



# City of Palo Alto

## City Council Staff Report

(ID # 9263)

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**Report Type:** Action Items

**Meeting Date:** 2/11/2019

**Summary Title:** Downtown Garage 375 Hamilton Avenue

**Title:** PUBLIC HEARING QUASI-JUDICIAL, 375 Hamilton Avenue, Downtown Garage [17PLN-00360]: (1) Adoption of a Resolution Certifying the Final Environmental Impact Report and Adopting Findings and a Mitigation Monitoring and Reporting Program Pursuant to the California Environmental Quality Act for the Project, (2) Approval of a Record of Land Use Action Approving Architectural Review Application [File 17PLN-00360] for a new Five-Level, Nearly 50-Foot Tall Parking Structure with Height Exception for Elevator and Photovoltaic Structure, With One Below Grade Parking Level Providing 324 Public Parking Spaces and Retail Space on the City's Surface Parking Lot Zoned Public Facilities, and (3) Approval of Contract Amendment Number 1 to Contract C17166279 with Watry Design, Inc. in the Amount of \$352,977 and authorize the City Manager or his Designee to Execute the Contract.

**From:** City Manager

**Lead Department:** Planning and Community Environment

**Recommendation:**

Staff recommends that Council:

- (1) Adopt a Resolution (Attachment A) certifying the Downtown Garage Project Final Environmental Impact Report (EIR) and making required findings under the California Environmental Quality Act (CEQA), including findings related to environmental impacts, mitigation measures and alternatives, and adopting a mitigation monitoring and reporting program (MMRP); and
- (2) Approve a Record of Land Use Action (Attachment B) approving Architectural Review Application [file 17PLN-00360] for a new five-level parking structure, with one below-grade parking level, providing 324 public parking spaces and

2,026 square feet of ground floor retail space on the City's surface parking lot zoned Public Facilities, as recommended by the Architectural Review Board (ARB); and

- (3) Approve and authorize the City Manager or his designee to execute the attached Contract Amendment No. 1 to Contract C17166279 (Attachment I) with Watry Design, Inc. for basic design services including \$352,977 and \$35,298 for additional services for the New Downtown Parking Garage capital project (PE-15007). This amendment results in a revised total contract amount of \$2,287,866.

### **Executive Summary:**

The objectives of the Downtown Garage Project are to:

- (1) increase the number of parking spaces within the downtown to maximize the accessibility and convenience to downtown visitors and workers,
- (2) include neighborhood-serving retail and street frontage that contribute to the economic vitality of the downtown,
- (3) incorporate a pedestrian- and bike-friendly layout, and
- (4) create a structure that is visually appealing and compatible with the downtown character and nearby historic buildings.

The proposed garage's 324 parking spaces would replace the 86 existing parking spaces on the site. The 238-space increase is to support public parking demand within the Downtown; this number includes six parking spaces for the proposed ground floor retail space. In addition, one parking space would be provided in the structure to serve the property at 550 Waverley (replacing one compliant parking space on the private property). The garage would feature a parking way-finding system to help guide people to available spaces on each floor.

The proposed building requires exceptions to the Public Facilities (PF) standards, which Council is enabled to approve given the project context and recent PF zone text amendments. During the ARB review process, plans were modified to increase the Hamilton setback and resulted in a 13-space reduction in the overall number of parking spaces to be provided. A three-foot setback is proposed from the Hamilton Avenue right of way as well as provision of a wider sidewalk and safe pedestrian access from Hamilton through the garage to a pedestrian alley.

The Draft EIR (Attachment C) (viewable here:

<https://www.cityofpaloalto.org/civicax/filebank/documents/65110>) was circulated for comments beginning May 18, 2018. The ARB hearing of June 21, 2018 allowed for public testimony on the document. The ARB recommended Council approval of the project on July 19, 2018, based on the findings and approval conditions reflected in the proposed Record of Land

Use Action (RLUA). The Final EIR Addendum (Attachment D), published August 10, 2018, is viewable here:

<https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=64168.64&BlobID=66312>.

The Final EIR Addendum includes responses to Draft EIR public comments made by members of the ARB; staff received no other formal comments on the DEIR.

The Downtown Garage Project documents are found at this link:

<https://www.cityofpaloalto.org/downtowngarage>. Council certification of the Final EIR is required (via adoption of the attached Resolution) prior to Council action on the RLUA.

Mitigation Measures are contained in the Mitigation Monitoring and Reporting Program (MMRP, incorporated with the Resolution).

Staff also seeks Council approval of a contract amendment with Watry Design, Inc. for design services related to the Downtown Garage.

## **Background:**

### Council Input and Downtown Parking Supply and Management:

The proposed public parking garage, with auxiliary retail space, was among nine key projects included in the 2014 Council Infrastructure Plan, which prioritized unfunded projects and defined a funding plan for the projects. The City took steps to maximize use of existing off-street parking facilities and address spill-over impacts into adjacent residential neighborhoods. To reduce overall parking demand, the City established a Transportation Management Association. These measures did not fully succeed in addressing the parking demand. The EIR section 2.1.2 discusses the City's monitoring of the Downtown parking supply and management.

Staff analyzed the feasibility of constructing a parking garage on six existing surface parking lots, and identified the two best candidates: Lots D and G. On December 12, 2016, Council approved Lot D as the location, and approved a contract for design and environmental assessment services. On April 3, 2017, Council provided direction for the Public Facilities (PF) zoning code text amendment, which it then adopted on June 11, 2018. The building would be set back three feet from the Hamilton Avenue right of way but provides a wider sidewalk and safe pedestrian access from Hamilton through the garage to a pedestrian alley. The PF code modifications allow Council to approve the Downtown Garage with the exceptions to development standards including setback exceptions.

On January 22, 2018, Council discussed the potential for the use of mechanical lifts for the Downtown Parking Garage. Council received an informational report (Staff Report #9484 <https://www.cityofpaloalto.org/civicax/filebank/documents/66389>) on August 27, 2018 that Public Works staff prepared in response.

### PTC Input

On May 31, 2017, the Planning and Transportation Commission (PTC) conducted a meeting to take comments on the scope of environmental review for the project. The meeting minutes are available here: (<http://www.cityofpaloalto.org/civicax/filebank/documents/58628>). Commenters requested a study of parking demand, contextual compatibility, improvement to pedestrian walkways, and use of new parking technologies. Concerns were expressed about oak tree replacement, loss of natural light for adjacent property, vehicular access to the rear of Waverley-fronting properties (Lot 84 and Lot 85) including related to future expansion, provision of a delivery zone on Waverley Street, and loss of parking during construction. Discussion regarding review of the project under the California Environmental Quality Act (CEQA) is provided at the end of this report. Other than the 2017 scoping meeting and review of the PF ordinance (Ordinance 5445) Council adopted in June 2018, the PTC did not review the Downtown Garage (and Retail) Project.

### ARB Review

The Record of Land Use Action (RLUA) captures the Architectural Review findings reviewed and enhanced by the ARB. The ARB reviewed the most recent project description and plans (Attachment F and G) finalized for the July 19, 2018 public hearing. The Discussion section of this report provides additional summary of the ARB review process. Links to staff reports and minutes are provided below:

- February 15, 2018 ARB:
  - Staff report: <https://www.cityofpaloalto.org/civicax/filebank/documents/63384>
  - Minutes: <https://www.cityofpaloalto.org/civicax/filebank/documents/64585>
- June 21, 2018 ARB:
  - Staff report: <https://www.cityofpaloalto.org/civicax/filebank/documents/65550>
  - Minutes: <https://www.cityofpaloalto.org/civicax/filebank/documents/66097>
- July 19, 2018 ARB:
  - Staff report: <https://www.cityofpaloalto.org/civicax/filebank/documents/65901>
  - Minutes: Excerpt Minutes Attached to this report (Attachment H).

### Project Description, Location and Setting

The EIR Chapter 2 includes a complete description of the project. The project site has an area of 29,200 square feet (0.67 acres) and currently provides 86 existing, hourly, diagonal, surface parking spaces with one-way circulation, and a paid public restroom facility on the eastern corner. The existing pavement, curbs, planters, utility items, restroom, parking lot trees, and two driveway curb-cuts on Waverley, would be removed. The new structure, hardscaping and landscaping, one driveway along the Hamilton Avenue frontage, and amenities would be constructed and installed. Sidewalks would be widened on Hamilton Avenue and Waverley Street to create a safer, more inviting pedestrian route and experience. The increased sidewalks

would work in conjunction with road improvements on Hamilton Avenue (including removal of the current mailbox island), and improvement of the pedestrian crossing point at the junction with Waverley Street. Amy Landesberg has developed public art for the building, which was approved by the Public Art Commission.

The new public parking garage would increase the number of public parking spaces by 238 spaces (a change from the 239 space increase shown in the 50% design plan set reviewed by the ARB), and a parking way-finding system is proposed. The garage would include eight accessible spaces, and 81 stalls (down one stall in plans developed after the ARB hearing) would be enabled for electric vehicle charging capacity (with 17 to be installed initially). Six of the stalls would serve the new retail area, and one stall is provided to serve 550 Waverley. None of the spaces are proposed to utilize mechanical parking systems. The building will be designed with infrastructure to allow for the future installation of photovoltaic (PV) panels mounted above the top parking deck. The garage design includes substantially open sides to provide natural ventilation for all levels except the basement level, which is mechanically ventilated.

The primary site ingress/egress is proposed on Hamilton Avenue near the south corner of the lot. A secondary vehicular exit is proposed at Lane 21. Ingress to the garage from Lane 21 would only be permitted in the event that the Hamilton Avenue access is restricted. Vehicle access will be restricted in the new alley to service vehicles. The alley will be enhanced with architectural paving, new planting, benches and lighting. Vehicle access will be restricted in the new alley to service vehicles. A common refuse storage room is proposed at Lane 21 to serve the new retail space on the project site and the Waverley-fronting businesses.

#### Requested Exceptions to PF Standards

The building will exceed the 50 foot height limit. An exception is requested for the six foot extension of the photovoltaic (PV) structure and for the elevator volume (to the elevator ceiling), both of which will reach a height of 56 feet above grade. The elevator mechanical equipment (within a volume above the elevator ceiling) would reach a height of 63 feet above grade, but in accordance with PAMC 18.40.090, does not need an exception; because the mechanical equipment area is not habitable; it may extend up to 15 feet above the height limit (up to 65 feet). The building will be shorter than the adjacent AT&T building, which reaches a height of 75 feet.

The building would encroach four feet into the seven-foot special setback from the Hamilton right of way property line, and would have a zero setback along Waverley (matching the zero setbacks of the majority of retail buildings on the block) where the PF zone standards otherwise require ten foot setbacks from street frontages. The new sidewalk widths will improve the pedestrian experience adjacent to the new building.

## Discussion:

While the new Downtown Garage requires exceptions to the Public Facilities zone standards (setbacks, height, and FAR), the design and provision of ground floor retail space along Waverley results in a project that meets Downtown Urban Design Guide Goals, as well as the project objectives. The RLUA provides findings for approval of the reduced setbacks, increased floor area and height, as well as relevant Comprehensive Plan policies, with notes about related project features; these are also cited in the EIR. While the adjacent property owner continues to have concern about access, the Public Works staff have provided assurances described herein.

### Exceptions – Setbacks, Height, Floor Area

A zoning table (Attachment E) describes the requested setback, height and floor area exceptions the Council is enabled to approve, given the recently modified PF zone standards language for parking and essential service facilities.

**Setbacks:** The Public Facilities district states, “no yard adjoining a street shall be less than 20 feet and no interior yard shall be less than 10 feet”. However, the adjacent CD zone properties have a zero setback requirement on Waverley and at the interior lot lines. The retail storefront is aligned with the other storefronts along Waverley. The width of the sidewalk on Waverley, currently about ten feet, will increase to approximately 18 feet. The sidewalk width on Hamilton is going to increase from ten feet to 12 feet, and the Hamilton Avenue wall will be set back three feet from the property line along Hamilton, where a seven foot ‘special setback’ would otherwise be required. The building will provide a two foot setback to the AT&T building, a 16-foot setback from the rear property line of the Waverley-fronting properties to the garage wall (and ten feet to the planter wall), a ten feet interior setback from the south-facing window wall of the adjacent building (Tai Pan), and ten foot setback from the edge of the alley fronting CVS Pharmacy.

The ARB determined that, combined with the wider sidewalk along Hamilton Avenue, the encroachment of the building into the special setback on Hamilton Avenue was supportable. The ARB further determined that the encroachment into the Waverley Avenue setback is supportable, given the context. While the building is large, the design team employed measures to reduce mass, and the design employs public art and landscaping. Public art is proposed at the corner stair tower and above the parking entrance on Hamilton Avenue. The perforated metal shroud at the corner stair was refined during the ARB review process into a more open, transparent structure and the mass/apparent mass of the stair covering was reduced. Vines would be trained to grow on cable grid to visually soften the board-formed concrete wall that has a pattern of square penetrations or indentations. The ARB requested that the squares be penetrations in order to allow glimpses of the post office from inside the garage.

**Height:** The height of the structure proposed to support photovoltaic (PV) panels would exceed the 50 foot height limit. The ARB supported installation of the structure for the PV panels, even if the solar panels are not installed, noting that it “provides an elegant top, and it's important in helping the building achieve harmonious transition and mass-scale character with the adjacent building.”

**Floor Area:** The floor area ratio (FAR) for the project is 3.9:1 (based on a gross floor area of 114,048 SF), which would exceed the maximum FAR of 1:1 within the PF zone. The ARB noted the project is “still going to look like a big garage, especially the Hamilton façade” and “the City should expect some criticism of the bulk [but] the garage is responding to a need for parking.” The ARB was of the opinion the changes to the design during the process really helped to address or minimize the bulk represented by the parking garage.

The additional conditions recommended by ARB for the PV structure and shear wall penetrations were not included in the original project scope and are expected to add approximately \$1 million to the construction cost estimate.

#### Pedestrian Experience

The building is proposed to be set back 10 feet from the north property line shared with 560 Waverley. Openings will allow natural ventilation into the parking garage, and light to reach the existing windows at 560 Waverley. The pedestrian alley would provide a visual connection to All Saints Episcopal Church, and would be visually enhanced with architectural paving, plantings, benches and decorative lighting features. The pedestrian alley width would increase to 16 feet at the rear of the Waverley buildings, but a planter wall restricts the clear width to ten feet.

During the ARB review process, the first floor ceiling height at the first floor of the garage was raised to 12'-4" and the fourth floor ceiling height was reduced to keep the same overall building height. Pedestrian experiences were improved with a small entry plaza near the 50-bike, 702 SF bike storage room near the main vehicle. Pedestrians will be able to move through the garage from Hamilton via a pathway through the structure to Lane 21 near CVS. Pedestrians will find wood benches and other seating around the building. Pedestrians on the sidewalks will also be sheltered by new street trees - two Gingko trees add to the two existing Gingkos on the Waverley frontage, and two Gingko trees and three Oaks will be planted along Hamilton frontage; the oaks compensate for the removal of the one protected oak tree in the parking lot.

#### City Staff Conditions Requiring Resolution

The applicant has addressed the City's Public Works Engineering (PWE) requirement for a third party review of 'C3' stormwater design and clarification of the easement along Hamilton Avenue. The Urban Forester has approved the July 12, 2018 landscape drawings, as also noted in the memo, and the UF approval conditions provide expectations for dimensions specified for

the suspended pavement areas (width, length, depth, and volume), the type of system/product to be used, and standard details/drawings. The applicant team is also discussing how to meet the outstanding Utilities comments; these are also addressed in the attached memo (Attachment J).

#### Downtown Urban Design Guide (Guide)

Replacement of this surface parking lot with the proposed garage and retail space supports the Guide's district goal to promote Hamilton Avenue as an active, mixed use district and meet the goal for complementary outdoor amenities to offset the urban intensity, by provision of:

- 324 automobile parking spaces,
- Approximately 50 bicycle parking spaces,
- Improved pedestrian circulation around and within the garage,
- Provision of 2,026 SF of retail space,
- Additional street trees,
- Bench seating with planters along Hamilton Avenue,
- A parking guidance system that will make parking in the upper and lower garage levels more convenient,
- Strong corner building and plaza treatment (stair covering mass was reduced in response to ARB comments),
- Direct access to the retail space from the corner plaza and from the Waverley frontage,
- Public art and low plant material along Hamilton contribute to pedestrian friendliness.

#### Adjacent Property Owner Concerns

The City has responded in writing to comments made by the property owners of 550-552 and 558-560 Waverley Street. Letters were attached to the ARB reports of June 21, 2018 and July 19, 2018. The topics addressed therein included garage access for on-site parking, dedicated parking spaces in the garage, access to clean out servicing, and aesthetics of the garage. The City's response noted:

- Any request for access easements would be revisited if and when applications for redevelopment of the properties are submitted, and the formal parking space allocated to 550 Waverley per the City's Assessment Roll is replaced in the garage plan. The City has offered to create a loading zone on Waverley Street for deliveries.
- The grease trap service vendor for 560 Waverley currently utilizes the public parking lot and improperly blocks the drive aisle to service the clean outs, and the garage design allows a typical large pump truck with a 100' hose to park adjacent to the trash enclosure to perform servicing operations.
- Unchanged are the 10 foot pedestrian alley width (required to allow openings for natural ventilation into the garage and to construct the basement level) and the eight feet long canopy lighting.



- The elevator hoist way is designed to have clear tempered glazing to provide patrons a better view of the historic Post Office and Hamilton Avenue streetscape.

#### Contract Amendment

On April 11, 2017, Council directed staff to proceed with design of a garage at existing surface parking Lot D that should include five levels above and one level basement level ([Staff Report #7492](#)). The contract amendment with Watry Design, Inc. includes environmental assessment, design development packages and construction documents for the addition of a basement level which was not included in the original contract scope. ([Staff Report #7418](#)). The scope also includes soil testing and design of traffic signal modifications at the Hamilton Avenue/Waverley Street intersection in coordination with construction of the new garage.

#### **Policy Implications:**

The attached Record of Land Use Action cites Comprehensive Plan Policies applicable to this project. The recently adopted 850,000 SF cap on office and research and development space does not impact this project. The Downtown cap set forth in Palo Alto Municipal Code 18.18.040 pertains to all commercial floor area. Approximately 26,373 SF of commercial area remains of the 1986 cap amount. This number was derived after removing ‘pipeline’ projects; the proposed 2,026 square feet of retail space in the project has been counted as part of the pipeline projects. Staff had recommended deletion of the Downtown cap for consistency with the adopted Comprehensive Plan, the PTC recommended rejection of recommended ordinance, and the matter has not been set for Council review.

#### **Resource Impact:**

As presented in the Proposed Fiscal Year 2019 Capital Budget, the total project cost for the new Downtown Garage Project is estimated to be \$29.1 million. The project cost estimate will be updated during the Fiscal Year 2020 budget process to reflect that additional \$1 million resulting from the ARB recommendations and any other increases. Pursuant to the Council Infrastructure Plan, the majority of funding for this project will come from the City’s Capital Improvement Fund Infrastructure Reserve and University Avenue In-Lieu Parking Fund.

Funding for the contract amendment is available in CIP projects PE-15007 New Downtown Parking Garage and PL-05030 Traffic Signal and Intelligent Transportation Systems. The funding allocation is as follows:

<b>Funding Source</b>	<b>Contract</b>	<b>Additional Services</b>	<b>Total Encumbrance</b>
PE-15007	\$320,977	\$32,098	\$353,075
PL-05030	\$32,000	\$3,200	\$35,200
Total	\$352,977	\$35,298	\$388,275

Staff time processing the CEQA document and ARB application is subject to cost recovery. Currently, no development impact fees are imposed upon this public project.

### **Timeline:**

Final design and construction documents are expected to be complete at the end of 2019 with construction starting in early 2020. Construction is expected to last 16 months.

### **Environmental Review:**

The EIR Executive Summary provides a project overview, project objectives and approach, four alternatives to the proposed project, and a summary of impacts with level of significance described in a table. In 2017, a Draft Initial Study and Notice of Preparation had been circulated to the State Clearinghouse and notice was provided under the California Environmental Quality Act (CEQA). The Draft EIR was circulated to the State Clearinghouse for comments, with notice provided for a public comment period extending from May 18, 2018 through July 2, 2018. The ARB hearing of June 21, 2018 fell within the public comment period and allowed for public testimony on the Draft EIR (Attachment C). Comments by ARB members on the Draft EIR were addressed in the Final EIR (Attachment D).

A mitigation monitoring and reporting program was prepared for Council action in conjunction with certification of the Final EIR. The topics with mitigation measures required are:

1. *Biology*: Mitigation measures address potential impacts related to nesting birds, tree preservation and protection, tree replacement. The tree measures require the arborist report of May 2017 to be implemented, with no net loss of canopy, and the planting of Ginkgos and Oaks along Hamilton and Waverley are part of the mitigation.
2. *Cultural Resources*: Mitigation measures are in regard to resource and human remains recovery procedures, and unanticipated discovery of tribal cultural resources.
3. *Geology and Soil*: Mitigation measures relate to geotechnical investigation for basement structures, and temporary basement shoring, slopes and cut, and require implementation of the geotechnical report recommendations and best management practices.
4. *Hazardous Waste and Material*: One mitigation measure requires preparation and implementation of a health and safety plan, and implementation of standard measures for collection, transport and disposal of material if hazardous material is exposed during construction.
5. *Transportation*: Three mitigation measures require a construction traffic control plan, a vehicle queuing analysis (in the event a paid parking component with gates is implemented)

and a parking structure access and exit safety improvement (a stop sign at the intersection of Lane 21 and Bryant Street.

**Attachments:**

**Attachment A: Resolution EIR AND MMRP Downtown Garage (PDF)**

**Exhibit 1 to Attachment A (Resolution) MMRP (PDF)**

**Attachment B: Record of Land Use Action (DOC)**

**Attachment C: Draft Environmental Impact Report (EIR) - online (DOCX)**

**Attachment D: Downtown Parking Garage Final EIR Addendum (PDF)**

**Attachment E: Zoning Table (DOCX)**

**Attachment F: Project Page and Plans Viewing Directions (DOCX)**

**Attachment G: Downtown Parking Garage Project Description (PDF)**

**Attachment H: July 19, 2018 ARB Excerpt minutes Downtown Garage Project (DOCX)**

**Attachment I: Watry Design Inc- C17166279 Amendment 1-Final (PDF)**

**Attachment J: Correspondence (PDF)**

Not Yet Approved

Resolution No. \_\_\_\_\_

Resolution of the Council of the City of Palo Alto Certifying the Adequacy of the Final Environmental Impact Report for the Downtown Parking Garage Project at 375 Hamilton Avenue, Making Certain Findings Concerning Significant Environmental Impacts and Mitigation Measures, and Adopting a Mitigation Monitoring and Reporting Program, All Pursuant to the California Environmental Quality Act

RECITALS

- A. The City of Palo Alto (“City”) has proposed the Downtown Parking Garage Project, comprised of a multi-level parking garage with ground floor retail space, on a City surface parking lot at 375 Hamilton Avenue in the Downtown commercial area in Palo Alto (the “Project”).
- B. Approval of the Project would constitute a project under the provisions of the California Environmental Quality Act of 1970, together with related state and local implementation guidelines promulgated thereunder (“CEQA”).
- C. The City is the Lead Agency pursuant to Public Resources Code section 21067 as it has the principal responsibility to approve and regulate the Project.
- D. The City, in compliance with CEQA, prepared an Environmental Impact Report (EIR) to provide an assessment of the potential environmental consequences of approving and constructing the Project and approving associated zoning code amendments.
- E. A Draft Environmental Impact Report (“Draft EIR”) was circulated for public review from May 18, 2018, through July 2, 2018, during which time the City held a public hearing to receive comments on the Draft EIR by the City’s Architectural Review Board (ARB) on June 21, 2018.
- F. The City considered the comments received during the Draft EIR public review period and prepared a Final Environmental Impact Report (“Final EIR”). The Final Environmental Impact Report is comprised of the Draft EIR, together with the Final Environmental Impact Report (Addendum) published on August 10, 2018 (collectively, all of said documents are referred to herein as the “EIR”).
- G. The Council is the decision-making body for approval of the proposed Project.
- H. CEQA requires that in connection with approval of a project for which an environmental impact report has been prepared that identifies one or more significant environmental effects of the project, the decision-making body of a public agency make certain findings

regarding those effects.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALO ALTO AS FOLLOWS:**

**SECTION 1. Certification and General Findings**

The City Council, in the exercise of its independent judgment, makes and adopts the following findings to comply with the requirements of CEQA, including Sections 15091, 15092, and 15093 of the CEQA Guidelines, based upon the entire record of proceedings for the Project. All statements set forth in this Resolution constitute formal findings of the City Council, including the statements set forth in this paragraph and in the recitals above.

1. The City Council was presented with, and has independently reviewed and analyzed the EIR and other information in the record and has considered the information contained therein prior to acting upon and approving the Project, and bases the findings stated below on such review.
2. The EIR provides an adequate basis for considering and acting upon the Project. The City Council has considered all of the evidence and arguments presented during consideration of the Project and the EIR. In determining whether the Project may have a significant impact on the environment, and in adopting the findings set forth herein, the City Council certifies that it has complied with Public Resources Code Sections 21081, 21081.5, and 21082.2.
3. The City Council agrees with the characterization of the EIR with respect to all impacts initially identified as “less than significant” and finds that those impacts have been described accurately and are less than significant as so described in the EIR. This finding does not apply to impacts identified as significant or potentially significant that are reduced to a less than significant level by mitigation measures included in the EIR. The disposition of each of those impacts and the mitigation measures adopted to reduce them are addressed specifically in the findings below.
4. Mitigation measures associated with the potentially significant impacts of the Project will be implemented through the Mitigation Monitoring and Reporting Program (MMRP) described below, which is the responsibility of the City.
5. The EIR considers a reasonable range of potentially feasible alternatives, sufficient to foster informed decision making, public participation and a reasoned choice, in accordance with CEQA.
6. The Final EIR contains responses to comments received on the Draft EIR. The Final EIR also contains corrections and clarifications to the text and analysis of the Draft EIR where warranted. The City Council does hereby find that such changes and additional information are not significant new information under CEQA because such changes and additional information do not indicate that any of the following would result from approval and implementation of the Project: (i) any new significant environmental

impact or substantially more severe environmental impact (not already disclosed and evaluated in the DEIR), (ii) any feasible mitigation measure considerably different from those analyzed in the Draft EIR that would lessen a significant environmental impact of the Project has been proposed and would not be implemented, or (iii) any feasible alternative considerably different from those analyzed in the DEIR that would lessen a significant environmental impact of the Project has been proposed and would not be implemented. The City Council does find and determine that recirculation of the Final EIR for further public review and comment is not warranted or required under the provisions of CEQA.

7. The City Council does hereby find and certify that the EIR has been prepared and completed in compliance with CEQA and reflects the City of Palo Alto's independent judgment and analysis.
8. The City Council does hereby make the following findings with respect to significant effects on the environment of the Project, as identified in the EIR, with the understanding that all of the information in this Resolution is intended as a summary of the full administrative record supporting the EIR, which full administrative record should be consulted for the full details supporting these findings.

## **SECTION 2. Findings on Significant Impacts and Mitigation Measures**

Pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091, the City Council hereby makes these findings with respect to the potential for significant environmental impacts from approval and implementation of the Project and the means for mitigating those impacts.

These findings do not attempt to describe the full analysis of each environmental impact contained in the EIR. Instead, the findings provide a summary description of each impact, describe the applicable mitigation measures identified in the EIR and adopted by the City, and state the findings on the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the EIR. These findings hereby incorporate by reference the discussion and analysis in the EIR that support the EIR's determinations regarding significant project impacts and mitigation measures designed to address those impacts. The facts supporting these findings are found in the record as a whole for the Project.

In making these findings, the City ratifies, adopts, and incorporates into these findings the analysis and explanation in the EIR, and ratifies, adopts, and incorporates into these findings the determinations and conclusions of the EIR relating to environmental impacts and mitigation measures, except to the extent that any such determinations and conclusions are specifically and expressly modified by these findings.

The EIR identified a number of significant and potentially significant environmental impacts that the Project will cause or to which the Project would contribute. All of these significant effects

can be fully addressed and reduced to less than significant through the adoption and implementation of standard project requirements incorporated as part of the Project and feasible mitigation measures. Those impacts, along with the standard project requirements and mitigation measures to reduce them to less than significant, are listed below as referenced in the EIR.

### **Biological Resources**

**Impact BIO-d: Potential Impacts on Nesting Birds.** The project could interfere substantially with the movement of a native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

**a) Potential Impact.** The impact identified above is described and discussed in Section 3.3.3.2.d of the Draft EIR.

**b) Mitigation Measures.** The following mitigation measure will be adopted and will be implemented as provided in the MMRP, and as further described in the remainder of these findings:

**MM BIO-1 Nesting Bird Surveys and Avoidance.** Construction of the project and any other site disturbing activities that would involve vegetation or tree removal, shall be prohibited during the general avian nesting season (February 1 to August 31), if feasible. If nesting season avoidance is not feasible, the applicant shall retain a qualified biologist, as approved by the City of Palo Alto, to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and activity status of any active nests on or adjacent to the project site. The extent of the survey buffer area surrounding the site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the MBTA and CFGC, nesting bird surveys shall be performed not more than 14 days prior to scheduled vegetation clearance and structure demolition. In the event that active nests are discovered, a suitable buffer (typically a minimum buffer of 50 feet for passerines and a minimum buffer of 250 feet for raptors) shall be established around such active nests and no construction shall be allowed within the buffer areas until a qualified biologist has determined that the nest is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest). No ground disturbing activities shall occur within this buffer until the qualified biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting bird surveys are not required for construction activities occurring between August 31 and February 1.

**c) Finding and Rationale.** Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect identified in the EIR. The only wildlife that is anticipated to be present within the project area is wildlife associated with the built urban environment such as rodents, other small

animals, and native and migratory birds. These small animals are not restricted by the type of developments in the project area. Tree removal activities have the potential to disturb resident and migratory birds resulting in a short-term reduction in potential nesting and foraging habitat as well as directly destroying active nests; however, it is anticipated that resident and migratory bird species would resume nesting and foraging behavior once the construction is complete, and would utilize existing nearby nesting and foraging habitat during construction. With implementation of MM BIO-1, the project would have a less than significant impact on these wildlife species and their movements in the area.

**d) Remaining Impact.** Mitigation Measure BIO-1 specified above would reduce all potential impacts to less than significant.

**Impact BIO-e: Conflict with Tree Preservation Policy/Protected Trees.** One of the existing trees, of the species Coast Live Oak (*Quercus agrifolia*), is protected under the City of Palo Alto's Tree Regulations. Although it is designated as a protected tree, this tree will be removed from the site due to previous imprecise pruning leaving it in poor condition and with the potential for breakage. Thus the project could conflict with a local policy or ordinance protecting biological resources, such as the tree preservation policy or ordinance, if the protected tree is not replaced.

**a) Potential Impact.** The impact identified above is described and discussed in Section 3.3.3.2.e of the Draft EIR.

**b) Mitigation Measures.** The following mitigation measures will be adopted and will be implemented as provided in the MMRP, and as further described in the remainder of these findings.

**MM BIO-2 Tree Preservation and Protection Plan.** To avoid disturbance and injury to onsite trees, the recommendations for tree preservation in the Arborist Report dated May 2017 shall be implemented. These recommendations include, but are not limited to, tree protection fencing to enclose as much of the TPZ as feasible around City trees on the sidewalks, no grading encroachments closer than 6 inches to the tree trunk diameter, and periodic inspections by the Site Arborist during construction activities.

**MM BIO-3 Tree Replacement.** The removal of protected Coast Live Oak tree (Tree #8 in the Arborist Report prepared for the project) is subject to the City of Palo Alto's tree removal ordinance in Palo Alto Municipal Code Chapter 8.10. Trees removed will be replaced according to replacement tree mitigation measures using the Tree Canopy Replacement Standard in the City's Tree Technical Manual, Section 3.00. The replacement standards outlined in the Tree Technical Manual will be utilized to achieve no net loss of canopy per Policy 1.G of the Urban Forest Master Plan; specifically, three native oaks will be planted in the Hamilton Avenue right of way at the project site. Site preparation and soil volume requirements shall apply so that newly planted trees have



the potential to mature to desired size and thrive.

**c) Finding and Rationale.** Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect identified in the EIR. Implementation of MM BIO-2 and MM BIO-3 to protect, preserve, and replace trees, the project would not contribute to cumulative adverse impacts. Therefore, impacts under this criterion would be less than significant with mitigation incorporated. As a replacement, three new trees will be planted on site. The City's Urban Forester has determined that the planting of three native oaks in the Hamilton Avenue right of way at the project site is appropriate as mitigation to replace the loss of the one Coast Live Oak on site, subject to the standard requirement to provide adequate soil conditions to ensure the replacement trees will thrive. A total of nine trees would be planted on the project site as part of the landscaping plan. There will be no net loss of trees.

**d) Remaining Impact.** Mitigation measure BIO-2 and BIO-3 specified above would reduce all potential impacts to less than significant.

### **Cultural, Paleontological, and Tribal Cultural Resources**

**Impact CTR-c: Eliminate Important Examples of California History or Prehistory.**

**Impact CTR-d: Adverse Change in the Significance of an Archeological Resource.**

**Impact CTR-e: Disturb Human Remains.**

**Impact CTR-f: Destroy Paleontological Resource.**

Due to excavation of a significant depth being a necessity to construct the basement of the project, there is a potential to disrupt, alter, or eliminate undiscovered archeological resources including those of human remains.

**a) Potential Impact.** The impacts identified above are described and discussed in Section 3.4.3.2.c, d, e, and f of the Draft EIR.

**b) Mitigation Measures.** The following mitigation measures will be adopted and will be implemented as provided in the MMRP, and as further described in the remainder of these findings.

**MM CTR-1 Resource Recovery Procedures.** In the event that archaeological or paleontological resources are unearthed during project construction, all earth disturbing work within the vicinity of the find must be temporarily suspended or redirected until an archaeologist or paleontologist has evaluated the nature and significance of the find. After the find has been appropriately mitigated, work in the area may resume. A Native American representative shall be retained to monitor any mitigation work associated with Native American cultural material.

**MM CTR-2 Human Remains Recovery Procedures.** If human remains are unearthed,

State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition pursuant to the Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission. Additional surveys will be required if the project changes to include unsurveyed areas.

**c) Finding and Rationale:** Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect identified in the EIR. Mitigation Measures CTR-1 and CTR-2 would reduce impacts to less than significant regarding disrupting intact archaeological resources, paleontological resources, and human remains to a less than significant level.

**d) Remaining Impact:** Mitigation Measures CTR-1 and CTR-2 specified above would reduce all potential impacts to less than significant.

**Impact CTR-g: Tribal Resources.** Although no tribal cultural resources are expected to be present on-site, new ground disturbance would be below the level of past disturbance. As a result, there is the possibility of encountering undisturbed subsurface tribal cultural resources. The proposed excavation of the project site could potentially result in adverse effects on unanticipated tribal cultural resources.

**a) Potential Impact.** The impact identified above is described and discussed in Section 3.4.3.2.g of the Draft EIR.

**b) Mitigation Measures.** The following mitigation measures will be adopted and will be implemented as provided in the MMRP, and as further described in the remainder of these findings.

**MM CTR-3 Unanticipated Discovery of Tribal Cultural Resources.** If cultural resources of Native American origin are identified during construction, all earth disturbing work within the vicinity of the find must be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find and an appropriate Native American representative, based on the nature of the find, is consulted. If the City determines that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with state guidelines and in consultation with Native American groups. The plan would include avoidance of the resource or, if avoidance of the resource is infeasible, the plan would outline the appropriate treatment of the resource in coordination with the archeologist and the appropriate Native American tribal representative.

**c) Finding and Rationale:** Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect identified in the EIR. Mitigation Measure CTR-3 would be would reduce impacts from

the unanticipated discovery of tribal cultural resources during construction to less than significant with MM CTR-3.

**d) Remaining Impact:** Mitigation Measure CTR-3 specified above would reduce all potential impacts to less than significant.

### **Geology and Soils**

**Impact GEO-b: Seismic Ground Shaking, Seismic-Related Ground Failure, including Liquefaction.** Development of the proposed project would involve the construction and occupancy of a new building in a location where strong seismic ground shaking can be expected to occur over the life of the project. In addition, the northern part of the project site is located within a State designated Liquefaction Hazard Zone as well as Santa Clara County Liquefaction Hazard Zone. The project would thus expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving strong seismic ground shaking or seismic-related ground failure, including liquefaction.

**a) Potential Impact.** The impact identified above is described and discussed in Section 3.5.3.2.b of the Draft EIR.

**b) Mitigation Measures.** The following mitigation measures will be adopted and will be implemented as provided in the MMRP, and as further described in the remainder of these findings.

**MM GEO-1 Geotechnical Investigation for Basement Structure.** Building foundations shall be designed to tolerate total and differential settlements due to static loads and liquefaction-induced settlement in accordance with the recommendations of the geotechnical report. The current geotechnical report includes recommendation for a no-basement building only. The project sponsor shall retain the service of a qualified state licensed engineering and geology specialist to include site-specific recommendations to mitigate the potential for risks associated with seismic ground shaking, seismic-related ground failure and liquefaction for the foundation of a building with basement. The updated report shall include design requirements for the construction of the foundation for the basement option.

**c) Finding and Rationale.** Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect identified in the EIR. With implementation of MM GEO-1, the construction of the proposed project would not expose people or structures to adverse effects involving strong seismic ground shaking. Therefore, the impacts would be less than significant with mitigation incorporated.

**d) Remaining Impact.** Mitigation Measure GEO-1 specified above would reduce all potential impacts to less than significant.

**Impact GEO-c: Landslides.** The construction of the proposed project would require excavation and fill placement, there would be some potential for constructed (cut and fill) slopes to fail if they are improperly designed or constructed. The excavation of the project site for the basement level of the building would increase the exposure of onsite construction workers to hazards associated with slope failure.

**a) Potential Impact.** The impact identified above is described and discussed in Section 3.5.3.2.c of the Draft EIR.

**b) Mitigation Measures.** The following mitigation measures will be adopted and will be implemented as provided in the MMRP, and as further described in the remainder of these findings.

**MM GEO-2 Temporary Shoring, Slopes and Cut.** The project sponsor's contractor is responsible for maintaining all temporary slopes and providing temporary shoring where required. Temporary shoring, bracing and cuts/fills shall be performed in accordance with the strictest government safety standards. Excavation during site demolition and fill removal should be sloped at 3:1 (horizontal: vertical) within the upper 5 feet. For excavation extending more than 5 feet below building subgrade, excavations shall be sloped in accordance with the OSHA soil classification. The contractor is responsible for selecting the shoring method according to their judgment and experience considering adjacent improvements such as foundation loads, utilities and pavement. The qualified state licensed engineering and geology specialist in charge of the geotechnical report shall review the shoring design prior to implementation. Recommendations of the geotechnical report for temporary shoring are soldier beams and tie-backs, braced excavation, or other potential methods. The contractor is responsible for using best management practices to maintain all temporary slopes and providing temporary shoring where required.

**c) Finding and Rationale.** Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect identified in the EIR. With implementation of the Mitigation Measure GEO-2, the construction of the proposed project would not expose people or structures to adverse effects involving strong seismic ground shaking. The geotechnical report prepared for the project includes site-specific design requirements to mitigate the potential for risks associated with landslide during construction. Therefore, the impacts would be less than significant with mitigation incorporated.

**d) Remaining Impact.** Mitigation Measure GEO-2 specified above would reduce all potential impacts to less than significant.

## **Hazardous Waste and Materials**

**Impact HAZ-d: Hazardous Materials Contamination.** There is possibility that some construction activities such as ground disturbance from excavation may come into contact with contamination that has migrated from other sites.

**a) Potential Impact.** The impact identified above is described and discussed in Section 3.7.3.2.d of the Draft EIR.

**b) Mitigation Measures.** The following mitigation measures will be adopted and will be implemented as provided in the MMRP, and as further described in the remainder of these findings.

**MM HAZ-1 Health and Safety Plan.** The City as project sponsor will implement the following standard measures to avoid and minimize impacts from hazardous material to construction workers and the general public during construction: 1) In the event of exposing hazardous material during construction, the City will implement standard measures required by the federal, state, and local regulations for the collection, transport, and disposal of the material to prevent the exposure of workers and the public to such material; 2) The City will require the contractor to prepare and implement a Health and Safety Plan that includes a Hazardous Materials Management and Spill Prevention and Control Plan prior to commencement of construction. The plan will include the project-specific related hazardous materials and waste operations.

**c) Finding and Rationale.** Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect identified in the EIR. With implementation of MM HAZ-1, the proposed project would not create a significant hazard to the public or the environment from existing hazardous materials contamination. Because any contaminated soil or groundwater, if encountered, would be properly disposed of, there would be no impact to future users of the site. Therefore, impacts would be less than significant with mitigation incorporated.

**d) Remaining Impact.** Mitigation Measure HAZ-1 specified above would reduce all potential impacts to less than significant.

## **Transportation**

**Impact TRA-a: Conflict with Plan, Ordinance, Policy – Circulation.** Implementation of the project could conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system. Construction activities would generate construction-related truck and employee trips that could create a temporary increase in localized traffic. Also, if the City implements paid parking at the parking structure, gates would be required which could slow the flow of the traffic resulting in vehicle queuing on to Hamilton Avenue.

**a) Potential Impact.** The impact identified above is described and discussed in Section 3.12.4.2.a of the Draft EIR.

**b) Mitigation Measures.** The following mitigation measures will be adopted and will be implemented as provided in the MMRP, and as further described in the remainder of these findings.

**MM TR-1 Construction Traffic Control Plan.** Prior to the excavation, the construction contractor shall develop the traffic control plan in accordance with City's policies, coordinate with VTA and submit for City approval. The plan shall be implemented throughout the course of the project construction and shall include, but not limited to, the following elements:

- Limit truck access to the project site during peak commute times (7:00 A.M. to 9:00 A.M. and 4:00 P.M. to 6:00 P.M.)
- Restrict construction truck routes to truck routes designated by the City
- Contractor will provide adequate parking or carpool strategy for construction employees near the construction site, as approved by the City
- Require traffic control in the project entrance driveway, including flag persons wearing bright orange or red vests and using "Stop/Slow" Paddle to control oncoming traffic
- Coordinate with VTA to temporarily relocate the bus stop to ensure minimal impacts during sidewalk closure, if needed
- Maintain bicycle and pedestrian access and circulation during project construction. If construction encroaches on a sidewalk, a safe detour will be provided for pedestrian at the nearest crosswalk
- Repair or restore the road right-of-way to its original condition or better upon completion of the work
- Provide access for emergency vehicles at all time

**MM TR-2 Vehicle Queuing Analysis.** In the event the project includes a paid parking component and, therefore, includes a parking gate, the project sponsor must prepare and submit a queuing study that shows, to the satisfaction of the Transportation Division, that queuing into Hamilton Avenue would be avoided. Queuing includes a line of two or more vehicles waiting to enter the structure, which could block traffic on Hamilton. The study will consider the configuration and the anticipated volume of vehicles accessing the parking garage during the peak hour. The provisional gates must process vehicles efficiently such that vehicles do not have to wait to turn into the parking facility.

**c) Finding and Rationale.** Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect identified in the EIR. Incorporation of Mitigation Measures TR-1 and TR-2 would ensure

that the project would not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system. Implementation of MM TR-1 Traffic Control Plan would reduce the potential of traffic disruption to less than significant. During the operation of the parking structure, several measures would be implemented to optimize the operation of the parking structure and avoid vehicles queuing on Hamilton Avenue. At this time, the City has not decided whether the parking structure would be a paid parking structure; if paid parking is implemented, gates would be required and could slow the flow of the traffic into the garage. Implementation of MM TR-2 would ensure that queues from the parking garage do not back up onto Hamilton Avenue. For these reasons, the project would have a less than significant impact with mitigation incorporated.

**d) Remaining Impact.** Mitigation Measures TR-1 and TR-2 specified above would reduce all potential impacts to less than significant.

**Impact TRA-e: Emergency Access Impact.** There could be a temporary impact to emergency access at the project site during construction.

**a) Potential Impact.** The impact identified above is described and discussed in Section 3.12.4.2.e of the Draft EIR.

**b) Mitigation Measures.** The following mitigation measure will be adopted and will be implemented as provided in the MMRP, and as further described in the remainder of these findings.

**MM TR-1 Construction Traffic Control Plan.** Prior to the excavation, the construction contractor shall develop the traffic control plan in accordance with City's policies, coordinate with VTA and submit for City approval. The plan shall be implemented throughout the course of the project construction and shall include, but not limited to, the following elements:

- Limit truck access to the project site during peak commute times (7:00 A.M. to 9:00 A.M. and 4:00 P.M. to 6:00 P.M.)
- Restrict construction truck routes to truck routes designated by the City
- Contractor will provide adequate parking or carpool strategy for construction employees near the construction site, as approved by the City
- Require traffic control in the project entrance driveway, including flag persons wearing bright orange or red vests and using "Stop/Slow" Paddle to control oncoming traffic
- Coordinate with VTA to temporarily relocate the bus stop to ensure minimal impacts during sidewalk closure, if needed
- Maintain bicycle and pedestrian access and circulation during project construction. If construction encroaches on a sidewalk, a safe detour will be provided for pedestrian at the nearest crosswalk

- Repair or restore the road right-of-way to its original condition or better upon completion of the work
- Provide access for emergency vehicles at all time

**c) Finding and Rationale.** Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect identified in the EIR. Incorporation of Mitigation Measures TR-1 would ensure that the project would not result in inadequate emergency access. Therefore, the project would have a less than significant impact with mitigation incorporated.

**d) Remaining Impact.** Mitigation Measures TR-1 specified above would reduce all potential impacts to less than significant.

**Impact TRA-f: Conflict With Policies, Plans, Programs or Decrease Performance Or Safety for Public Transit, Bicycle, and Pedestrians.** The project could conflict with adopted policies, plans, or program regarding public transit, bicycle or pedestrian facilities or decrease their performance. The project could involve a temporary closure of the sidewalk on Hamilton Avenue or Waverley Street and a bus stop on Hamilton Avenue in front of the project site. Furthermore, entries and exits of trucks and heavy constructions vehicles from the project site in the downtown area could impact the bicyclists and the pedestrians.

**a) Potential Impact.** The impact identified above is described and discussed in Section 3.12.4.2.f of the Draft EIR.

**b) Mitigation Measures.** The following mitigation measures will be adopted and will be implemented as provided in the MMRP, and as further described in the remainder of these findings.

**MM TR-1 Construction Traffic Control Plan.** See above.

**MM TR-3 Parking Structure Access and Exit Safety Improvement.** The following improvement shall be implemented to improve safety in accessing and exiting the proposed parking structure: The City will install a stop sign at the intersection of Lane 21 and Bryant Street.

**c) Finding and Rationale.** Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect identified in the EIR. With the implementation of MM TR-1 and MM TR-3, the proposed project would not conflict with adopted policies, plans, or program regarding public transit, bicycle or pedestrian facilities or decrease their performance. Therefore, the project would have less than significant impact with mitigation incorporated.

**d) Remaining Impact.** Mitigation Measures TR-1 and TR-3 specified above would reduce all potential impacts to less than significant.



**SECTION 3. Project Alternatives**

Public Resources Code section 21002 prohibits a public agency from approving a project if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of the project. When a lead agency finds, even after the adoption of all feasible mitigation measures, that a project will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, it must, prior to approving the project as mitigated, first determine whether there are any project alternatives that are feasible and that would substantially lessen or avoid the project's significant impacts.

Because all of the Project's impacts are being mitigated through the adoption of mitigation measures described above, and because the Project will thus not result in any significant environmental effects, the City Council finds that there is no need to further consider the feasibility of any of the alternatives identified in the Final EIR.

**SECTION 4. Mitigation Monitoring and Reporting Program**

- (a) CEQA requires the lead agency approving a project to adopt a Mitigation Monitoring and Reporting Program (MMRP) for the changes made to the project that it has adopted in order to mitigate or avoid significant effects on the environment. An MMRP has been prepared and is recommended for adoption by the City Council concurrently with the adoption of these findings to ensure compliance with standard project requirements incorporated as part of the project and mitigation measures during Project implementation. As required by Public Resources Code section 21081.6, the MMRP designates responsibility and anticipated timing for the implementation of the mitigation measures recommended in the Final EIR. The MMRP will remain available for public review during the compliance period.
- (b) The City Council hereby adopts the MMRP for the Project attached hereto as Exhibit A and incorporated by reference, and finds, determines, and declares that the adoption of the MMRP will ensure enforcement and continued imposition of the mitigation measures recommended in the Final EIR, and set forth in the MMRP, in order to mitigate or avoid significant impacts on the environment.

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**SECTION 5.**    Location and Custodian of Records

The documents and other materials that constitute the record of proceedings on which the City Council based the foregoing findings and approval of the Project are located at the Department of Planning and Community Environment, 250 Hamilton Avenue, Palo Alto, CA 94301. The official custodian of the record is the Planning Director at the same address.

PASSED:

AYES:

NOES: 0

ABSENT: 0

ABSTENTIONS: 0

ATTEST:

APPROVED:

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

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

APPROVED:

\_\_\_\_\_  
Assistant City Attorney

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Director of Public Works

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

EXHIBIT A

DOWNTOWN PARKING GARAGE (375 Hamilton Avenue)  
MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

The environmental mitigation measures listed in column two below have been incorporated into the conditions of approval for the Palo Alto Public Safety Building and California Avenue Parking Garage in order to mitigate identified environmental impacts. A completed and signed chart will indicate that each mitigation requirement has been complied with, and that City and state monitoring requirements have been fulfilled with respect to Public Resources Code section 21081.6.

Environmental Impact	Mitigation Measure	Responsible for Implementation	Responsible for Monitoring and Verification	Timing Requirements	Verification Signature	Verification Date
Topic 3 – Biological Resources						
<b>BIO-d: Potential Impacts on Nesting Birds</b> The project could interfere substantially with the movement of a native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	<b>MM BIO-1 Nesting Bird Surveys and Avoidance</b> Construction of the project and any other site disturbing activities that would involve vegetation or tree removal, shall be prohibited during the general avian nesting season (February 1 to August 31), if feasible. If nesting season avoidance is not feasible, the City of Palo Alto, as the project sponsor, shall retain a qualified biologist, to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and activity status of any active nests on or adjacent to the project site.  The extent of the survey buffer area surrounding the site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the MBTA and CFGC, nesting bird surveys shall be performed not more than 14 days prior to scheduled vegetation clearance and structure demolition. In the event that active nests are discovered, a suitable buffer (typically a minimum buffer of 50 feet for passerines and a minimum buffer of 250 feet for raptors) shall be established around such active nests and no construction shall be allowed within the buffer areas until a qualified biologist has determined that the nest is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest). No ground disturbing activities shall occur within this buffer until the qualified biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting bird surveys are not required for construction activities occurring between August 31 and February 1.	City of Palo Alto Director of Public Works, and the City’s construction contractor	City of Palo Alto Director of Planning and Community Environment	Qualified biologist shall be retained prior to any grading and excavation. Nesting bird surveys shall be performed not more than 14 days prior to scheduled vegetation clearance and structure demolition.  Nesting season is between February 1 to August 31.  On-going monitoring during construction activities.		
<b>BIO-e: Conflict with Tree Preservation Policy and Protected Trees</b> One of the existing trees, of the species Coast Live Oak (Quercus agrifolia), is protected under the City of Palo Alto’s Tree Regulations. Although it is designated as a protected tree, this tree will be removed from the site due to previous imprecise pruning leaving it in poor condition and with the potential for breakage.	<b>MM BIO-2 Tree Preservation and Protection Plan</b> To avoid disturbance and injury to onsite trees, the recommendations for tree preservation in the Arborist Report dated May 2017 shall be implemented. These recommendations include, but are not limited to, tree protection fencing to enclose as much of the Tree Protection Zone (TPZ) as feasible around City trees on the sidewalks, no grading encroachments closer than 6 inches to the tree trunk diameter, and periodic inspections by the Site Arborist during construction activities.	City of Palo Alto Director of Public Works, and the City’s construction contractor	City of Palo Alto Director of Planning and Community Environment in consultation with the City arborist	Prior to construction.  On-going during construction activities.		

Thus the project could conflict with a local policy or ordinance protecting biological resources, such as the tree preservation policy or ordinance, if the protected tree is not replaced.						
	<b>MM BIO-3 Tree Replacement</b> The removal of protected Coast Live Oak tree (Tree #8 in the Arborist Report prepared for the project) is subject to the City of Palo Alto's tree removal ordinance in Palo Alto Municipal Code Chapter 8.10. Trees removed will be replaced according to replacement tree mitigation measures using the Tree Canopy Replacement Standard in the City's Tree Technical Manual, Section 3.00. The replacement standards outlined in the Tree Technical Manual will be utilized to achieve no net loss of canopy per Policy 1.G of the Urban Forest Master Plan; specifically, three native oaks will be planted in the Hamilton Avenue right of way at the project site. Site preparation and soil volume requirements shall apply so that newly planted trees have the potential to mature to desired size and thrive.	City of Palo Alto Director of Public Works, and the City's construction contractor	City of Palo Alto Director of Planning and Community Environment in consultation with the City landscape architect and arborist	Prior to construction as part of the landscape architecture drawing. Post construction.		
<b>Topic 4 – Cultural, Paleontological and Tribal Cultural Resources</b>						
<b>CTR-c: Eliminate Important Examples of California History or Prehistory</b> <b>CTR-d: Adverse Change in the Significance of an Archeological Resource</b> <b>CTR-f: Destroy Paleontological Resource</b> Due to excavation of a significant depth being a necessity to construct the basement of the project, there is a potential to disrupt, alter, or eliminate undiscovered archeological resources including those of human remains. There are no known paleontological resources or unique geologic features in the project site.	<b>MM CTR-1 Resource Recovery Procedures</b> In the event that archaeological or paleontological resources are unearthed during project construction, all earth disturbing work within the vicinity of the find must be temporarily suspended or redirected until an archaeologist or paleontologist has evaluated the nature and significance of the find. After the find has been appropriately mitigated, work in the area may resume. A Native American representative shall be retained to monitor any mitigation work associated with Native American cultural material.	City of Palo Alto Director of Public Works	City of Palo Alto Director of Planning and Community Environment	Upon discovery of archeological or paleontological site and for the duration of soil-disturbing activities.		
<b>CTR-c: Eliminate Important Examples of California History or Prehistory</b> <b>CTR-d: Adverse Change in the Significance of an Archeological Resource</b> <b>CTR-e: Disturb Human Remains</b> <b>CTR-f: Destroy Paleontological Resource</b> Due to excavation of a significant depth being a necessity to construct the basement of the project, there is a potential to disrupt, alter, or eliminate undiscovered archeological resources including those of human remains.	<b>MM CTR-2 Human Remains Recovery Procedures</b> If human remains are unearthed, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition pursuant to the Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission. Additional surveys will be required if the project changes to include un-surveyed areas.	City of Palo Alto Director of Public Works, and the City's construction contractor	City of Palo Alto Director of Planning and Community Environment	Upon discovery of human remains and for the duration of soil-disturbing activities.		

<b>CTR-g: Tribal Resources</b> Although no tribal cultural resources are expected to be present on-site, new ground disturbance would be below the level of past disturbance. As a result, there is the possibility of encountering undisturbed subsurface tribal cultural resources. The proposed excavation of the project site could potentially result in adverse effects on unanticipated tribal cultural resources.	<b>MM CTR-3 Unanticipated Discovery of Tribal Cultural Resources</b> If cultural resources of Native American origin are identified during construction, all earth disturbing work within the vicinity of the find must be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find and an appropriate Native American representative, based on the nature of the find, is consulted. If the City determines that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with state guidelines and in consultation with Native American groups. The plan would include avoidance of the resource or, if avoidance of the resource is infeasible, the plan would outline the appropriate treatment of the resource in coordination with the archeologist and the appropriate Native American tribal representative.	City of Palo Alto Director of Public Works, and the City's construction contractor	City of Palo Alto Director of Planning and Community Environment	Upon discovery of tribal cultural resources and for the duration of soil-disturbing activities.		
<b>Topic 6 – Geology and Soils</b>						
<b>GEO-b: Seismic Ground Shaking, Seismic-Related Ground Failure, including Liquefaction</b> Development of the proposed project would involve the construction and occupancy of a new building in a location where strong seismic ground shaking can be expected to occur over the life of the project. In addition, the northern part of the project site is located within a State designated Liquefaction Hazard Zone as well as Santa Clara County Liquefaction Hazard Zone. The project would thus expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving strong seismic ground shaking or seismic-related ground failure, including liquefaction.	<b>MM GEO-1 Geotechnical Recommendation for Basement Structure</b> Building foundations shall be designed to tolerate total and differential settlements due to static loads and liquefaction-induced settlement. The current geotechnical report includes recommendation for a no-basement building only. <ul style="list-style-type: none"> <li>The project sponsor shall retain the service of a qualified state licensed engineering and geology specialist to include site-specific recommendation to mitigate the potential for risks associated with seismic ground shaking, seismic-related ground failure and liquefaction for the foundation of a building with basement. The updated report shall include design requirements for the construction of the foundation for the basement option.</li> <li>Foundation recommendations for a structure with basement will be dependent on the final basement depth due to various affects from groundwater, liquefaction, and other soil conditions at the bottom of the proposed basement depth.</li> </ul>	City of Palo Alto Director of Public Works, and the City's construction contractor	City of Palo Alto Director of Planning and Community Environment	Prior to beginning of the construction.		
<b>GEO-c: Landslides</b> The construction of the proposed project would require excavation and fill placement, there would be some potential for constructed (cut and fill) slopes to fail if there are improperly designed or constructed. The	<b>MM GEO-2 Temporary Shoring, Slopes and Cut</b> The project sponsor's contractor is responsible for maintaining all temporary slopes and providing temporary shoring where required. Temporary shoring, bracing and cuts/fills shall be performed in accordance with the strictest government safety standards. Excavation during site demolition and fill removal	City of Palo Alto Director of Public Works, and the City's construction contractor	City of Palo Alto Director of Planning and Community Environment The qualified state licensed engineering and geology specialist in charge of the	Prior to beginning of the excavation. On-going during excavation and soil disturbance activities.		

excavation of the project site for the basement level of the building would increase the exposure of onsite construction workers to hazards associated with slope failure.	<p>should be sloped at 3:1 (horizontal: vertical) within the upper 5 feet. For excavation extending more than 5 feet below building subgrade, excavations shall be sloped in accordance with the OSHA soil classification.</p> <p>The contractor is responsible for selecting the shoring method according to their judgment and experience considering adjacent improvements such as foundation loads, utilities and pavement. The qualified state licensed engineering and geology specialist in charge of the geotechnical report shall review the shoring design prior to implementation. Recommendations of the geotechnical report for temporary shoring are soldier beams and tie-backs, braced excavation, or other potential methods. The contractor is responsible of using best management practices to maintain all temporary slopes and providing temporary shoring where required.</p>		geotechnical report shall review the shoring design prior to implementation.			
<b>Topic 7 – Hazards and Hazardous Materials</b>						
<b>HAZ-d: Hazardous Materials Contamination</b> It may be possible that some construction activities such as ground disturbance from excavation may come into contact with contamination that has migrated from other sites.	<b>MM HAZ-1 Health and Safety Plan</b> The project sponsor will implement the following standard measures to avoid and minimize impacts from hazardous material to construction workers and the general public during construction. <ol style="list-style-type: none"> <li>1) In the event of exposing hazardous material during construction, the City will implement standard measures required by the federal, state, and local regulations for the collection, transport, and disposal of the material to prevent the exposure of workers and the public to such material.</li> <li>2) The City will require the contractor to prepare and implement Health and Safety Plan that include a Hazardous Materials Management and Spill Prevention and Control Plan prior to commencement of construction. The plan will include the project-specific related hazardous materials and waste operations.</li> </ol>	City of Palo Alto Director of Public Works, and the City's construction contractor	City of Palo Alto Director of Planning and Community Environment	Prior to construction. On-going during construction activities.		
<b>Topic 12 – Transportation</b>						
<b>TRA-a: Conflict with Plan, Ordinance, Policy – Circulation</b> Implementation of the project could conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system. Construction activities would generate construction-related truck and employee trips that could create a temporary increase in localized traffic. Also, if the City implements paid parking at the parking structure, gates	<b>MM TR-1 Construction Traffic Control Plan</b> Prior to the excavation, the construction contractor shall develop the traffic control plan in accordance with City's policies, coordinate with VTA and submit for City approval. The plan shall be implemented throughout the course of the project construction and shall include, but not limited to, the following elements: <ul style="list-style-type: none"> <li>• Limit truck access to the project site during peak commute times (7:00 A.M. to 9:00 A.M. and 4:00 P.M. and 6:00 P.M.)</li> <li>• Restrict construction truck routes to truck routes designated</li> </ul>	City of Palo Alto Director of Public Works, and the City's construction contractor	City of Palo Alto Director of Planning and Community Environment	Prior to soil disturbance activities and excavation. On-going during construction activities.		



<p>would be required which could slow the flow of the traffic resulting in vehicle queuing on to Hamilton Avenue.</p> <p><b>TRA-e: Emergency Access Impact.</b> There could be a temporary impact to emergency access at the project site during construction.</p> <p><b>TRA-f: Conflict With Policies, Plans, Programs or Decrease Performance Or Safety for Public Transit, Bicycle, and Pedestrians</b></p> <p>The project could conflict with adopted policies, plans, or program regarding public transit, bicycle or pedestrian facilities or decrease their performance. The project could involve a temporary closure of the sidewalk on Hamilton Avenue or Waverley Street and a bus stop on Hamilton Avenue in front of the project site. Furthermore, entries and exits of trucks and heavy constructions vehicles from the project site in the downtown area could impact the bicyclists and the pedestrians.</p>	<p>by the City</p> <ul style="list-style-type: none"> <li>• Contractor will provide adequate parking or carpool strategy for construction employees near the construction site, as approved by the City</li> <li>• Require traffic control in the project entrance driveway, including flag persons wearing bright orange or red vests and using “Stop/Slow” Paddle to control oncoming traffic</li> <li>• Coordinate with VTA to temporarily relocate the bus stop to ensure minimal impacts during sidewalk closure, if needed</li> <li>• Maintain bicycle and pedestrian access and circulation during project construction. If construction encroaches on a sidewalk, a safe detour will be provided for pedestrian at the nearest crosswalk</li> <li>• Repair or restore the road right-of-way to its original condition or better upon completion of the work</li> <li>• Provide access for emergency vehicles at all time</li> </ul>					
<p><b>TRA-a: Conflict with Plan, Ordinance, Policy – Circulation</b></p> <p>Implementation of the project could conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system. Construction activities would generate construction-related truck and employee trips that could create a temporary increase in localized traffic. Also, if the City implements paid parking at the parking structure, gates would be required which could slow the flow of the traffic resulting in vehicle queuing on to Hamilton Avenue.</p>	<p><b>MM TR-2 Vehicle Queuing Analysis</b></p> <p>In the event the project includes a paid parking component; and, therefore, includes a parking gate, the project sponsor must prepare and submit a queuing study that shows, to the satisfaction of the Transportation Division, that queuing into Hamilton Avenue would be avoided. The study will consider the configuration and the anticipated volume of vehicles accessing the parking garage during the peak hour. The provisional gates must process vehicles efficiently such that vehicles do not have to wait to turn into the parking facility.</p>	City of Palo Alto Director of Public Works	City of Palo Alto Director of Planning and Community Environment	Prior to the operation of the project. On-going basis during the operation of the project.		
<p><b>TRA-f: Conflict With Policies, Plans, Programs or Decrease Performance Or Safety for Public Transit, Bicycle, and Pedestrians</b></p> <p>The project could conflict with adopted policies, plans, or program regarding public transit, bicycle or pedestrian facilities or decrease their performance. The project could involve a temporary closure of the sidewalk on Hamilton Avenue or Waverley Street and a bus stop on Hamilton Avenue in front of the project site. Furthermore, entries and exits of</p>	<p><b>MM TR-3 Parking Structure Access and Exit Safety Improvement.</b></p> <p>The following improvement shall be implemented to improve safety in accessing and exiting the proposed parking structure: The City will install a stop sign at the intersection of Lane 21 and Bryant Street.</p>	City of Palo Alto Director of Public Works	City of Palo Alto Director of Planning and Community Environment	Prior to the operation of the project.		

trucks and heavy constructions vehicles from the project site in the downtown area could impact the bicyclists and the pedestrians.						
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**DRAFT**  
**ACTION NO. 2019-0X**  
**RECORD OF THE COUNCIL OF THE CITY OF PALO ALTO LAND USE ACTION FOR**  
**375 HAMILTON AVENUE ARCHITECTURAL REVIEW 17PLN-00360**

On February 11, 2019, the Council held a duly noticed public hearing, and after considering all of the evidence presented, approved the proposed Downtown Garage, including retail space, at 375 Hamilton Avenue, making the following findings, determination and declarations:

**SECTION 1. Background.**

A. On February 11, 2019, Council conducted a public hearing, at which evidence was presented and all person were afforded an opportunity to be heard, to consider:

(1) The Final Environmental Impact Report (EIR), published on August 10, 2018, in response to comments made during the initial public comment period on the Draft EIR published May 18, 2018, and Mitigation Monitoring and Reporting Program, and

(2) The Architectural Review application and approval recommendation by the Architectural Review Board, for the new Downtown Garage (and retail) project at 375 Hamilton Avenue.

B. The Architectural Review Board (ARB) conducted three formal public hearings on the Downtown Garage (and retail) project, on February 15, 2018; June 21, 2018 (which served as the public hearing opportunity for the public comments on the Draft EIR), and July 19, 2018, recommending approval of the project on that date;

C. City Council, on June 11, 2018 and June 25, 2018, approved Ordinance 5445 modifying the PF zone development standards and parking requirements in the Downtown and California Avenue business districts for essential services facilities and public parking garages;

**SECTION 2. Environmental Review.** The City of Palo Alto prepared a Draft Environmental Impact Report (EIR) for the project in accordance with CEQA, which was circulated for public review and comment from May 18, 2018 through July 2, 1028; a Final EIR was prepared to respond to comments and published on August 10, 2018; the City Council certified and made related findings by Resolution No on February 11, 2019, prior to approval of the decision that is the subject of this RLUA.

**SECTION 3. Architectural Review Findings.** The design and architecture of the new Downtown Garage, as conditioned, complies with the Findings for Architectural Review as required in PAMC Chapter 18.76. The design and architecture complies with the six findings for Architectural Review set forth in Palo Alto Municipal Code Chapter 18.76 Section 18.76.020.

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

- Given Council's adoption of Ordinance 5445 amending the Public Facilities development standards allowing Council approval of certain projects, the project will comply with the land use and development standards of the PF zone.
- The following policies and programs of the Comprehensive Plan (Plan) are relevant to the project:
  - Policy T-5.6, 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. *The project includes below grade and structure parking; mechanized parking is not proposed.*
  - Policy T-5.7, Require new or redesigned parking lots to optimize pedestrian and bicycle safety. *The project includes bicycle storage with special entry plaza at Hamilton, and a dedicated, striped pedestrian pathway on the ground floor leading to the enhanced, pedestrian alley between the garage and existing buildings.*
  - Policy T-5.8, Promote vehicle parking areas designed to reduce storm water runoff, increase compatibility with street trees and add visual interest to streets and other public locations. Encourage the use of photovoltaic panel or tree canopies in parking lots or on top of parking structures to provide cover, consistent with the Urban Forest Master Plan. *The project includes storm water features, street trees, and photovoltaic structures to accommodate solar panels on top of the parking structure.*
  - Policy T-5.9, Promote safety for pedestrians in City-owned parking lots by adopting standards for landscaping, signage, walkways and lighting that reduce crime and ensure a safe and orderly flow of traffic. *The project will include pedestrian, bicyclist and motorist oriented wayfinding signage and adequate lighting to promote orderly and safe passage.*
  - Policy T-5.10, Encourage the use of adaptive design strategies in new parking facilities in order to facilitate reuse in the future if and when conditions warrant. *The project includes a taller ceiling on the first floor retail space and garage than on the upper floors; this may assist adaptive ground floor reuse, if desired in the future.*
  - Policy N-2.3, Enhance the ecological resilience of the urban forest by increasing and diversifying native species in the public right-of-way, protecting the health of soils and understory vegetation, encouraging property owners to do the same and discouraging the planting of invasive species. *The project includes planting of two varieties of trees and multiple varieties of low-growing plant species.*
  - Policy N-2.10, Preserve and protect Regulated Trees on public and private property...and related program N2.10.1, continue to require replacement of trees including street trees lost to new development. *The project includes protection of several trees and replacement of the regulated parking lot trees to meet the City's 'no net loss of canopy' requirement.*
  - Policy N-4.12, Encourage Low Impact Development (LID) measures to limit the amount of pavement and impervious surface in new development and increase the

retention, treatment and infiltration of urban storm water runoff. Include LID measures in major remodels, public projects and recreation projects where practical. *The project incorporates permeable pavers and landscape planters designed to meet storm water run-off treatment best practices.*

- Policy L-1.10, 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. *The project increases the supply of parking spaces Downtown, provides new ground floor retail space, public art, and amenities supporting pedestrian and bicycle circulation, and includes high quality materials. **The project will provide benefits for cyclists and improve existing conditions with respect to trash enclosures, inadequate parking layout, old pavement, and badly constrained trees, as well as provide an improved street corner, healthier and bigger trees, and better sidewalks (added by ARB).***
- Policy L-4.2, Encourage street frontages that contribute to retail vitality in all Centers. Reinforce street corners in a way that enhances the pedestrian realm or that form corner plazas. Include trees and landscaping. *The project features a small street corner plaza highlighting the staircase and retail space, new trees, and pedestrian level landscaping.*
- Policy L-4.3, Ensure all Regional Centers and Multi-Neighborhood Centers provide centrally located gathering spaces that create a sense of identity and encourage economic revitalization. Encourage public amenities such as benches, street trees, kiosks, restrooms and public art. *The project includes benches, street trees and public art; however, the existing public restroom on the property will not be replaced in the new construction.*
- Policy L-5.2, Provide landscaping, trees, sidewalks, pedestrian path and connections to the citywide bikeway system within Employment Districts. *The project includes new street trees in replaced and wider sidewalks, a new pedestrian alley, parking for 50 bicycles, and pedestrian circulation through the garage ground floor.*
- Policy L-5.3, Design paths and sidewalks to be attractive and comfortable and consistent with the character of the area where they are located. *The project includes enhanced sidewalks along the two frontages, special paving and landscaping in the pedestrian alleyway.*
- Policy L-6.1, Promote high quality design and site planning that is compatible with surrounding development and public spaces. *The site design considers surrounding development, creates public and retail spaces, and includes components and features intended to create a contextually compatible garage structure.*
- Policy L-6.3, Encourage bird-friendly design. *The project includes retail storefront glass that would face new street trees and storefront glass at the elevator hoist way; a condition of approval requires bird-friendly glass on these windows.*
- Policy L-6.6, Design buildings to complement streets and public spaces; to promote personal safety, public health and well-being; and to enhance a sense of

community safety. *The project design includes transparent materials, lighting, and pavement markings to promote/enhance a sense of pedestrian safety.*

- Policy L-6.10, Encourage high quality signage that is attractive, energy efficient, and appropriate for the location, and balances visibility needs with aesthetic needs. *Retail signage, indicated for placement on retail space(s) elevations facing Waverley and Hamilton, and parking lot wayfinding signage will be developed and submitted in a separate architectural application.*
- Policy L-8.2, Provide comfortable seating areas and plazas with places for public art. *The project includes stained cedar wood benches adjacent to board formed concrete planters in the alley and along Hamilton Avenue.*
- Policy L-70, Enhance the appearance of streets by expanding and maintaining street trees. *The project includes new street trees on Hamilton and Waverley.*
- Policy L-8.5, Recognize public art ... as a community benefit; encourage the development of new public and private art and ensure such projects are compatible with the character and identity of the neighborhood; and Policy L-8.6, seek potential new sites for art and cultural facilities, public spaces, open space and community gardens *The project includes public art integrated into entrances.*
- Policy L-9.2, Encourage development that creatively integrates parking into the project, including 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. *The project provides underground parking and parking behind first floor retail, and improves the street safety and street tree count at this site.*
- Policy L-9.8 (Incorporate the goals of the Urban Forest Master Plan into the Comprehensive Plan by reference, in order to) assure that new land uses recognize the many benefits of trees in the urban context and foster a healthy and robust tree canopy throughout the city; Related Program L-9.8.1, establish incentives to encourage native trees and low water use plantings in new development throughout the city; and Policy L-9.9, involve the Urban Forester, or appropriate City staff, in development review. *The project includes planting of three new, native oaks and additional street trees to address the removal of existing parking lot trees; the Urban Forester has worked to ensure project conformance with policies.*
- Policy L-9.11, design public infrastructure, including paving, signs, utility structures, parking garages and parking lots, to meet high-quality urban design standards and embrace technological advances. Look for opportunities to use art and artists in design of public infrastructure. *The project includes public art and will incorporate parking guidance system.*
- Related Program L9.11.2, Encourage the use of compact and well-designed utility elements, such as transformers, switching devices, backflow preventers and telecommunications infrastructure. Place these elements in locations that will minimize their visual intrusion. *The existing transformer and the proposed*

*additional transformer for the project will be located below grade in the proposed pedestrian alley.*

(2) The project has a unified and coherent design, that:

(2a) creates an internal sense of order and desirable environment for occupants, visitors, and the general community; *The project is consistent with Finding 2(a), given:*

- The reduction in driveway curb cuts and right-of-way improvements and provision of parking wayfinding system(s) will improve pedestrian circulation,
- The improvements including the location of bicycle parking and pedestrian plaza near the AT&T building on Hamilton Avenue, will be convenient and compatible with the design concept and functions and will improve pedestrian safety along the wider street sidewalks and inside the garage;

(2b) preserves, respects and integrates existing natural features that contribute positively to the site and the historic character including historic resources of the area when relevant; *The project is consistent with Finding 2(b), given:*

- Although existing on-site trees will be removed to allow for construction of the garage, replacement trees are proposed along the frontages of Hamilton and Waverley.
- While the setbacks of the building are less than those on the other three corner properties at the intersection, two of which utilize lawn in the front yard setbacks, the design respects the historic context of:
  - The National Register and Category 1 Local resource at 380 Hamilton (US Post Office) and 526 Waverley St. Category 3 Local resource designed by Birge Clark, with incorporation of terra cotta material that is reminiscent of clay roof tiles on these and other Downtown buildings in the area, and
  - The potentially eligible, mid-century modern 'brutalist' style All Saints Church, with incorporation of board-formed concrete planters, walls and columns at the base section of the building, below painted concrete structure on the upper floors;

(2c) is consistent with the context-based design criteria of the applicable zone district; *Finding 2c is not applicable since the PF zone does not impose context based design criteria.*

(2d) provides harmonious transitions in scale, mass and character to adjacent land uses and land use designations; *The project is consistent with Finding 2(d), given:*

- The garage is integrated into the context of the downtown rather than being self-conscious and aggressive, defining itself through program, connections with the site and context as well as streetscape character, drawing from architectural styles but not replicating them.
- The massing of the façade is scaled to the street with a new canopy at Hamilton and Waverley that is higher at Waverley Street to relate to the adjacent retail and nearby Post Office arcade.
- The height of the AT&T building at seventy-five (75) feet serves as a backdrop to our building that is 50% shorter.
- The retail storefront assists in the transition to retail buildings along Waverley Street.

- The materials and architectural forms that establish the character are intended to be compatible with the architecture of the area including use of:
  - Terra cotta vertical louvers and warm color pavers in interesting patterns at the corner plaza, bike parking plaza and pedestrian alley, as a nod to the character of the brick pavers and walls of the Wells Fargo building on the opposite corner,
  - Square penetrations/indentations in the Hamilton board-formed concrete wall to echo the Hamilton Avenue windowed-wall of the AT&T building,
  - Use of custom, perforated metal panel in burnished bronze as a nod to the mesh screen on the building at 560 Waverley.
- The photovoltaic support structure provides an elegant cornice; this super structure is important in helping the building achieve a harmonious transition in scale, mass and character with the adjacent buildings.

(2e) enhances living conditions on the site and in adjacent residential areas;

- *There are no living units proposed on the site; the project is consistent with Finding 2(e), wherever feasible, with pedestrian friendly landscaping, lighting and sidewalks to enhance residents' experience walking along Waverley and Hamilton.*

(3) The design is of high aesthetic quality, using high quality, integrated materials and appropriate construction techniques, and incorporating textures, colors, and other details that are compatible with and enhance the surrounding area; *the project is consistent with Finding 3, given:*

- The materials were selected for durability and construction techniques are appropriate for the use. The primary construction material is poured in place concrete columns, slabs and walls. Along the street edges, the building base columns and shear wall are board-formed concrete in a natural color, similar to All Saints Church.
- Metal flat bars painted a dark bronze color are proposed to infill the first floor openings to create screening for pedestrians. The metalwork is continued on the runs and landings of the stair celebrating the metalwork found in the post office and other Spanish revival buildings.
- An illuminated perforated metal scrim wraps the main corner stair creating a lantern element that serves as a wayfinding device. This element is also the focus of the public art program for the building.
- Vertical metal louvers, capped by a horizontal metal channels, wrap the upper stories and define the cornice of the building. The vertical louvers serve to create a body to the building while allowing for the required garage ventilation.
- Colors and textures will be compatible with nearby buildings as noted above and with additional use of quality materials for the pedestrian-amenities, such as stained cedar benches; dark bronze aluminum canopies; dark bronze painted steel posts, trim, guardrail, and pickets.

(4) The design is functional, allowing for ease and safety of pedestrian and bicycle traffic and providing for elements that support the building's necessary operations (e.g. convenient

vehicle access to property and utilities, appropriate arrangement and amount of open space and integrated signage, if applicable, etc.); *the project is consistent with Finding 4, given:*

- Ease of wayfinding is one of the garage's key features. For automobiles, the proposal includes a parking guidance system, with the main vehicle entry / exit on Hamilton Avenue near the south corner of the lot since Hamilton is a more travelled way, and a secondary vehicular exit shall be at Lane 21.
- The mini-plaza on Hamilton, bike plaza and pedestrian alley accommodate seating and shade for individual passive activities.
- Lighting is provided to enliven the architecture and provide for operations at nighttime:
  - Cantilevered light fixtures and festooned string lights at alley
  - Uplighting in alley to highlight living walls
  - Downlighting in canopies (zaniboni luna 2)
  - Linear downlighting hidden in canopy framework (aion T402)
  - Full cutoff security downlight in alley
  - Downlights (delta-lights) recessed in concrete ceilings at pedestrian entries at Hamilton, Lane 21, and elevator/stair plaza
  - Linear downlight grazing living wall on Hamilton avenue (lumen-pulse lumen-facade series)
  - Point source down-lighting for art mounted to top of wall (eco-sense rise)

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

- the use of shade-tolerant plant materials for the shaded pedestrian plaza,
- provision of street tree species compatible with and replacing existing tree species found at the site,
- use of vegetated planters to handle storm water runoff.

(6) The project incorporates design principles that achieve sustainability in areas related to energy efficiency, water conservation, building materials, landscaping, and site planning; *the project is consistent with Finding #6 given:*

- Photovoltaic panels are proposed to (eventually) provide shading of vehicles at the top deck of the garage for energy efficiency as a key sustainable feature of the project.
- Suitable street tree planting environments and storm water design features are key features of the project.
- The building (above grade) will be naturally ventilated and meet California Building Code requirements to achieve the prescribed open area and length. The basement will be mechanically ventilated.

**SECTION 4. Architectural Review Approval Granted.** Architectural Review Approval is hereby granted for the Public Parking Garage at 375 Hamilton Avenue by the City Council pursuant to Chapter 18.77 of the Palo Alto Municipal Code.

### **SECTION 5. Plan Approval.**

The plans for the Downtown Parking Garage submitted for Building Permit shall be in substantial conformance with those plans prepared by Watry Design, Inc. consisting of 34 pages, received May 7, 2018, except as modified to incorporate the conditions of approval in Section 6. A copy of these plans is on file in the Department of Planning and Community Development.

### **SECTION 6. Conditions of Approval.**

The Mitigation Measures Described in the Draft EIR are incorporated into these conditions. The mitigation measures are provided in an Exhibit with the Council Resolution certifying the Environmental Impact Report and mitigation monitoring and reporting program.

1. MM BIO-1 Nesting Bird Surveys and Avoidance. Construction of the project and any other site disturbing activities that would involve vegetation or tree removal, shall be prohibited during the general avian nesting season (February 1 to August 31), if feasible. If nesting season avoidance is not feasible, the applicant shall retain a qualified biologist, as approved by the City of Palo Alto, to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and activity status of any active nests on or adjacent to the project site. The extent of the survey buffer area surrounding the site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the MBTA and CFGC, nesting bird surveys shall be performed not more than 14 days prior to scheduled vegetation clearance and structure demolition. In the event that active nests are discovered, a suitable buffer (typically a minimum buffer of 50 feet for passerines and a minimum buffer of 250 feet for raptors) shall be established around such active nests and no construction shall be allowed within the buffer areas until a qualified biologist has determined that the nest is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest). No ground disturbing activities shall occur within this buffer until the qualified biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting bird surveys are not required for construction activities occurring between August 31 and February 1.

MM BIO-2 Tree Preservation and Protection Plan. To avoid disturbance and injury to onsite trees, the recommendations for tree preservation in the Arborist Report dated May 2017 shall be implemented. These recommendations include, but are not limited to, tree protection fencing to enclose as much of the TPZ as feasible around City trees on the sidewalks, no grading encroachments closer than 6 inches to the tree trunk diameter, and periodic inspections by the Site Arborist during construction activities. A total of nine trees would be planted on the project site as part of the landscaping plan. Two Gingko Biloba trees would be planted on Waverley Street and four Gingko Biloba trees and three Quercus Agrifolia tree would be planted along Hamilton Avenue. There would be no net loss of trees, and Palo Alto's Urban Forest Master Plan policy for "no net loss of canopy" would be met with the project via standard conditions of approval requiring replacement of lost canopy within 15 years of planting with the provision of adequate soil volume at the planting sites. Replacement ratios can be adjusted due to the condition of the existing tree as long as the minimum replacement for any live tree is 2:1. To ensure "no net loss of canopy" new trees replacing the site's non-protected trees to be removed will be addressed through the City's implementation of standard approval conditions.

MM BIO-3 Tree Replacement. The removal of protected Coast Live Oak tree (Tree #8 in the Arborist Report prepared for the project) is subject to the City of Palo Alto's tree removal ordinance in Palo Alto Municipal Code Chapter 8.10. Trees removed will be replaced according to replacement tree mitigation measures using the Tree Canopy Replacement Standard in the Tree Technical Manual, Section 3.00 (see table below). The replacement standards outlined in the Tree Technical Manual will be utilized to achieve no net loss of canopy per Policy 1.G of the Urban Forest Master Plan. Site preparation and soil volume requirements apply so that newly planted trees have the potential to mature to desired size and thrive. As determined by the City's Urban Forester, the planting of three native oaks in the Hamilton Avenue



right of way at the project site is appropriate as mitigation to replace the loss of the one Coast Live Oak on site, subject to the standard requirement to provide adequate soil conditions to ensure the replacement trees will thrive.

**MM CTR-1 Resource Recovery Procedures.** In the event that archaeological or paleontological resources are unearthed during project construction, all earth disturbing work within the vicinity of the find must be temporarily suspended or redirected until an archaeologist or paleontologist has evaluated the nature and significance of the find. After the find has been appropriately mitigated, work in the area may resume. A Native American representative shall be retained to monitor any mitigation work associated with Native American cultural material.

**MM CTR-2 Human Remains Recovery Procedures.** If human remains are unearthed, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition pursuant to the Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission. Additional surveys will be required if the project changes to include unsurveyed areas.

**MM CTR-3 Unanticipated Discovery of Tribal Cultural Resources.** If cultural resources of Native American origin are identified during construction, all earth disturbing work within the vicinity of the find must be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find and an appropriate Native American representative, based on the nature of the find, is consulted. If the City determines that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with state guidelines and in consultation with Native American groups. The plan would include avoidance of the resource or, if avoidance of the resource is infeasible, the plan would outline the appropriate treatment of the resource in coordination with the archeologist and the appropriate Native American tribal representative

**MM GEO-1 Geotechnical Investigation for Basement Structure.** Building foundations shall be designed to tolerate total and differential settlements due to static loads and liquefaction-induced settlement in accordance with the recommendations of the geotechnical report. The current geotechnical report includes recommendation for a no-basement building only. The project sponsor shall retain the service of a qualified state licensed engineering and geology specialist to include site-specific recommendation to mitigate the potential for risks associated with seismic ground shaking, seismic-related ground failure and liquefaction for the foundation of a building with basement. The updated report would include design requirements for the construction of the foundation for the basement option.

**MM GEO-2 Temporary Shoring, Slopes and Cut.** The contractor is responsible for maintaining all temporary slopes and providing temporary shoring where required. Temporary shoring, bracing and cuts/fills would be performed in accordance with the strictest government safety standards. Excavation during site demolition and fill removal should be sloped at 3:1 (horizontal: vertical) within the upper 5 feet. For excavation extending more than 5 feet below building subgrade, excavations should be sloped in accordance with the OSHA soil classification. The contractor is responsible for selecting the shoring method according to their judgment and experience considering adjacent improvements such as foundation loads, utilities and pavement. The qualified state licensed engineering and geology specialist in charge of the geotechnical report shall review the shoring design prior to implementation. Recommendations of the geotechnical report for temporary shoring are soldier beams and tie-backs, braced excavation, or other potential methods. The contractor is responsible for using best management practices to maintain all temporary slopes and providing temporary shoring where required.

**MM HAZ-1 Health and Safety Plan.** The project sponsor will implement the following standard measures to avoid and minimize impacts from hazardous material to construction workers and the general public during construction.

- 1) In the event of exposing hazardous material during construction, the City will implement standard measures required by the federal, state, and local regulations for the collection, transport, and disposal of the material to prevent the exposure of workers and the public to such material.
- 2) The City will require the contractor to prepare and implement Health and Safety Plan that include a Hazardous Materials Management and Spill Prevention and Control Plan prior to commencement of construction. The plan will include the project-specific related hazardous materials and waste operations.

MM TR-1 Construction Traffic Control Plan. Prior to the excavation, the construction contractor shall develop the traffic control plan in accordance with City's policies, coordinate with VTA and submit for City approval. The plan shall be implemented throughout the course of the project construction and may include, but not limited to, the following elements:

- Limit truck access to the project site during peak commute times (7:00 A.M. to 9:00 A.M. and 4:00 P.M. to 6:00 P.M.).
- Restrict construction truck routes to truck routes designated by the City.
- Contractor will provide adequate parking or carpool strategy for construction employees near the construction site, as approved by the City.
- Require traffic control in the project entrance driveway, including flag persons wearing bright orange or red vests and using "Stop/Slow" Paddle to control oncoming traffic.
- Coordinate with VTA to temporarily relocate the bus stop to ensure minimal impacts during sidewalk closure, if needed.
- Maintain bicycle and pedestrian access and circulation during project construction. If construction encroaches on a sidewalk, a safe detour will be provided for pedestrian at the nearest crosswalk.
- Repair or restore the road right-of-way to its original condition or better upon completion of the work.
- Provide access for emergency vehicles at all time.

MM TR-2 Vehicle Queuing Analysis. In the event the project includes a paid parking component; and, therefore, includes a parking gate, the project must prepare and submit a queuing study that shows, to the satisfaction of the Transportation Division, that queuing into Hamilton Avenue would be avoided. Queuing includes a line of two or more vehicles waiting to enter the structure, which could block traffic on Hamilton. The study will consider the configuration and the anticipated volume of vehicles accessing the parking garage during the peak hour. The provisional gates must process vehicles efficiently such that vehicles do not have to wait to turn into the parking facility.

MM TR-3 Parking Structure Access and Exit Safety Improvement: The following improvement shall be implemented to improve safety in accessing and exiting the proposed parking structure:

- The City will install a stop sign at the intersection of Lane 21 and Bryant Street

## **Planning**

1. The Conditions of Approval document shall be printed on all plans submitted for building permits related to this project.
2. All future signage for this site shall be submitted for Architectural Review.
3. The project approval shall be valid for a period of one year from the original date of approval. In the event a building permit(s), if applicable, is not secured for the project within the time limit specified above, the AR approval shall expire and be of no further force or effect. Application for extension of this entitlement may be made prior to the one year expiration.
4. As noted in the Civil Site Plan, the drive-by mailboxes and median, signage and striping shall be removed on Hamilton Avenue across from the project and restriped for four on-street parking spaces.

## **Public Art**

The project will have a public art element commissioned through the Municipal Percent for Art Ordinance No. 5301. After a competitive process, Amy Landesberg was selected as the project artist and approved by the Public Art Commission in November 2017. Landesberg came to Palo Alto in December and met with the design team and key stakeholders, toured the site, and held a community meeting to gather input. She is currently working on a conceptual design for artwork that will likely be mounted on the perforated metal screens above the main entrance to the garage and at the corner of Hamilton and Waverley. Once her design is approved by the Public Art Commission, then she will be issued a contract for the fabrication and installation of the artwork. That contract will require City Council approval.

## **Transportation**

The following comments are required to be addressed prior to any related permit application such as a Building Permit, Excavation and Grading Permit, Certificate of Compliance, Street Work Permit, Encroachment Permit.

1. BIKESTATION DESIGN: As plans are refined, ensure the following features are incorporated into the design of the proposed bike station:
  - a. The bike station shall have a two-tier bicycle parking system with the second level equipped with a lift-assist system to allow users to lift the bicycle storage tray to the second level with little physical effort. An example of this product is the Dero Decker, manufactured by Dero.
  - b. The bicycle parking enclosure shall be accessible only to owners or operators of bicycles within it and doors of the enclosure equipped with key or electronic locking mechanisms that admit only users and managers of the facility. The enclosure doors must close and lock automatically if released.
  - c. Adequate horizontal and vertical clearances shall be provided between the bicycle parking fixtures and walls or other vertical obstructions. A two-tier bicycle parking fixture requires additional clearance to facilitate bicycle loading and unloading of the second-level tray.
  - d. Adequate lighting within the bicycle parking enclosure shall be provided.
  - e. Conduit or similar features shall be provided for future CCTV systems within the bicycle parking enclosure.
2. TRAFFIC SIGNAL PLANS: As part of this project, traffic signal modifications are necessary at two intersections: Hamilton Avenue and Gilman Street and Hamilton Avenue and Waverley Street. Traffic signal engineering design plans shall be prepared and developed in coordination with the Transportation Division.
3. PARKING WAYFINDING SIGNAGE: Parking wayfinding signage shall be provided which is consistent with the appearance and messaging system developed as part of the city's downtown parking wayfinding signage program. A freestanding pylon or façade-mounted marquee sign shall be provided adjacent to the Hamilton Avenue entrance. Sign design details and specifications are available in the city's parking wayfinding sign construction plan set.

### **Public Works Urban Forestry**

1. Tree replacements for removals must result in no net loss of canopy within 15 years of planting.
2. The number and species of trees is appropriate to accomplish this except that soil volume and distance between the trees and building is inadequate.
3. Gingko biloba, a medium-sized tree at maturity, needs 800 cubic feet of soil per tree and Quercus agrifolia, a large-sized tree, needs 1200 cubic feet per tree.
4. The nine proposed trees require 8400 cubic feet of soil volume at 3 feet deep.
5. If tree wells are combined into a connected soil area, 75% of the combined volume, 6300 cubic feet, would be adequate to allow trees to grow to full mature size.
6. Combined soil volume can be provided with a suspended pavement system using soil cells, pier and grade beam, or other methods to provide non-compacted healthy soil under pavement.

### **Building**

The following comments are required to be addressed prior to any future related permit application such as a Building Permit, Excavation and Grading Permit, Certificate of Compliance, Street Work Permit, Encroachment Permit, etc.:

1. The quantities in the Parking Stall Summation Chart shall be maintained showing the required number for each of the following: a. Van Accessible: 2 spaces, b. Accessible: 6 spaces, c. Standard: 244 spaces, d. Van Accessible EV: 1 space, e. Accessible EV: 1 space, f. Standard EV: 17 spaces, g. Future EV: 43 spaces, h. Clean Air/ Carpool: 24 spaces, i. Total: 324 spaces.

2. For the 5-Story parking garage to be considered as an Open Parking Garage, it shall comply with the following criteria from CBC 406.5.2:

- a. For natural ventilation purposes, the exterior shall have uniformly distributed openings on two or more sides.
- b. The area of the openings on each tier shall not be less than 20 percent of the total perimeter of wall area.
- c. The aggregate length of the openings providing natural ventilation shall be not less than 40 percent of the perimeter of the tier.

3. The vertical clearance within the garage from the garage floor to the lowest ceiling projection above, e.g. ceiling/floor beam shall be a minimum of 98" (8'-2") for accessibility. (BC 11B-503.5)

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

### **Public Works Engineering**

The following shall be addressed prior to issuance of a Building Permit, Excavation and Grading Permit, Certificate of Compliance, Street Work Permit and/or Encroachment Permit.

1. STORM WATER TREATMENT: This project shall comply with the storm water regulations contained in provision C.3 of the NPDES municipal storm water discharge permit issued by the San Francisco Bay Regional Water Quality Control Board (and incorporated into Palo Alto Municipal Code Chapter 16.11). Within 45 days of the installation of the required storm water treatment measures and prior to the issuance of an occupancy permit for the building, third-party reviewer shall also submit to the City a certification for approval that the project's permanent measures were constructed and installed in accordance to the approved permit drawings.

- Provision C3 Form
- Storm Water Treatment Design Certification
- 3rd Party review response letter (stamped/signed)
- [http://www.scvurpppw2k.com/pdfs/1112/SCVURPPP\\_C.3\\_Data\\_Form\\_final\\_2012.pdf](http://www.scvurpppw2k.com/pdfs/1112/SCVURPPP_C.3_Data_Form_final_2012.pdf)

2. City records indicate there is a small easement running along the Hamilton Ave frontage. Please verify with title report and show the easement in building permit plans in these locations.

3. STREET TREES: The applicant may be required to replace existing and/or add new street trees in the public right-of-way along the property's frontage(s). Call the Public Works' arborist at 650-496-5953 to arrange a site visit so he can determine what street tree work, if any, will be required for this project. The site plan submitted with the building permit plan set must show the street tree work that the arborist has determined, including the tree species, size, location, staking and irrigation requirements, or include a note that Public Works' arborist has determined no street tree work is required. The plan must note that in order to do street tree work, the applicant must first obtain a *Permit for Street Tree Work in the Public Right-of-Way* from Public Works' arborist (650-496-5953).

4. GRADING PERMIT: Separate Excavation and Grading Permit will be required for grading activities on private property that fill, excavate, store or dispose of 100 cubic yards or more based on PAMC Section 16.28.060. Applicant shall prepare and submit an excavation and grading permit to Public Works separately from the building permit set. The permit application and instructions are available at the Development Center and on our website.

5. EXCAVATION: Plans shall clearly identify the deepest point of excavation including below grade basement slab with note and appropriate dimensions.

6. GRADING & DRAINAGE PLAN: The plan set must include a grading & drainage plan prepared by a licensed professional that includes existing and proposed spot elevations, earthwork volumes, finished floor elevations, area drain and bubbler locations, drainage flow arrows to demonstrate proper drainage of the site. Adjacent grades must slope away from the house a minimum of 2% or 5% for 10-feet per 2013 CBC section 1804.3. Downspouts and splashblocks should be shown on this plan, as well as any site drainage features such as swales, area drains, bubblers, etc. Grading that increases drainage onto, or blocks existing drainage from neighboring properties, will not be allowed. Public Works generally does not allow rainwater to be collected and discharged into the street gutter, but encourages the developer to keep rainwater onsite as much as feasible by directing runoff to landscaped and other pervious areas of the site.  
<http://www.cityofpaloalto.org/civicax/filebank/documents/2717>

7. GRADING: Project proposal includes an underground structure. A rough grading plan will need to be present in submittal.

8. ADDITIONAL DRAINAGE: Garage drains shall have sand/oil separator indicated. Proposed trash enclosure shall be required to drain to sanitary sewer only.

9. RETAIL SPACE: If any proposed food service is planned a grease trap will be required.

10. UTILITIES: Note that all above ground utilities, such as transformer, backflow preventer, gas meters, etc., shall be located within project site but accessible from the street. Any new or relocated utilities will correspond with approved locations from City Utilities Department.

11. BASEMENT DRAINAGE: Due to high groundwater throughout much of the City and Public Works prohibiting the pumping and discharging of groundwater, perforated pipe drainage systems at the exterior of the basement walls or under the slab are not allowed for this site. A drainage system is, however, required for all exterior basement-level spaces, such as lightwells, patios or stairwells. This system consists of a sump, a sump pump, a backflow preventer, and a closed pipe from the pump to a dissipation device onsite at least 10-feet from the property line and 3-feet from side and rear property lines, such as a bubbler box in a landscaped area, so that water can percolate into the soil and/or sheet flow across the site. Include these dimensions on the plan. The device must not allow stagnant water that could become mosquito habitat. Additionally, the plans must show that exterior basement-level spaces are at least 7-3/4" below any adjacent windowsills or doorsills to minimize the potential for flooding the basement. Public Works recommends a waterproofing consultant be retained to design and inspect the vapor barrier and waterproofing systems for the basement.

12. BASEMENT SHORING: Shoring Plans prepared by a licensed professional are required for the Basement Excavation and shall be submitted with the Grading and Excavation Permit. Shoring for the basement excavation, including tiebacks, must not extend onto adjacent private property or into the City right-of-way without having first obtained written permission from the private property owners and/or an encroachment permit from Public Works.

13. GEOTECHNICAL REPORT: Shall clearly identify the highest projected groundwater level to be encountered in the area of the proposed basement in the future will be \_\_\_\_\_ feet below existing grade. Provide the following note on the Final Grading Plans. *"In my professional judgement, the highest projected groundwater level to be encountered in the area of the proposed basement in the future will be \_\_\_\_\_ feet below existing grade. As a result, the proposed drainage system for the basement retaining wall will not encounter and pump groundwater during the life of this wall."*

14. DEWATERING: Excavation may require dewatering during construction. Public Works only allows groundwater drawdown well dewatering. Open pit groundwater dewatering is not allowed. Dewatering is only allowed from April through October due to inadequate capacity in our storm drain system. The geotechnical report for this site must list the highest anticipated groundwater level. We recommend that a piezometer be installed in the soil boring. The contractor shall determine the depth to groundwater immediately prior to excavation by using a piezometer or by drilling and exploratory hole. Based on the determined groundwater depth and season the contractor may be required to dewater the site or stop all grading and excavation work. In addition Public Works may require that all groundwater be tested for contaminants prior to initial discharge and at intervals during dewatering. If testing is required, the contractor must retain an independent testing firm to test the discharge water for contaminants Public Works specifies and submit the results to Public Works. Public Works reviews and approves dewatering plans as part of a Grading Permit. The applicant can include a dewatering plan in the building permit plan set in order to obtain approval of the plan during the building permit review, but the contractor will still be required to obtain a Grading Permit prior to dewatering. Alternatively, the applicant must include the above dewatering requirements in a note on the site plan. Public Works has a sample dewatering plan sheet and dewatering guidelines available at the Development Center and on our website.

- [http://www.cityofpaloalto.org/gov/depts/pwd/forms\\_and\\_permits.asp](http://www.cityofpaloalto.org/gov/depts/pwd/forms_and_permits.asp)
- <http://www.cityofpaloalto.org/civicax/filebank/documents/64867>

15. WORK IN THE RIGHT-OF-WAY: The plans must clearly indicate any work that is proposed in the public right-of-way, such as sidewalk replacement, driveway approach, or utility laterals. The plans must include notes that the work must be done per City standards and that the contractor performing this work must first obtain a Street Work Permit from Public Works at the Development Center. If a new driveway is in a different location than the existing driveway, then the sidewalk associated with the new driveway must be replaced with a thickened (6" thick instead of the standard 4" thick) section. Additionally, curb cuts and driveway approaches for abandoned driveways must be replaced with new curb, gutter and planter strip.

16. Provide the following note on the Site Plan and adjacent to the work within the Public road right-of-way. "Any construction within the city's public road right-of-way shall have an approved Permit for Construction in the Public Street prior to commencement of this work. THE PERFORMANCE OF THIS WORK IS NOT AUTHORIZED BY THE BUILDING PERMIT ISSUANCE BUT SHOWN ON THE BUILDING PERMIT FOR INFORMATION ONLY."

17. Provide the following note on the Site Plan and Grading and Drainage Plan: "Contractor shall not stage, store, or stockpile any material or equipment within the public road right-of-way." Construction phasing shall be coordinate to keep materials and equipment onsite.

18. SIDEWALK, CURB & GUTTER: As part of this project, the applicant shall replace those portions of the existing sidewalks, curbs, gutters or driveway approaches in the public right-of-way along the frontage(s) of the property. Contact Public Works' inspector at 650-496-6929 to arrange a site visit so that the inspector can discuss the extent of replacement work along the public road. The site plan submitted with the building permit plan set must show the extent of the replacement work. The plan must note that any work in the right-of-way must be done per Public Works' standards by a licensed contractor who must first obtain a *Street Work Permit* from Public Works at the Development Center. **Include a scan copy of the Site Inspection Directive obtained from Inspector in plan set.**

19. OFF-SITE IMPROVEMENTS: Along with full sidewalk, curb & gutter replacement, street resurfacing is also required for the property frontage along Hamilton Ave and Waverley St.

20. Any existing driveway to be abandoned shall be replaced with standard curb & gutter. This work must be included within a *Permit for Construction in the Public Street* from the Public Works Department. **A note of this requirement shall be placed on the plans adjacent to the area on the Site Plan.**

21. PUBLIC RESTROOM: Please clarify the proposed plan for the existing JCDecaux public restroom. The plan indicates a proposed removal. The relocation of the facility or proposed outcome shall be identified on the plan set.

22. IMPERVIOUS SURFACE AREA: The project will be creating or replacing 500 square feet or more of impervious surface. Accordingly, the applicant shall provide calculations of the existing and proposed impervious surface areas with the building permit application. The Impervious Area Worksheet for Land Developments form and instructions are available at the Development Center or on our website.

21. STORM WATER POLLUTION PREVENTION: The City's full-sized "Pollution Prevention - It's Part of the Plan" sheet must be included in the plan set. Copies are available from Public Works on our website <http://www.cityofpaloalto.org/civicax/filebank/documents/2732>

22. LOGISTICS PLAN: The contractor must submit a logistics plan to the Public Works Department prior to commencing work that addresses all impacts to the City's right-of-way, including, but not limited to: pedestrian control, traffic control, truck routes, material deliveries, contractor's parking, concrete pours, crane lifts, work hours, noise control, dust control, storm water pollution prevention, contractor's contact, noticing of affected businesses, and schedule of work. Include a copy in resubmittal. Guidelines are attached below:

<http://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?BlobID=2719>

23. STORMWATER MAINTENANCE AGREEMENT: The applicant shall designate a party to maintain the control measures for the life of the improvements and must enter into a **maintenance agreement** with the City to guarantee the ongoing maintenance of the permanent C.3 storm water discharge compliance measures. **The maintenance agreement shall be executed prior to the first building occupancy sign-off.** The City will inspect the treatment measures yearly and charge an inspection fee. There is a C.3 plan check fee that will be collected upon submittal for a grading or building permit.

### **Fire Department**

None

### **Utilities WGW**

The following comments are required to be addressed prior to any future related permit application such as a Building Permit, Excavation and Grading Permit, Certificate of Compliance, Street Work Permit, Encroachment Permit, etc. These comments are provided as a courtesy and are not required to be addressed prior to the Planning entitlement approval:

FOR BUILDING PERMIT:

1. The applicant shall submit a completed water-wastewater service connection application -load sheet per parcel/lot for City of Palo Alto Utilities. The applicant must provide all the information requested for utility service demands (water in fixture units/g.p.m., gas in b.t.u.p.h, and sewer in fixture units/g.p.d.). The applicant shall provide the existing (prior) loads, the new loads, and the combined/total loads (the new loads plus any existing loads to remain).

2. The applicant shall submit improvement plans for utility construction. The plans must show the size and location of all underground utilities within the development and the public right of way including meters, backflow preventers, fire service requirements, sewer mains, sewer cleanouts, sewer lift stations and any other required utilities. Plans for new wastewater laterals and mains need to include new wastewater pipe profiles showing existing potentially conflicting utilities especially storm drain pipes

3. An approved reduced pressure principle assembly (RPPA backflow preventer device) is required for all existing and new water connections from Palo Alto Utilities to comply with requirement of California

administrative code, title 17, sections 7583 through 7605 inclusive. The RPPA shall be installed on the owner's property and directly behind the water meter within 5 feet of the property line. RPPA's for domestic service shall be lead free. Show the location of the RPPA on the plans.

4. An approved reduced pressure detector assembly is required for the existing or new water connection for the fire system to comply with requirements of California administrative code, title 17, sections 7583 through 7605 inclusive (a double detector assembly may be allowed for existing fire sprinkler systems upon the CPAU's approval). Reduced pressure detector assemblies shall be installed on the owner's property adjacent to the property line, within 5' of the property line. Show the location of the reduced pressure detector assembly on the plans.

5. All backflow preventer devices shall be approved by the WGW engineering division. Inspection by the utilities cross connection inspector is required for the supply pipe between the meter and the assembly.

6. Existing wastewater laterals that are not plastic (ABS, PVC, or PE) may be replaced at the applicant's expense. Ejector pump is limited to 30 GPM.

7. The existing sewer main on Waverley Street is 5.4" PE, only 4" sewer lateral allowed to connect to this main.

8. The applicant shall pay the capacity fees and connection fees associated with new utility service/s or added demand on existing services. The approved relocation of services, meters, hydrants, or other facilities will be performed at the cost of the person/entity requesting the relocation.

9. A new water service line installation for fire system usage is required. Show the location of the new water service on the plans. The applicant shall provide to the engineering department a copy of the plans for fire system including all fire department's requirements.

10. All existing water and wastewater services that will not be reused shall be abandoned at the main per WGW utilities procedures (by C.P.A.U.).

11. Utility vaults, transformers, utility cabinets, concrete bases, or other structures cannot be placed over existing water, gas or wastewater mains/services. Maintain 1' horizontal clear separation from the vault/cabinet/concrete base to existing utilities as found in the field. If there is a conflict with existing utilities, Cabinets/vaults/bases shall be relocated from the plan location as needed to meet field conditions. Trees may not be planted within 10 feet of existing water, gas or wastewater mains/services or meters. New water, gas or wastewater services/meters may not be installed within 10' of existing trees. Maintain 10' between new trees and new water, gas and wastewater services/mains/meters.

12. All utility installations shall be in accordance with the City of Palo Alto current utility standards for water, gas & wastewater.

### **Utilities Electrical**

1. Project specific comments: This project is in conflict with existing electric and fiber optic utilities which will have to be relocated in order for the project to proceed. Applicant shall be responsible for the relocation of the primary electric utility line which runs through the project. Relocation work includes, but is not limited to, all trenching and substructure construction and the installation of conduits, cables and equipment. Applicant shall coordinate work with CPAU – Electric. Applicant shall be responsible for the relocation of the City's dark fiber optic system backbone which



runs through the project. Relocation work includes, but is not limited to, all trenching and substructure construction and the installation of conduits. Applicant shall coordinate work with CPAU – Electric. All relocation work shall be completed prior to disturbance and/or demolition of existing electric and fiber facilities. Applicant shall submit a formal request and application for the relocation of facilities to CPAU – Electric Engineering. CPAU – Electric shall provide specifications for the design for the relocation of the electric primary lines and fiber optic cables. Applicant shall be responsible for engineering design and shall submit the design for approval by CPAU Electric Engineering. Applicant shall show the proposed locations of the relocated electric primary line and dark fiber optic line on the site plan. Locations of the new electric primary line and dark fiber optic line shall be submitted to CPAU Electric Engineering for review and approval.

Applicant shall provide space for a minimum of four (4) new electric vaults. The vault dimensions are provided on the engineer's mark-up. Applicant shall provide space for a fiber optic communication box. The box dimension is provided on the engineer's mark-up. Applicant shall be responsible for the installation of an electric/city fiber joint trench. Applicant shall show the location of the joint trench, vaults and boxes on a resubmitted site-plan.

Vaults 1820 and 1821, located in the triangle area of the premise, shall not be removed. Applicant shall be responsible to keep these vaults at grade. The electric room shall be above grade level. Location of electric room on basement level is not approved. All service equipment must be located above grade unless otherwise approved by Electric Engineering. If applying for an exception, please state the reason why you cannot meet the standard requirement. Meter equipment must be accessible to CPAU personnel at all times. Applicant shall adhere to the requirements stated in CPAU Electric Engineering Standard Drawings DT-SS-U-1002 (Underground Junction Boxes) and DT-SS-U-1003 (Underground Duct Lines). Applicant shall maintain the required minimum clearances between electric and fiber lines and other utilities as noted in DT-SS-U-1003.

2. The applicant shall comply with all the Electric Utility Engineering Department service requirements noted during plan review.

3. The applicant shall be responsible for identification and location of all utilities, both public and private, within the work area. Prior to any excavation work at the site, the applicant shall contact Underground Service Alert (USA) at 1-800-227-2600, at least 48 hours prior to beginning work.

4. Only one electric service lateral is permitted per parcel. Utilities Rule & Regulation #18

5. If this project requires padmount transformers, the location of the transformers shall be shown on the site plan and approved by the Utilities Department and the Architectural Review Board. Utilities Rule & Regulations #3 & #16 (see detail comments below).

6. The developer/owner shall provide space for installing padmount equipment (i.e. transformers, switches, and interrupters) and associated substructure as required by the City.

7. The location of the electric panel/switchboard shall be shown on the site plan and approved by the Architectural Review Board and Utilities Department.

8. The customer shall install all electrical substructures (conduits, boxes and pads) required from the service point to the customer's switchgear. The design and installation shall be according to the City standards and shown on plans. Utilities Rule & Regulations #16 & #18.

9. The customer is responsible for sizing the service conductors and other required equipment according to the California Electric Code requirements and City standards.

10. If the customer's total load exceeds 2500 kVA, service shall be provided at the primary voltage of 12,470 volts and the customer shall provide the high voltage switchgear and transformers.

11. For primary services, the standard service protection is a padmount fault interrupter owned and maintained by the City, installed at the customer's expense. The customer must provide and install the pad and associated substructure required for the fault interrupter.

12. Any additional facilities and services requested by the Applicant that are beyond what the utility deems standard facilities will be subject to Special Facilities charges. The Special Facilities charges include the cost of installing the additional facilities as well as the cost of ownership. Utilities Rule & Regulation #20.

13. Projects that require the extension of high voltage primary distribution lines or reinforcement of offsite electric facilities will be at the customer's expense and must be coordinated with the Electric Utility.

14. Transfer of fiber customers will require a minimum of six months to complete from completion of infrastructure. Existing fiber conduit shall not be disturbed until all fiber customers have been transferred to the new fiber facilities.

- B 1. Industrial and large commercial customers must allow sufficient lead-time for Electric Utility Engineering and Operations (typically 8-12 weeks after advance engineering fees have been paid) to design and construct the electric service requested.
- B 2. A completed Utility Service Application and a full set of plans must be included with all applications involving electrical work. The Application must be included with the preliminary submittal.
- B 3. The applicant shall submit a request to disconnect all existing utility services and/or meters including a signed affidavit of vacancy, on the form provided by the Building Inspection Division. Utilities will be disconnected or removed within 10 working days after receipt of request. The demolition permit will be issued after all utility services and/or meters have been disconnected and removed.
- B 4. All utility meters, lines, transformers, backflow preventers, and any other required equipment shall be shown on the landscape and irrigation plans and shall show that no conflict will occur between the utilities and landscape materials. In addition, all aboveground equipment shall be screened in a manner that is consistent with the building design and setback requirements.
- B 5. Contractors and developers shall obtain permit from the Department of Public Works before digging in the street right-of-way. This includes sidewalks, driveways and planter strips.
- B 6. At least 48 hours prior to starting any excavation, the customer must call Underground Service Alert (USA) at 1-800-227-2600 to have existing underground utilities located and marked. The areas to be checked for underground facility marking shall be delineated with white paint. All USA markings shall be removed by the customer or contractor when construction is complete.
- B 7. The customer is responsible for installing all substructures (conduits, boxes and pads) required for the electric service. No more than 270 degrees of bends are allowed in a secondary conduit run. All conduits must be sized according to California Electric Code requirements and no 1/2 – inch size conduits are permitted. All off-site substructure work will be constructed by the City at the customer's expense. Where mutually agreed upon by the City and the Applicant, all or part of the off-site substructure work may be constructed by the Applicant.
- B 8. All primary electric conduits shall be concrete encased with the top of the encasement at the depth of 30 inches. No more than 180 degrees of bends are allowed in a primary conduit run. Conduit runs over 500 feet in length require additional pull boxes.
- B 9. All new underground conduits and substructures shall be installed per City standards and shall be inspected by the Electrical Underground Inspector before backfilling.

- B 10. For services larger than 1600 amps, a transition cabinet as the interconnection point between the utility's padmount transformer and the customer's main switchgear may be required. See City of Palo Alto Utilities Standard Drawing SR-XF-E-1020. The cabinet design drawings must be submitted to the Electric Utility Engineering Division for review and approval.
- B 11. For underground services, no more than four (4) 750 MCM conductors per phase can be connected to the transformer secondary terminals; otherwise, bus duct or x-flex cable must be used for connections to padmount transformers. If customer installs a bus duct directly between the transformer secondary terminals and the main switchgear, the installation of a transition cabinet will not be required.
- B 12. The customer is responsible for installing all underground electric service conductors, bus duct, transition cabinets, and other required equipment. The installation shall meet the California Electric Code and the City Standards.
- B 13. Meter and switchboard requirements shall be in accordance with Electric Utility Service Equipment Requirements Committee (EUSERC) drawings accepted by Utility and CPA standards for meter installations.
- B 14. Shop/factory drawings for switchboards (400A and greater) and associated hardware must be submitted for review and approval prior to installing the switchgear to:

Gopal Jagannath, P.E.  
Supervising Electric Project Engineer  
Utilities Engineering (Electrical)  
1007 Elwell Court  
Palo Alto, CA 94303

- B 15. For 400A switchboards only, catalog cut sheets may be substituted in place of factory drawings.
- B 16. All new underground electric services shall be inspected and approved by both the Building Inspection Division and the Electrical Underground Inspector before energizing.
- B 17. The customer shall provide as-built drawings showing the location of all switchboards, conduits (number and size), conductors (number and size), splice boxes, vaults and switch/transformer pads.
- B 18. The follow must be completed before Utilities will make the connection to the utility system and energize the service:
- All fees must be paid.
  - All required inspections have been completed and approved by both the Building Inspection Division and the Electrical Underground Inspector.
  - All Special Facilities contracts or other agreements need to be signed by the City and applicant.
  - Easement documents must be completed.

### **Public Works Water Quality (Stormwater Management)**

1. Submit and follow the "Pollution Prevention – It's Part of the Plan" construction BMP sheet during life of project.
2. Highly consider using rain chains or similar along vines and other walls/building corners.
3. Stormwater treatment measures
  - o Consider using low-maintenance permeable pavers for a small demonstration area. Appropriate specs must be followed. Vendor specs should be reviewed by Parks Maintenance Staff before installation.
  - o Installation vendor specs should be followed, though vendor specs should be reviewed by Parks Maintenance Staff before installation. Add this bullet as a note to the building plans.

- o A clear, detailed maintenance agreement must be drafted and agreed upon by all City staff in pertinent Departments (Public Works, Parks) before occupancy approval. Contact Pam Boyle Rodriguez, Stormwater Program Manager, at (650) 329-2421 to facilitate this agreement.
- o Must meet all Bay Regional Municipal Regional Stormwater Permit requirements.
- o Refer to the Santa Clara Valley Urban Runoff Pollution Prevention Program C.3 Handbook (download here: [http://scvurppp-w2k.com/c3\\_handbook.shtml](http://scvurppp-w2k.com/c3_handbook.shtml)) for details
- o Staff from Stormwater Program (Watershed Protection Division) may be present during installation of stormwater treatment measures. Contact Pam Boyle Rodriguez, Stormwater Program Manager, at (650) 329-2421 before installation. Add this bullet as a note to building plans on Stormwater Treatment (C.3) Plan.
- o Install an interpretive sign regarding stormwater treatment and pollution prevention. Contact Pam Boyle Rodriguez, Stormwater Program Manager, at (650) 329-2421 regarding this text.

#### 4. Bay-friendly Guidelines ([rescapeca.org](http://rescapeca.org))

- o Do not use chemicals fertilizers, pesticides, herbicides or commercial soil amendment. Use Organic Materials Review Institute (OMRI) materials and compost. Refer to the Bay-Friendly Landscape Guidelines: <http://www.stopwaste.org/resource/brochures/bay-friendly-landscape-guidelines-sustainable-practices-landscape-professional-for-guidance>. Add this bullet as a note in the building plans.
- o Avoid compacting soil in areas that will be unpaved. Add this bullet as a note in the building plans.

#### 5. Stormwater quality protection

- o Trash and recycling containers must be covered to prohibit fly-away trash and having rainwater enter the containers.
- o Drain downspouts to landscaping (outward from building as needed).
- o Drain HVAC fluids from roofs and other areas to landscaping.
- o Establish a street sweeping maintenance plan in open parking lots. Contact Pam Boyle Rodriguez, Stormwater Program Manager, at (650) 329-2421 regarding this plan.

The following comments are required to be addressed prior to any future related permit application such as a Building Permit, Excavation and Grading Permit, Certificate of Compliance, Street Work Permit, Encroachment Permit, etc. These comments are provided as a courtesy:

#### 6. **PAMC 16.09.170, 16.09.040 Discharge of Groundwater**

Prior approval shall be obtained from the city engineer or designee to discharge water pumped from construction sites to the storm drain. The city engineer or designee may require gravity settling and filtration upon a determination that either or both would improve the water quality of the discharge. Contaminated ground water or water that exceeds state or federal requirements for discharge to navigable waters may not be discharged to the storm drain. Such water may be discharged to the sewer, provided that the discharge limits contained in Palo Alto Municipal Code (16.09.040(m)) are not exceeded and the approval of the superintendent is obtained prior to discharge. The City shall be compensated for any costs it incurs in authorizing such discharge, at the rate set forth in the Municipal Fee Schedule.

#### 7. **PAMC 16.09.180(b)(14) Architectural Copper**

On and after January 1, 2003, copper metal roofing, copper metal gutters, copper metal down spouts, and copper granule containing asphalt shingles shall not be permitted for use on any residential, commercial or industrial building for which a building permit is required. Copper flashing for use under tiles or slates and small copper ornaments are exempt from this prohibition. Replacement roofing, gutters and downspouts on historic structures are exempt, provided that the roofing material used shall be prepatinated at the factory. For the purposes of this exemption, the definition of "historic" shall be limited to structures designated as Category 1 or Category 2 buildings in the current edition of the Palo Alto Historical and Architectural Resources Report and Inventory.

#### 8. **PAMC 16.09.175(k) (2) Loading Docks**

(i) Loading dock drains to the storm drain system may be allowed if equipped with a fail-safe valve or equivalent device that is kept closed during the non-rainy season and during periods of loading dock operation.

(ii) Where chemicals, hazardous materials, grease, oil, or waste products are handled or used within the loading dock area, a drain to the storm drain system shall not be allowed. A drain to the sanitary sewer system may be allowed if equipped with a fail-safe valve or equivalent device that is kept closed during the non-rainy season and during periods of loading dock operation. The area in which the drain is located shall be covered or protected from rainwater run-on by berms and/or grading. Appropriate wastewater treatment approved by the Superintendent shall be provided for all rainwater contacting the loading dock site.

**9. PAMC 16.09.180(b)(5) Condensate from HVAC**

Condensate lines shall not be connected or allowed to drain to the storm drain system.

**10. PAMC 16.09.180(b)(b) Copper Piping**

Copper, copper alloys, lead and lead alloys, including brass, shall not be used in sewer lines, connectors, or seals coming in contact with sewage except for domestic waste sink traps and short lengths of associated connecting pipes where alternate materials are not practical. The plans must specify that copper piping will not be used for wastewater plumbing.

**11. PAMC 16.09.175(a) Floor Drains**

Interior (indoor) floor drains to the sanitary sewer system may not be placed in areas where hazardous materials, hazardous wastes, industrial wastes, industrial process water, lubricating fluids, vehicle fluids or vehicle equipment cleaning wastewater are used or stored, unless secondary containment is provided for all such materials and equipment.

**SECTION 7. 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 8. Term of Approval.** Architectural Review Approval. The approval shall be valid for one year from the original date of approval, pursuant to Palo Alto Municipal Code Section 18.77.090.

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

APPROVED:

---

City Clerk

---

Director of Planning and  
Community Environment

APPROVED AS TO FORM:

---

Senior Asst. City Attorney

PLANS AND DRAWINGS REFERENCED:

*Downtown Parking Garage*

Those plans prepared by Watry Design, Inc., entitled Downtown Parking Garage and consisting of 34 pages, and received May 7, 2018.

### **Attachment C: Draft EIR**

The Draft EIR was provided at the Downtown Library during the public comment period (May 18, 2018 through July 2, 2018). The DEIR is still viewable at Downtown Palo Alto library, Development Center and online: <https://www.cityofpaloalto.org/civicax/filebank/documents/65110>

**CITY OF PALO ALTO**  
**Parking Structure at 375 Hamilton Avenue**  
(Downtown Parking Garage)

**Final Environmental Impact Report**  
State Clearinghouse No. 2017052040



City of Palo Alto



Prepared by



August 2018



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City of Palo Alto

Parking Structure at 375 Hamilton Avenue (Downtown Parking Garage)

Final Environmental Impact Report

State Clearinghouse No. 2017052040

**Prepared For**

CITY OF PALO ALTO  
250 Hamilton Avenue  
Palo Alto, California 94301  
Contact: Holly Boyd  
Phone 650-329-2612



**Prepared By:**

WSP USA  
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San Francisco, California 94105  
United States  
(415) 243-4600



August 2018

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## Acronyms

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ARB	Architectural Review Board
EIR	Environmental Impact Report
CEQA	California Environmental Quality Act



# CHAPTER 1 - OVERVIEW OF THE FINAL EIR

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The City of Palo Alto (City), the Lead Agency, prepared the Final Environmental Impact Report (Final EIR) for the proposed City of Palo Alto Downtown Parking Garage, in keeping with State environmental documentation requirements set forth in the California Environmental Quality Act (CEQA) and pursuant to the CEQA Guidelines, including sections 15086 (Consultation Concerning Draft EIR), 15088 (Evaluation of and Responses to Comments), and 15132 (Contents of Final Environmental Impact Report). In conformance with these guidelines, the Final EIR consists of the following two volumes:

- 1) The Draft EIR (including its appendices), which was circulated for the mandatory 45-day State agency and public review and comment period, beginning on May 18, 2018, and ending on July 2, 2018, and
- 2) The Final EIR “responses to comments” document, which includes a list of all commenters to the Draft EIR during the Draft EIR public review period and speaker comments from the June 21, 2018, City of Palo Alto Architectural Review Board (ARB) public meeting on the Draft EIR.

Please note that no letters or emails were received from the public during the Draft EIR public review and comment period.

## 1.1 - Format of the Final EIR

This document, which includes responses to comments and text revisions, has been prepared in accordance with Section 15088 of the CEQA Guidelines. In addition to Section 1.0, describing an overview of the purpose and format of the Final EIR, the Final EIR includes the following sections:

- **Section 2.0 List of Agencies and Individuals Receiving the Draft EIR:** The agencies, organizations, and individuals who received copies of the Draft EIR are listed in this section. The locations where the Draft EIR could be reviewed during the public circulation period are also included in this section.
- **Section 3.0 Response to Comments:** This section contains a transcript of the comments received on the Draft EIR at the City of Palo Alto ARB Meeting on June 20, 2018, and the responses to those comments.
- **Section 4.0 Revisions to the Draft EIR:** The section contains text revisions to the Draft EIR. Text revisions can be made as a result of comments received during the Draft EIR public review process, corrections or clarifications to the text, or to reflect modifications that have been made.

None of the revisions to the Draft EIR represents a substantial increase in the severity of an identified significant impact or the identification of a new significant impact, mitigation, or alternative considerably different from those already considered in preparing the Draft EIR. Therefore, the Draft EIR did not require public recirculation.

## 1.2 - Purpose of the Final EIR

In conformance with the CEQA Guidelines (Section 15151), EIRs should be prepared with a sufficient degree of analysis to provide decisions-makers with information which enables them to make a decision on the project that takes into account environmental consequences. The Final EIR also is required to examine mitigation measures and alternatives to the project intended to reduce or eliminate significant environmental impacts.

The Final EIR is used by the City and other Responsible Agencies in making decisions regarding the project. The CEQA Guidelines require that, while the information in the Final EIR does not control the agency's ultimate discretion on the project, the agency must respond to each significant effect identified in the Draft EIR by making written findings for each of those effects. According to the State Public Resources Code (Section 21081), no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

- a) The public agency makes one or more of the following findings with respect to each significant effect:
  - 1) Changes or alterations have been required in, or incorporated into, the project which will mitigate or avoid the significant effects on the environment.
  - 2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
  - 3) Specific economic, legal, social, technological, or other considerations including considerations for the provision of employment opportunities of highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.
- b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

All documents referenced in this EIR are available for public review in the Planning and Community Environment Department office (5<sup>th</sup> floor) at 250 Hamilton Avenue, Palo Alto, California 94301, during normal business hours. The Final EIR is also available for review on the City's website, [https://www.cityofpaloalto.org/gov/depts/pwd/infrastructure\\_plan/new\\_downtown\\_garage.asp](https://www.cityofpaloalto.org/gov/depts/pwd/infrastructure_plan/new_downtown_garage.asp), and at the following public library:

Downtown Public Library  
270 Forest Avenue  
Palo Alto, California 94301

In accordance with the CEQA Guidelines, the Final EIR will be made available to the public a minimum of ten days prior to the EIR certification hearing.



## CHAPTER 2 - LIST OF AGENCIES, ORGANIZATIONS, AND INDIVIDUALS RECEIVING THE DRAFT EIR OR NOTICE OF AVAILABILITY

---

### 2.1 - State Agencies

After completion of the Draft EIR, the Lead Agency (the City of Palo Alto) is required under CEQA Guidelines sections 15086 (Consultation Concerning Draft EIR) and 15088 (Evaluation of and Response to Comments) to consult with and obtain comments from other public agencies having jurisdiction by law with respect to the project, and to provide the general public with an opportunity to comment on the Draft EIR. Under CEQA Guidelines section 15088, the Lead Agency is also required to respond in writing to substantive environmental points raised in the Draft EIR review and consultation process.

The Draft EIR was submitted to the following State agencies by the State Clearinghouse:

- California Highway Patrol
- California Department of Transportation, District 4
- Caltrans Division of Aeronautics
- California Department of Fish and Game, Region 3
- California Native American Heritage Commission
- California Office of Historic Preservation
- California Public Utilities Commission
- Regional Water Quality Control Board, Region 2
- San Francisco Bay Area Conservation & Development Commission
- California State Lands Commission
- Office of Emergency Services
- California State Clearinghouse

### 2.2 - Local Agencies

The Draft EIR was submitted to the County of Santa Clara Office of the County Clerk-Recorder.

#### Note

Additional individuals and groups were notified of the availability of the Draft EIR by e-mail and postal mail, and the Draft EIR has been posted on the City's website and in the Palo Alto Main and Downtown Libraries.

## CHAPTER 3 - RESPONSES TO COMMENTS ON THE DRAFT EIR

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CEQA Guidelines Section 15132 (Contents of Final Environmental Impact Report), subsection (b), requires that the Final EIR include the full set of "comments and recommendations received on the Draft EIR either verbatim or in summary"; Section 15132, subsection (c), requires that the Final EIR include "a list of persons, organizations, and public agencies commenting on the Draft EIR"; and Section 15132, subsection (d), requires that the Final EIR include "the responses of the Lead Agency to significant environmental points raised in the review and consultation". In keeping with these guidelines, this Responses to Comments chapter includes the following sections:

- 1) A list of Draft EIR commenters (Section 3.1), which lists each individual who commented during the ARB public meetings and each individual, agency, and organization that submitted written comments (letters/emails) to the City during the Draft EIR public review period;
- 2) Responses to the June 20, 2018, ARB public meeting comments, which includes each verbal comment received on the Draft EIR during the public meeting, followed by the response to the comment, pertaining to Draft EIR content or adequacy or on a substantive environmental point;

### 3.1 - List of Draft EIR Commenters

The individuals who commented at the public meetings, and each individual, agency, and organization that commented in letter/email form during the Draft EIR public review period, are listed below by personal name or agency/organization name. After the person's name, each meeting comment and each letter/email comment received is also identified in parenthesis by a code number, e.g. ARB comments ARB-1, ARB-2.

Comments on the Draft EIR were submitted in the form of comments from individuals attending the June 20, 2018, ARB public hearing.

No comments on the Draft EIR were received from any of the above State agencies nor local agencies.

No public comments on the Draft EIR were received during the draft EIR public review period.

#### ARB Public Meeting Commenters (June 20, 2018)

- ARB Vice Chair Baltay (ARB-1)
- ARB Board Member Gooyer (ARB-2)
- ARB Chair Furth (ARB-3)

## 3.2 - Responses to Comments from the June 20, 2018 ARB Meeting

The following section includes each verbal comment received during the June 20, 2018 ARB public meeting pertaining to the content or adequacy of the Draft EIR or on a substantive environmental point, followed by the response to the comment.

### 3.2.1 - ARB Vice Chair Baltay (ARB-1)

#### Comment ARB-1

Comment ARB-1a: The gist of my comments is I think this building does have an impact on the post office, and I don't think that's adequately addressed in here. I think the architect has mitigated those impacts, but I think it needs to be discussed in a neutral and thorough way here.

I think the building is as tall as it can possibly be. I don't think it's doing anything to, special consideration for the area. I don't think that's a mitigation. It's implying that includes consideration of the height. It says further [reading]: The building will be 49 feet 10 inches below the citywide 50-foot height limit. That's not including the solar panels, again.

The gist of my statements on all this is that the building is massive, and I don't think we should sugarcoat that and try to say no, it's not actually that big. I think we do ourselves a disservice. And a big building, especially across the street from probably the most important historic building in town, I think it's important to acknowledge that. Further down, the third, fourth paragraph, the proposed project, etc. [Reading] Furthermore, given the restrained height and compatible design...I don't think this building has a restrained height.

Comment ARB-1b: I'm looking at page 2 out of 5 of a tree report regarding the condition of the oaks. [Reading] The three Holly Oaks and one Coast Live Oak tree were determined to be in good health condition. Fair enough. The trees are in need of appropriate re pruning, etc. Poor pruning in the past has contributed to Fair structures. I'd like to see that last sentence just struck from the statement. The tree is in good health. Anybody who goes and looks at it can see that. And we're going to mitigate the removal of the tree, but I don't think we should try to spin it to say it's somehow not okay.

Comment ARB-1c: Add a statement about the sidewalks becoming wider. The widened sidewalks actually do one thing towards helping the historic building across the street. It just gives you a little more space to have that civic breathing room.

#### Response ARB-1

Response ARB-1a: Section 3.4 Cultural, Paleontological, and Tribal Cultural Resources, p.93 has been revised to clarify that the height of the future photovoltaic panels would be 56 feet and that the height of the elevator penthouse would be 63 feet. However, several sections of the Draft EIR, including but not limited to Section 2.5, Project Description, Section 3.1, Aesthetics, and Section 3.9, Land Use, provided detailed information on the height of each component, including the penthouse and the future

photovoltaic structures, and assessed the project based on the proposed maximum height of all of these components. As was already stated in Section 3.4 Cultural, Paleontological, and Tribal Cultural Resources, p.93, the proposed building would have a lower height than the existing building to the west, which is 75 feet tall. Therefore, although the penthouse and future photovoltaic structures would be taller than the height limits typically allowed in this zone district, this height would be consistent with the development pattern of adjacent buildings, specifically the existing 75-foot tall AT&T building immediately abutting this property, which also faces the Post Office. Page 93 has been revised to provide additional clarity as to why the proposed height of this building, including these additional features, would not result in a significant impact on the adjacent historic buildings. In addition, reference to the restrained height has been removed in response to this comment. The Draft EIR concludes that the proposed project would not have a significant impact on adjacent historic buildings, including the U.S. Post Office; no changes have been made to this conclusion. Other potential impacts (e.g. impacts due to construction vibrations or impacts due to aesthetics) on nearby historic buildings, are further discussed in each respective resource section.

Response ARB-1b: The arborist report, included as Appendix D of the Draft EIR, concludes that the oak trees have been poorly pruned recently, which contributes to these trees being in only fair health. Because this statement reflect the professional opinion of the Qualified Arborist that prepared the report, this requested revision to remove the statement that “Poor pruning in the past has contributed to Fair structures” has not been made. Other factors that lead to poorer health of the protected Live Oak tree include lions-tailing, a defective branch attachment known as “Included Bark”, and a trunk wound, as stated in Table 1 of the Arborist Report included in the Draft EIR. Regardless of the findings of the health of this tree, and as the commenter accurately notes, Section 3.4 Biological Resources, p.83, of the Draft EIR discusses the fact that the project is designed to include three new oaks on Hamilton Avenue to replace this protected Live Oak tree. Therefore, no changes to the Draft EIR or Arborist Report have been made to reflect this comment.

Response ARB-1c: This comment was addressed in response ARB-3b.

### **3.2.2 - ARB Board Member Gooyer (ARB-2)**

#### **Comment ARB-2**

Comment ARB-2a: I pretty much had no specific comments, but sort of the same concept of what I've read, that you're trying to sugarcoat the size of this place. No matter what you do, you can't sugarcoat that. It's huge. The reality is, we need the thing, so you have to just be a little bit more blunt about stating that that's the requirement.

#### **Response ARB-2**

Response ARB-2a: Refer to response ARB-1a.

### **3.2.3 - ARB Chair Furth (ARB-3)**

#### **Comment ARB-3**

Comment ARB-3a: Provide more accurate description-It is a really big building.

Comment ARB-3b: Include verbiage that the extra wide sidewalk on Hamilton complements the Post Office (a stepped-back civic building).

Comment ARB-3c: Emphasize non-parking upside such as improvements for cyclists, bigger trees, wider sidewalk.

### **Response ARB-3**

Response ARB-3a: Refer to response ARB-1a.

Response ARB-3b: Consistent with this comment, additional language was added in Section 3.4 Cultural, Paleontological, and Tribal Cultural Resources on p.93 to describe the widened, 12-foot sidewalk and to explain that the visual impact of the proposed garage will be softened by the widened sidewalks on Waverley Street and Hamilton Avenue. The widened sidewalk on Hamilton Avenue will complement the two-story U.S. Post Office across Hamilton Avenue, which has a similar setback to the proposed project.

Response ARB-3c: Section 2.5.2 Building Design, p.31 and Section 3.4 Cultural, Paleontological, and Tribal Cultural Resources, p.93, were modified to include an additional description of the benefits of the new, wider sidewalks, consistent with this comment.

Furthermore, Section 2.5.1 Building Characteristics, p.29, includes a description of the additional space to accommodate child carriers in the bike parking area.

A description of the landscaping, which is included as part of the proposed project, was also added to Section 2.5.6 Landscaping, on pp.32-33. The description includes reference to the new landscaping and other improvements along the frontages and alleyway, including the wider sidewalk, built-in benches, new raised planters, and new trees. These improvements are designed to create an inviting streetscape and a convenient pedestrian alleyway between the existing surrounding buildings and the proposed project.

## CHAPTER 4 - REVISIONS TO THE DRAFT EIR

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The following section includes all revisions to the Draft EIR made in response to comments received during the Draft EIR comment period. Furthermore, it also includes revisions to Section 2.5.2 Building Design, that were not made pursuant to a comment but due to a design modification of the building. Those revisions to the draft EIR were done to be consistent with the final design of the building. The changes to the building design are minor and were done to improve the overall architectural design of the proposed project. Thereby, they do not change any conclusions of the draft EIR.

None of the criteria listed in CEQA Guidelines section 15088.5 (Recirculation of an EIR Prior to Certification) indicating the need for recirculation of the May 2018 Draft EIR has been met because of the revisions, in particular:

- No new significant environmental impact due to the project or due to a new mitigation measure has been identified;
- No substantial increase in the severity of a significant environmental impact has been identified; and;
- No additional feasible project alternative or mitigation measure considerably different from others analyzed in the Draft EIR has been identified that would clearly lessen the environmental impacts of the project.

All text revisions are indicated by strike-through and underlining in red plus a solid vertical line in the left margin next to the revised line(s). All of the revised pages supersede the corresponding pages in the May 2018 Draft EIR.

**CITY OF PALO ALTO**  
**Parking Structure at 375 Hamilton Avenue**  
(Downtown Parking Garage)

~~Draft~~ Final **Environmental Impact  
Report**



State Clearinghouse No. 2017052040

City of Palo Alto



Prepared by



May 2018, Amended August 2018

City of Palo Alto

Parking Structure at 375 Hamilton Avenue (Downtown Parking Garage)

~~Draft~~ Final Environmental Impact Report

State Clearinghouse No. 2017052040

## Prepared For

CITY OF PALO ALTO  
250 Hamilton Avenue  
Palo Alto, California 94301

United States

Contact: Holly Boyd  
(650) 329-2612



## Prepared By:

WSP USA  
425 Market Street, 17<sup>th</sup> Floor  
San Francisco, California 94105  
United States  
(415) 243-4600



May 2018, Amended August 2018



### Demand for Parking:

- Additional information is needed to show that there is additional demand for parking in the commercial core of the City of Palo Alto and the neighboring residential areas. Considerations should be given to the recommendations of the Downtown Parking Management Study that is being conducted by the City, and actions taken by the Transportation Management Association (TMA) to reduce the demand for parking.

### Context Sensitive Solutions:

- Compatibility of the parking garage with the existing adjacent buildings regarding architectural contexts and the number of the proposed stories of the structure.
- Compatibility with adjacent historic buildings, especially the historic [two-story U.S.](#) Post Office across Hamilton Avenue and the church across Waverley Street.
- Loss of natural air and light due to shadows from the new parking structure located south and west of the building on Lot 85.
- Preserve or replace existing protected California Oak trees. Preserve and/or replace other existing trees.

### Other Design Elements:

- Consideration of new technologies that help reduce the need for large parking structures, delays and idling time during entering and exiting the structure.
- Maintaining vehicular access to Lot 84 and Lot 85 which faces Waverley Street, this proposes to consider allowing space and structural accommodations in the basement of the downtown parking garage and the potential need to expand the building in the future.
- Maintain access by providing a delivery zone on Waverley Street.
- Maintain or improve the existing pedestrian walkways between the parking structure and Lot 85.

### Construction Impacts:

- Effect of the loss of the existing parking spaces while the proposed project is being constructed.

#### 1.1.2 Draft EIR

The Draft EIR provides a description of the proposed project, the environmental setting, evaluation of the project impacts, and mitigation measures for impacts determined to be significant, including direct, indirect, and cumulative impacts. The Draft EIR addresses environmental resources that were determined to have potential impacts according to the prepared IS Checklist consistent with Appendix G of the CEQA Guidelines (see Appendix B for a copy of the Initial Study Checklist). Resources that were determined to have “No Impacts” from the project will not be further evaluated in this report. The following is a list and description of the resources with a determination of “No Impact”:

## 2.4 Project Objectives

The following are the project objectives:

1. To increase the number of parking spaces within the downtown to maximize the accessibility and convenience to downtown visitors and workers
2. To provide a parking structure that includes neighborhood-serving retail and street frontage to contribute to the economic vitality of the downtown and the City
3. To provide a parking structure that incorporates a pedestrian- and bike-friendly layout
4. To provide a parking structure that is visually appealing and compatible with the downtown character and nearby historic buildings

## 2.5 Project Description

### 2.5.1 Building Characteristics

The proposed project consists of:

- A four-story public parking garage consisting of five above ground parking levels and one basement level. The uppermost level would provide parking spaces on the roof. The structure would reach a height of 49 feet-10 inches to the top of the rail of the fifth deck, continuing to a height of 63 feet at the top of the elevator penthouse.
- The public parking garage footprint would cover 23,490 square feet and the overall square footage would be 114,048 square feet (of above-grade floor area).
- A 585-square-foot bicycle parking area would provide approximately 50 bicycle parking spaces with additional space for child carriers and would be located near the entrance to the structure along Hamilton Avenue.
- A total of 325 parking stalls would be available within the structure. Approximately eight stalls will be Americans with Disabilities Act (ADA) accessible, 82 are planned to be designated for electric vehicles (with 17 being installed with charging stations), and nine stalls designated specifically for the retail area use<sup>6</sup>.
- 25 percent of the parking spaces would be designed with infrastructure to allow the future installation of charging stations for electric vehicles, per the City of Palo Alto Green Building Code<sup>7</sup>. Initially, 5 percent, or approximately 19 stalls, of the parking spaces would be equipped with a charging station.
- The building would be designed to accommodate the future installation of photovoltaic panels and their associated structure above the building's uppermost deck. The top level of the photovoltaic

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<sup>6</sup> Building Code require 1 space per 250 square feet of non-residential use within the Downtown Assessment District.

<sup>7</sup> City of Palo Alto, Ordinance No. 5263, Amendment to the California Green Building Standards Code, August 4, 2014, <https://www.cityofpaloalto.org/civicax/filebank/documents/43818>, accessed on November 6, 2017.

structure installation, at 56 feet above grade, would be below the top of the elevator penthouse, at 63 feet above grade.

- The building would be designed with a 3-foot setback from the property line on the south side of the building along Hamilton Avenue. A continuous 12-foot sidewalk wraps both frontages.
- The building would include an approximately 2,000-square-foot single- or dual-tenant commercial shell-space building fronting Waverley Street, to be used as commercial retail space for new or existing businesses.
- The trash enclosure would include area for trash and recycling from two adjacent properties on Waverley Street (Lots 84 and 85), and for the retail area in the proposed project.

**Table 3** below presents a comparison of the proposed project.

**Table 3: Summary of the Characteristics of the Proposed Project**

<i>Use/Characteristics</i>	<i>Amount/Description</i>	<i>Proposed Project</i>
<i>Parking</i>	325 stalls	127,612 sf
<i>Commercial</i>		1,955 sf
<i>Circulation</i>	Elevator lobbies, ramp, stairs	4,644 sf
<i>Utilities</i>		1,679 sf
<i>Bike Parking</i>	50 spaces, plus child trailer storage	585 sf
<i>Trash</i>		441 sf
<b><i>Total area</i></b>		<b>136,595 sf</b>
<i>Height to rail</i>		49'-10"
<i>Height to solar</i>		56'-0"
<i>Height to penthouse</i>		63'-0"

*Note: sf = square feet*

*Source: Watry Design, May 2018.*

**Figure 6, p.35** to **Figure 8, p.37**, show the floor plans of the proposed project. **Figure 10, p.39** and **Figure 12, p.41** shows the elevations and sections of the proposed building.

## 2.5.2 Building Design

The proposed building would extend 4 feet into the existing setback along Hamilton Avenue (providing a 3-foot setback from the property line) and Waverley Street edge as well as the interior side lot line shared with the adjacent AT&T building. At the property line shared with the southeastern side of Lot 85 (or 560 Waverley Street), the edge of the garage would be set back ten feet from the property line, allowing openings for natural ventilation into the parking garage, as well as light to reach the existing windows of the property at 560 Waverley Street. This necessary setback would also create an opportunity for a pedestrian walkway, which would be ADA-accessible, leading to the secondary stairway. At the property line shared with Lot 84 and the southwestern side of Lot 85, the garage would be set back 16 feet to maintain access for utilities, service, and a secondary means of egress for the existing buildings fronting Waverley Street. Vehicle access would be restricted in this alley to those needed to service the adjacent

properties. Additionally, the alley would be enhanced with architectural paving, new plantings, benches, and lighting so that it can be a usable space. The sidewalks on Hamilton and Waverley are replaced and widened to 12 foot to provide more room for circulation.

The project's façade design is intended to be compatible with the surrounding architectural context, and to reflect the character of Palo Alto's Downtown. Potential locations for the integration of public art have also been identified on the building. These locations are the shear wall element that would face Hamilton Avenue and the perforation pattern of the stair cladding proposed at the corner of Hamilton Avenue and Waverley Street.

The primary construction material would be poured in place concrete columns, slabs and walls. Along the street edges, the ~~two-story building~~ base ~~would be sandblasted~~ columns and shear wall would be board-formed concrete in a natural color, similar to ~~the All Saints Episcopal Church to the north (across Waverley Street), with subtle details used to define the corners and architrave of the building.~~ Metal flat ~~Flat metal~~ bars painted a dark bronze color ~~would be used to~~ infill the first ~~floor~~ openings to create pedestrian screening ~~for pedestrians.~~ The metalwork ~~would continue along~~ continues on the runs and landings of the stair, celebrating the metalwork found in the ~~Post Office to the east (across Hamilton Street)~~ post office and other Spanish Revival ~~revival~~ buildings. ~~Lighted from the inside, a~~ An illuminated perforated metal scrim ~~would wrap~~ wraps on the main corner stair creating a lantern element ~~to serve~~ that serves as a wayfinding device. This element ~~could~~ is also ~~be~~ the focus of the public art program for the building. ~~Metal fins would wrap the upper~~ Vertical metal louvers would fill the space between columns at the second, third and fourth stories ~~in panels outlined by metal channels that would define the cornice of the building as the channels rise to the upper story.~~ The ~~fins would~~ vertical louvers serve to create a body to the building while allowing for the required garage ventilation. ~~The fin~~ Their color is ~~intended to be~~ reminiscent of the terracotta colors found in the Downtown ~~downtown area.~~ Above the roof parking level, a dark bronze metal 'cap' and metal railing create a cornice for the building. This design is enhanced by, but not dependent on, future columns and beams supporting photovoltaic panels.

Figure 13, p.42 shows the rendering of the proposed design for the parking structure.

### 2.5.3 Access Points

The proposed parking garage can be accessed by vehicles via an entrance and exit on Hamilton Avenue and another one on Lane 21. Lane 21 would continue to be one-way circulation, with the entrance on Waverley Street and the exit on Bryant Street. A pedestrian pathway through the structure leads from the bike parking entry near Gilman Street to Lane 21 near the CVS. City Council has not yet decided whether the facility would be a paid parking lot and thus, there is space reserved to accommodate the provisional gates at the entrance and exit. Gates and access points are shown on the ground floor plan (Figure 6, p.35).

### 2.5.4 Utilities

The construction of the parking garage would require the relocation of the existing fiber optic and high voltage electric lines. Existing utility transformers will be housed below ground in the alleyway adjacent to

the trash enclosure. The new parking structure does not include replacing the public restroom due to safety and maintenance concerns.

### 2.5.5 Transportation

Improvements for the safety of the pedestrians at the intersection of Waverley Street and Hamilton Avenue would be part of the proposed project. The project would include the construction of new bulb-outs adjacent to the parking structure along both Hamilton Avenue and Waverley Street. It would also include new signal priority for pedestrians.

### 2.5.6 Landscaping

The landscape of the proposed parking structure is designed to enhance the pedestrian environment of downtown Palo Alto and to encourage social interaction through providing an inviting streetscape and creating a unique and convenient pedestrian alleyway between the existing surrounding buildings and the proposed structure.

Due to the planned footprint of the parking structure, the seven existing trees would need to be removed from the project site to accommodate the construction of the structure. One of the existing trees, of the species Coast Live Oak (*Quercus agrifolia*), is protected under the City of Palo Alto's Tree Technical Manual. Although this tree is protected, the arborist's report indicates that previous, imprecise pruning has resulted in the poor condition of the tree and a potential for breakage. One street tree will be removed and replaced with four ginkgo trees and three oak trees along Hamilton and two ginkgo trees along Waverley in enlarged, 4-foot by 7-foot tree wells to help ensure healthy growth of these new ginkgo trees, which reflect the existing species of the street trees to be retained on Waverley Street.

All tree removals on this project require replacement. The replacement standards outlined in the Tree Technical Manual (as described in the Draft EIR) will be utilized to achieve no net loss of canopy per Policy 1.G of the Urban Forest Master Plan<sup>8</sup>. Site preparation and soil volume requirements apply so that newly planted trees have the potential to mature to desired size and thrive.

The corner of the parking structure will feature a small plaza area featuring decorative pavers, which are also used in the pedestrian access alleyways. In the pedestrian walkway, decorative pervious pavement, generous benches, landscaped storm water treatment planters, and pedestrian-scaled lighting will be used to invite pedestrian use. The storm water planters will be at grade level even with the walkway, and will feature a combination of low-growing, knee-high foliage and flowering plants that provide year-round interest and function; to cleanse storm water directed from the parking structure deck. As width allows, columnar ginkgo trees similar to the surrounding street trees are introduced to further enhance the pedestrian environment and create a pleasant atmosphere for what may become a well-used passageway.

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<sup>8</sup> City of Palo Alto, Urban Forest Master Plan Policy 1.G, "Strive for no net loss in canopy cover.", p.142, May 2015, <https://www.cityofpaloalto.org/civicax/filebank/documents/36187> (accessed on April 16, 2018)

The streetscape walkways are replaced and widened to provide more room for circulation along the proposed retail space on Waverley Street and to enjoy the built-in benches and landscaped raised planters on Hamilton Avenue. New street trees are proposed along Hamilton in enlarged, 4 feet by 7 feet tree wells and a suspended pavement system to help ensure healthy growth of the new Ginkgo trees which reflect the existing species of the preserved street trees on Waverley Street. Three native Oak trees have been added on Hamilton to compensate for the removal of the one protected oak tree.

## **2.5.7 Foundation and Excavation**

Existing slabs, foundations, fills, and pavement would be removed before the excavation of the basement. Existing surface pavement consist of generally 2 to 3 inches of asphalt concrete over 3 to 4 inches of an aggregate base. Most of this existing pavement will be removed, and the underlying sands and clays will be excavated and removed from the site.

Approximately 13,500 cubic yards of soil would be excavated for the basement and will be transported off-site by the excavation subcontractor using two 10-yard dump trucks. Minor cuts and fills into the subgrade at a depth range of 13 to 16 feet are anticipated for setting the foundation. Design of the foundation is expected to be a one-basement level structure. At the time this report was written, specific structural loads are not yet known, but are anticipated to be typical of this type of structure.

A site survey determined that the site elevation ranges between 49 and 51 feet below sea level. No ground improvement or piling is expected. There is a potential for hydrostatic pressures on the basement slab, even though it does not appear that the one-level below grade basement would extend below the design ground water depth. There is a potential for short duration perched water events, which could result in uplift pressures on the basement slab. It is recommended to design the slab for 2 to 4 feet of hydrostatic uplift pressure over the full width of the below-grade portion of the building<sup>9</sup>.

## **2.5.8 Construction**

### *2.5.8.1 Schedule*

Construction of the parking structure is expected to last 15 months, excluding possible delays due to weather, underground issues, etc. Construction is scheduled to begin in Spring 2019 and be complete by Summer 2020.

Construction would be separated in the following phases:

- Utility relocations are expected to last three to four months, with the collaboration of the utility service providers such as the City of Palo Alto Utilities (CPAU) for electric and wastewater, AT&T for data, and others to be determined further in the design

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<sup>9</sup> Gordon Knowles, Senior Project Manager, Watry Design, email correspondence with Lyne-Marie Bouvet, Environmental Planner, WSP, April 12, 2018.

The parking structure would be 49 feet-10 inches to the top of rail on the fifth deck with an elevator penthouse continuing to 63 feet. The height of the structure would be lower than the adjacent 75-foot tall AT&T building to the west. The structure would include infrastructure to support the future installation of photovoltaic panels, which would be mounted above the top (fifth) level parking deck. The structure would maximize the amount of parking while allowing for retail storefronts, with the primary intent of consistency with the context of the downtown area. The parking structure would have a zero setback, extending to the property line, at the Hamilton Avenue and Waverley Street edges, as well as the interior side lot line shared with the AT&T building. The ground-floor retail space would open to the Waverley Street frontage. Along the northern property line, the parking structure would be set back 10 feet from the property line to allow natural ventilation into the structure and light to the existing windows at 560 Waverley Street. The 10-foot setback would also provide for a pedestrian walkway leading to a secondary stair, as well as a visual connection to the All Saints Episcopal Church. The main stair and elevator for the structure would be located at the corner of Waverley Street and Hamilton Avenue and would include a pedestrian court with access to the ground floor retail. Construction of the parking structure would require removal of the existing onsite trees and one street tree which would be replaced with four ginkgo trees and three oak trees along Hamilton and two ginkgo trees along Waverley. There would be no net loss of canopy per Policy 1.G of the Urban Forest Master Plan<sup>12</sup>.

**a) Have a substantial adverse effect on a scenic vista?**

Map L-4 of the adopted Comprehensive Plan identifies scenic vistas, including major view corridors, scenic routes, and gateways within the City of Palo Alto<sup>13</sup>. There are no scenic vistas within the project area; therefore, construction and operation of the proposed project would have *no impact* on scenic vistas.

NO IMPACT

**b) Have a substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?**

There are no state scenic highways within the project area; therefore, construction and operation of the proposed project would not damage any resources within a state scenic highway. There would be *no impact* and no mitigation is required.

NO IMPACT

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<sup>12</sup> City of Palo Alto, Urban Forest Master Plan Policy 1.G, "Strive for no net loss in canopy cover.", p.142, May 2015, <https://www.cityofpaloalto.org/civicax/filebank/documents/36187> (accessed on April 16, 2018)

<sup>13</sup> City of Palo Alto, Comprehensive Plan, Map L-4, <https://www.cityofpaloalto.org/civicax/filebank/documents/62915> accessed on April 16, 2018.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

### Construction

During construction, the site would be fenced primarily for safety purposes. The fence limits visibility of the site and construction activities. Large-scale equipment used to hoist and/or excavate materials would be visible to surrounding areas and passersby. Signage for safety and informational purposes would also be visible. Best Management Practices (BMPs) such as good housekeeping activities (street sweeping, material organization, etc.), stockpile management, and careful placement of construction staging areas would be implemented to prevent injuries, minimize vandalism, and reduce visibility of equipment and materials. Use of BMPs would help minimize the visual clutter associated with construction.

### Operations

The proposed structure would be constructed primarily of poured-in-place concrete. ~~The two-story~~Along the street edges, the building base ~~would be sandblasted~~columns and shear wall are board-formed concrete in a natural color, similar to ~~the~~All Saints Episcopal Church, ~~with subtle details used to define the corners and architecture of the building.~~ Metal flat bars painted a dark bronze color ~~would be~~are used to infill the first-floor openings ~~and to~~ create screening for pedestrians. The metalwork ~~would continue~~is continued on the ~~rail~~runs and landings of the stair ~~to mimic~~celebrating the metalwork found in the ~~Post Office~~post office and other Spanish ~~Revival~~revival buildings. ~~The structure would have substantially open sides to provide natural ventilation and~~An illuminated perforated metal scrim wraps the main corner stair creating a ~~façade scaled to~~lantern element that serves as a wayfinding device. This element is also the ~~local streets.~~ Metal fins ~~wrapping~~focus of the public art program for the building. Vertical metal louvers, capped by a horizontal metal channels, wrap the upper stories ~~and define the cornice of the building.~~ The vertical louvers serve to create a body to the building while allowing for the required garage ventilation. ~~The~~Their color ~~of the fins would mimic~~is reminiscent of the terracotta colors found in the downtown ~~area~~. The proposed architectural design of the structure is intended to reflect elements and materials of the Post Office and surrounding buildings and to be consistent with the character of the downtown area. In addition, two elements of the structure have the potential for integration of public art. The two locations are the shear wall element facing Hamilton Avenue and the perforation pattern to the stair cladding at the corner of Hamilton Avenue and Waverley Street. The corner of the parking structure would feature a small plaza area with decorative pavers similar to what would also be used in the pedestrian access alleyway. The alleyway would also be visually enhanced with decorative paving, plantings, benches and decorative lighting to encourage pedestrian use of these spaces. To invite people to explore and use the alley, decorative pervious pavement, generous benches, landscaped storm water treatment planters, and pedestrian-scaled lighting would be used. The storm water treatment planters would be at-grade and even with the walkway. The planters would feature a combination of low growing knee-high foliage and flowering plants to provide year-round interest, as well as functionality for cleansing storm water directed from the parking structure roof.



### 3.2.3.1 Criteria of Significance

The following significance criteria are based on Appendix G of the CEQA Guidelines (14 CCR 15000 et seq.) and are used by the City to determine the significance of impacts. Impacts ~~to~~ would be significant if the proposed project would:

- a. Conflict with or obstruct implementation of the applicable air quality plan (such as the Bay Area Clean Air Plan)?
- b. Violate an air quality standard or contribute substantially to an existing or projected air quality violation?
- c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?
- d. Expose sensitive receptors to substantial pollutant concentrations?
- e. Create objectionable odors affecting a substantial number of people?

### 3.2.3.2 Impact Analysis

#### a) Would the project conflict with or obstruct implementation of the applicable air quality plan?

The applicable air quality plan is the Bay Area 2017 CAP. The Plan focuses on two closely-related goals: protecting public health and protecting the climate. Consistent with the GHG reduction targets adopted by the State of California, the plan lays the groundwork for a long-term effort to reduce Bay Area GHG emissions 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050. A project that would not result in significant and unavoidable air quality impacts may be considered consistent with the Bay Area 2017 CAP. The BAAQMD proposed thresholds are included in **Table 8**, p.64, for comparison purposes. As seen in the modeled data in **Table 12**, p. 70, construction emissions would not exceed the proposed thresholds for the proposed project. Therefore, the proposed project would not conflict with or obstruct implementation of the Bay Area 2017 CAP. Impacts would then considered be *less than significant*. No mitigation is required.

LESS THAN SIGNIFICANT IMPACT

#### b) Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?

The proposed project would result in a significant impact if the estimated construction or operational emissions exceed the BAAQMD thresholds shown in **Table 8**, p.64. The estimated daily project emissions generated during construction and operation of the proposed project are summarized in **Table 12**, p.70, and **Table 13**, p.70. As shown in these tables, emission estimates from the proposed project would not exceed BAAQMD thresholds and impacts will be *less than significant*. The project would not violate any air

### 3.3.3 Impact Analysis

#### 3.3.3.1 Significance Criteria

The following significance criteria are based on Appendix G of the CEQA Guidelines (14 CCR 15000 et seq.) and are used by the City to determine the significance of impacts. Impacts ~~to~~ would be significant if the proposed project would:

- a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?
- b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife Service?
- c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
- e. Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance?
- f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved, local, regional, or State habitat conservation plan?

According to the City's CEQA thresholds, a significant impact would occur if the project would conflict with the City's Tree Preservation Ordinance.

#### 3.3.3.2 Impacts and Measures

- a) Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?**

The project site is located in an urbanized area of Palo Alto and is currently developed with a surface parking lot and landscaping. The project site does not include riparian habitat, wetlands or streams or other sensitive natural communities identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

A search of the California Natural Diversity Database, maintained by the CDFW, as well as the official species list from the USFWS yielded a list of threatened, endangered, proposed and candidate species, and critical

### 3.4.3 Impact Analysis

#### 3.4.3.1 Significance Criteria

The following significance criteria are based on Appendix G of the CEQA Guidelines (14 CCR 15000 et seq.) and are used by the City to determine the significance of impacts. Impacts ~~to~~ would be significant if the proposed project would:

- a. Adversely affect a historic resource listed or eligible for listing on the National and/or California Register, or listed on the City's Historic Inventory.
- b. Eliminate important examples of major period of California history or prehistory.
- c. Cause a substantial adverse change in the significance of an archeological resource pursuant to 15064.5.
- d. Disturb any human remains, including those interred outside of dedicated cemeteries.
- e. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.
- f. Directly or indirectly destroy a local cultural resource that is recognized by City Council resolution.
- g. Cause a substantive adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is:
  - i a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, that is listed or eligible for listing on the California Register of Historical Resources, or on a local register or historical resources as defined in Public Resources Code section 5020.1(k) or
  - ii a resource determined by a lead agency, in its discretion and supported by substantial evidence, to be significant according to the historical register criteria in Public Resources Code section 5024.1 (c), and considering the significance of the resource to a California Native American tribe.

#### 3.4.3.2 Impacts

- a. **Would the project adversely affect a historic resource listed or eligible for listing on the National and/or California Register, or listed on the City's Historic Inventory?**
- b. **Directly or indirectly destroy a local cultural resource that is recognized by City Council resolution?**

There is no historic building listed or eligible for listing on the National and/or California Register, or listed on the City's Historic Inventory on the proposed project site. The City of Palo Alto inventory of the downtown area shows several historic buildings within proximity to the project area. The most prominent building is the U.S. Post Office located across the street from the project site, which is listed on the National Register of Historic Places. The adjacent building located at 526 Waverley Street is listed on the City's Historic Inventory as a Category 3 historic resource and is currently used as the Palo Alto Sport Shop. It is

not anticipated that the project would affect the U.S. Post Office building, the Sport Shop or any other historic building.

The design of the proposed garage incorporates several architectural elements ~~intended~~ to make it an appropriate and compatible addition to the Palo Alto downtown area. This includes consideration of the ~~total~~ building height, the character of the ground floor façades, and building setbacks. The garage will include a sub-grade level that will allow for additional parking ~~while limiting the overall building height. The proposed parking structure will be 49 feet 10 inches to the top of rail on the fifth deck, below the city wide 50 foot height limits. The parking structure would be 49 feet-10 inches to the top of rail on the fifth deck with future photovoltaic panels at 56 feet and an elevator penthouse continuing to 63 feet. Although this is taller than the existing zoning height limit for this site, t~~The proposed building will ~~also~~ have a lower height than the existing building to the west, which is 75 feet tall, therefore it is consistent with the development pattern of adjacent buildings.

~~While the~~The proposed garage design ~~attempts to~~ maximizes parking capacity, ~~it also~~ while also incorporates ground floor storefront facades in keeping with the character of the surrounding retail and entertainment neighborhood. In addition, the visual impact of the proposed garage will be softened by the widen 12 foot sidewalks on Waverley Street and Hamilton Avenue, sympathetic to the two-story, 25 foot tall U.S. Post Office which is setback from the Hamilton Avenue sidewalk by a 10-foot setback along Waverley Street and a 7 foot setback from Hamilton Avenue. The selection of exterior materials also reflects an attempt to include design element from surrounding structures, with a neutral sandblasted concrete and bronze painted metal panels. The exterior treatments employ a color palette that echoes the natural adobe-colored walls and terracotta roof tiles of the city's Spanish Revival buildings (including the adjacent U.S. Post Office). There is also a commitment to preserve or replace existing street trees and to incorporate additional appropriate landscaping.

The proposed project would not directly demolish, destroy, relocate, touch, or alter any historic resources listed or eligible for listing on the National and/or California Register, or listed on the City's Historic Inventory. Furthermore, ~~given the restrained height and compatible design,~~ the garage design avoids or minimizes potential adverse impacts on the historic resources in the project area. The proposed project would not indirectly destroy a local cultural resource that is recognized by City Council resolution. Therefore, impacts would be *less than significant*. No mitigation is required.

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**ATTACHMENT E**  
**ZONING COMPARISON TABLE**  
**375 Hamilton Avenue**

**Table 1: COMPARISON WITH CHAPTER 18.28 (PUBLIC FACILITIES DISTRICT)**

Regulation	Required	Existing	Proposed
Minimum Site Area, width and depth	None	29,164 sf	29,164 sf
<b>PF Setbacks</b> - Minimum front, side, and rear yards in the PF zone shall be equal to the respective front, side, and rear yards of the most restrictive abutting district, <u>provided no yard adjoining a street shall be less than 20 feet, and no interior yard shall be less than 10 feet</u> – June 11, 2018 Council modified code for public parking structures and Essential Services Buildings within the Downtown and Cal Avenue			
Front Yard (Waverley)	0' in CD district (10')	NA	Approximately 2 feet to wall (encroaches 8') – 0' to columns
Rear Yard (next to ATT bldg)	10 feet	NA	2 feet (encroaches 8')
Interior Side Yard (at CVS and backing Waverley addressed lots)	10 feet	NA	10 feet – CVS and side of Tai Pan, 16 feet- from rear lines of Waverley buildings
Street Side Yard (Hamilton, special setback)	PAMC 20.08 special setback line: <i>Seven feet on Hamilton; PF Zone requires 20 feet</i>	NA	Approximately 3 feet to wall (encroaches 4' into 7' special setback)
Min. yard for lot lines abutting or opposite residential districts or residential PC districts	10 feet <sup>(2)</sup>	NA (not abutting 510 Waverley, CDC-GF-P, may have residential use on upper floor)	NA
Max. Site Coverage	Equal to site coverage established by most restrictive adjacent district (CD)	NA	NA
Max. Building Height	50 feet	NA	63' to top of mechanical equipment for elevator (no exception required); 56' to top of PV structure and elevator ceiling (exception) 49'10" elsewhere
Max. Floor Area Ratio (FAR)	Equal to FAR established by most restrictive adjacent district (1:1 for non-residential use in CDC zone with increase allowed with TDR not to exceed 3:1 in CDC)	NA	114,048 sf - above grade parking area
Daylight Plane for lot lines abutting one or more residential zone districts other than an RM-40 or PC Zone	None	NA	NA

## Attachment F

### **Project Plans**

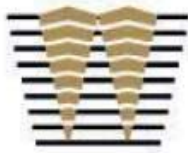
Hardcopies of project plans are provided to Board members. These plans are available to the public online and/or by visiting the Planning and Community Environmental Department on the 4<sup>th</sup> floor of City Hall at 250 Hamilton Avenue.

#### **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 “375 Hamilton Avenue” and click the address link
4. Public Works maintains a project webpage which provides links to the project plans and other important information

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

<https://cityofpaloalto.org/downtowngarage>



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July 12<sup>th</sup>, 2018

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

**Re: 375 Hamilton Ave., Downtown Parking Garage, ARB Formal Review Project Description**

To Planning Staff and ARB Members:

Attached is the formal ARB submittal package for 375 Hamilton Avenue, the proposed Downtown Parking Garage. The project applicant is Watry Design Inc., with Hayes Group Architects, on behalf of our client, the City of Palo Alto.

This package includes 14 sets of half size drawings and two sets of full size drawings, including the vicinity map, neighborhood context, site plan, landscape plan, proposed floor plans, elevations, sections, and perspectives.

**SCOPE OF WORK**

Due to an increased parking demand and a shortage of available parking spaces in the downtown area, the City of Palo Alto has begun the process for the design of a new parking structure at the corner of Hamilton Avenue and Waverley Street. The primary goals of this project are to maximize the amount of structured parking while integrating the structure within the downtown context of retail storefronts.

**EXISTING SITE USE**

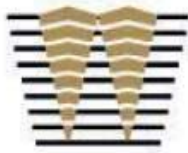
The site is located at the east corner of Hamilton Avenue and Waverley Street. The rear of the site adjoins Lane 21. The surrounding vicinity is a mix of downtown retail and office uses. Southwest of the property, at 345 Hamilton is the four-story AT&T central office. Northwest along Waverley are several one and two-story retail buildings, including historic buildings at 526 Waverley, a category 3 historic building and 510 Waverley, a category 2 historic building. Across Hamilton, to the Southeast, is the historic, two-story Post Office, a category 1 historic building. Across Waverley to the Northeast is the All Saints Episcopal Church. The site is more than 150 feet from any residentially zoned properties so increased zoning restrictions do not apply.

The zone district is PF: Public Facility. The district has a 50 foot height limit. A PF zone amendment, allowing an exception to the seven foot special setback at Hamilton Avenue, was approved by Palo Alto City Council. Easements are not known at this time.

The site area is 29,164 SF, accommodating a surface-level parking lot for 86 vehicles. There is a public restroom at the corner of Hamilton and Waverley. The Arborist Report identifies eight trees on the property, including one protected Coast Live Oak. The protected Coastal Oak is in fair condition with good grow but is not suitable for transplanting.

The occupants of 526, 550 and 560 Waverley utilize a portion of the site to access the backs of their buildings and pick up trash and recycling.





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## PROPOSED USE

The proposed parking structure shall be five levels above ground and one basement level with a ground floor retail area of **1,955 SF**. The main entry to the building will be from Hamilton Avenue. Access is also provided from Lane 21, however this access will generally be for exit only with entry only in the event that the Hamilton Avenue access may be restricted.

This project shall provide **325** total parking stalls. Of these, there will be provision for accessible spaces (**8**); electric vehicle charging (**82, 17** to be installed initially) stalls serving the new retail area (**6**) and a stall serving 550 Waverley.

A long-term bike storage room shall be provided at Hamilton Avenue near the main vehicle entry/exit. This room shall be approximately **438** square feet and have space for approximately **50** bicycles with additional space for child carriers etc. Short-term bicycle storage can be provided at the sidewalk near the retail space.

A common refuse storage room shall be at Lane 21 near the secondary vehicle entry / exit. This room shall be approximately **450** square feet. It will serve the Waverley businesses and the proposed new retail space.

The parking structure will be **50'-0"** to the top of rail on the fifth deck with an elevator penthouse continuing to **63'-0"**.

The building will be designed with infrastructure to allow for the future installation of photovoltaic panels mounted above the top parking deck.

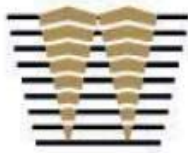
## SITE AND BUILDING CONCEPT

The proposed building sits three feet away from the property line at Hamilton Avenue; it extends four feet into the special setback. The building extends to the property line at Waverley Street. A continuous 12 foot sidewalk wraps both frontages. The structure is two feet from the interior lot line at the AT&T building.

At the north property line, shared with 560 Waverley, the edge of the garage sets back 10 feet from the property line. This facilitates construction, provides a path for underground utilities, allows openings for natural ventilation into the parking garage, and lets light reach the existing windows at 560 Waverley. This necessary setback also creates an opportunity for a pedestrian walkway, focused on and leading to the secondary stair vertical circulation element. Additionally, a visual connection to All Saints Episcopal Church is created between the garage and the church by way of the new alley connection. The alley is visually enhanced with architectural paving, plantings, benches and decorative lighting features that will provide the infrastructure for a useable space.

The primary stair and elevator circulation features are prominently positioned at the corner of Waverley Street and Hamilton Avenue since pedestrian way finding is an important aspect of garage navigation. At this street corner, the building edge erodes, creating a pedestrian court with access to the stair and elevator, as well as an entrance to the ground floor retail space that extends down Waverley Street.

In order to maintain access for utilities, services and secondary means of egress for the existing buildings fronting Waverley Street, the garage sets back 16 feet from the shared property line at this location. Vehicle access will



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be restricted in this alley to those vehicles needed for service. The alley will be enhanced with architectural paving, new planting, benches and lighting so that it can be a useable space.

To satisfy the car count goal, the garage is four stories, with parking at the roof level, plus one level of basement parking. The main vehicle entry / exit shall be on Hamilton Avenue near the south corner of the lot since Hamilton is a more travelled way. A secondary vehicular exit shall be at Lane 21.

The building will be naturally ventilated and as such must meet California Building Code requirements for openness. This requirement requires that the design must have a sustainably open façade to achieve the prescribed open area and open length. The basement will be mechanically ventilated.

The building concept is one of transition and compatibility. The garage is integrated into the context of the downtown rather than being self-conscious and aggressive. An integrated building defines itself through program, connections with the site and context as well as streetscape character without replicating architectural styles but drawing from them.

The general massing of the façade is scaled to the street with a new canopy at Hamilton and Waverley. This canopy, higher at Waverley Street, relates to the adjacent retail and nearby Post Office arcade. The height of the AT&T building at seventy-five (75) feet serves as a backdrop to our building that is 50% shorter. The retail storefront assists in the transition to mercantile buildings along Waverley Street.

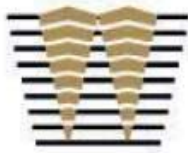
#### **MATERIALS, COLORS, AND CONSTRUCTION METHODS**

The primary construction material is poured in place concrete columns, slabs and walls. Along the street edges, the building base columns and shear wall are board-formed concrete in a natural color, similar to All Saints Church. Flat metal bars painted a dark bronze color infill the first floor openings to create pedestrian screening. The metalwork continues on the runs and landings of the stair, celebrating the metalwork found in the post office and other Spanish revival buildings. An illuminated perforated metal scrim wraps the main corner stair creating a lantern element that serves as a wayfinding device. This element is also the focus of the public art program for the building. Vertical metal louvers, fill the space between columns at the second, third and fourth stories. The vertical louvers serve to create a body to the building while allowing for the required garage ventilation. Their color is reminiscent of the terracotta colors found in the downtown. Above the roof parking level, a dark bronze metal 'cap' and metal railing create a cornice for the building. This design is enhanced by, but not dependent on, future columns and beams supporting photovoltaic panels.

#### **SIGNIFICANT CHANGES FROM THE PREVIOUS SUBMITTAL**

In response to board member comments on February 15<sup>th</sup> and June 21<sup>st</sup>, we have made several changes to the design. The building moved three feet back from the Hamilton Avenue property line, better aligning with the existing AT&T building. A pedestrian pathway through the structure leads from the bike parking entry near Gilman Street to Lane 21 near CVS as recommended by the Transportation Department. Responding to comments on proportion and massing, the heavy two-story arcade base is now a narrow canopy at Hamilton and Waverley. The material of the perforated metal shroud at the corner stair has been refined into a more open, transparent structure.

The vertical fins were lowered to line up with the upper parking deck, and a new metal cap and open metal guardrail create a cornice at the top of the building. The bike locker received decorative screening, an accent paint at the back wall, and a protected walkway. A long planter shifted to add more bench seating Hamilton. Seating was also added near the corner plaza. The latest renderings of the garage show the public art incorporated into the perforated metal shroud at the corner stair.



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## **LANDSCAPE CONCEPT**

The landscape of the proposed parking structure is designed to enhance the pedestrian environment of downtown Palo Alto and encourages positive social interaction through providing an inviting streetscape and creating a unique and convenient pedestrian alleyway between the existing surrounding buildings and the proposed structure.

The streetscape walkways are replaced and widened to provide more room for circulation along the proposed retail space on Waverley Street and for enjoying the built-in benches and landscaped raised planters on Hamilton Avenue. New street trees are proposed along Hamilton in enlarged, 4'x7' tree wells and a suspended pavement system to help ensure healthy growth of the new Ginkgo trees which reflect the existing species of the preserved street trees on Waverley Street. Three native Oak trees have been added on Hamilton to compensate for the removal of the one protected oak tree.

The corner of the parking structure features a small plaza area that introduces decorative pavers which are also used in the pedestrian access alleys.

The pedestrian access alleys offer a quiet and human scaled alternative route through the project site. To invite people to explore and use the alley we use decorative pervious pavement, generous benches, landscaped storm water treatment planters, and pedestrian scaled lighting. The storm water planters in the alley and to Lane 21 are about three feet high, and will feature a combination of low growing foliage and flowering plants that provide year round interest and function to cleanse storm water directed from the parking structure roof. Planting species have been carefully selected to be successful in the alley environment and to enhance the pedestrian experience creating a pleasant atmosphere for what is expected to be a well-used passageway.

Maintenance access for surrounding Waverley Street businesses is provided in the pedestrian access alley. Concrete paving is used at the north end for durable access to the refuse storage room. Vines trained to grow on the façade visually soften the appearance of the parking structure.

## **PUBLIC ART**

The public art installation will form an integral part of the building's fabric. Public art shall incorporate into and onto the perforated metal panel screens around the stair at the corner of Hamilton and Waverley and above the parking entrance on Hamilton Avenue.

## **GREEN BUILDING PROGRAM**

The building will comply with the mandatory requirements of the 2016 Non Residential California Green Building Code (CALGREEN + TIER 2).

We look forward to our presentation and discussion with the Architectural Review Board.

Sincerely,

Ken Hayes, AIA  
Principal

cc: Watry Design Group  
enclosed: Arborist Report, June 2017



## ARCHITECTURAL REVIEW BOARD EXCERPT DRAFT MINUTES: July 19, 2018

City Hall/City Council Chambers  
250 Hamilton Avenue  
8:30 AM

### Call to Order/Roll Call

Present: Chair Wynne Furth, Vice Chair Peter Baltay, Board Members Alexander Lew and Robert Gooyer.

Absent: Osma Thompson.

- 2. PUBLIC HEARING/QUASI-JUDICIAL. 375 Hamilton Avenue [17PLN-00360]: Recommendation on a Request for Approval of an Architectural Review Application for a Five-Level, 50' Tall Parking Structure, With One Below Grade Parking Level, Providing 325 Public Parking Spaces and Approximately 2,000 Square Feet of Retail Space Fronting Waverley Street. Environmental Assessment: A Draft Environmental Impact Report was published May 18, 2018 and circulated for public comments. Zoning District: Public Facilities (PF). For More Information Contact Chief Planning Official Amy French at [amy.french@cityofpaloalto.org](mailto:amy.french@cityofpaloalto.org).**

Chair Furth: The first one is a public hearing. It's quasi-judicial, so we will disclose any conversations we may have had since the last hearing relevant to it. It's a request for approval of an architectural review application for a five-level, 50-foot tall parking structure with one below-grade parking level, providing 325 parking spaces and approximately 2,000 square feet of retail space, fronting on Waverley Street. A draft Environmental Impact Report was published and circulated for comment. May we have the staff report? Oh, are there any disclosures? Any conversations? None. And we have all visited the site. Staff?

Amy French, Chief Planning Official: Thank you. We have today the third hearing for the downtown garage and retail project. On the screen I have a couple circles around some areas to look at, chiefly on these images, because there have been quite a few changes there. There's some additional changes that the architect will go over. A few more images here. The architect today is actually here, which is great, and presented last time. We have a response to the ARB and are requesting to get a recommendation from the ARB to City Council. We have already scheduled a hearing for Council in September, I believe, so we are looking forward to that. In the process, we've had the CEQA, which was last year scoping. We went through pre-screening. We had preliminary reviews for this project in 2017, and then, we had our formal reviews by the ARB -- there're a few images -- starting with February 15th here, moving to June 21st, where we had three members, and then, today's hearing, July 19th. Back in early June, the Council adopted the Public Facilities' own changes that allow us to move this forward to the Council for their action to approve the setback modifications. That's September 17th. They would be taking action on the final EIR, which is being prepared. The final EIR has not been published, but will soon be. It does contain responses to the ARB comments on the draft EIR, and several of the sections on building, landscaping, cultural sections. There have been some responses regarding the historic post office, noting that we do have these 12-foot sidewalks that are sympathetic to the post office, providing that public realm. We have notes about the metal work, and a nod to metal work on Spanish revival buildings. We have notes about the heights, and we have the emphasis on the cyclist circulation and provisions, as well as the deletion of the trees in the alley. These were comments from the last meeting that three of you attended,

and their comments on the EIR that were folded into the final. Key issues. This was pretty much presented at the last hearing, but we're just going to quickly go through this. Looking at the pedestrian path with the higher ceiling through the garage, so there's better pathways from Hamilton through to CVS, and where we have increased bike and stroller parking, and now, a protective walkway down the lower right image for that bicycle storage area. Again, the three-foot setback, the four-foot encroachment, that was increased in the last rendition and maintained here. We have a better alignment with the AT&T building. It does reduce the parking count in the garage. We have corner enhancements. The architect will show you today some of the seating ideas there on the corner. We have a few modifications in the architecture with this new cap at the top. We also have a concept for a modified concrete treatment that the artist has put forward, so that is considered at this time. And, that is in addition to the tapestry that was proposed. In the last rendition, you had seen enclosure of the stair at the corner, as well as over the vehicle entrance on Hamilton. That has been approved by the Public Art Commission. The content of the art is not in the ARB's purview, but certainly placement on the building is within the purview. There was some discussion last time about where the plantings were, and there was a letter that talks about the viability of the landscaping. And I believe we have our landscape architect today to provide answers if you have questions. As far as the adjacent property owner and the operations, we've been corresponding with the adjacent property owners. There are some items there that were brought up and discussed in letters. We do have a formal parking space in the garage for 550 Waverley, which is per the downtown parking assessment. It cites one space. And, we are going to have a Waverley Street loading zone, and that's likely to be put in prior to completion of this project, to get the ball rolling on that pattern of delivery. That's the conclusion of my presentation. The architect is here to present, and Holly Boyd is the project manager, and may have additional comments.

Holly Boyd, Senior Engineer, Public Works: Good morning. My name is Holly Boyd, I'm a senior engineer in Public Works, and I'm the project manager for this garage. We have a consultant design team here, including the landscape architect, designer and their architect. I don't have any additional comments, but I'm going to introduce Ken Hayes, who is the architect for the project. He has our presentation.

Chair Furth: Thank you. Mr. Hayes? Good morning. You have 10 minutes. Once we get everything organized.

Ken Hayes, Hayes Group Architects: Good morning, Chairwoman Furth, members of the Board. My name is Ken Hayes with Hayes Group Architects. I'm joined today by the design team, Watry Design, with Michelle Wendler and Gordon Knowles; the landscape architect with Merrill Morris, John Potis, is also here in case you have questions for him. And then, Terry Murphy from my office is also here, who has worked on the majority of the documents in front of us. I know that Member Lew was not present at the last hearing, so I have a little bit of a review, and then we'll get into the changes. The program, the downtown garage is Lot D. We're familiar with that. Five levels above grade, one level below. We have reduced it to 325 spaces from the 338 formerly, but we were able to add 50 bike spaces as a result of that. The retail space has decreased a little bit per some modifications that we've made, down to 1955 from the 2188. And then, we are showing the future...Did I do that? I did. Back up. Solar photovoltaic system. I get another five seconds. Project site is at...

Chair Furth: It's an important project. Don't rush.

Mr. Hayes: Okay, thank you. The project site is a 29,000 square foot surface parking lot currently, on the corner of Waverley and Hamilton. The site is zoned PF. The AT&T building next door is also zoned PF, and so is the historic post office across the street. The other sites that are adjacent on Waverley are zoned CDC Ground Floor, P. The project is responding to the ground floor component, as well as the pedestrian overlay component. We have lane 21 at the rear, which is a one-way alley headed to Bryant Street. That serves as an exit for the project. You can also enter there. I want to point out that the sidewalks, both frontages are being expanded. The sidewalk on Waverley is going from about 10 feet to 16 feet, and the sidewalk on Hamilton is going from about 10 to 12, depending on how you count the benches that we have located on that side of the building. And, of course, the historic Category 1 post office is across Hamilton. At the February hearing, we heard some comments about some of the concerns

on the site planning, the building edge at Hamilton Avenue, and how the building responded to the seven-foot special setback. We all know now that special setback has been eradicated for PF buildings, so that's not a requirement any longer. However, we are responding to it. Board members were questioning why we needed to have this pedestrian alleyway, so I have some comments on that. This was an awkward way through the garage, so you asked us to look at that a little more closely. And then, if there was a way to increase the bicycle parking, that would be something that would be very positive. We have responded to all of these at the June hearing, and I believe our response was well received. The setback along Hamilton, we've moved the building in three feet to better align with the AT&T building. That is about as tight as we can go because of the requirements for the parking stalls. We're at minimum on some of these parking stalls, but allows for the pedestrian alley. The pedestrian alley, Board Member Lew, is needed because of constructability issues, to avoid underpinning of the Thai Pan building, to allow our joint trench utilities to come in that way, and we need it for light, air, ventilation, in order to propose this naturally-ventilated parking garage, so we don't have to have mechanical ventilation for the floors above grade. And I contend that it's also a great way to give people choice on moving through the community when they come down the stair, which is at the intersection. You know where the intersection is. The pedestrian pathway through the building. The whole second floor has been raised a foot, so a little bit more light when you come in. This left-hand side is essentially all committed to bikes and bike signage and stroller parking. And then, a more deliberate pathway across the garage that is aligned with the pedestrian alley. That then also is coupled with the stair that comes down from the floors above, is also in that corner, and you can either decide to go in the alley behind Thai Pan and Congdon & Chrome and Prolific Oven, or you can decide to walk straight out to Waverley Street through the pedestrian pathway. And then, this is the expansion of the bike area. It's increased by about 50 percent. Those changes were all well received in June. However, there were some comments on the elevations that I just wanted to go through and show the changes that we've made. On the Hamilton Elevation, we have this pattern of vertical fins that provide a varying view into the building as you walk past it because it will change. There was some thought that maybe they're a little too dominate, so we were asked to investigate ways to lessen the impact, maybe, of those fins. Make the pedestrian entrance, which is down in this area here, a little more prominent or inviting, and add amenities at this corner sidewalk and plaza there along Hamilton. I'm going to go to the large scale because I can't see it this far away. I apologize. The changes are, on the ground floor, we have added an additional bench, so we have shifted the entire built-in planter toward the stairwell, so now the planter goes to here, and that allowed us to pick up a bench right here. Now there are four benches along the frontage. We've reduced the fins at the upper floor in this center part here -- this cursor is not working real well. Anyway, you know where. And we've introduced metalwork railings that would be reminiscent of the metal work railings we have on the ground floor behind all the benches and the built-in planters. At the bike entrance, we've taken the board-formed concrete around to the bike entrance, and we've introduced open rails -- this is on the far left-hand side of the drawing -- open rails on the levels above to make it a little bit more transparent. And then, we've introduced a graphic and perforated metal, basically, that symbolizes bikes. So, there's an image of a bike there, and that image continues as you move through the building. At the plaza area, we've incorporated another bench into the stair as it comes down to the plaza. And then, we think any other seating opportunities there -- and this is in conference with the landscape architect -- would really need to be something that's promoted by the tenant that's in that space, and if they have tables and chairs they want to pull out there, perhaps that's a way to animate that space. Waverley façade, same thing. Look at the fins and add some amenities in the plaza. Again, I'm going to go to the large-scale elevation. I've already discussed the amenity in the plaza, which is the bench that we've added. In a similar way, we've reduced the fins down and created this railing that starts to form a cap to the building. We also no longer are wrapping the two corners with fins. If you'll recall before, we were wrapping the two corners with the fins. Now, we're not. The fins are merely infill and reduced in height? Lastly, this wasn't something that the Board commented on, but we've added a horizontal mullion at the retail transom, just to give it a little bit different scale and to increase the horizontality of that façade, with the canopy above. On the pedestrian alley side in the back of the building, really, it was a matter of, what's the selection on the plant material? I think we looked at a lilac vine, and we looked at the California grape, which I'm told is not going to attract winemakers, right? But, it might attract birds. The fruit is very small on the California vines, so I thought I would just preempt that question. There's really no change to that, although the planters are all now consistently drawn at the same height. The planters in

the pedestrian way at the back of the building and the alleyway behind Tai Pan and Prolific Oven are all now at 36 inches, approximately. Those are all seed-free, drain-free type planters, as well. We have some new images right off the press from yesterday morning that are not in your set. This is a view from the, in front of the building, basically, on Waverley. We have the board-formed concrete at the lower levels. We have the terracotta-colored fins, the bronze metalwork, and the clear glass at the retail. You can look down the alley. This is from, obviously, across the street. It shows the corner stair element where, again, we have the bronze perforated metal that has tapestry on it, which is the public art. Tapestry has already been approved by the Public Art Commission and is an abstract representation of, not the flatlands, but the foothills that surround Palo Alto. It creates an interesting graphic on that screen. We have it at this location, and we have it at the far end, which you will see in a minute. This is a close-up of the stair. We incorporated a bench here, and then extended the planter over on this side, in front of the elevator. And then, the railings for the stair descend down and provide a backdrop to that bench so that no one falls into the stair that then descends down to the garage level. Showing some idea of furniture that could possibly be out there. And then, a photographic representation of the building from down Waverley Street, giving an idea of what it would like in the context. You don't really see the post office because of the trees. And then, on Hamilton Avenue looking the other direction. It's broken up quite nicely I think. It's a big building, but it integrates well. And then, this is the other location of the perforated panel and the, you know, this horizontal line here is picked up in that horizontal canopy that we have on Hamilton. This is just our rendering, showing you how that additional bench would look and how those benches occur there, with the metalwork behind. That metalwork then would match the railings above. If you have a bicycle, you would enter here. Here's the perforated graphic of the bike and the entrance. As you come in, you'd be entering on the left-hand side, and this is sort of the drive-aisle side. You'd see this pattern of images of bikes, basically, that would be in this perforated screen to provide a secure bike area, but communicate what's going on there. We're thinking of a bright color in there, so that when you're in the alley coming from Waverly looking down, you can, actually, in the distance, can see the color in the garage. And then, the screen of the perf'd metal in front of the bike storage area. And then, this is looking the other way. You see the festoon lighting in the alleyway, the plant material, the special paving. The paving won't be contrasting like that. I think that's a shadow thing going on here, so the paving is more consistent. I apologize for that. More like that. This is the back alleyway, again, with an opportunity for a bench. There was a discussion, should this bench be moveable? Right now, we're showing it more fixed in this rendering. And then, the very rear. And I believe that's...This is just an explanation of tapestry. I think we covered that probably last time. That's my presentation. Thank you for the extra time.

Chair Furth: You're welcome.

Mr. Hayes: It's much better when you don't have to rush.

Chair Furth: We'll extend the same courtesy to the public. Any questions?

Board Member Gooyer: I have one question. Ken, on the Hamilton Avenue side, the concrete portion, depending on which one you look at, the square openings are either there, or not there. Which one is it?

Mr. Hayes: It's...

Board Member Gooyer: On this one, it doesn't really appear to be there, other than just...

Mr. Hayes: They are depressions, so they're not see-through.

Board Member Gooyer: Well, at one point, they looked like they were completely all the way through. They're openings.

Mr. Hayes: They're not openings. There was an issue with the sheer wall, so they are recesses in the concrete.



Board Member Gooyer: Oh, okay.

Mr. Hayes: They're recesses.

Board Member Gooyer: Okay.

Mr. Hayes: But they are there.

Chair Furth: Anything else before we hear from the public?

Vice Chair Baltay: Yes. Architect Hayes, in the same thing Robert's talking about, I've noticed the Art Commission seems to present images of irregular, rounded shapes on that same wall, rather than the recta-linear squares. Do you have an opinion, as the architect, what's appropriate for the architecture of the building?

Mr. Hayes: It's a very good question. We've gone back and forth on this. I like the interest in the proposal by the artist. I think that that is a concept that your public art coordinator, Elise DeMarzo, is also supportive of. I could see it working. I'm not sure what the, you know, how we're going to accomplish it, if that's something that we want to go. But, I also don't mind just the simplicity of what we have here, with the vines growing on it. I don't know if we have the vines with the other concept, whether or not you're going to read through that, this undulating façade that picks up on that tapestry kind of pattern. I'd be interested to hear your opinion. I'm a bit on the fence, I think, in terms of which way to go. I don't mind the simple version if we're going to have the vines.

Vice Chair Baltay: Thank you.

Chair Furth: I have one speaker card, Elizabeth Wong.

Elizabeth Wong: I represent Waverley Post, which is the owner of 550 Waverley, the building adjacent to this parking lot. If there are not enough people in the audience, it's probably because they never received notification of this ARB meeting. The only reason I'm here is because I received an email, and I checked my mailbox yesterday, and there was no notification. I have several buildings in town and I did not receive a single card. I wanted to talk about a few things concerning this building and the (inaudible). One of the reasons why I spoke so adamantly against the fins is because this is a view of my property, and you will see from these windows, I can see the post office, which is amazing, an amazing view, and that the fence totally blocks the view. I thought it was, you know, for the people in the parking lot, it would be a lost opportunity to see the beautiful building that the post office is. Amy, would you show them the next one? I also wanted to voice some of my other opinions. I have a neighbor that is building a 50-foot underground, three stories. There's going to be a basketball court there, and (inaudible) walls, and I don't see why this building could not have 40 feet underground and include three levels of underground parking. I think that we don't have space in the city for parking spaces, and it's an opportunity to build a garage that will stay there forever. I would like to see...It would have been my preference to see the art going horizontal instead of vertical because it's really hard to see vertical in a very small area of downtown. I wanted to also add that I had no conversations or correspondence with anybody since the last ARB meeting. I don't know who they talked to, but they did not include me. I also wanted to ask you if the panel, on the top of the fourth floor, are they solar panels? And, what is the height of that solar panel? I'm interested in knowing that. Basically, those are the things, I think. There is another view that you can see the post office really, really well. Can you see the next slide? This is the kind of view that you will lose, and if you had an open parking space, parking, you know, four or five levels of parking was open, it would be a less-massive building with a splendid view of the (inaudible) area. Thank you. Oh, one more thing, and that is the access to the back of my building. That is a big, big issue, and it will not go away. Thank you.

Chair Furth: Thank you. Are there any questions of Mrs. Wong? Okay. Anybody else wish to speak on this project? All right. Any comments from staff?



Ms. French: You know, when we continue a meeting, just generally, to a date certain, we do not send out additional notice cards. It's a City expense that we don't go to the trouble to do, because it is a date certain and...

Chair Furth: At our last meeting, we announced that this would be heard on this day.

Ms. French: Correct.

Chair Furth: Thank you. Okay. Any questions of staff or the applicant?

Board Member Gooyer: Want me to start?

Chair Furth: Sure.

Board Member Gooyer: Okay. I think this is an improvement over what we've seen, and I think the third time definitely helped. It's interesting. There are a couple of things. The various changes that you made, I think, are all in the right direction, and I think, as far as I'm concerned, this is approvable at this point. There are some items that, I guess, are still somewhat in flux, but it's all just sort of, throw out my opinion. The tapestry as it's shown on here, I happen to like that. I mean, I know it seems like it didn't really work at Stanford, but I think because, first of all, this is also, you could see through it, and I think it just makes a unique...If nothing else, it's almost, you look at it, you go, "What the heck is that?" It draws you to it a little more. But, I do find it strange that, if this is done, I mean, it doesn't make any sense to me to put the original design skin on there, and then, take that down and put up the tapestry, so we just do one in lieu of the other completely. Secondly, I happen to like the framing for the solar panels. I think it helps the building rather than hinders. I'd like to see, even if they don't put the solar panels on, I'd like to see the frame up there to counterbalance what's going on at the base of the building. I think it actually is a help to it, especially with the new design of the railing on top. It just gives it a nice, finished top floor to it. Like I said, I could approve the project, or forward it on at this point the way it is now.

Chair Furth: Alex?

Board Member Lew: Thank you, Ken, and thank you, staff, for all the hard work on this project. I can also recommend approval of the project today. Previously, I had three major reservations. One was the four dead-end aisles, dead-end aisles inside the garage; the narrow alley between the Tai Pan restaurant and the project; and, also, before, I think you were encroaching as much as six or seven feet into the special setback, and I felt that was sort of short-sighted. I understood the logic of it, but it really seemed short-sighted to me given how hard it is to regain right-of-way space in the future when we actually...If we ever need it. Anyway, I think the building is handsome. It is big. I understand Ken's design strategy, and I think that you've done a really great job with giving that approach. I do want to throw out there that there is a different way of designing a big garage like this. In Beverly Hills, there are two garages, public garages. One's at, like, 345 North Beverly Drive. It has a Williams Sonoma on the ground floor and it's three stories. And then, they have another one, which is 9510 Brighton Way, which is five levels. That has ground-floor retail and it's on Rodeo Drive. They look like buildings. You would never think that they are parking garages. They would be more expensive than what you're showing today. They may be out of the budget of this particular project. But, if you just walk down the street, you wouldn't think that they are a garage, and they blend in. And I think as a good of a job as you've done on this project, it's still going to look like a big garage, especially the Hamilton façade. I think you've done everything that you can do on the Waverley façade. I think the retail helps. It's going to be big, and I think we should expect some criticism of the bulk from it. If you think all the criticism we've gone over, like, the 636 Waverley project, this is going to be a pretty big shock to the system in Palo Alto. I think we should be, we're going to have to be prepared for it, and it's responding to a need for parking. I mean, that's the way I'm looking at it. There were a lot of good changes in the last revisions, the photovoltaics structure, the columns, the changes to the fins. I think those are all really important, and I think that they do help. Okay. The only things that I have on my list now that I think are completely addressed is the concrete

color, which I think you're calling out as natural. My understanding is there isn't really such a thing as "natural" concrete. Even sidewalks are colored with lamp black. I think we need to see something, and I would prefer to see something warmer, a warmer color than cooler color. I can understand the logic of trying to match the concrete to, having the gray-colored concrete to match the All Saints Church. But then, at the same time, I'm thinking churches should be separate and distinct from the rest of the fabric. I did look at the 636 Waverley building and the color of that in context with all the warm colors on the block and it seems off to me. It seems like it stands out too much from the neighbors. I think that the Board should discuss some provision for placement of signs for the retail storefront. That's mostly because your awning is really high. You don't have a lot of space above the doors, the transoms. Yeah, you can hang a sign, or a provision for blade signs on the columns. Something. I think we have to do something. I'm also concerned about graffiti on the board-formed concrete and I want to know if you're proposing to put the coating, like a graffiti coating on the concrete. Or if the City is going to paint it afterwards, or if you're going to use chemical cleaners, which never completely remove all of the paint. And then, I did want to address Elizabeth Wong's comment about the fins. If I look at the site plan, I think that, even if the fins were removed, I don't think it's going to help the view through the garage because there's that stair, and the elevator, and the sheer wall. I think the other thing is that I think the way Ken has designed the fins now, I think looks good. We have another garage over at the Hoover Building at Stanford, where the fins are four feet apart, and it doesn't work at all. It doesn't look good. I think they do need to be fairly closely spaced. I would say that there is an alternate. Like, we have the Bryant Street garage. It just has a grid. It looks more like a window frame and not fins. I think that works, actually, pretty well. But, at the moment, I think I'm recommending no change with regard to that. I did visit the site this morning. I do think there is an issue with service vehicles unloading in the mornings for the CVS store and the restaurant, and then, later in the day, for the Apple store. I think that is an issue. I think loading it from the street side is feasible in the early morning because there's generally not a lot of cars parked in the morning. And I do see restaurants (inaudible) Emerson Street that have restaurant loading in the morning, in the street. They just block the street, so I think that can work. But, I think we do have to resolve all that, and I don't see a lot of details in here. Anyway, that's all that I have. I can recommend approval of the project today.

Chair Furth: Peter.

Vice Chair Baltay: Through the Chair, could I ask a question of the architect, please?

Chair Furth: Yes.

Vice Chair Baltay: Architect Hayes, I have a question for you about the concrete sheer wall and what you explained were decorative penetrations. I originally understood those to be windows through the sheer wall, so you'd have a glancing view, a frame of the post office. Is that a possibility, to do that, still?

Mr. Hayes: We can certainly investigate that more. That was the original concept, but in working with the structural in Watry's office, it presented some problems for them to be able to get the lateral forces to transfer down the sheer wall.

Vice Chair Baltay: Okay. The openings are very small. It seems that the sheer strength would not be dramatically affected. Thank you. I find myself able to recommend approval of this project. I think the changes have been for the good, and I'm very pleased with the way it looks now. I'm very appreciative of the architect and staff for modifying the façade a little bit with the top cornice line. I am concerned that the building is much better with the photovoltaic canopy on the top. The reality is that the canopy is something like 56 feet up, so it's higher than the current sacred 50-foot height limit, and this is going before City Council for a vote. I'd like to give them some ammunition, that the Architecture Board thinks the building is significantly better with the photovoltaic canopy, fully understanding that it's higher than the current 50-foot limit. We still think it's an improvement on the building and should be retained. At least put it really loud and clear to everybody what's going on. My second and only other issue is regarding that concrete sheer wall. I think it's much better if you have rectilinear openings through it that people can see out of. Perhaps also modify the color, or just take into account what Alex was saying

about toning down the coldness of the gray concrete. I think the metal covering on the stairs will be a nice feature, having the public art there, and I'm all in favor of keeping it there, but I don't think it needs to be extended to the concrete sheer wall. I find the rectilinear grade somehow sinks in with the building as an architectural element. I think it's a loss not to have those peekaboo windows out to the post office that we were originally discussing. I'd like to recommend that, I guess that that concrete sheer wall come back on consent, or just a recommendation to staff to check the color of the concrete and see if we can't get openings through it. Aside from that, I'm grateful to the staff for all the work that's gone through, and the architects for getting this building to where it is now. Thank you.

Board Member Gooyer: Can I just interject one item? I agree completely, and that's why I asked the question about the openings in the concrete wall. I think it would be much better if the openings were there. And I also know, having dealt with enough structural engineers, that they're going to scream and moan and everything else, and then, if you put your foot down, it's amazing how it gets done. I don't buy it, that it has to be that way. I mean, I accepted your answer because I know you probably asked the structural engineer and they said, no, no, I need that wall solid. But they don't. It's amazing how...I've always gotten my way if you really push a little bit.

Chair Furth: I'm trying to judge by facial expressions how many architects are out there and how many engineers are out there [Laughter.] Getting a lot of audience reaction.

[crosstalk]

Vice Chair Baltay: It's a few more rebars, Wynne. That's all.

Chair Furth: That's what I figured (inaudible). Sorry about the terrace.

Board Member Lew: Wynne, I'd like to interrupt for one second. There's the internal joke, like, if you're having a meeting with architects and engineers, the engineers show up 10 minutes early and the architects show up 10 minutes late. That's reflective of, I think, structural design, as well.

Chair Furth: I see. And the extroverted engineers are the ones who look at your shoes, right. Okay. I think it looks like a handsome building. I'm really pleased. I share Elizabeth Wong's sorrow at the loss of that view of the post office, but it's going to happen with this building program. I'm grateful that you did carve out the corner on Waverley so that as people come down that street, to have a bit more of a glimpse of that beautiful building across the street. That beautiful civic building across the street, but as a Depression project, with a feeling that civic buildings should look good, they should look like we care about our common purposes in our public buildings. That they shouldn't be as cheap as possible, but they should be the most satisfying we can do. And in this last set of drawings, I have the sense that this is a huge structure, it's a parking structure, but it's also a handsome structure, and we can be proud of it. I think a really important thing with a building of this size is what the experience is walking by it, or even driving by it, close up. I think it's going to be good. I think it's going to be a big improvement over our current experience. We do sit up here and carp a lot, but we also do appreciate what you're doing. There's going to be a much better bicycle and pedestrian experience. I am not going to be locking my bike in the midst of the ivy. I'm not going to be dodging cars backing up into me because there is no pedestrian path at this point that doesn't involve cars backing up into you. I really like your new, walking through the lower level. I'm really glad that we discussed and you were able to raise that floor level underground. I think that this is really, for all the fact it is housing for many, many cars, a pretty multimodal project. I agree that we need to think about where the signage is going to go. I'm delighted that we have a public art element here, and it looks like a beautiful one. On the concrete color, I do not like that cold gray. I don't think -- and I don't know if it really is cold -- I don't think that it's the concrete across the street in the church that we should be picking up on. I think it's the other civic building, which is the post office. I want to know that it's going to enhance that. Which one am I looking at?

Ms. Boyd: Yes, they have.

Chair Furth: (inaudible)

[Laughter]

Chair Furth: I saw it, I looked at it, I looked at it in a bigger context; I still don't like it. I think the context is the post office. I do think that this is wonderful for us in terms of a City building and solar panels because we have been not happy with retrofitted solar panels on parking garages. We have thought that they looked horrible, to use a technical term. These finish the building. They make it lighter, they make it soar, they make it float, they make it ecologically more optimistic. They're great. I really like the altered railings up on the top. Again, I think those are great design elements. I have the sense that this building, when it's built in full, can make us proud in the same way that our post office does, while we reflect on the changes in the way the world is organized between the point when the post office was the most important thing we had, and when the parking garage still was. Fifty-six feet -- or whatever -- is a lot of height, but the building next to it is 75, so this is one of the very few places in the city where I think, downtown where I think you could do this and it wouldn't be a bad thing. I was very concerned about pulling it back as far as possible. I think you've done that. And I also realize that by having the wider sidewalk, you give a sense of bigger pull-back, even though the building façade is not further back. I very much appreciate the wider sidewalks. What else did I want to say? I agree that the windows would be much better. I am concerned about loading and how that's going to work. While I know that this building is much more deferential to the 550 Waverley building than a standard, you know, if we continue development pattern along that street, all the way to the corner, which has zero setback. This is a different situation. It's a deep building, and it's a tall building, and I am persuaded that moving it back isn't going to work. And I'm almost ready to be persuaded that that will be an attractive place to walk through. I am persuaded that it will be a much better place for people working there. Our code says we're supposed to have seating areas and what-not, not just for customers, but for employees, and we're all used to the sight of workers on their breaks, sitting on stand pipes, or curbs, or boxes overturned, and I'm glad that we're going to have seating. In one of the drawings of the seating proposals, it shows what I think of as architecturally lovely, but not comfortable seating. The Timber form Colossus, I can't tell how tall that is, but it looks a little short. I hope it's at least 30 inches, or thereabouts. I'm looking at sheet...

Male: (inaudible)

Chair Furth: Yeah.

Male: (inaudible)

Board Member Lew: Microphone.

Chair Furth: Please.

Mr. Hayes: That is John Potis with Merrill Morris, landscape architect.

Mr. Potis: Thank you. Benches are 18 inches high and are similar to a chair.

Chair Furth: I'm sorry, could you introduce yourself for the record?

Mr. Potis: My name is John Potis, landscape architect with Merrill Morris Partners.

Chair Furth: Thank you.

Mr. Potis: The benches are generally 18 inches high, and that's about the same height as a chair.

Chair Furth: I thought was a chair was, a chair seat...Isn't a chair seat 30?

Mr. Potis: Thirty would be the table height.

Chair Furth: Fine, good, lovely.

Mr. Potis: [crosstalk] is generally about 30 inches.

Chair Furth: You're right. I just measured my seat this morning. It's 12 foot six. You're right. Great. People can sit down in them. And they're both the same height? Timber form is just photographed to look lower? You have bench options for the alley passageway.

Mr. Hayes: There are benches in the alleyway, which would be these Timber form.

Chair Furth: (inaudible) way?

Mr. Hayes: And then there are benches on the Hamilton frontage, and those are integrated, cantilevered off the architecture.

Chair Furth: Right, and as photographed... You present these to us as options in Sheet ARB 4.2, and as photographed, the Timber form Colossus looked really low. Is that an illusion? They're both the same height?

Mr. Potis: We're getting the image up, but it might be that the Colossus looks lower because it's a longer bench in that image.

Chair Furth: Could be.

Mr. Hayes: Yeah, it will be seat height, they will both be seat height, whether they're...

Chair Furth: My point is...

Mr. Hayes: ...integrated.

Chair Furth: ...of course, that I want a bench that I can sit down on and stand up from, even if I am not in peak health. Which means, occasionally, you need something to lean on.

Mr. Potis: Yeah, with sitting up, generally, having an arm on the bench, or a...

Chair Furth: Exactly.

Mr. Potis: [crosstalk]...And with the other...

Mr. Hayes: Can you (inaudible)?

Mr. Potis: The Colossus would not normally come with an arm. The Colossus, it's a big hunk of wood, so I think of Palo Alto trees. Even though it's a dead tree, it's a nice hunk of wood. But with the other bench, you can get arms, and also, the other bench, I thought would be more complementary to the built-in benches. But, again, I wanted...

Chair Furth: I mean, I love great big hunks of wood and all that. And we have lots of people to whom they will not need any assistance. But, take a look at the CVS clientele. You've got a lot of people who need help getting up and down.

Mr. Hayes: The benches in front of the building on Hamilton do have arms.

Chair Furth: I understand that they do, but I'm in favor of universal design. Okay. I think that's all. But my overall feeling is pleasure that we have, I think, gotten to a building which will be pleasant to experience, that will enhance alternative forms of moving about, and that will meet the City Council's project, which requires, says we need a lot more parking in this area. I also hear commentary which leads me to think that we should consider a subcommittee. I am prepared to vote for this. I think there are some items that need further work, and I would suggest that a subcommittee is the appropriate way to do that. I'm happy to delegate it to two of you. I don't think my participation is needed. Any issues, I think, would be -- unless you want to talk about it now -- signage placement, concrete color, and the piercing or not of the sheer wall on Hamilton. Was there something else? Oh, and loading. How loading is going to be handled. Or do you think that's not necessary? Colleagues? I'm actually asking if you're supportive of that approach.

Board Member Lew: I have a question for staff. Wynne was asking about loading. Is that actually part of ARB purview? Because that's something in the street right-of-way. I think in discussion in the past, I think that's been excluded from our scope.

Ms. French: Correct. Yes.

Board Member Lew: We can make a statement to the Council, right? We can make a recommendation, but it's not our...

Ms. French: The Office of Transportation would be reviewing where exactly that would be placed...

Chair Furth: So, what I'm thinking...

Ms. French: ...in relationship to the parking.

Chair Furth: ...about is that we're required to find that it's functional. If there's something about the parking garage itself in relationship to these public alleyways that is making it dysfunctional for loading, then it would be something we should be thinking about. If we don't think there's anything to be done with respect to the building itself, that we're satisfied it can be done elsewhere, then I agree with you.

Ms. French: Could I interject? With the architectural review findings on circulation, if you would like to wordsmith that to note the loading space, with the provision of a loading space on Waverley, something to that effect, the details of where that loading space along the block is something that would be worked out. But having a loading space, period...

Chair Furth: Allows the building and the adjacent buildings to function...

Ms. French: Yeah, we'd like to think of it...

Chair Furth: That's helpful. Thank you. Not actually an issue I raised. Further discussion, or does somebody want to make a motion, which we can then discuss?

## **MOTION**

Vice Chair Baltay: I'm happy to make a motion. I move that we recommend approval of this project with the following conditions. Or, actually, before I even go into conditions, in the findings we need to make, I'd like to insert a sentence regarding the importance of the photovoltaic panels. Staff, could you help me locate where the best place to put that would be, please?

Board Member Gooyer: I think it should be more than just a sentence. I think they really do help the overall design of the building.

Vice Chair Baltay: Yeah. I agree. Do we have draft findings in here, Amy?

Chair Furth: Yes, we do. They're on pages...They're not highlighted the way they usually are, so they're a little harder to find. They start on page 17. Oh, wait a minute. Yeah. Actually, they start earlier, it's just that they're laid out in a very different way.

Ms. French: There is, on packet page 20, is the...

Chair Furth: On page what?

Ms. French: Packet page 20.

Chair Furth: Right.

Ms. French: There is the ARB Finding #6.

Chair Furth: Right, but they start earlier, right? They start...

Ms. French: Correct.

Chair Furth: It's very odd because we've got...I have a hard time finding #1.

Ms. French: We do have a fair number of comp plan policies for this project, so #1 actually starts on the top of page 14.

Chair Furth: Oh, at the top [crosstalk], right.

Ms. French: Packet page 14.

Chair Furth: Right. I think it's Finding #2, that the project has unified and coherent design.

Vice Chair Baltay: Yeah. I would like to see us add...

Chair Furth: A bullet [crosstalk]...

Vice Chair Baltay: ...in that, in Finding #2, that the photovoltaic panels on the top of the building significantly aid in making the building a harmonious transition in scale, mass and character with the community.

Chair Furth: And say, "and supporting structures?" Photovoltaic panels and supporting structures?

Vice Chair Baltay: That's great. You're good with words, Wynne. Help me figure that one out.

Chair Furth: I think it (inaudible) 2-a, or third bullet? I'm sorry. Never mind. Wrong place. Yeah, you're right. It goes in 2-d. So, the photovoltaic panels and supporting structures...

Ms. French: Is the focus the supporting structure for the...?

Chair Furth: It's the whole thing. Yes.

Vice Chair Baltay: Well...

Chair Furth: The building looks unfinished without them, is my problem.

Vice Chair Baltay: Alex...?

Board Member Lew: I think my inclination would be to just say, just have it include the structure and not the panels themselves. Because we got all sorts of state acc...Like, we have two solar shading accents, and I'm thinking it may be better if we just...

Vice Chair Baltay: I agree with you, Alex.

Chair Furth: Because the structure (inaudible).

Vice Chair Baltay: It's the structure that we're after. We just need to use those words.

Chair Furth: Okay, the photovoltaic support structures?

Vice Chair Baltay: That's the...

Chair Furth: I'm thinking of them as finishing the building, but you said something else.

?: (inaudible)

Chair Furth: Provide an elegant top to the building? Top, bottom and middle. Did the architect want to comment why they're good?

Mr. Hayes: It terminates the top of the building. It gives it a cornice.

Chair Furth: Okay, provides an elegant cornice. Effective?

Vice Chair Baltay: What I wanted to do, Wynne, was use language in the findings...

Chair Furth: All right.

Vice Chair Baltay: ...and (inaudible) this super structure is important in helping the building achieve a harmonious transition in scale, mass and character with the adjacent...

Board Member Gooyer: There you go. That sounds good.

Vice Chair Baltay: ...building.

Chair Furth: All right. Let's say it provides a cornice, and. Then we've got the facts and the [crosstalk].

Vice Chair Baltay: I'm trying to give Council what they need to hear, that this is the language they wrote. This building does...[crosstalk].

Chair Furth: And then, can we add a sentence? Yeah, because it has a lot to do with the height. And can we add another sentence, that the 75-foot height of the adjacent building...?

Vice Chair Baltay: I think that's already here.

Chair Furth: All right.

Vice Chair Baltay: It's bullet point number 3.

Chair Furth: Perfect. Some of these things, I have read them, (inaudible) my marks, but I don't remember them all, obviously. Okay. Do you have something, staff, that will work? Are you clear on what we're saying?



Ms. French: Yeah, I think you noted under 2-a, the third bullet, the photovoltaic supporting structure on the top of the building.

Chair Furth: It should be 2-d. I'm sorry.

Ms. French: Oh, 2-d, okay. The photovoltaic supporting structure on the top of the building provides an elegant top, and there's something about significant, and some other verbiage.

Vice Chair Baltay: And it's important in helping the building achieve, then use the language from the findings. Helping the building achieve...

Chair Furth: Harmonious transitions.

Vice Chair Baltay: ...harmonious transition and mass-scale character with the adjacent building.

Chair Furth: Perfect.

Vice Chair Baltay: Then, I'd like to make a condition that the openings in the concrete sheer wall remain as openings, as we've been originally shown. It's not a, come back to us on consent. Just make them openings. I believe that can be done. And I'd like to have a second condition, that the color of the concrete come back on a consent calendar after the architect has given a little more thought to how to tone down the harshness of the colored concrete. And then...

Ms. Gerhardt: Board Member Baltay, are you asking that to be on consent or on subcommittee?

Vice Chair Baltay: Subcommittee, I think. I'm sorry, I misspoke.

Ms. Gerhardt: Thank you.

Vice Chair Baltay: Assuming the rest of the board is up for that. And then, the signage. Is that something we can expect to have come back at the same subcommittee?

Ms. French: Once we receive an application for staff architectural review, we can bring that to the subcommittee.

Chair Furth: I think our problem is different. The question is: What is a location on the building that any signs could go. I think that's the way we want to think about it now. Not the content of the sign.

[crosstalk]

Board Member Lew: The other choice we would have is we could, could we not recommend that a master sign program be included as part of the project? That doesn't mean it would happen. I think we were saying...

Chair Furth: [crosstalk].

Board Member Lew: There's usually a sign for the garage itself. I mean, we name the garages.

Mr. Hayes: There is a master sign program in the drawing set for the parking-related elements that the City has adopted. For the garages.

Vice Chair Baltay: Could that just be expanded to include the commercial...?

Chair Furth: It's retail...[crosstalk]

Mr. Hayes: We're just talking the retail store.

Vice Chair Baltay: Just expand it to include the retail signage, too. It can't be that hard just to say you're going to have... [crosstalk].

Mr. Hayes: We can locate, yeah, yeah, we can locate, you know, options for where the signage could be incorporated.

Chair Furth: Perfect.

Vice Chair Baltay: It will help everybody if you do that. At least that's the base [crosstalk].

Mr. Hayes: And the tenant will want to see that, too.

Vice Chair Baltay: Those are the only conditions I'd like to add. I do not think we should put anything about loading...

Chair Furth: All right.

Vice Chair Baltay: ...on the architecture board. So, that's my motion.

Ms. French: Could I ask a clarification? The openings in the concrete, you said that would not go to subcommittee, that's just a ...?

Vice Chair Baltay: It would not go to subcommittee.

Ms. French: ...would be a condition.

Vice Chair Baltay: We're just saying that should be one of the conditions of approval, is that the openings be retained as openings.

Ms. French: Okay, thank you.

Board Member Gooyer: I'll second that.

Chair Furth: Any discussion?

Vice Chair Baltay: No, there's no "if possible" on that condition. It just says it.

Chair Furth: Keep in mind we are a recommending body. Any other comments before we vote?

Ms. Gerhardt: Do we have a second?

Chair Furth: Yes. Robert. I always forget to summarize that. Okay, on a motion by Board Member Baltay, second by Board Member Gooyer, to recommend approval as previously stated. All those in favor say aye. All those opposed. Hearing none, it passes unanimously.

**MOTION PASSED WITH A VOTE OF 4-0.**

**AMENDMENT NO. 1 TO CONTRACT NO. C17166279  
BETWEEN THE CITY OF PALO ALTO AND  
WATRY DESIGN INC.**

This Amendment No. 1 (this "Amendment") to Contract No. C17166279 ("Contract," as defined below) is entered into on February 11, 2019, by and between the CITY OF PALO ALTO, a California chartered municipal corporation ("CITY"), and WATRY DESIGN INC., a California corporation, located at 2099 Gateway Place, Suite 550, San Jose, CA 95110 ("CONSULTANT").

**RECITALS**

A. The Contract was entered into on December 12, 2016 between the parties for the provision of design and environmental consulting services in connection with a new parking structure in the Downtown University Avenue business district, as detailed therein.

B. The parties now desire to amend the Contract to increase the scope of services to include the basement design and, in consideration of such increase to the scope of services, to increase the compensation to be paid to CONSULTANT by Three Hundred Eighty Eight Thousand Two Hundred Seventy Five Dollars (\$388,275), from One Million Eight Hundred Ninety Nine Thousand Five Hundred Ninety One Dollars (\$1,899,591) to Two Million Two Hundred Eight Seven Thousand Eight Hundred Sixty Six Dollars (\$2,287,866).

NOW, THEREFORE, in consideration of the covenants, terms, conditions, and provisions of this Amendment, the parties agree as follows:

**SECTION 1. Definitions.** The following definitions shall apply to this Amendment:

a. **Contract.** The term "Contract" shall mean contract no. C17166279 between CONSULTANT and CITY, dated December 12, 2016.

b. **Other Terms.** Terms used and not defined in this Amendment shall have the meanings assigned to such terms in the Contract.

**SECTION 2.** The first sentence of the Recitals section of the Contract is hereby amended to read as follows:

"The following recitals are a substantive portion of this Agreement and are hereby incorporated into this Agreement as though fully set forth herein, as follows:"

**SECTION 3.** Subsection C of the recitals section of the Contract is hereby amended to read as follows:

"In reliance on these representations, City desires to engage Consultant to provide professional services as more fully described in the Scope of Services set forth in Exhibit "A",

entitled "SCOPE OF SERVICES" and Exhibit "A-1", entitled "SCOPE OF SERVICES" (together, the "Basic Services"), and any authorized additional services (collectively, the "Services"), in accordance with Schedule of Performance ("Schedule") set forth in Exhibit "B", entitled "SCHEDULE OF PERFORMANCE". Each of the exhibits enumerated in this recitals subsection C is hereby attached and incorporated into this Agreement by reference as though fully set forth herein."

SECTION 4. Section 1, "SCOPE OF SERVICES", of the Contract is hereby amended to read as follows:

"CONSULTANT will perform the Services described in Exhibit "A" and Exhibit "A-1" in accordance with the terms and conditions contained in this Agreement to the reasonable satisfaction of City."

SECTION 5. Section 4, "COMPENSATION", of the Contract is hereby amended to read as follows:

"4.1 Basic Services. The compensation to be paid by City to Consultant for performance of the Basic Services and reimbursable expenses may not exceed **Two Million Seventy Nine Thousand Eight Hundred Seventy Eight Dollars (\$2,079,878)** in accordance with and subject to the provisions of Exhibit "C," entitled "COMPENSATION", which is hereby attached and incorporated into this Agreement by reference as though fully set forth herein. Consultant agrees to complete all Basic Services, including reimbursable expenses, within this amount.

4.2 Additional Services. Services in addition to the Basic Services ("Additional Services"), if any, must be authorized in accordance with and subject to the provisions of Exhibit "C," entitled "COMPENSATION." In the event Additional Services are authorized, the total compensation for Basic Services, Additional Services and reimbursable expenses may not exceed **Two Million Two Hundred Eight Seven Thousand Eight Hundred Sixty Six Dollars (\$2,287,866)**. Consultant will not be entitled to any compensation for Additional Services performed without the prior written authorization of City. Additional Services includes any Services that are determined by City to be necessary for the proper completion of the Project, but which are not already encompassed within the Basic Services described in Exhibit "A" and Exhibit "A-1."

4.3 Rate Schedule. The applicable rates and schedule of payment are set forth in Exhibit "C-1", entitled "Schedule of Rates" ("Rate Schedule"). Consultant is not entitled to compensation for any Services performed or reimbursement for expenses incurred to the extent that payment would result in a total exceeding the maximum amount of compensation set forth herein."

SECTION 6. The following exhibit is hereby added to the Contract to read as set forth in the attachment to this Amendment, which is hereby attached to and incorporated into this Amendment and the Contract in full by this reference:

- a. Exhibit "A-1", entitled "SCOPE OF SERVICES".

SECTION 7. The following exhibit to the Contract is hereby amended in its entirety to read as set forth in the attachment to this Amendment, which is hereby attached to and incorporated into this Amendment and the Contract in full by this reference:

- a. Exhibit "C", entitled "COMPENSATION".

SECTION 8. Legal Effect. Except as expressly modified by this Amendment, all of the terms and conditions of the Contract, including any exhibits thereto, shall remain unchanged and in full force and effect.

SECTION 9. Incorporation of Recitals. The recitals set forth above are terms of this Amendment and are hereby fully incorporated herein by this reference.

**SIGNATURES OF THE PARTIES**

IN WITNESS WHEREOF, the parties hereto have by their duly authorized representatives executed this Amendment on the date first above written.

**CITY OF PALO ALTO**

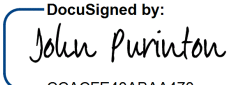
City Manager (Contract over \$85k)

APPROVED AS TO FORM:

City Attorney or designee  
(Contract over \$25k)

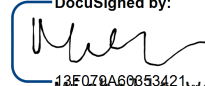
**WATRY DESIGN INC.**

**Officer 1**

DocuSigned by:  
By:   
CCACFE40ABAA470...  
Name: John Purinton

Title: Principal

**Officer 2 (Required for Corp. or LLC)**

DocuSigned by:  
By:   
13F079A60853421  
Name: Michelle Wendler

Title: Secretary

**Attachments :**

EXHIBIT "A-1", entitled "SCOPE OF SERVICES"

EXHIBIT "C", entitled "COMPENSATION"

## **EXHIBIT "A-1"**

### **SCOPE OF SERVICES**

Under Exhibit "A", CONSULTANT is providing services including without limitation preliminary engineering, environmental review, schematic design, design development, construction documents, construction administration and project closeout services to the City of Palo Alto for the Downtown Parking Garage Project. In April 2017, the City Council directed City staff to proceed with design of a new parking garage with five levels of above ground parking, one level of basement parking with a retail space on the Waverley Street frontage. Therefore, in addition to the services detailed under Exhibit "A", , CONSULTANT will also complete the additional tasks as detailed in this Exhibit "A-1" in order to proceed with the direction from the City Council regarding the design of the parking garage in performance of this Agreement.

The additional design tasks include the following:

1. The addition of one basement level to the project including additional below-grade shoring and emergency response radio coverage
2. Geotechnical environmental services to characterize soil for offsite disposal
3. Addition of security cameras
4. Street improvements related to the bulb outs at the Hamilton Avenue/ Waverley Street sidewalks and removal of the existing post office drop box in the median island at Hamilton Avenue
5. Traffic signal modifications at the Hamilton Avenue/ Waverley Street and Hamilton Avenue/ Gilman Street intersections

CONSULTANT will include the additional design tasks under this Exhibit "A-1" throughout all of the performance phases detailed in Exhibit "A" of this Agreement for the Downtown Parking Garage project, including but not limited to the phases outlined below:

1. Schematic Design
2. Design Development
3. Construction Documents
4. Construction Administration
5. Project Closeout

## EXHIBIT "C"

### COMPENSATION

The City agrees to compensate the Consultant for the Services performed in accordance with the terms and conditions of this Agreement, and as set forth in the budget schedule below, and as further specified in each Task Order issued by the City. Compensation will be calculated based on the hourly rate schedule attached as Exhibit C-1 up to the not to exceed budget amount for each task set forth below.

Consultant must perform the tasks and categories of Services as outlined and budgeted below. The City's Project Manager may approve in writing the transfer of budget amounts between any of the tasks or categories listed below provided the total compensation for Basic Services, including reimbursable expenses, and the total compensation for Additional Services do not exceed the amounts set forth in Section 4 of this Agreement. City will authorize Phase 2 and 3, at its discretion, contingent upon approval of environmental review and of the budget for construction of the Project, and upon satisfactory completion of the Phase 1 Services.

#### **Phase 1**

Environmental Assessment	\$274,228
Preliminary Design	\$126,559
Schematic Design	\$264,862
Design Development	\$404,735

#### **Phase 2**

Construction Documents	\$457,700
Permitting	\$75,819
Project Bidding and Award	\$30,074

#### **Phase 3**

Construction Administration	\$340,249
Project Closeout	\$53,938

<b><i>Subtotal Basic Services</i></b>	<b><i>\$2,028,164</i></b>
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<b><i>Reimbursable Expenses</i></b>	<b><i>\$51,714</i></b>
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Total Basic Services and Reimbursable Expenses	\$2,079,878
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Additional Services (Not to Exceed)	\$207,988
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<b><i>Maximum Total Compensation</i></b>	<b><i>\$2,287,866</i></b>
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### **REIMBURSABLE EXPENSES**

The administrative, overhead, secretarial time or overtime, word processing, photocopying, in-house printing, insurance and other ordinary business expenses are included within the scope of payment for Services and are not reimbursable expenses. City will reimburse Consultant for the following expenses at cost, provided that the expenses were reasonably and necessarily incurred solely for providing the Services:

A. Travel outside the San Francisco Bay Area, including transportation and meals, will be reimbursed at actual cost subject to limits of the City's policy for reimbursement of travel and meal expenses for City employees.

B. Long distance telephone service charges, cellular phone service charges, overnight delivery, facsimile transmission and postage charges are reimbursable at actual cost.

All requests for payment of expenses must be accompanied by appropriate documentation of the claimed expenditure, such as written receipts. Any expense anticipated to be more than \$5,000 must be approved in writing in advance by the City's Project Manager.

### **ADDITIONAL SERVICES**

Consultant will provide Additional Services related to a duly authorized Task Order only pursuant to advanced, written authorization from the City as specified in Section 4 of the Agreement. At the City's Project Manager's request, Consultant must submit a detailed written proposal including a description of the scope of Additional Services, schedule, level of effort, and Consultant's proposed maximum compensation, including reimbursable expenses, for such Additional Services based on the rates set forth in Exhibit C-1. The Additional Services, including scope, schedule and maximum compensation will be negotiated and memorialized in writing by the City's Project Manager and Consultant prior to commencement of the Additional Services. Such written agreements for Additional Services are deemed to be incorporated into the Task Order payment.

February 26, 2018

Holly Boyd  
City of Palo Alto  
250 Hamilton Avenue  
Palo Alto, CA 94301

Subject: Lot D Parking Garage Design  
ARB Follow-Up Meeting Request and Action Items

Thank you for your presentation of the Lot D Parking Garage project at the ARB Hearing of February 15, 2018. Below is a summary of the items that we presented during the Public Input portion of the Hearing, which along with our comment letter dated February 14, 2018, we view as critical to move the project forward and to accommodate the operations of our properties at 550-552 (Manhattan Associates) and 558-560 Waverley Street (Waverley Post LP).

1. Parking Garage Access for On-Site Parking

As noted during the ARB meeting, we have not received a proper response from the City regarding our requests for in-perpetuity access easements to access future on-site underground parking planned at both of our buildings. We feel it is a legal responsibility of the City to include mutually agreed-upon and recorded easements prior to any further public input or policy discussions regarding the Lot D parking garage design. The City must be transparent with the public and policy officials regarding legal agreements required to ensure the garage can properly accommodate future access to the buildings and to ensure that the existing Waverley Street frontage operations can be maintained.

The Lot D parking garage plans must be further refined to identify how our future redevelopment projects will correlate with the removal of knock-out walls provided with the Lot D parking garage project. We need adequate time to review the revised details and plan sets with our civil and structural engineer teams to ensure that the designs do not limit future reconstruction of our buildings and that construction can be accommodated without impacts to the Lot D parking garage.

We want to work with the City to ensure access can be provided at widths that limit future parking loss as a result of our future projects connecting to the basement level parking for our own parking access. As plan redevelopment of our projects we will strive for delivering fully parked projects to the community, but we cannot achieve this goal without the parking access from the basement level of the future garage and the above-referenced long-term access easements are a necessity as part of the parking connection.

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Date: February 26, 2018  
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## 2. Public Safety within the Future Pedestrian Walkways

The ARB commission members provided different perspectives regarding the future pedestrian walkways including modifying the width from the currently planned 10-FT to 5-FT along the 558-560 Waverley Street property. We object to any reduction of the walkway widths to below 10-FT. A 10-FT minimum walkway width will help to ensure a walkable environment for pedestrians and discourage use of the walkway for vandalism and dumping of trash. There is an example of the 5' walkway along the rear west side of the current Apple Store at 340 University Ave which is constantly filled with discards from neighboring properties rendering it impossible to walk through this narrow path.

Examples of 10-FT walkways that work to the benefit of the parking garage and its neighboring properties are at (1) the Alma Street garage and adjacent property at 102 University Ave and (2) the Cowper St garage and adjacent Tamarine Restaurant. In both these examples, the 10-FT walkway presents a clean and pleasant relief to the congested alternative of narrower walkways.

In the first example, the 10-FT walkway also provides relief for the residences above ground at 102 University Avenue whose privacy would be totally eliminated had the walkway been 5-FT in width. Waverley Post LP plans to begin a redevelopment process for the 558-560 Waverley Street property which will include residences above the ground floor and for which it needs privacy.

We would also like to stress again our ARB comments to improve the planned lighting along the walkway to a minimum of 2.0 foot-candles. The higher lighting parameter will improve pedestrian safety and the safety of our building tenants during dusk and evening periods.

## 3. Parking Accommodations

During the ARB presentation we presented our concerns regarding the lost access to the three formal and informal parking spaces being lost along the rear of our two buildings. The current design of the Lot D parking garage identifies only one parking space dedication for use by 550-552 Waverley Street. The dedication of a minimum of 3 to 4 parking spaces maintains the existing parking rights currently enjoyed by our buildings and we request that the Lot D parking garage maintain this existing provision. Our ARB public input presentation identified the parking spaces in the northeast corner of the new garage where parking to both buildings can be provided along with dedicated commercial loading zones for use by adjacent merchants. We feel it is appropriate for the parking spaces to be dedicated to our buildings and the commercial loading zones to be dedicated for the merchants' use full-time.

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The requested parking provisions discussed above also require unobstructed pedestrian connections from the dedicated parking and commercial loading spaces to the back of each building. This requires the removal of the planters currently shown on the Lot D parking garage plans and will further provide pedestrian connections between the ground floor of the garage and the walkway improving accessibility and safety.

#### 4. Service Vehicle Access During and After Construction

We require continued access to the Grease Clean-Outs servicing the Tai Pan Restaurant at 560 Waverley Street both during construction and post construction of the Lot D parking garage from the rear of our building. The grease clean-out vehicles must be able to access the building from their current location immediately adjacent the restaurant's rear entry which requires a service vehicle loading zone on the ground floor of the parking garage with walking access for service attendants to pass from the garage into the building. Parking of the Vactor trucks used for the grease clean-out operations along the Alley (Lane 21) as shown in the current design is not feasible. The ground floor of the Lot D parking garage must be increased to a minimum 16-FT height in order for the Vactor trucks to pass through, park, and complete their maintenance operations. An alternate option would be truck traffic to the rear door of 560 Waverley Street through the walkway at the rear of the properties.

A new tenant at 552 Waverley Street is in the process of completing their development application for a new restaurant that includes the construction of a new grease clean-out facility. The new restaurant construction will be completed this year well ahead of the new Lot D parking garage. The Lot D parking garage design must accommodate access of the grease clean-out facilities at both restaurants.

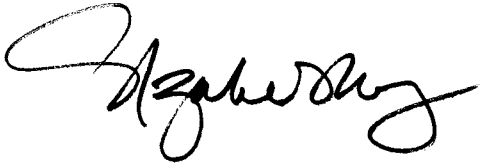
#### 5. Lot D Parking Garage Aesthetics

We recommend the use of an architectural feature on the Hamilton Avenue & Waverley Street corner that includes a glass elevator shaft coupled with a hidden stairwell. The currently proposed metal shade around the elevator shaft provides a modern design element that is not consistent with the existing building architecture along Waverley Street nor with the historical post office across the street. An elevator with glass walls will soften the modern design features of the Lot D parking garage and allow future architectural flexibility in the redevelopment of our buildings.

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We respectfully request a meeting with you and your design team to discuss these items and others so that we can work collectively towards resolutions. Please contact us to schedule the meeting.

Sincerely,



Elizabeth Wong  
Waverley Post LP



Brad Ehikian  
for Manhattan Associates

Cc: Amy French  
ARB  
City Council