



# PLANNING & TRANSPORTATION DIVISION

# 3

## STAFF REPORT

---

**TO:** PLANNING & TRANSPORTATION COMMISSION

**FROM:** Whitney McNair, Contract Planner      **DEPARTMENT:** Planning & Community Environment

**DATE:** October 25, 2006

**SUBJECT:** **Zoning Ordinance Update:** Review and Recommendation of an Ordinance Amending Title 18 (Zoning) to Delete Chapters 18.28 (Multi-Family Residence District Guidelines) and 18.64 (Additional Site Development and Design Regulations for Commercial and Industrial Districts) and to Adopt a New Chapter 18.23 (Performance Criteria for Multi-Family, Commercial, and Industrial Districts); Environmental Assessment: Comprehensive Plan Environmental Impact Report.

---

### RECOMMENDATION

Staff recommends that the Planning and Transportation Commission (PTC) recommend adoption of the proposed ordinance (Attachment A) to the City Council.

### BACKGROUND

The City of Palo Alto Comprehensive Plan includes several policies to address transitions in scale and density and intensity between residential and non-residential areas and between residential areas of different densities. Program L-5 specifically directs the City to:

*“Establish new performance and architectural standards that minimize negative impacts where land use transitions occur.”*

On October 16, 2006, the City Council adopted revisions to the City’s commercial zoning districts. The revisions included context-based design criteria that address the architectural and design relationships related to land use transitions.

### **Prior ARB and Planning and Transportation Commission Review**

Staff presented a draft of the performance standards to the P&TC on August 30, 2006 along with the commercial zone updates and mixed use standards. Subsequent to that date, staff and the P&TC decided to separate the commercial and mixed use development standards from the

performance standards to allow the Commission, public and business community further opportunity to review and discuss the criteria.

## **DISCUSSION**

Chapters 18.28 (Multi-Family Residence District Guidelines) and 18.64 (Additional Site Development and Design Regulations for Commercial and Industrial Districts) of the Zoning Ordinance currently provide performance criteria (guidelines) for multiple family and commercial/industrial development, respectively. These criteria address privacy, trash disposal areas, lighting, noise impacts, visual impacts, carports, underground garages, landscaping, pedestrian protection, and access impacts. The draft performance criteria are proposed as a new Chapter 18.23 (Attachment A) and address all of those potential impacts, but consolidate them into a single chapter, rearrange the criteria, and update them, to include the following:

- Trash Disposal and Recycling
- Lighting
- Late Night Uses and Activities
- Visual, Screening and Landscaping
- Noise and Vibration
- Parking
- Vehicular, Pedestrian, and Bicycle Site Access
- Air Quality
- Hazardous Materials

These performance criteria are intended to provide standards to be used in the design and evaluation of developments in the multi-family, commercial, and industrial zones. The purpose is to balance the needs of the uses within these zones with the need to minimize impacts to surrounding neighborhoods. The criteria are intended to make new developments and major architectural review projects compatible with nearby residential areas, and to enhance the desirability of the proposed developments for the site residents and users, and for abutting neighbors and businesses. Some of the requirements would apply at the building permit stage as well. The requirements and guidelines would not be retroactive, but would apply for permits to replace equipment.

As with the existing code, criteria are listed as either “requirements” or “guidelines.” Requirements are mandated and would require variances or exceptions for any proposed deviations. Guidelines are recommended and will be encompassed in review by staff and ARB, as applicable, and are assumed to apply unless the applicant demonstrates that they are not appropriate or that other means are provided to address the same concerns.

Many of these criteria restate the current standards and guidelines in Chapters 18.28 and 18.64. Attachment B is a redline version of the new Chapter. Because the Chapter consolidates and rearranges existing code provisions, the redline is not a verbatim reflection of changes to the code, but indicates new substantive language added to the existing provisions. The key issues for each section are noted below.

Trash Disposal and Recycling – This section generally requires enclosure and screening of trash and recycling areas, and adds requirements for designing such enclosures to be architecturally compatible with the rest of the project and to be reviewed by the ARB.

Lighting – This section includes current code language to allow for safe and secure lighting, but to minimize its use and avoid offsite impacts. The amendments quantify maximum lighting intensity (0.5 footcandle) as measured at the abutting residential property line, and provide additional considerations to limit interior lighting and to reduce exterior lighting after operating hours at a site.

Late Night Uses and Activities – This is a new section that includes general language about restricting retail or service commercial businesses abutting or within 50 feet of (either directly or across the street) residentially zoned properties. Additionally, within the CN or CS zone, any such uses would require a conditional use permit for operations or activities occurring between 10:00 p.m. and 6:00 a.m.

Visual, Screening and Landscaping – This section encompasses extensive existing language requiring landscape transitions and buffers adjacent to residential uses, and adds setbacks for rooftop equipment or rooftop equipment enclosures (already included in the research/industrial zoning districts). The amendments also suggest the use of textured or permeable paving materials for visual and stormwater purposes, and specify that plantings should allow for a mature appearance within 5 years.

Noise and Vibration – Existing standards require compliance with the City’s noise ordinance (Title 9) and equipment location out of setbacks. Other noise sources are to be located away from residential properties where feasible and/or must incorporate noise-reducing measures. The proposed amendments add language that requires demonstration of compliance with both the noise ordinance and Comprehensive Plan noise criteria through an acoustical analysis prior to building permit issuance. That section also identifies the Comprehensive Plan noise thresholds for environmental review.

Parking – This section incorporates criteria from the existing code regarding underground parking and compatibility of carports. Amendments include located parking behind buildings, breaking parking into smaller groupings of spaces, and assuring that underground garages provide adequate perimeter area for transition landscaping.

Vehicular, Pedestrian and Bicycle Access – This section adds language to avoid access conflicts with pedestrian walkways or bikeways, as well as including existing provisions to locate shipping and receiving areas away from residences and to avoid use of residential streets for employee or truck access.

Air Quality – This section adds new language generally requiring owners/applicants to address cooking and other odors, smoke and dust that may affect adjacent residences.

Hazardous Materials – This is a new section requiring compliance with regulations and providing notice to nearby residents when a business increases the quantities or changes the types of hazardous materials stored, used or handled. Staff believes this language is appropriate

to allow for public “right to know” where such materials are being used. The provisions only apply when a business proposes to use hazardous materials in excess of certain threshold limits governed by Health and Safety Code 6.95, requiring permitting through the Fire Department. The notice would be sent to all residential property owners within 150 feet of the building or area of storage or use of the materials, not later than 5 days after permit approval, and would allow for such residents to review the plans and applicable accidental release measures.

For projects with “extremely hazardous” materials governed by Title 19 of the California Code of Regulations and requiring a Release Management Plan (RMP) to be filed with the County Department of Health, the code would require the City to notify “affected residents” identified in the RMP of the County’s 45-day public review and comment period. The County ultimately has approval authority over these sites (which are very rare in Palo Alto), but is required to notify the Fire Department of such plans.

### **Community Outreach**

Staff met on October 18<sup>th</sup> with neighborhood representatives and other residents and provided a draft of the proposed code section to the attendees. Staff will report to the Commission regarding that meeting discussion. Community input was also part of the Commission’s previous study session. The proposal has been added to the City’s Zoning Ordinance Update website for public review as well.

Staff also met on October 17<sup>th</sup> with business representatives from the Stanford Research Park who have properties that abut residentially zoned properties, to discuss these provisions. There was a general understanding for the need to inform the public about available information related to hazardous materials stored, used or handled with a specified distance from a residentially zoned property. There were other questions regarding air quality, noise and hazardous materials.

### **ENVIRONMENTAL REVIEW**

The proposed modifications to the Zoning Ordinance would have little impact on the amount of development permitted in multi-family, commercial and industrial zones. Most of the draft amendments provide added protections in transitions from uses abutting low density to residential zones. The amendments are consistent with the policies and programs outlined in the Comprehensive Plan and with the Comprehensive Plan EIR.

### **NEXT STEPS**

Upon recommendation by the Commission, the draft ordinance amendments will be presented to the City Council for review and approval. The Council is tentatively scheduled to hear this item in December, 2006.

### **ATTACHMENTS**

- A. Draft New Chapter 18.23
- B. Draft Chapter 18.23 Redlined Version


### **COURTESY COPIES**

City Council  
Don Larkin, Senior Deputy City Attorney  
Melissa Tronquet, Deputy City Attorney

Dan Firth, Fire Marshall  
Architectural Review Board  
Doug Moran, Barron Park Association  
Sheri Furman, Midtown Residents Association  
Chamber of Commerce  
Elaine Johnson  
Joy Ogawa  
Ramsey Shuayto, Stanford Management Company  
Ken Kornberg, Kornberg Associates

PREPARED BY: Whitney McNair, Contract Planner

REVIEWED BY: Julie Caporgno, Advance Planning Manager

DEPARTMENT/DIVISION HEAD APPROVAL:   
Curtis Williams  
Chief Planning and Transportation Official



## Chapter 18.23

### PERFORMANCE CRITERIA FOR MULTIPLE FAMILY, COMMERCIAL AND INDUSTRIAL DISTRICTS

#### Sections:

18.23.010	Purpose and Applicability
18.23.020	Trash Disposal and Recycling
18.23.030	Lighting
18.23.040	Late Night Uses and Activities
18.23.050	Visual, Screening and Landscaping
18.23.060	Noise and Vibration
18.23.070	Parking
18.23.080	Vehicular, Pedestrian, and Bicycle Site Access
18.23.090	Air Quality
18.23.100	Hazardous Materials

#### 18.23.010 Purpose and Applicability

- (A) Purpose: These performance criteria are intended to provide additional standards to be used in the design and evaluation of developments in the multi-family, commercial, and industrial zones. The purpose is to balance the needs of the uses within these zones with the need to minimize impacts to surrounding neighborhoods. The criteria are intended to make new developments and major architectural review projects compatible with nearby residential areas, and to enhance the desirability of the proposed developments for the site residents and users, and for abutting neighbors and businesses.
- (B) Applicability of Regulations: Except where otherwise noted, the criteria of this chapter shall be applicable to all multiple family (RM-15, RM-30, and RM-40), commercial (CN, CS, CC, CC(2), and CD), and industrial (OR, MOR, ROLM, RP, and GM) zoning districts, and Planned Community (PC) districts that are located within one hundred fifty feet of any R-E, R-1, R-2, RM or PC District permitting single family or multi-family development within the City of Palo Alto, or of existing residential uses within those zones. The determination of final approval of the architectural and design elements of any project remains with the Director of Planning and Community Environment, after recommendation by the Architectural Review Board, pursuant to Chapter 18.76 of the Palo Alto Municipal Code. The Director and the Architectural Review Board retain the authority to interpret criteria on a project-by-project basis in order to most effectively fulfill the specific purposes listed in subsection (A); provided, that more restrictive regulations may be approved as part of architectural review pursuant to Chapter 18.76 (Permits and Approvals).

The requirements shall apply to new construction on such sites, or to modifications of existing buildings or site improvements at the time of approval or building permit issuance if no architectural approval is necessary. The criteria may also be considered

for sites abutting non-residential zones where determined to be appropriate by the Architectural Review Board.

Design element regulations that are identified as requirements shall be included in the design of the project. The recommended guidelines should be included in the design of the project. At the submittal of the project to the architectural review board or for a building permit, if these guidelines are not included, it shall be necessary for the applicant to demonstrate how the project meets the design objectives set forth in this section.

### **18.23.020            Trash Disposal and Recycling**

- (A) Purpose: Assure that development provides adequate and accessible interior areas or exterior enclosures for the storage of trash and recyclable materials in appropriate containers, and that trash disposal and recycling areas are located as far from abutting residences as is reasonably possible.
- (B) Requirements:
  - (i) Trash disposal and recyclable areas shall be accessible to all residents or users of the property.
  - (ii) Trash disposal and recyclable areas shall be screened from public view by masonry or other opaque and durable material. Chain link enclosures are strongly discouraged.
  - (iii) Trash disposal and recycling structures shall be architecturally compatible with the design of the project.
  - (iv) The design, construction and accessibility of recycling areas and enclosures shall be subject to approval by the architectural review board, in accordance with design guidelines adopted by that board and approved by the city council pursuant to Section 18.76.020.

### **18.23.030            Lighting**

- (A) Purpose: To minimize the visual impacts of lighting on abutting residential sites and from adjacent roadways.
- (B) Requirements:
  - (i) Exterior lighting in parking areas, pathways and common open space shall be designed to achieve the following: (1) provide for safe and secure access on the site, (2) achieve maximum energy efficiency, and (3) reduce impacts or visual intrusions on abutting properties from spillover and architectural lighting that projects upward.
  - (ii) The use of high pressure sodium and metal halide are permitted light sources. Low pressure sodium is not allowed.
  - (iii) Exterior lighting fixtures shall be mounted less than or equal to 15 feet from grade to top of fixture in low activity or residential parking lots and 20 feet in medium or high activity parking lots.

- (iv) Where the light source is visible from outside the property boundaries, such lighting shall not exceed 0.5 footcandle as measured at the abutting residential property line.
- (v) Interior lighting shall be designed to minimize nighttime glow visible from and/or intruding into nearby properties and shall be shielded to eliminate glare and light spillover beyond the perimeter property line of the development.
- (vi) Light fixtures shall not be located next to driveways or intersections, which obstruct clear sight distance triangles.

(C) Guidelines:

- (i) Lighting of the building exterior, parking areas and pedestrian ways should be of the lowest intensity and energy use adequate for its purpose, and be designed to focus illumination downward to avoid excessive illumination above the light fixture.
- (ii) Pedestrian and security lighting fixtures should be directed downward. Architectural lighting that projects upward from the ground as used in landscaping, courtyards, or building accent should be directed so as not to affect abutting land uses.
- (iii) Unnecessary continued illumination, such as illuminated signs or backlit awnings, should be avoided. Internal illumination of signs, where allowed, should be limited to letters and graphic elements, with the surrounding background opaque. Illumination should be by low intensity lamps.
- (iv) Timing devices should be considered for exterior and interior lights in order to minimize light glare at night without jeopardizing security of employees. At the time of project approval the project applicant must demonstrate how exterior lighting sources will be reduced after operating hours or when the use of the facility is reduced.

### **18.23.040 Late Night Use and Activities**

(A) Purpose: The purpose is to restrict retail or service commercial businesses abutting (either directly or across the street) or within 50 feet of residentially zoned properties with operations or activities between the hours of 10:00 p.m. and 6:00 a.m. Operations subject to this code may include, but are not limited to, deliveries, parking lot and sidewalk cleaning, and/or clean up or set up operations, but does not include garbage pick up.

(B) Requirements:

- (i) Retail (including restaurants) or service commercial businesses abutting or within 50 feet of residentially zoned properties that are open or with operations or activities between the hours of 10:00 p.m. and 6:00 a.m. shall be operated in a manner to protect residential properties from excessive noise, odors, lighting or other nuisances from any sources during those hours.

- (ii) Where planning or building permits are required or for a change in use that results in any such commercial business in the CN or CS zone districts, operating or with activities between the hours of 10:00 p.m. and 6:00 a.m., a conditional use permit shall be obtained and conditions of approval shall be applied as deemed necessary to ensure the operation is compatible with the abutting (or within 50 feet of) residentially zoned property. Said use permit shall be limited to operations or activities occurring between 10:00 p.m. and 6:00 a.m.

### **18.23.050 Visual, Screening and Landscaping**

- (A) Purpose: Privacy of abutting residential properties should be protected by screening from public view all mechanical equipment and service areas. Landscaping should be used to integrate a project design into the surrounding neighborhood, and to provide privacy screening between properties where appropriate.
- (B) Requirements:
  - (i) Blank walls facing residentially zoned properties shall incorporate architectural design features and landscaping in order to reduce apparent mass and bulk.
  - (ii) Loading docks and exterior storage of materials or equipment shall be screened from view from residentially zoned properties by fencing, walls or landscape buffers.
  - (iii) All required interior yards (setbacks) abutting residentially zoned properties shall be planted and maintained as a landscaped screen.
  - (iv) Rooftop equipment or rooftop equipment enclosures shall not extend above a height of fifteen (15) feet above the roof, and any enclosed rooftop equipment nearest residentially zoned property shall be set back at least 20 feet from the building edge closest to the residentially zoned property or a minimum of 100 feet from the residential property line, whichever is closer.
  - (v) For sites abutting residentially zoned properties, a solid wall or fence between 5 and 8 ft in height shall be constructed and maintained along the residentially zoned property line where privacy or visual impacts are an issue.
  - (vi) A minimum 10-foot planting and screening strip shall be provided abutting a low density residential district (R-1, R-2, or RMD).
- (C) Guidelines:
  - (i) Roof vents, flues and other protrusions through the roof of any building or structure should be clustered and obscured from public view by a roof screen or proper placement.
  - (ii) All exterior mechanical and other types of equipment, whether installed on the ground or attached to a building roof or walls, should be screened from public and overhead view.

- (iii) Windows, balconies or similar openings above the first story should be offset so as not to have a direct line-of-sight into the interior living areas of adjacent units within the project or into units on abutting residentially zoned property.
- (iv) Building elevations facing residentially zoned property should not have highly reflective surfaces, such as reflective metal skin and highly reflective glazing. The paint colors should be in subdued hues.
- (v) Increased setbacks or more restrictive daylight planes may be proposed by the applicant, or recommended by the architectural review board, as mitigation for the visual impacts of massive buildings.
- (vi) Appropriate landscaping should be used to aid in privacy screening.
- (vii) For landscape buffers to provide a visual screen, trees and shrubs in the buffer area should be installed in a manner that provides maximum visual separation of residential uses from the commercial or industrial use, taking into consideration topography and site lines from residences.
- (viii) Size and density of plant materials should be in proportion to the size of planting areas and the mass of the structure.
- (ix) Plant material selection should take into consideration solar orientation, drought tolerance, maintenance requirements and privacy screening.
- (x) Plant material species and container sizes should allow for a mature appearance within five (5) years.
- (xi) Planting strips and street trees should be included in the project.
- (xii) Textured and permeable paving materials should be used, where feasible, in pedestrian, driveway and parking areas in order to visually reduce paved areas and to allow for retention and/or infiltration of stormwater to reduce pollutants in site runoff.
- (xiii) Landscaping material associated with screening should have adequate room to grow and be protected from damage by cars and pedestrian traffic.

### **18.23.060 Noise and Vibration**

- (A) Purpose: The requirements and guidelines regarding noise and vibration impacts are intended to protect residentially zoned properties from excessive and unnecessary noises and/or vibrations from any sources in abutting industrial or commercially zoned properties. Design of new projects should reduce noise from parking, loading, and refuse storage areas and from heating, ventilation, air conditioning apparatus, and other machinery on nearby residentially zoned properties. New equipment, whether mounted on the exterior of the building or located interior to a building, which requires only a building permit, shall also be subject to these requirements.
- (B) Requirements:
  - (i) All projects shall comply with Chapter 10 of Title 9 (Noise Ordinance) of the Palo Alto Municipal Code.

- (i) Noise-producing equipment, including but not limited to generators, pumps, and air conditioning compressors, shall be located out of setbacks where abutting residentially zoned properties or existing residentially used sites, and shall be screened from view from the residentially zoned property
  - (ii) At the time of building permit issuance for new construction or for installation of any such interior or exterior mechanical equipment, the applicant shall submit an acoustical analysis by an acoustical engineer demonstrating compliance with the Noise Ordinance. The analysis shall be based on acoustical readings, equipment specifications and any proposed sound reduction measures, such as equipment enclosures or insulation, which demonstrate a sufficient degree of sound attenuation to assure that the prescribed noise levels will not be exceeded.
  - (iii) Upon completion of construction or installation, the City shall, where the acoustical analysis projected noise levels at or within 5 dB of the Noise Ordinance limits, require demonstration of the installed equipment and certification that it complies with the anticipated noise levels and the Noise Ordinance prior to final building inspection approval.
- (C) Guidelines:
- (i) Projects adjacent to major arterials, railroad tracks and more intensive land uses should include, but not be limited to, the following: sound walls, solid board fencing, and additional landscaping where appropriate to reduce noise impacts on usable open space.
  - (ii) Parking areas, driveways, loading docks, mechanical equipment, trash enclosures, on-site recreation areas and similar noise generating elements should be sited as far away from residentially zoned property as is reasonably possible. When conditions require noise generating elements to be sited within close proximity to residentially zoned property, noise mitigation measures should be implemented as deemed suitable by staff or the architectural review board. These measures may include the following:
    - (a) Placement of building mass, and/or concrete or masonry walls at the residential property line or around the noise generating element;
    - (b) Elimination of site access close to residential sites where other access is available;
    - (c) Installation of an earth berm and landscape buffers where appropriate;
    - (d) Discouragement of the use of open air loudspeakers and compliance with the city's loudspeakers ordinance (Chapter 9.12 of the Palo Alto Municipal Code).
  - (iii) Auxiliary power sources should be included and used at loading docks so that there is no needless engine idling of delivery trucks with refrigerator or other engine-powered equipment. These sources should be shown on drawings submitted for building permits.

- (iv) All uses within 150 feet of a residentially zoned property should be operated as not to generate vibration discernible without instruments at or beyond the lot line upon which the source is located or within adjoining enclosed space if more than one establishment occupies a structure. Vibration caused by motor vehicles, trains, and temporary construction or demolition work is exempted from this standard.

### **18.23.070                    Parking**

- (A) Purpose: The visual impact of parking shall be minimized on adjacent residentially zoned properties.
- (B) Requirements:
  - (i) Surface parking areas shall be located so that garages or carports are not predominantly facing the street, and parking locations behind the building(s) are preferable.
  - (ii) Carport structures shall be architecturally compatible with the main structures in the project and should utilize substantial support posts. Landscaping material associated with the carport shall have adequate room to grow and be protected from damage by cars and pedestrian traffic.
  - (iii) Required residential parking spaces in the RM-40 zoning district shall be underground, semi-depressed, enclosed or concealed for projects of six units or more, and encouraged for projects of fewer than six units.
- (C) Guidelines:
  - (i) Where feasible, parking shall be broken into smaller groupings of spaces to avoid large expanses of parking and to provide for more opportunities to intercept and filter drainage from the parking areas.
  - (ii) Proximity of underground parking garages to residentially zoned properties should take into consideration the need for landscaping along the perimeter of the site. In instances where substantial planting is necessary, the placement of parking garages should be adequately setback from the property line to provide for the landscaping.

### **18.23.080                    Vehicular, Pedestrian and Bicycle Site Access**

- (A) Purpose: The guidelines regarding site access impacts are intended to minimize conflicts between residential vehicular, pedestrian, and bicycle uses and more intensive traffic associated with commercial and industrial districts.
- (B) Guidelines:
  - (i) The location of driveways, shipping and receiving areas, and loading docks should be sited as far away from residentially zoned properties as is reasonably feasible while recognizing site constraints and traffic safety issues.
  - (ii) Employee ingress and egress to a site should be located to avoid the use of residential streets wherever feasible.

- (iii) Late hour and early morning truck traffic to a site located in or near a residential area should be discouraged. Truck deliveries shall not be before 6:00 AM or after 10:00 PM.
- (iv) Vehicular access points should not conflict with pedestrian and bicycle walkways and facilities.

### **18.23.090 Air Quality**

- (A) Purpose: The requirements for air quality are intended to buffer residential uses from potential sources of odor and/or toxic air contaminants.
- (B) Requirements:
  - (i) Cooking odors, smoke and other similar air contaminants shall be controlled and prevented from leaving the property or becoming a nuisance to neighboring properties.
  - (ii) For all commercial and industrial uses that may be objectionable by reason of the production of emissions of odor, smoke, dust, or other similar air contaminants, the applicant shall provide information showing proposed methods to minimize those contaminants. Such provisions may include such means as regular watering to minimize dust or air scrubbers to minimize smoke.

### **18.23.100 Hazardous Materials**

- (A) Purpose: In accordance with Chapter 15 and Chapter 17 of the Palo Alto Municipal Code, minimize the potential hazards of any use on a development site that will entail the storage, use or handling of hazardous materials (including hazardous wastes) on-site in excess of the exempt quantities prescribed in Health and Safety Code 6.95 and Title 15 of the Municipal Code.
- (B) Requirements:
  - (i) The project shall be designed to comply with all safety, fire and building codes for the storage, use and handling of the hazardous materials involved.
  - (ii) Any new structure that is designated an "H" occupancy (storage, use and handling of specified types and quantities of hazardous materials), or any existing structure that is converted to an "H" occupancy, as specified by the California Building Code, shall be designed in accordance with the currently adopted California Building Code and Fire Code.
  - (iii) Where a building or area used for such storage, use and/or handling is located within 150 feet of a residential zoning district, the business owner shall provide a report to the Fire Department addressing the adequacy of the emergency contingency plan, which addresses safety of the nearby residential area, including but not limited to, procedures for accidental releases or other

emergencies, and other protective measures as required by Health and Safety Code 6.95, upon:

- a) A change in the types of hazardous materials stored, used or handled on the site in quantities above the reporting threshold established in the California Health and Safety Code, Chapter 6.95; and/or
  - b) A 100% or greater increase in the quantities of a previously disclosed hazardous material stored, used or handled on the site above the reporting threshold established in the California Health and Safety Code, Chapter 6.95; and/or
  - c) Release/threatened release incidents.
- (iv) For any such facility outlined in (iii) above, upon application for any building permit for improvements that would result in a change in the types of hazardous materials stored, used or handled on the site or an increase in the quantities of hazardous materials stored, used or handled on the site, the City shall provide written notice to the owners of all residentially-zoned property within 150 feet from the property line, not later than five (5) days after issuance of the building permit. The notice shall inform the property owners that an application has been received, the nature of the request (such as the type of materials), that the Fire Department and Building Department have determined the project to be in compliance with relevant hazardous materials regulations, and that the application and details are on file with the Fire Department and/or Building Department
- (v) If an applicant proposes a new structure or a modification of an existing structure on a development site that will entail hazardous materials stored, used or handled in excess of the threshold limits of regulated substances listed in Tables 1-3 § 2770.5 of Title 19 of the California Code of Regulations – Chapter 4.5 Public Safety, or proposes to increase the amounts of hazardous materials on-site above Title 19 threshold limits (including hazardous wastes), notification shall be provided to “affected residents” (and property owners) advising them that the proposed Risk Management Plan (RMP) is available for public review with the Santa Clara County Department of Environmental Health. Notification from the City shall be mailed not later than 10 days after receipt of the information by the Fire Department (the County allows for a comment period of at least 45 days.) Comments may be submitted to the SCCDEH, which shall review the RMP and any comments received.

Any user or operator of hazardous materials above Title 19 threshold limits in Palo Alto shall submit a copy to the Palo Alto Fire Department of the RMP they are required to prepare under Title 19 and file with the Santa Clara County Department of Health (SCDEH). No building or Fire Department permit shall be issued prior to the submittal of the RMP to the SCCDEH and the Fire Department. The applicant is required to identify in the RMP the zone where potential serious offsite consequences would occur from an accidental release of the largest quantity of a regulated substance. This zone extends from the

proposed place of usage or storage to a distance where a toxic vapor cloud, heat from a fire, or blast waves from an explosion resulting from an accident at the usage or storage point would travel before dissipating to the level at which serious injuries from short-term exposures will no longer occur. "Affected residents" are those who reside within this zone.

## ATTACHMENT B

## Chapter 18.23

PERFORMANCE CRITERIA FOR MULTIPLE FAMILY,  
COMMERCIAL AND INDUSTRIAL DISTRICTS

## Sections:

18.23.010	Purpose and Applicability
18.23.020	Trash Disposal and Recycling
18.23.030	Lighting
<u>18.23.040</u>	<u>Late Night Uses and Activities</u>
18.23.050	Visual, Screening and Landscaping
18.23.060	Noise and Vibration
18.23.070	Parking
18.23.080	Vehicular, Pedestrian, and Bicycle Site Access
<u>18.23.090</u>	<u>Air Quality</u>
<u>18.23.100</u>	<u>Hazardous Materials</u>

## 18.23.010 Purpose and Applicability

- (A) Purpose: These performance criteria are intended to provide additional standards to be used in the design and evaluation of developments in the multi-family, commercial, and industrial zones. The purpose is to balance the needs of the uses within these zones with the need to minimize impacts to surrounding neighborhoods. The criteria are intended to make new developments and major architectural review projects compatible with nearby residential areas, and to enhance the desirability of the proposed developments for the site residents and users, and for abutting neighbors and businesses.
- (B) Applicability of Regulations: Except where otherwise noted, the criteria of this chapter shall be applicable to all multiple family (RM-15, RM-30, and RM-40), commercial (CN, CS, CC, CC(2), and CD), and industrial (OR, MOR, ROLM, RP, and GM) zoning districts, and Planned Community (PC) districts that are located within one hundred fifty feet of any R-E, R-1, R-2, RM or PC District permitting single family or multi-family development within the City of Palo Alto, or of existing residential uses within those zones. The determination of final approval of the architectural and design elements of any project remains with the Director of Planning and Community Environment, after recommendation by the Architectural Review Board, pursuant to Chapter 18.76 of the Palo Alto Municipal Code. The Director and the Architectural Review Board retain the authority to interpret criteria on a project-by-project basis in order to most effectively fulfill the specific purposes listed in subsection (A); provided, that more restrictive regulations may be approved as part of architectural review pursuant to Chapter 18.76 (Permits and Approvals).

The requirements shall apply to new construction on such sites, or to modifications of existing buildings or site improvements at the time of approval or building permit issuance if no architectural approval is necessary. The criteria may also be considered

for sites abutting non-residential zones where determined to be appropriate by the Architectural Review Board.

Design element regulations that are identified as requirements shall be included in the design of the project. The recommended guidelines should be included in the design of the project. At the submittal of the project to the architectural review board or for a building permit, if these guidelines are not included, it shall be necessary for the applicant to demonstrate how the project meets the design objectives set forth in this section.

### **18.23.020 Trash Disposal and Recycling**

- (A) Purpose: Assure that development provides adequate and accessible interior areas or exterior enclosures for the storage of trash and recyclable materials in appropriate containers, and that trash disposal and recycling areas are located as far from abutting residences as is reasonably possible.
- (B) Requirements:
  - (i) Trash disposal and recyclable areas shall be accessible to all residents or users of the property.
  - (ii) Trash disposal and recyclable areas shall be screened from public view by masonry or other opaque and durable material. Chain link enclosures are strongly discouraged.
  - (iii) Trash disposal and recycling structures shall be architecturally compatible with the design of the project.
  - (iv) The design, construction and accessibility of recycling areas and enclosures shall be subject to approval by the architectural review board, in accordance with design guidelines adopted by that board and approved by the city council pursuant to Section 18.76.020.

### **18.23.030 Lighting**

- (A) Purpose: To minimize the visual impacts of lighting on abutting residential sites and from adjacent roadways.
- (B) Requirements:
  - (i) Exterior lighting in parking areas, pathways and common open space shall be designed to achieve the following: (1) provide for safe and secure access on the site, (2) achieve maximum energy efficiency, and (3) reduce impacts or visual intrusions on abutting properties from spillover and architectural lighting that projects upward.
  - (ii) The use of high pressure sodium and metal halide are permitted light sources. Low pressure sodium is not allowed.
  - (iii) Exterior lighting fixtures shall be mounted less than or equal to 15 feet from grade to top of fixture in low activity or residential parking lots and 20 feet in medium or high activity parking lots.

- (iv) Where the light source is visible from outside the property boundaries, such lighting shall not exceed 0.5 footcandle as measured at the abutting residential property line.
- (v) Interior lighting shall be designed to minimize nighttime glow visible from and/or intruding into nearby properties and shall be shielded to eliminate glare and light spillover beyond the perimeter property line of the development.
- (vi) Light fixtures shall not be located next to driveways or intersections, which obstruct clear sight distance triangles.

(C) Guidelines:

- (i) Lighting of the building exterior, parking areas and pedestrian ways should be of the lowest intensity and energy use adequate for its purpose, and be designed to focus illumination downward to avoid excessive illumination above the light fixture.
- (ii) Pedestrian and security lighting fixtures should be directed downward. Architectural lighting that projects upward from the ground as used in landscaping, courtyards, or building accent should be directed so as not to affect abutting land uses.
- (iii) Unnecessary continued illumination, such as illuminated signs or backlit awnings, should be avoided. Internal illumination of signs, where allowed, should be limited to letters and graphic elements, with the surrounding background opaque. Illumination should be by low intensity lamps.
- (iv) Timing devices should be considered for exterior and interior lights in order to minimize light glare at night without jeopardizing security of employees. At the time of project approval the project applicant must demonstrate how exterior lighting sources will be reduced after operating hours or when the use of the facility is reduced.

**18.23.040                      Late Night Use and Activities**

(A) Purpose: The purpose is to restrict retail or service commercial businesses abutting (either directly or across the street) or within 50 feet of residentially zoned properties with operations or activities between the hours of 10:00 p.m. and 6:00 a.m. Operations subject to this code may include, but are not limited to, deliveries, parking lot and sidewalk cleaning, and/or clean up or set up operations, but does not include garbage pick up.

(B) Requirements:

- (i) Retail (including restaurants) or service commercial businesses abutting or within 50 feet of residentially zoned properties that are open or with operations or activities between the hours of 10:00 p.m. and 6:00 a.m. shall be operated in a manner to protect residential properties from excessive noise, odors, lighting or other nuisances from any sources during those hours.

- (ii) Where planning or building permits are required or for a change in use that results in any such commercial business in the CN or CS zone districts, operating or with activities between the hours of 10:00 p.m. and 6:00 a.m., a conditional use permit shall be obtained and conditions of approval shall be applied as deemed necessary to ensure the operation is compatible with the abutting (or within 50 feet of) residentially zoned property. Said use permit shall be limited to operations or activities occurring between 10:00 p.m. and 6:00 a.m.

### **18.23.050 Visual, Screening and Landscaping**

- (A) Purpose: Privacy of abutting residential properties should be protected by screening from public view all mechanical equipment and service areas. Landscaping should be used to integrate a project design into the surrounding neighborhood, and to provide privacy screening between properties where appropriate.
- (B) Requirements:
- (i) Blank walls facing residentially zoned properties shall incorporate architectural design features and landscaping in order to reduce apparent mass and bulk.
  - (ii) Loading docks and exterior storage of materials or equipment shall be screened from view from residentially zoned properties by fencing, walls or landscape buffers.
  - (iii) All required interior yards (setbacks) abutting residentially zoned properties shall be planted and maintained as a landscaped screen.
  - (iv) Rooftop equipment or rooftop equipment enclosures shall not extend above a height of fifteen (15) feet above the roof, and any enclosed rooftop equipment nearest residentially zoned property shall be set back at least 20 feet from the building edge closest to the residentially zoned property or a minimum of 100 feet from the residential property line, whichever is closer.
  - (v) For sites abutting residentially zoned properties, a solid wall or fence between 5 and 8 ft in height shall be constructed and maintained along the residentially zoned property line where privacy or visual impacts are an issue.
  - (vi) A minimum 10-foot planting and screening strip shall be provided abutting a low density residential district (R-1, R-2, or RMD).
- (C) Guidelines:
- (i) Roof vents, flues and other protrusions through the roof of any building or structure should be clustered and obscured from public view by a roof screen or proper placement.
  - (ii) All exterior mechanical and other types of equipment, whether installed on the ground or attached to a building roof or walls, should be screened from public and overhead view.

- (iii) Windows, balconies or similar openings above the first story should be offset so as not to have a direct line-of-sight into the interior living areas of adjacent units within the project or into units on abutting residentially zoned property.
- (iv) Building elevations facing residentially zoned property should not have highly reflective surfaces, such as reflective metal skin and highly reflective glazing. The paint colors should be in subdued hues.
- (v) Increased setbacks or more restrictive daylight planes may be proposed by the applicant, or recommended by the architectural review board, as mitigation for the visual impacts of massive buildings.
- (vi) Appropriate landscaping should be used to aid in privacy screening.
- (vii) For landscape buffers to provide a visual screen, trees and shrubs in the buffer area should be installed in a manner that provides maximum visual separation of residential uses from the commercial or industrial use, taking into consideration topography and site lines from residences.
- (viii) Size and density of plant materials should be in proportion to the size of planting areas and the mass of the structure.
- (ix) Plant material selection should take into consideration solar orientation, drought tolerance, maintenance requirements and privacy screening.
- (x) Plant material species and container sizes should allow for a mature appearance within five (5) years.
- (xi) Planting strips and street trees should be included in the project.
- (xii) Textured and permeable paving materials should be used, where feasible, in pedestrian, driveway and parking areas in order to visually reduce paved areas and to allow for retention and/or infiltration of stormwater to reduce pollutants in site runoff.
- (xiii) Landscaping material associated with screening should have adequate room to grow and be protected from damage by cars and pedestrian traffic.

### 18.23.060 Noise and Vibration

- (A) Purpose: The requirements and guidelines regarding noise and vibration impacts are intended to protect residentially zoned properties from excessive and unnecessary noises and/or vibrations from any sources in abutting industrial or commercially zoned properties. Design of new projects should reduce noise from parking, loading, and refuse storage areas and from heating, ventilation, air conditioning apparatus, and other machinery on nearby residentially zoned properties. New equipment, whether mounted on the exterior of the building or located interior to a building, which requires only a building permit, shall also be subject to these requirements.
- (B) Requirements:
  - (i) All projects shall comply with Chapter 10 of Title 9 (Noise Ordinance) of the Palo Alto Municipal Code.

- ~~(ii)~~(i) Noise-producing equipment, including but not limited to generators, pumps, and air conditioning compressors, shall be located out of setbacks where abutting residentially zoned properties or existing residentially used sites, and shall be screened from view from the residentially zoned property
- (ii) At the time of building permit issuance for new construction or for installation of any such interior or exterior mechanical equipment, the applicant shall submit an acoustical analysis by an acoustical engineer demonstrating compliance with the Noise Ordinance. The analysis shall be based on acoustical readings, equipment specifications and any proposed sound reduction measures, such as equipment enclosures or insulation, which demonstrate a sufficient degree of sound attenuation to assure that the prescribed noise levels will not be exceeded.
- (iii) Upon completion of construction or installation, the City shall, where the acoustical analysis projected noise levels at or within 5 dB of the Noise Ordinance limits, require demonstration of the installed equipment and certification that it complies with the anticipated noise levels and the Noise Ordinance prior to final building inspection approval.

(C) Guidelines:

- (i) Projects adjacent to major arterials, railroad tracks and more intensive land uses should include, but not be limited to, the following: sound walls, solid board fencing, and additional landscaping where appropriate to reduce noise impacts on usable open space.
- (ii) Parking areas, driveways, loading docks, mechanical equipment, trash enclosures, on-site recreation areas and similar noise generating elements should be sited as far away from residentially zoned property as is reasonably possible. When conditions require noise generating elements to be sited within close proximity to residentially zoned property, noise mitigation measures should be implemented as deemed suitable by staff or the architectural review board. These measures may include the following:
  - (a) Placement of building mass, and/or concrete or masonry walls at the residential property line or around the noise generating element;
  - (b) Elimination of site access close to residential sites where other access is available;
  - (c) Installation of an earth berm and landscape buffers where appropriate;
  - (d) Discouragement of the use of open air loudspeakers and compliance with the city's loudspeakers ordinance (Chapter 9.12 of the Palo Alto Municipal Code).
- (iii) Auxiliary power sources should be included and used at loading docks so that there is no needless engine idling of delivery trucks with refrigerator or other engine-powered equipment. These sources should be shown on drawings submitted for building permits.

- (iv) All uses within 150 feet of a residentially zoned property should be operated as not to generate vibration discernible without instruments at or beyond the lot line upon which the source is located or within adjoining enclosed space if more than one establishment occupies a structure. Vibration caused by motor vehicles, trains, and temporary construction or demolition work is exempted from this standard.

### 18.23.070            **Parking**

- (A) Purpose: The visual impact of parking shall be minimized on adjacent residentially zoned properties.
- (B) Requirements:
  - (i) Surface parking areas shall be located so that garages or carports are not predominantly facing the street, and parking locations behind the building(s) are preferable.
  - (ii) Carport structures shall be architecturally compatible with the main structures in the project and should utilize substantial support posts. Landscaping material associated with the carport shall have adequate room to grow and be protected from damage by cars and pedestrian traffic.
  - (iii) Required residential parking spaces in the RM-40 zoning district shall be underground, semi-depressed, enclosed or concealed for projects of six units or more, and encouraged for projects of fewer than six units.
- (C) Guidelines:
  - (i) Where feasible, parking shall be broken into smaller groupings of spaces to avoid large expanses of parking and to provide for more opportunities to intercept and filter drainage from the parking areas.
  - (ii) Proximity of underground parking garages to residentially zoned properties should take into consideration the need for landscaping along the perimeter of the site. In instances where substantial planting is necessary, the placement of parking garages should be adequately setback from the property line to provide for the landscaping.

### 18.23.080            **Vehicular, Pedestrian and Bicycle Site Access**

- (A) Purpose: The guidelines regarding site access impacts are intended to minimize conflicts between residential vehicular, pedestrian, and bicycle uses and more intensive traffic associated with commercial and industrial districts.
- (B) Guidelines:
  - (i) The location of driveways, shipping and receiving areas, and loading docks should be sited as far away from residentially zoned properties as is reasonably feasible while recognizing site constraints and traffic safety issues.
  - (ii) Employee ingress and egress to a site should be located to avoid the use of residential streets wherever feasible.

- (iii) Late hour and early morning truck traffic to a site located in or near a residential area should be discouraged. Truck deliveries shall not be before 6:00 AM or after 10:00 PM.
- (iv) Vehicular access points should not conflict with pedestrian and bicycle walkways and facilities.

### **18.23.090 Air Quality**

(A) Purpose: The requirements for air quality are intended to buffer residential uses from potential sources of odor and/or toxic air contaminants.

(B) Requirements:

- a. Cooking odors, smoke and other similar air contaminants shall be controlled and prevented from leaving the property or becoming a nuisance to neighboring properties.
- b. For all commercial and industrial uses that may be objectionable by reason of the production of emissions of odor, smoke, dust, or other similar air contaminants, the applicant shall provide information showing proposed methods to minimize those contaminants. Such provisions may include such means as regular watering to minimize dust or air scrubbers to minimize smoke.

### **18.23.100 Hazardous Materials**

(A) Purpose: In accordance with Chapter 15 and Chapter 17 of the Palo Alto Municipal Code, minimize the potential hazards of any use on a development site that will entail the storage, use or handling of hazardous materials (including hazardous wastes) on-site in excess of the exempt quantities prescribed in Health and Safety Code 6.95 and Title 15 of the Municipal Code.

(B) Requirements:

- (i) The project shall be designed to comply with all safety, fire and building codes for the storage, use and handling of the hazardous materials involved.
- (ii) Any new structure that is designated an "H" occupancy (storage, use and handling of specified types and quantities of hazardous materials), or any existing structure that is converted to an "H" occupancy, as specified by the California Building Code, shall be designed in accordance with the currently adopted California Building Code and Fire Code.
- (iii) Where a building or area used for such storage, use and/or handling is located within 150 feet of a residential zoning district, the business owner shall provide a report to the Fire Department addressing the adequacy of the emergency contingency plan, which addresses safety of the nearby residential area, including but not limited to, procedures for accidental releases or other

emergencies, and other protective measures as required by Health and Safety Code 6.95, upon:

- a) A change in the types of hazardous materials stored, used or handled on the site in quantities above the reporting threshold established in the California Health and Safety Code, Chapter 6.95; and/or
  - b) A 100% or greater increase in the quantities of a previously disclosed hazardous material stored, used or handled on the site above the reporting threshold established in the California Health and Safety Code, Chapter 6.95; and/or
  - c) Release/threatened release incidents.
- (iv) For any such facility outlined in (iii) above, upon application for any building permit for improvements that would result in a change in the types of hazardous materials stored, used or handled on the site or an increase in the quantities of hazardous materials stored, used or handled on the site, the City shall provide written notice to the owners of all residentially-zoned property within 150 feet from the property line, not later than five (5) days after issuance of the building permit. The notice shall inform the property owners that an application has been received, the nature of the request (such as the type of materials), that the Fire Department and Building Department have determined the project to be in compliance with relevant hazardous materials regulations, and that the application and details are on file with the Fire Department and/or Building Department.
- (v) If an applicant proposes a new structure or a modification of an existing structure on a development site that will entail hazardous materials stored, used or handled in excess of the threshold limits of regulated substances listed in Tables 1-3 § 2770.5 of Title 19 of the California Code of Regulations – Chapter 4.5 Public Safety, or proposes to increase the amounts of hazardous materials on-site above Title 19 threshold limits (including hazardous wastes), notification shall be provided to “affected residents” (and property owners) advising them that the proposed Risk Management Plan (RMP) is available for public review with the Santa Clara County Department of Environmental Health. Notification from the City shall be mailed not later than 10 days after receipt of the information by the Fire Department (the County allows for a comment period of at least 45 days.) Comments may be submitted to the SCCDEH, which shall review the RMP and any comments received.
- Any user or operator of hazardous materials above Title 19 threshold limits in Palo Alto shall submit a copy to the Palo Alto Fire Department of the RMP they are required to prepare under Title 19 and file with the Santa Clara County Department of Health (SCDEH). No building or Fire Department permit shall be issued prior to the submittal of the RMP to the SCCDEH and the Fire Department. The applicant is required to identify in the RMP the zone where potential serious offsite consequences would occur from an accidental release of the largest quantity of a regulated substance. This zone extends from the

proposed place of usage or storage to a distance where a toxic vapor cloud, heat from a fire, or blast waves from an explosion resulting from an accident at the usage or storage point would travel before dissipating to the level at which serious injuries from short-term exposures will no longer occur. "Affected residents" are those who reside within this zone.