ask that you return a copy acknowledging the amount. You may then provide a check for this amount as payment for the review cost. The City must receive payment prior to beginning the final review process.

11. Provide electronic copies of the documents provided.

**PRIOR TO FINAL MAP APPROVAL**

12. Signed Subdivision Improvement Agreement and Security Bonds as described per PAMC 21.16.230 shall be submitted to Public Works.

**PRIOR TO FINAL MAP RECORDATION**

13. Submit wet signed and stamped mylar copy of the Final Map to the Public Works for signature. Map shall be signed by Owner, Notary and Subdivider's Surveyor prior to formal submittal.

**PRIOR TO ISSUANCE OF A BUILDING PERMIT OR GRADING AND EXCAVATION PERMIT**

14. Final Map shall be recorded with County Recorder.

**Utilities Water Gas Wastewater Department**

15. The applicant shall comply with all Utilities, Waste-Gas-Water conditions of approval outlined in the tentative approval letter issued on February 19, 2019 for Architectural Review Application 18PLN-00043.
16. Any water service, gas service, or wastewater lateral not in use must be disconnected and abandoned.
17. The contractor shall not disconnect any part of the existing water, gas, or wastewater mains except by expressed permission of the WGW utilities inspector and shall submit a schedule of the estimated shutdown time to obtain said permission.
18. Only City forces can work on the City gas distribution system.
19. The applicant shall secure a public utilities easement for the gas meters installed in private property prior to approval of final occupancy. The applicant's engineer shall obtain, prepare, record with the county of Santa Clara, and provide the utilities engineering division with copies of the public utilities easement on the parcel.

**Utilities Engineering Department**

16. The applicant shall comply with all Utilities Engineering conditions of approval outlined in the tentative approval letter issued on February 19, 2019 for Architectural Review Application 18PLN-00043.

SECTION 7. Term of Approval.

All conditions of approval of the Vesting Tentative Map shall be fulfilled prior to map recordation (PAMC Section 21.16.010[c]). Unless a Final Map is filed, and all conditions of approval are fulfilled within a two- year period from the date of Vesting Tentative Map approval, or such extension as may be granted, the Vesting Tentative Map shall expire and all proceedings shall terminate.

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

APPROVED:

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

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

APPROVED AS TO FORM:

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

PLANS AND DRAWINGS REFERENCED:

Those plans prepared by BKF Engineering titled "Vesting Tentative Map for condominium purposes 190 Channing Palo Alto, Santa Clara County, California", consisting of two pages, dated December 4, 2018.

**ATTACHMENT C**  
**ZONING COMPARISON TABLE**  
190 Channing Avenue  
Application 18PLN-00274

<b>Table 1: Compliance with SOFA II CAP RT-35 District Regulations</b>			
<b>Regulation</b>	<b>Requirement</b>	<b>Existing</b>	<b>Proposed</b>
Minimum Site Area	No minimum	7,625 sf	No Change
Min. Site Width	No minimum	76.25 feet	No Change
Min. Site Depth	No minimum	100 feet	No Change

## Hodgkins, Claire

---

**Subject:** FW: Go Big on Housing - 190 Channing

**From:** Amie Ashton <[aashton@gmail.com](mailto:aashton@gmail.com)>

**Sent:** Wednesday, March 13, 2019 9:48 AM

**To:** Planning Commission <[Planning.Commission@cityofpaloalto.org](mailto:Planning.Commission@cityofpaloalto.org)>

**Subject:** Go Big on Housing - 190 Channing

Dear Planning Commission Members,

As a downtown resident, supporter of diverse retail, and dedicated car-free cyclist and pedestrian, I wanted to express my disappointment that the project at 190 Channing has ONLY FOUR housing units.

This is the perfect spot for more housing. With the rise of internet shopping, we need RESIDENTS that will walk, shop, and live downtown. Imagine the positive impact for downtown retail and restaurants from 10 to 20 units at the site (which is the equivalent to what would be allowed on El Camino Real in adjacent Mountain View) - who would all likely also work nearby given our serious jobs/housing imbalance.

I fully support decreasing the parking required to build housing. Don't let anyone tell you that people NEED cars downtown - they don't. My husband I have been car-free for the last three years. We bike, walk, or take Caltrain everywhere - and are happier and healthier for it!

Cities like Palo Alto need to build more housing near transit (i.e. more density at projects like this), or else the State of California will do it for us.....

Thank you,

Amie Ashton

## Hodgkins, Claire

---

**Subject:** FW: Now is the time!

**From:** Gina Dalma <[gina@dalma.org](mailto:gina@dalma.org)>

**Sent:** Tuesday, March 12, 2019 10:59 PM

**To:** Planning Commission <[Planning.Commission@cityofpaloalto.org](mailto:Planning.Commission@cityofpaloalto.org)>

**Subject:** Now is the time!

Please consider optimizing 190 Channing for more dense housing. Our community is suffering and losing its vitality and diversity - because there are no housing opportunities, much less affordable housing.

--

Gina D. Dalma

e: [gina@dalma.org](mailto:gina@dalma.org)

p: (980) 722.2660

t: @ginadalma

l: [www.linkedin.com/pub/gina-dalma/0/53/b47/en](https://www.linkedin.com/pub/gina-dalma/0/53/b47/en)

## Attachment E

### **Project Plans**

Hardcopies of project plans are provided to Councilmembers. 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 to find "190 Channing" 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=4528&TargetID=319>