

Ordinance No. \_\_\_\_\_

Ordinance of the Council of the City of Palo Alto Amending Various Chapters of Title 18 (Zoning) to Implement Objective Standards, Streamline Processing of Housing Development Applications, and Otherwise Clarify the Zoning Code.

The Council of the City of Palo Alto ORDAINS as follows:

**SECTION 1.** Subdivisions (a)(102) and (a)(142) of Section 18.04.030 (Definitions) of Chapter 18.04 (Definitions) of Title 18 (Zoning) are amended and a new Subdivision (a)(75.5) is added as follows:

**18.04.030 Definitions**

(a) Throughout this title the following words and phrases shall have the meanings ascribed in this section.

[. . .]

(73.5) “Housing Development Project” means the a proposed development meeting the definition set forth in California Government Code section 65589.5, subdivision (g)(2).

[. . .]

(102) “Multiple-family (residential) use” means the use of a site for three or more dwelling units, which may be in the same building or in separate buildings on the same site. A single-family or two-family use with one or more Accessory Dwelling Units shall not be considered a multiple-family use.

[. . .]

(75.5) “Landscape/Open Space Coverage” means permanently maintained open space that includes all Usable Open Space (see subsection 142), landscape, and other uncovered areas, but excluding parking facilities, driveways, utility or service areas, or areas with mechanical equipment.

[. . .]

(142) “Usable open space” means outdoor or unenclosed area on the ground, or on a roof, balcony, deck, porch, patio or terrace, designed and accessible for outdoor living, recreation, or pedestrian access, ~~or landscaping~~, but excluding parking facilities, driveways, utility or service areas, or areas with mechanical equipment. Usable open space includes common open spaces,


such as courtyards and park spaces, and/or private open spaces, such as balconies and patios, depending on the requirements of the zoning district.

Usable open space may be covered if at least 50% open on the sides. Usable open space shall be sited and designed to accommodate all groups including children, seniors, and other adults, different activities including active and passive recreation and uses, and should be located convenient to the intended users (e.g., residents, employees, or public). Any usable open space that is not landscaped shall be developed to encourage outdoor recreational use and shall include elements such as decks, seating, decorative paved areas and walkways which do not serve as an entrance walkway. Usable open space shall be screened from utility or service areas, and areas with mechanical equipment. Parking, driveways and required parking lot landscaping shall not be counted as usable open space.

**SECTION 2.** Section 18.08.030 (References to Districts) of Chapter 18.08 (Designation and Establishment of Districts) of Title 18 (Zoning) is amended as follows:

**18.08.030 References to Districts**

Reference within this title to residential districts generally and as a grouping, includes all districts identified in this section. Where references are made to more restrictive or less restrictive residential districts, such references shall apply sequentially between the most restrictive and the least restrictive.

Residential District	Restrictive Reference
RE	<div>Most Restrictive</div> <div></div> <div>Least Restrictive</div>
R-1 (20,000)	
R-1 10,000)	
R-1 (8,000)	
R-1 (7,000)	
R-1	
R-2	
<u>RMD</u>	
RM-20	
RM-30	
RM-40	

**SECTION 3.** Subsections (a), (b), (e), (f), (g), and (h) of Section 18.13.040 (Development Standards) of Chapter 18.13 (Multiple Family Residential (RM-20, RM-30 and RM-40) Districts) of Title 18 (Zoning) are amended as follows:

### 18.13.040 Development Standards

#### (a) Site Specifications, Building Size and Bulk, and Residential Density

The site development regulations in Table 2 shall apply in the multiple-family residence districts, provided that more restrictive regulations may be recommended by the Architectural Review Board and approved by the Director of Planning and Development Services, pursuant to the regulations set forth in Chapter 18.76, ~~performance criteria set forth in Chapter 18.23~~, and the ~~context-based objective design criteria standards set forth in Section 18.13.060~~ Chapter 18.24.

**Table 2**  
**Multiple Family Residential Development Table**

	RM-20	RM-30	RM-40	Subject to regulations in:
[...]				
Minimum Setbacks				
[...]				18.13.040(b)
Interior Rear Yards (ft) <sup>3</sup>	10	10	10	
[...]				
Minimum <del>Site Landscape/Open Space Coverage</del> <sup>(5)</sup> (percent)	35	30	20	<del>18.13.040(e)</del> <del>18.24.040</del>
Minimum Usable Open Space (sf per unit) <sup>(5)</sup>	150	150	150	<del>18.13.040(e)</del> <del>18.24.040</del>
Minimum common open space (sf per unit)	75	75	75	<del>18.13.060</del> <del>18.24.040</del>
Minimum private open space (sf per unit)	50	50	50	
Performance Criteria	See provisions of Chapter 18.23			Ch. 18.23
Landscape Requirements				18.40.130
Parking <sup>(6)</sup>	See provisions of Chapters <u>18.52</u> and <u>18.54</u>			<del>Ch. 18.52</del>
Footnotes:				
[...]				
(5) Subject to the limitations of Section 18.13.040(e). Usable open space is included as part of the minimum <u>site landscape/open space coverage</u> ; required usable open space in excess of the minimum required for common and private open space may be used as either common or private usable open space; landscaping may count towards total <u>site landscape/open space coverage</u> after usable open space requirements are met.				
(6) Tandem parking is allowed for any unit requiring two parking spaces, provided that both spaces in tandem are intended for use by the same residential unit. For projects with more than four (4) units, not more than 25% of the required parking spaces shall be in a tandem configuration.				
[...]				

(b) Setbacks, Daylight Planes and Height - Additional Requirements and Exceptions

(1) Setbacks

~~(A) Setbacks for lot lines adjacent to an arterial street, expressway or freeway, as designated in the Palo Alto Comprehensive Plan, shall be a minimum of twenty five feet (25'), except that lesser setbacks may be allowed or required by the Planning Director, upon recommendation by the Architectural Review Board, where prescribed by the context based criteria outlined in Section 18.13.060. Special setbacks of greater than 25 feet may not be reduced except upon approval of a design enhancement exception or variance.~~

(A)

~~(B)~~ Required parking spaces shall not be located in a required front yard, nor in the first ten feet (10') adjoining the street property line of a required street side yard.

~~(C)~~ Projections into yards are permitted only to the extent allowed by Section 18.40.070 of this code.

(2) Height and Daylight Planes

(A) Exceptions to maximum height limitations are permitted only to the extent allowed by Section 18.40.090 of this code.

(B) The following features may extend beyond the daylight plane established by the applicable district, provided that such features do not exceed the height limit for the district unless permitted to by Section 18.40.090 of this code:

- i. Television and radio antennas;
- ii. Chimneys and flues that do not exceed 5 feet in width, provided that chimneys do not extend past the required daylight plane a distance exceeding the minimum allowed pursuant to Chapter 16.04 of this code.
- iii. Cornices and eaves, excluding flat or continuous walls or enclosures of usable interior space, provided such features do not extend past the daylight plane more than 4 feet, and so long as they do not encroach into the side setback greater than 2 feet.

[ . . . ]

~~(e) Usable Open Space~~

~~The following usable open space regulations shall apply:~~

~~(1) Required Minimum Site Open Space. Each site shall, at a minimum, have a portion of the site, as prescribed in Table 2, developed into permanently maintained open space. Site open space includes all usable open space plus landscape or other uncovered areas not used for driveways, parking, or walkways.~~

~~(2) Usable Open Space (Private and Common). Each project shall, at a minimum, have a portion of the site, as prescribed in Table 2, developed into permanently maintained usable open space, including private and common usable open space areas. Usable open space shall be located protected from the activities of commercial areas and adjacent public streets and~~

~~shall provide noise buffering from surrounding uses where feasible.~~

~~(A) Private Usable Open Space. Each dwelling unit shall have at least one private usable open space area contiguous to the unit that allows the occupants of the unit the personal use of the outdoor space. The minimum size of such areas shall be as follows:~~

~~(i) Balconies (above ground level): 50 square feet, the least dimension of which shall is 6 feet.~~

~~(ii) Patios or yards in the RM-20 and RM-30 districts: 100 square feet, the least dimension of which is 8 feet for at least 75% of the area. ara.~~

~~(iii) Patios or yards in the RM-40 district: 80 square feet, the least dimension of which is 6 feet for at least 75% of the area.~~

~~(B) Common Usable Open Space. The minimum designated common open space area on the site shall be 10 feet wide and each~~

~~such designated area shall comprise a minimum of 200 square feet. In the RM-30 and RM-40 districts, part or all of the required private usable open space areas may be added to the required common usable open space in a development, for purposes of improved design, privacy, protection and increased play area for children, upon a recommendation of the Architectural Review Board and approval of the Director.~~

(f) Personal Services, Retail Services, and Eating and Drinking Services in the RM-30 and RM-40 Districts

Within a single residential development containing not less than 40 dwelling units, personal services, retail services, and eating and drinking services solely of a neighborhood-serving nature to residents in the development or in the general vicinity of the project may be allowed upon approval of a conditional use permit, subject to the following limitations and to such additional conditions as may be established by the conditional use permit:

(1) Total gross floor area of all such uses shall not exceed 5,000 square feet or three percent of the gross residential floor area within the development, whichever is smaller, and may not occupy any level other than the ground level or below grade levels.

(2) A maximum of 2,500 square feet of retail and/or service and/or eating and drinking uses shall be allowed per establishment.

(3) Personal services, retail services, and eating and drinking services provided in accordance with this section shall not be included in the gross floor area for the site.

(4) The conditional use permit for the project may preclude certain uses and shall include conditions that are appropriate to limit impacts of noise, lighting, odors, parking and trash disposal from the operation of the commercial establishment. The hours of operation shall be limited to assure compatibility with the residential use and surrounding residential uses.

(5) Allowable Neighborhood-Serving Uses. A neighborhood-serving use primarily serves individual consumers and households, not businesses, is generally pedestrian oriented in design, and does not generate noise, fumes or truck traffic greater than that typically expected for uses with a local customer base. A neighborhood-serving use is also one to which a significant number of local customers and clients can walk, bicycle or travel short distances, rather than relying primarily on automobile access or the provider

of the goods or services traveling off-site. Allowable neighborhood-serving personal services, retail services and eating and drinking services may include, but are not limited to, "agent" dry cleaners, flower shops, convenience grocery stores (excluding liquor stores), delicatessens, cafes, fitness facilities, day care facilities, and similar uses found by the Planning Director to be compatible with the intent of this provision.

~~(6) Sign programs, including size, number, color, placement, etc. shall be permitted only as specified in the conditional use permit and by the Planning Director upon recommendation of the Architectural Review Board~~

~~(7) Off street parking and bicycle facilities, in addition to facilities required for residential uses, shall be provided as may be specified by the conditional use permit. However, there shall not be less than one parking space for each employee working or expected to be working at the same time.~~

~~(8)~~(6) For any project, other than a 100% affordable housing project, containing forty (40) or greater units and located more than 500 feet from neighborhood commercial services, as determined by the Director, a minimum of 1,500 square feet of neighborhood serving retail, personal service, and/or eating or drinking uses shall be provided, subject to the above limitations. No conditional use permit is required, but the commercial use shall be reviewed by the Architectural Review Board as part of the architectural review approval. A minimum of one parking space for each employee working or expected to be working at the same time shall be provided. A "100% affordable housing project" as used herein means a multiple-family housing project consisting entirely of affordable units, as defined in Section 16.65.020 of this code, available only to households with income levels at or below 120% of the area median income for Santa Clara County, as defined in Chapter 16.65, and where the average household income does not exceed 80% of the area median income level, except for a building manager's unit.

**(g) Redevelopment of Sites with Non-complying Density**

For a parcel with a residential use that exceeds the maximum unit density of the applicable zoning district, the Director may grant an exception to the maximum unit density standard and allow the parcel to be redeveloped to replace the legally established residential units at the existing density, subject to all of the following:

- (1) The applicant must make the request for exception under this provision at the time of project application;
- (2) The project is a residential rental project;
- (3) The project complies with all other applicable development standards; and
- (4) The project shall not be eligible for a density bonus under Chapter 18.15 (Residential Density Bonus). The applicant must elect whether to utilize state density bonus law or the exception described herein as an alternative to state density bonus law.

**(h) General Standards, Exceptions, and Performance Criteria**

In addition to all other provisions of this chapter, all multi-family development shall comply with applicable provisions of Chapter 18.2340 ~~(Performance Criteria for Multiple Family,~~

Commercial, Manufacturing and Planned Community Districts (General Standards and Exceptions).

**SECTION 4.** Subsection (c) of Section 18.13.050 (Village Residential Development) of Chapter 18.13 (Multiple Family Residential (RM-20, RM-30 and RM-40) Districts) of Title 18 (Zoning) is amended and Subsection (f) is added as follows:

**18.13.050 Village Residential Development**

[. . .]

(c) Development Standards

Table 3 specifies the development standards for new Village Residential developments that provide for individual lots established for sale of one housing unit on a lot. These developments shall be designed and constructed in compliance with the following requirements and the objective design standards in Chapter 18.24~~context-based design criteria outlined in Section 18.13.060~~, provided that more restrictive regulations may be recommended by the architectural review board and approved by the director of planning and community environment, pursuant to Section 18.76.020:

<b>Table 3</b>		
<b>Village Residential Development Table</b>		
	<b>Village Residential</b>	<b>Subject to regulations in:</b>
[...]		
<b>Minimum <del>Site Landscape/</del> Open Space Coverage</b> <sup>(4)</sup>	35% of entire site18.13.040	<del>18.13.040(e)</del> <del>18.24.040</del> <del>18.13.040(e)</del> <del>18.24.040</del> <del>18.13.06018.24.040</del>
<b>Minimum Usable Open Space (per unit)</b> <del>(3)</del> <sup>(4)</sup>	300 sq. ft.	
<b>Minimum Common Open Space (per unit)</b>	No requirement	
<b>Minimum Private Open Space (per unit)</b>	100 sq. ft.	
<b><del>Performance Criteria</del></b>		<del>Ch. 18.23</del>
<b>Landscape Requirements</b>		18.40.130
<b>Parking</b> <del>(5)</del>	See provisions of Chapter 18.52 <u>and 18.54</u>	Ch. 18.52 <u>and 18.54</u>
<b>Footnotes:</b> (1) Individual lots are created by subdividing the development site to create one for-sale lot per dwelling unit. Overall development intensity (FAR, site coverage, landscape/open space) shall be calculated across the entire site to comply with RM-20 zone standards, and setbacks and daylight planes at the perimeter of the site shall comply with RM-20 setbacks and daylight planes. For common-ownership developments such as condominiums and apartments, the underlying multiple-family zone district development standards shall		

apply.

(2) Covered parking that is attached to the residence shall be included in the maximum house size.

(3) Covered parking is not included as floor area in multi-family development, up to a maximum of 230 square feet per required parking space that is covered. Covered parking spaces in excess of required parking spaces count as floor area.

(4) Subject to the limitations of Section 18.13.040(e). Usable open space is included as part of the minimum site landscape/open space coverage; required usable open space in excess of the minimum required for common and private open space may be used as either common or private usable open space; landscaping may count towards total site landscape/open space coverage after usable open space requirements are met.

~~(5) Tandem parking is allowed for any unit requiring two parking spaces, provided that both spaces in tandem are intended for use by the same residential unit. For projects with more than four (4) units, not more than 25% of the required parking spaces shall be in a tandem configuration.~~

[. . .]

**SECTION 5.** Section 18.13.055 (General Standards, Exceptions, and Performance Criteria) of Chapter 18.13 (Multiple Family Residential (RM-20, RM-30 and RM-40) Districts) of Title 18 (Zoning) is added as follows:

**18.13.055 General Standards, Exceptions, and Performance Criteria**

In addition to all other provisions of this chapter, all multi-family development shall comply with applicable provisions of Chapter 18.40 General Standards and Exceptions).

**SECTION 6.** Section 18.13.060 (Multiple Family Context-Based Design Criteria) of Chapter 18.13 (Multiple Family Residential (RM-20, RM-30 and RM-40) Districts) of Title 18 (Zoning) is amended to read as follows:

**18.13.060 Multiple Family Context-Based Design Criteria and Objective Design Standards**

In addition to the standards for development prescribed above, all Housing Development Projects in the RM districts shall comply with the objective design standards outlined in Chapter 18.24, as defined therein. All other developments, and Housing Development Projects that elect to deviate from one or more objective design standards in Chapter 18.24, shall meet the Context Based Design Criteria, as determined by the Director pursuant to the Architectural Review process.

(a) Contextual and Compatibility Criteria

Development in a multiple-family residential district shall be responsible to its context and compatible with adjacent development.

[. . .]

**SECTION 7.** Subsections (a), (b), (f), (i) and (k) of Section 18.16.060 (Development Standards) of Chapter 18.16 (Neighborhood, Community, And Service Commercial (CN, CC And CS) Districts) of Title 18 (Zoning) are amended as follows:



## 18.16.060 Development Standards

### (a) Exclusively Non-Residential Uses

Table 3 specifies the development standards for exclusively non-residential uses and alterations to non-residential uses or structures in the CN, CC, CC(2) and CS districts. These developments shall be designed and constructed in compliance with the following requirements and the context-based design criteria outlined in Section 18.16.090, provided that more restrictive regulations may be recommended by the architectural review board and approved by the director of planning and community environment, pursuant to Section 18.76.020.

[...]

### (b) Mixed Use and Residential

Table 4 specifies the development standards for new residential mixed use developments and residential developments. These developments shall be designed and constructed in compliance with the following requirements and the objective design standards in Chapter 18.24. Non-Housing Development Projects and Housing Development Projects that elect to deviate from one or more objective standards in Chapter 18.24 shall meet the context-based design criteria outlined in Section 18.16.090, provided that more restrictive regulations may be recommended by the architectural review board and approved by the director of planning and community environment, pursuant to Section 18.76.020.

**Table 4**  
**Mixed Use and Residential Development Standards**

	CN	CC	CC(2)	CS	Subject to regulations in:
[...]					
<b>Minimum Landscape/Open Space Coverage</b>	35%	30%	20%	30%	
<b>Usable Open Space (Private and/or Common)</b>	150 sq ft per unit (2)				<u>18.16.090</u>
[...]					

[. . .]

### (i) Reserved Recycling Storage

~~All new development, including approved modifications that add thirty percent or more floor area to existing uses, shall provide adequate and accessible interior areas or exterior enclosures for the storage of recyclable materials in appropriate containers. 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.~~

[. . .]

**SECTION 8.** Section 18.16.080 (Performance Standards) of Chapter 18.16 (Neighborhood, Community, And Service Commercial (CN, CC And CS) Districts) of Title 18 (Zoning) is amended as follows:

**18.16.080      General Standards, Exceptions, and Performance Standards**

In addition to the standards for development prescribed above, all development in the CN, CS, CC, and CC(2) districts shall comply with the performance criteria, general standards, and exceptions outlined in Chapter 18.2340 of the Zoning Ordinance. All mixed use development shall also comply with the applicable provisions of Chapter 18.2340 of the Zoning Ordinance.

**SECTION 9.** Section 18.16.090 (Context-Based Design Criteria) of Chapter 18.16 (Neighborhood, Community, And Service Commercial (CN, CC And CS) Districts) of Title 18 (Zoning) is amended to read as follows:

**18.16.090 Context-Based Design Criteria and Objective Design Standards**

In addition to the standards for development prescribed above, all Housing Development Projects in the CN, CS, CC, and CC(2) districts shall comply with the objective design standards outlined in Chapter 18.24, as defined therein. All other developments, and all Housing Development Projects that elect to deviate from one or more objective design standards in Chapter 18.24, shall meet the Context Based Design Criteria, as determined by the Director pursuant to the Architectural Review process.

(a) Contextual and Compatibility Criteria

Development in a commercial district shall be responsible to its context and compatible with adjacent development, and shall promote the establishment of pedestrian oriented design.

[. . .]

**SECTION 10.** Subsections (a), (b), and (k) of Section 18.18.060 (Development Standards) of Chapter 18.18 (Downtown Commercial (CD) District) of Title 18 (Zoning) are amended as follows:

**18.18.060      Development Standards**

(a) Exclusively Non-Residential Use

Table 2 specifies the development standards for new exclusively non-residential uses and alterations to non-residential uses or structures in the CD district, including the CD-C, CD-S, and CD-N subdistricts. These developments shall be designed and constructed in

compliance with the following requirements and the context-based design criteria outlined in Section 18.18.110, provided that more restrictive regulations may be recommended by the architectural review board and approved by the director of planning and community environment, pursuant to Section 18.76.020:

[. . .]

(b) Mixed Use and Residential

Table 3 specifies the development standards for new residential mixed use developments and residential developments. ~~These developments~~ Housing Development Projects shall be designed and constructed in compliance with the following requirements and the objective design standards in Chapter 18.24. Non-Housing Development Projects and Housing Development Projects that elect to deviate from one or more objective standards in Chapter 18.24 shall meet context-based design criteria outlines in Section 18.18.110, provided that more restrictive regulations may be recommended by the architectural review board and approved by the director of planning and community environment, pursuant to Section 18.76.020:

**TABLE 3**  
**MIXED USE AND RESIDENTIAL DEVELOPMENT STANDARDS**

	CD-C	CD-S	CD-N	Subject to regulations in Section:
[...]				
<b>Usable Open Space (Private and/or Common)</b>	150 sq ft per unit (1)			<u>18.18.110</u>
[...]				

[. . .]

(k) Reserved Recycling Storage

~~All new development, including approved modifications that add thirty percent or more floor area to existing uses, shall provide adequate and accessible interior areas or exterior enclosures for the storage of recyclable materials in appropriate containers. 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 16.48.070.~~

[. . .]

**SECTION 11.** Subsection (b) (Restrictions on Floor Area Bonuses) of Section 18.18.070 (Floor Area Bonuses) of Chapter 18.18 (Downtown Commercial (CD) District) of Title 18 (Zoning) is amended as follows:

## 18.18.070 Floor Area Bonuses

[. . .]

### (a) Restrictions on Floor Area Bonuses

The floor area bonuses in subsection (a) shall be subject to the following restrictions:

(1) All bonus square footage shall be counted as square footage for the purposes of the ~~350,000~~annual square foot limit on office development specified in Section ~~18.40.210.18.18.040.~~

(2) All bonus square footage shall be counted as square footage for the purposes of the project size limit specified in Section 18.18.060(a).

(3) In no event shall a building expand beyond a FAR of 3.0:1 in the CD-C subdistrict or a FAR of 2.0:1 in the CD-S or CD-N subdistrict.

(4) The bonus shall be allowed on a site only once.

(5) For sites in Seismic Category I, II, or III, seismic rehabilitation shall conform to the analysis standards referenced in Chapter 16.42 of this code.

(6) For sites in Historic Category 1 or 2, historic rehabilitation shall conform to the Secretary of the Interior's *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* (36 CFR §67,7).

(7) For sites in both Seismic Category I, II, or III and Historic Category 1 or 2, no bonus shall be granted unless the project includes both seismic and historic rehabilitation conforming to the standards in subsections (5) and (6).

(8) For sites in both Seismic Category I, II, or III and Historic Category 1 or 2, a bonus granted under this section that will be used on-site is subject to the following requirements:

(A) The city council must approve on-site use of such a FAR bonus. Such approval is discretionary, and may be granted only upon making both of the following findings:

(i) The exterior modifications for the entire project comply with the U.S. Secretary of the Interior's *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* (36 CFR §67,7); and

(ii) The on-site use of the FAR bonus would not otherwise be inconsistent with the historic character of the interior and exterior of the building and site.

(B) The applicant for on-site use of a cumulative floor area bonus shall have the burden of demonstrating the facts necessary to support the findings required for council approval.

[. . .]

**SECTION 12.** Subsection (f) (Limitations On Usage of Transferable Development Rights) of Section 18.18.080 (Transfer of Development Rights) of Chapter 18.18 (Downtown Commercial (CD) District) of Title 18 (Zoning) is amended as follows:

### **18.18.080 Transfer of Development Rights**

[. . .]

#### **(d) Limitations On Usage of Transferable Development Rights**

No otherwise eligible receiver site shall be allowed to utilize transferable development rights under this chapter to the extent such transfer would:

- (1) Be outside the boundaries of the downtown parking assessment district, result in a maximum floor area ratio of 0.5 to 1 above what exists or would otherwise be permitted for that site under Section 18.18.060, whichever is greater, or result in total additional floor area of more than 10,000 square feet.
- (2) Be within the boundaries of the downtown parking assessment district, result in a maximum floor area ratio of 1.0 to 1 above what exists, or would otherwise be permitted for that site under Section 18.18.060, whichever is greater, or result in total additional floor area of more than 10,000 square feet.
- (3) Cause the annual development office limitation or project size limitation set forth in Section ~~18.18.040~~ 18.40.210 to be exceeded.
- (4) Cause the site to exceed 3.0 to 1 FAR in the CD-C subdistrict or 2.0 to 1 FAR in the CD-S or CD-N subdistricts.

[. . .]

**SECTION 13.** Section 18.18.100 (Performance Standards) of Chapter 18.18 (Downtown Commercial (CD) District) of Title 18 (Zoning) is amended as follows:

### **18.18.100 General Standards, Exceptions, and Performance Standards**

In addition to the standards for development prescribed above, all development shall comply with the performance criteria, general standards, and exceptions outlined in Chapter 18.2340 of the Zoning Ordinance. All mixed use development shall also comply with the applicable provisions of Chapter 18.2340 of the Zoning Ordinance.

**SECTION 14.** Section 18.18.110 (Context-Based Design Criteria) of Chapter 18.18 (Downtown Commercial (CD) District) of Title 18 (Zoning) is amended to read as follows:

### **18.18.110 Context-Based Design Criterial and Objective Design Standards**

In addition to the standards for development prescribed above, all Housing Development Projects in the CD districts shall comply with the objective design standards outlined in Chapter 18.24, as defined therein. All other developments, and Housing Development Projects that elect to deviate from one or more objective design standards in Chapter 18.24, shall meet the Context Based Design Criteria, as determined by the Director pursuant to the Architectural Review process.

(a) Contextual and Compatibility Criteria

Development in a commercial district shall be responsible to its context and compatible with adjacent development, and shall promote the establishment of pedestrian oriented design.

[. . .]

**SECTION 15.** Subsections (a), (i), and (j) of Section 18.20.040 (Site Development Standards) of Chapter 18.20 (Office, Research, And Manufacturing (MOR, ROLM, RP And GM) Districts) of Title 18 (Zoning) are amended as follows:

**18.20.040 Site Development Standards**

[. . .]

(i) Reserved Recycling Storage

~~All new development, including approved modifications that add thirty percent or more floor area to existing uses, shall provide adequate and accessible interior areas or exterior enclosures for the storage of recyclable materials in appropriate containers. 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 Chapter 18.76.~~

[. . .]

**SECTION 16.** Section 18.20.050 (Performance Criteria) of Chapter 18.20 (Office, Research, And Manufacturing (MOR, ROLM, RP And GM) Districts) of Title 18 (Zoning) is amended as follows:

**18.20.050 General Standards, Exceptions, and Performance Criteria**

All development in the Office/Research/Manufacturing zoning districts shall comply with the applicable requirements and guidelines outlined in Chapter 18.23.40, including performance criteria. ~~Such requirements and guidelines are~~ intended to reduce the impacts of these non-residential uses on surrounding residential districts and other sensitive receptors.

**SECTION 17.** Section 18.23.010 (Purpose and Applicability) of Chapter 18.23 (Performance Criteria for Multiple Family, Commercial, Manufacturing and Planned Community Districts) of Title 18 (Zoning) is deleted in its entirety.

**SECTION 18.** Section 18.23.020 (Refuse Disposal Areas) of Chapter 18.23 (Performance Criteria for Multiple Family, Commercial, Manufacturing and Planned Community Districts) of Title 18 (Zoning) is deleted in its entirety and a new Section 18.40.240 (Refuse Disposal Areas) of Chapter 18.40 (General Standards and Exceptions) of Title 18 (Zoning) is added as follows:

## 18.40.240 Refuse Disposal Areas

### (a) Purpose

Assure that development provides adequate and accessible interior areas or covered exterior enclosures for the storage of refuse in appropriate containers with storage capacity for a maximum of one week, and that refuse disposal structures and enclosures are located as far from abutting residences as is reasonably possible. The following requirements apply to new construction, change of use, additional uses, and/or renovating thirty (30) percent or more existing floor area.

### (b) Requirements

#### (1) Location and Capacity

(A) Capacity shall meet or exceed standards pursuant to Chapter 5.20: Collection, Removal, and Disposal of Refuse and current refuse enclosure regulations identified in the “City of Palo Alto Refuse Enclosure Area Guidelines for New Construction and Redevelopment Projects” and the “Refuse Enclosure Design Guide” maintained by the Public Works Department.

(B) Refuse disposal and structures and enclosures shall be accessible to all residents or users of the property.

(C) Mixed use development shall have separate enclosures for each use classification (example: residential and commercial)

(D) Compostable materials and recyclable materials facilities containers shall be located adjacent to solid waste containers, sized, and designed to encourage and facilitate convenient use.

(E) Refuse enclosures shall be no closer than 20 feet from any dwelling unit (including those on abutting properties). No minimum distance from dwellings is required if containers are located within a fully enclosed utility room.

(F) Individual refuse containers may be used to serve residential projects with one or two dwelling units. Shared containers shall service residential projects with three or more units, unless otherwise approved by the Public Works Director or any designee.

#### (2) Screening and Enclosures

(A) Enclosures shall be design pursuant to the current refuse enclosure regulations found in the “City of Refuse Enclosure Area Guidelines for New Construction and Redevelopment Projects” and “Refuse Enclosure Design Guide” standards maintained by the Public Works Department.

(B) Refuse disposal areas shall be screened from public view by masonry, wood, or other opaque and durable material, ~~and shall be enclosed and~~ or located within a building or covered enclosure.

(C) Enclosures shall have a roof, walls, and be at least 6 feet tall. Enclosures shall include wheel stops or curbs to prevent dumpsters from damaging enclosure walls.

(D) Gates or other controlled access shall be provided where feasible.

(E) Chain link enclosures are ~~strongly discouraged~~ prohibited.

(F) Refuse disposal structures and enclosures shall be architecturally compatible with the design of the project.

(G) Notwithstanding, subsections ii and iii above, in lower density residential districts (RE, R-1, R-2, and RMD), containers may be stored under extended eaves at least 3 feet deep, without full enclosures.

(H) The design, construction and accessibility of refuse disposal 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 Council~~ pursuant to Section 18.76.020.

**SECTION 19.** Section 18.23.030 (Lighting) of Chapter 18.23 (Performance Criteria for Multiple Family, Commercial, Manufacturing and Planned Community Districts) of Title 18 (Zoning) is deleted in its entirety and a new Section 18.40.250 (Lighting) of Chapter 18.40 (General Standards and Exceptions) of Title 18 (Zoning) is added as follows:

#### **18.40.250      Lighting**

(a) Purpose:

Exterior lighting of parking areas, pathways, and common open spaces, including fixtures on building facades and free-standing lighting should aim to:

- (1) Minimize the visual impacts of lighting on abutting or nearby ~~residential sites~~ properties and from adjacent roadways.
- (2) ~~Exterior lighting in parking areas, pathways and common open space shall be designed to achieve the following:~~ Provide for safe and secure access on a site and adjacent pedestrian routes
- (3) Achieve maximum energy efficiency ~~and reduce impacts or visual intrusions on abutting or nearby properties from spillover and~~
- (4) Complement the architectural design of the project

(b) Guidelines:

- (1) 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.
- (2) Interior lighting shall be designed to minimize nighttime glow visible from and/or intruding into nearby properties.
- (3) Unnecessary continued illumination, such as illuminated signs or back-lit 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.
- (4) Timing devices and dimmers should be ~~considered used~~ for exterior and interior lights in order to minimize light glare at night ~~without jeopardizing security of employees and control lighting levels.~~ At the time of project approval, the project applicant ~~must~~ should demonstrate how interior and exterior lighting sources will be reduced after operating hours or when the use of the facility is reduced.



(c) Requirements

- (1) The use of high pressure sodium and metal halide are permitted light sources. Low pressure sodium is not allowed.
- (2) 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.
- (3) Levels of exterior illumination for most uses range from 0.5 to 5 footcandles. Areas of higher or lower levels of illumination should be indicated on project plans.
- (4) Where the light source is visible from outside the property boundaries on an abutting residential use, such lighting shall not exceed 0.5 foot-candle as measured at the abutting ~~residential~~ property line.
- (5) Interior lighting shall be shielded to eliminate glare and light spillover beyond the perimeter property line of the development.
- (6) Light fixtures shall ~~not be located next to driveways or intersections, which obstruct~~ be located at least 3 feet from curbs and 10 feet from driveways or intersections, to avoid obstructing clear sight distance triangles.
- (7) Pedestrian and security lighting fixtures ~~shall be fully shielded shall be directed downward.~~ Architectural lighting that projects upward from the ground as used in landscaping, courtyards, or building accent should be directed onto the building face so as not to affect abutting land uses.
- (8) Non-residential projects, adjacent to residential zoning districts or residential uses, shall use timing devices, dimmers, and/or window shades with timers in order to minimize light glare at night and control lighting levels from exterior and interior lights.

**SECTION 20.** Section 18.23.040 (Late Night Uses and Activities) of Chapter 18.23 (Performance Criteria for Multiple Family, Commercial, Manufacturing and Planned Community Districts) of Title 18 (Zoning) is deleted in its entirety and a new Section 18.42.040 (Lighting) of Chapter 18.42 (Standards for Special Uses) of Title 18 (Zoning) is added as follows:

**18.42.040 Late Night Uses 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 or properties with existing residential uses located within nonresidential zones, 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 or properties with existing residential uses located within nonresidential zones, 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) residential property. Said use permit shall be limited to operations or activities occurring between 10:00 p.m. and 6:00 a.m.

(iii) Truck deliveries shall not occur before 6:00 a.m. or after 10:00 p.m., except pursuant to the provisions of a conditional use permit.

**SECTION 21.** Section 18.23.050 (Visual, Screening and Landscaping) of Chapter 18.23 (Performance Criteria for Multiple Family, Commercial, Manufacturing and Planned Community Districts) of Title 18 (Zoning) is deleted in its entirety and a new Section 18.40.260 (Visual Screening and Landscaping) of Chapter 18.40 (General Standards and Exceptions) of Title 18 (Zoning) is added as follows:

#### **18.40.260 Visual Screening and Landscaping**

##### **(a) Purpose**

Utilities, mechanical equipment, service areas, and other site fixtures should be:

- (1) Integrated into the site planning and architectural design of a project and surrounding uses
- (2) Visually screened from public view and from adjacent properties through architectural design, landscaping and screening devices

~~Privacy of abutting residential properties or properties with existing residential uses located within nonresidential zones (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**

- (1) For non-residential properties abutting residential uses:
  - (i) A solid wall or fence between five and eight feet in height shall be constructed and maintained along the residential property line ~~where privacy or visual impacts are an issue.~~
  - (ii) Walls facing residential properties shall incorporate architectural design features and landscaping in order to reduce apparent mass and bulk.
  - (iii) Loading docks and exterior storage of materials or equipment shall be screened from view from residential properties by fencing, walls or landscape buffers.
  - (iv) All required interior yards (setbacks) abutting residential properties shall be planted and maintained as a landscaped screen.
- (2) For all project types:

- (i) All areas not covered by structures, service yards, walkways, driveways, and parking spaces shall be landscaped with ground cover, shrubs, and/or trees.
- (ii) Rooftop equipment shall be screened by a parapet or enclosure. Rooftop equipment or rooftop equipment enclosures shall ~~not extend above a height of 15 feet above the roof, and any enclosed rooftop equipment nearest residential property~~ be set back at least 20 feet from the building edge ~~closest to the residential property~~ or a minimum of 100 feet from the property line, whichever is closer. Roof vents, flues and other protrusions through the roof of any building or structure shall be obscured from ground-level public view (when viewed from the sidewalk on the opposite side of a street), by a roof screen or proper placement. See Section 18.40.090 (height limit exceptions) for further restrictions.
- (iii) A minimum 10-foot planting and screening strip shall be provided adjacent to any facade abutting a low density residential district (R-1, R-2, or RMD) or abutting railroad tracks.
- (iv) All exterior mechanical and other types of equipment, whether installed on the ground or attached to a building roof or walls, shall be ~~screened~~ obscured from public view, ~~and if visible and feasible when viewed from the abutting opposite sidewalk.~~
- (v) 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 residential property.

(c) Guidelines

- (1) For landscape buffers to provide a visual screen, trees and shrubs in the buffer area shall be installed in a manner that provides maximum visual separation of residential uses from the commercial or industrial use, taking into consideration topography and sight lines from residences.
- (2) Size and density of plant materials shall be in proportion to the size of planting areas and the mass of the structure.
- (3) Plant material selection shall take into consideration solar orientation, drought tolerance, maintenance requirements and privacy screening.
- (4) Plant material species and container sizes shall allow for a mature appearance within five years.
- (5) Roof vents, flues and other protrusions through the roof of any building or structure should be clustered where feasible and where visual impacts would thereby be minimized.
- (6) Building elevations facing residential property should not have highly reflective surfaces, such as reflective metal skin and highly reflective glazing. The paint colors should be in subdued hues.
- (7) 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.
- (8) Appropriate landscaping should be used to aid in privacy screening.

- (9) Planting strips and street trees should be included in the project.
- (10) 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 storm water to reduce pollutants in site runoff.
- (11) Landscaping material associated with screening should have adequate room to grow and be protected from damage by cars and pedestrian traffic.
- (12) Where rooftops are visible from offsite, they should be treated to minimize aesthetic impacts, including the use of rooftop gardens or other green spaces, where feasible.

**SECTION 22.** Section 18.23.060 (Noise and Vibration) of Chapter 18.23 (Performance Criteria for Multiple Family, Commercial, Manufacturing and Planned Community Districts) of Title 18 (Zoning) is renumbered without changes to a new Section 18.42.190 (Noise and Vibration) of Chapter 18.42 (Standards for Special Uses) of Title 18 (Zoning).

**SECTION 23.** Sections 18.23.070 (Parking) and 18.23.080 (Vehicular, Pedestrian, and Bicycle Site) of Chapter 18.23 (Performance Criteria for Multiple Family, Commercial, Manufacturing and Planned Community Districts) of Title 18 (Zoning) are deleted in their entirety.

**SECTION 24.** Section 18.23.090 (Air Quality) of Chapter 18.23 (Performance Criteria for Multiple Family, Commercial, Manufacturing and Planned Community Districts) of Title 18 (Zoning) is renumbered without changes to a new Section 18.40.270 (Air Quality) of Chapter 18.42 (Standards for Special Uses) of Title 18 (Zoning).

**SECTION 25.** Section 18.23.100 (Hazardous Materials) of Chapter 18.23 (Performance Criteria for Multiple Family, Commercial, Manufacturing and Planned Community Districts) of Title 18 (Zoning) is renumbered without changes to a new Section 18.42.200 (Hazardous Materials) of Chapter 18.42 (Standards for Special Uses) of Title 18 (Zoning).

**SECTION 26.** Subchapter 18.30(J) (Affordable Housing (AH) Combining District Regulations) of Chapter 18.30 (Combining Districts) of Title 18 (Zoning) is deleted in its entirety and a new Section 18.32 (Affordable Housing ~~Bonus~~ Incentive Program) is created to read as follows:

**Sections:**

**18.32.010 Specific Purpose**

**18.32.020 Applicability of Regulations and Affordable Housing Requirement**

**18.32.030 Definitions**

**18.32.040 ~~Zoning Map Designation~~ Reserved**

**18.32.050 ~~Site Development~~ Review Process**

**18.32.060 Conformance to Other Combining Districts and Retail Preservation**

**18.32.070 Permitted Uses**

**18.32.080 Conditional Uses**

**18.32.090 Development Standards**

### **18.32.010 Specific Purpose**

The affordable housing ~~combining district incentive program~~ is intended to promote the development of 100% affordable rental housing projects located within one-half mile of a major transit stop or one-quarter mile of a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, by providing flexible development standards and modifying the uses allowed in the commercial districts and subdistricts.

### **18.32.20 Applicability of Regulations and Affordable Housing Requirement**

The affordable housing incentive program ~~combining district~~ ~~may be combined with the~~ ~~shall apply to properties zoned~~ CD, CN, CS, and CC ~~districts~~, set forth in Chapters 18.16 and 18.18 of this Title, in accord with Chapter 18.08 and Chapter 18.80, but excluding the Town and Country Village Shopping Center, Midtown Shopping Center, and Charleston Shopping Center. ~~Where so combined, t~~ The regulations established by this chapter shall apply for 100% affordable housing projects in lieu of the uses allowed and development standards and procedures applied in the underlying district. A property owner may elect to use the site consistent with the underlying district, in which case the applicable regulations in Chapters 18.16 and 18.18 for the commercial districts shall apply. ~~The Town and Country Village Shopping Center, Midtown Shopping Center, and Charleston Shopping Center shall not be considered eligible for the application of the affordable housing combining district.~~

(a) The affordable housing ~~combining district incentive program~~ provides flexibility in development standards that allow for a density increase that would in most cases exceed density bonuses under state law, Government Code Section 65915. Therefore, a project applicant may utilize the affordable housing ~~combining district~~ incentive program and the provisions of this chapter as an alternative to use of the state density bonus law implemented through Chapter 18.15 (~~Residential~~ Density Bonus) of this Title, but may not utilize both the affordable housing ~~combining district~~ incentive program and density bonuses. If an applicant utilizes state density bonus law, the regulations in Chapters 18.16 or 18.18 for the applicable underlying commercial district shall apply.

### **18.32.030 Definitions**

For purposes of this chapter, the following definitions shall apply.

(a) "100% affordable housing project" means a multiple-family housing project consisting entirely of for-rent affordable units, as defined in Section 16.65.020 of this code, except for a building manager's unit, and available only to households with income levels at or below 120% of the area median income for Santa Clara County, as defined in Chapter 16.65.

#### **18.32.040 ~~Zoning Map Designation~~ Reserved**

~~The affordable housing combining district shall apply to properties designated on the zoning map by the symbol "AH" within parentheses, following the commercial designation with which it is combined.~~

#### **18.32.050 ~~Site Development~~ Review Process**

All projects shall be subject to architectural review as provided in Section 18.76.020. ~~Projects and~~ shall not be subject to the requirements of site and design review in Chapter 18.30(G).

#### **18.32.060 Conformance to Other Combining Districts and Retail Preservation**

The following requirements shall apply to projects in the AH affordable housing ~~combining district incentive program~~:

(a) Where applicable, the requirements of Chapter 18.30(A) (Retail Shopping (R) Combining District Regulations), Chapter 18.30(B) (Pedestrian Shopping (P) Combining District Regulations), and Chapter 18.30(C) (Ground Floor (GF) Combining District Regulations), and Pedestrian Shopping (P) Combining Districts shall apply.

(b) Where applicable, the retail preservation requirements of Section 18.40.180 shall apply except as provided below.

(1) Waivers and adjustments

a. Except in the R or GF combining districts, the City Council shall have the authority to reduce or waive the amount of retail or retail like gross floor area required in Section 18.40.180 for any 100% affordable housing project if the City Council determines that it would be in the public interest. Any such reduction or waiver shall not be subject to the waiver and adjustments requirements in Section 18.40.180(c). In the R and GF combining districts, any reduction or waiver in retail or retail like gross floor area shall remain subject to the requirements of Section 18.40.180(c) or the combining district as applicable.

b. The City Council shall have the authority to modify retail parking requirements associated with a 100% affordable housing project that also requires ground floor retail.

#### **18.32.070 Permitted Uses**

The following uses shall be permitted in the AH affordable housing ~~combining district incentive program~~:

(a) 100% affordable housing projects;

(b) In conjunction with a 100% affordable housing project, any uses permitted in the underlying district, provided the uses are limited to the ground floor.

### 18.32.080 Conditional Uses

The following uses may be permitted in the AH affordable housing ~~combining district~~ incentive program in conjunction with an 100% affordable housing project, subject to issuance of a conditional use permit in accord with Chapter 18.76 (Permits and Approvals), provided that the uses are limited to the ground floor:

- (a) Business or trade school.
- (b) Adult day care home.
- (c) Office less than 5,000 square feet when deed-restricted for use by a not-for-profit organization.
- (d) All other uses conditionally permitted in the applicable underlying zoning district.

### 18.32.090 Development Standards

The following development standards shall apply to projects subject to the AH affordable housing ~~combining district~~ incentive program in lieu of the development standards for the underlying zoning district, except where noted below:

**Table 1**  
**Development Standards**

AH Incentive Program <del>Combining District</del> <sup>(1)</sup>		
[...]		
<b>Landscape/Open Space Coverage</b>	20% <sup>(2)</sup>	
[...]		
<p>Notes:</p> <p>(1) These developments shall be designed and constructed in compliance with the <u>objective design standards in Section 18.24</u>. Developments that elect to deviate from one or more <u>objective standards in Chapter 18.24</u> shall meet the performance criteria outlined in Chapter 18.23, as well as the context-based design criteria outlined in Section 18.13.060 for residential-only projects, Section 18.16.090 for mixed use projects in the CN, CC, and CS districts, and Section 18.18.110 for mixed use projects in the CD district, provided that more restrictive regulations may be recommended by the architectural review board and approved by the director of planning and community environment, pursuant to Section 18.76.020.</p> <p>(2) Landscape coverage is the total area of the site covered with landscaping as defined in Chapter 18.04. For the purposes of this Chapter 18.32.090, areas provided for usable open space may be counted towards the landscape site coverage requirement. Landscape and open space areas may be located on or above the ground level, and may include balconies, terraces, and rooftop gardens.</p> <p>[...]</p>		

**SECTION 27.** Section 18.30(K).070 (Development Standards) of Subchapter 18.30(K) (Workforce Housing (WH) Combining District Regulations) of Chapter 18.30 (Combining Districts) of Title 18 (Zoning) is amended to read as follows:

**18.30(K).070 Development Standards**

[...]

- (b) Housing Development Projects shall be subject to objective design standards in Section 18.24. Non-Housing Development Projects and Housing Development projects that elect to deviate from one or more objective standards in Chapter 18.24 shall meet the performance criteria outlined in Chapter 18.23, as well as the context-based design criteria outlined in Section 18.13.090 for residential projects, provided that more restrictive regulations may be recommended by the architectural review board and approved by the director, pursuant to Section 18.76.020.

**SECTION 28.** Section 18.34.040 (Pedestrian and Transit Oriented Development (PTOD) Combining District Regulations) of Chapter 18.34 (Pedestrian and Transit Oriented Development (PTOD) Combining District Regulations) of Title 18 (Zoning) is amended as follows:

**18.34.040 Pedestrian and Transit Oriented Development (PTOD) Combining District Regulations**

- (a) Properties in the PTOD combining district are subject to the following regulations:

**TABLE 2  
DEVELOPMENT STANDARDS**

Standards <sup>1</sup>	PTOD - California Avenue	PTOD - Downtown [Reserved]
[...]		
<b>Open Space:</b>		
Minimum area required (Private or Common)	5 or fewer units: 200 s.f. per unit 6 or more units: 100 s.f. per unit, <u>subject to</u> <u>Section 18.24.040</u>	
Minimum dimensions	<del>Private open space: 6 feet Common open space: 12 feet</del>	
[...]		



**Footnotes:**

- (1) Non-residential development that is not consistent with the mixed-use limitations set forth above, with the exception of hotels, must be developed per the underlying zoning district regulations.
- (2) See Section 18.34.040 (e) for Below Market Rate (BMR) bonus provisions.
- (3) The residential component of the mixed use may not exceed 1.0:1.
- (4) The non-residential component of a mixed use project shall not exceed 50% of the total square-footage of the project.

[...]

**SECTION 29.** Section 18.34.050 (Pedestrian and Transit Oriented Development (PTOD) Combining District Context-Based Design Criteria) of Chapter 18.34 (Pedestrian and Transit Oriented Development (PTOD) Combining District Regulations) of Title 18 (Zoning) is amended to read as follows:

**18.34.110 Pedestrian and Transit Oriented Development (PTOD) Combining District Context-Based Design Criteria and Objective Design Standards**

In addition to the standards for development prescribed above, all Housing Development Projects in the PTOD combining district shall comply with the objective design standards outlined in Chapter 18.24, as defined therein. All other developments, and Housing Development Projects that elect to deviate from one or more objective design standards in Chapter 18.24, shall meet the Context Based Design Criteria, as determined by the Director pursuant to the Architectural Review process.

(a) Contextual and Compatibility Criteria

Development in a pedestrian and transit oriented development combining district shall be responsive to its context and compatible with adjacent development, and shall promote the establishment of a pedestrian and transit oriented neighborhood.

[. . .]

**SECTION 30.** Section 18.40.130 (Landscaping) of Chapter 18.40 (General Standards and Exceptions) of Title 18 (Zoning) is amended as follows:

**18.40.130 Landscaping**

(a) Purpose

The purpose of this section is to encourage creative and sustainable landscape design that enhances structures, open space areas, streetscapes and parking areas. Sustainable landscape design preserves native plant species to the maximum extent feasible, consumes less water and provides permeable surfaces for storm water management and

groundwater recharge. Tree shading and appropriate landscape design can contribute to economic vitality and public health, and can reduce the need for frequent infrastructure repair.

Landscaping provides recreation areas, cleans the air and water, prevents erosion, offers fire protection, replaces ecosystems displaced by development, and is water efficient.

(b) General Regulations

In addition to the provisions of this section, all projects shall adhere to the landscape requirements cited elsewhere in Title 18 (Zoning Ordinance), including but not limited to:

- (1) Design Standards - General Parking Facilities (Section 18.54.020).
- (2) Design Standards - Landscaping in Parking Facilities and Required Landscape Areas (Section 18.54.040).
- (3) Architectural Review Findings (Section 18.76.020).

(c) Natural Areas (Open Space District, Hillside Lands, Baylands, Creek and Riparian Areas)

Landscaping should retain or enhance native vegetation in hillside, baylands or other natural open spaces areas or adjacent to such areas. The existing natural vegetation and land formations should remain in a natural state unless modification is found to be necessary or appropriate for a specific use allowed through architectural or site design review.

- (1) In the selection of new landscaping, preference shall be given to natural, indigenous and drought resistant plants and materials. Non-indigenous landscaping should be limited to the immediate area around a structure or structures.
- (2) Site development plans shall, to the maximum extent feasible, provide for the retention of existing vegetation and land formations, and shall include an erosion and sediment control element setting forth reasonable mitigation measures in accord with the grading and subdivision ordinances of the city.
- (3) Landscaping shall, to the maximum extent feasible, integrate and accommodate existing trees and vegetation to be preserved; make use of water-conserving plants, materials and irrigation systems; and be clustered in natural appearing groups, as opposed to being placed in rows or regularly spaced.
- (4) Colors of roofing materials shall blend with the natural landscape and be nonreflective. All roof mounted equipment shall be screened in a manner that protects the viewshed from adjacent properties, including from views from above.
- (5) Planting of invasive plant species shall not be permitted and removal of invasive species may be required as part of landscape plan requirements.
- (6) To the maximum extent feasible, existing vegetation shall be retained or enhanced to maintain contiguous wildlife habitat.
- (7) Riparian vegetation shall be retained or enhanced within natural stream corridors, and best practices for development shall be used to protect riparian habitat and water quality of adjacent streams.

(d) Low-Density Residential Landscaping Design Standards

- (1) In the R-1, R-2, and RMD zones, a minimum of 50% of the required front

setback area shall be landscaped, subject to the limitations of Section 18.12.040(h). Planting in the right-of-way shall not count towards fulfillment of the required landscape area.

(2) Street trees may be required to be planted in the right-of-way frontage of any residential structure subject to individual review for a new second story or addition to a second story, or for other discretionary review in the R-1, R-2, or RMD zones.

(3) Trees planted near public bicycle trails or curbs shall be of a species and installed in a manner that prevents physical damage to sidewalks, curbs, gutters and other public improvements.

(4) Trees and shrubs shall be planted so that at maturity they do not interfere with service lines (a minimum of five feet from water lines and ten feet from sanitary sewer lines) and traffic safety visibility areas.

(5) All proposed light wells and below-grade basements shall be screened to minimize visibility from public rights-of-way or other public properties.

(e) Special Design and Landscaping Standards for All Zoning Districts

Requirements:

(1) Utilities (e.g., transformer cabinets, pads, fiber optic trenching and above ground cabinets, large water check valves) and underground utilities shall not be placed within required landscaped areas, except where they will not preclude appropriate planting of trees and will be predominantly screened from public view.

(2) All landscaping within multi-family, commercial, and industrial zoning districts shall be equipped with automatic irrigation systems. Backflow preventers shall be located in the rear or side yard and screened from public view by landscaping. If backflow preventers must be located in the front yard for access purposes, they should be located near the main structure to the maximum extent feasible, and shall be predominantly screened from public view.

(3) For all development within commercial and industrial zoning districts, lawn areas shall not exceed 15 percent of the planting area on a property. Required common areas, active recreation areas, and areas located within the public right-of-way between the curb and public sidewalk shall not count against such lawn area.

~~(4) Landscaping within surface parking areas shall include tree plantings designed to result in 50 percent shading of parking lot surface areas within 15 years.~~

(4) ~~(5)~~ All required perimeter yards shall be landscaped. The landscaping of these yards shall, at a minimum, consist of a combination of living vegetation, such as trees, shrubs, grasses or ground cover materials. The director may, however, allow a combination of hardscape and landscape to satisfy landscape requirements where the visual quality and screening functions of the hardscape/landscape area are maintained. Landscape buffering and screening shall be designed to create compatible relationships of scale and appearance with neighboring properties.

(5) ~~(6)~~ Plant material shall be maintained in a healthy, disease-free, growing condition at all times. All required planting areas shall be maintained free of weeds, debris, and litter. The planning director may specify conditions of approval to assure that dead or diseased plantings are replaced in a timely manner and with adequate

replacement plantings.

(f) Guidelines:

(1) Rooftop gardens, edible gardens, and other sustainable agricultural landscaping alternatives are encouraged for multi-family, commercial, industrial, and multi-family developments. See supplementary standards in Chapter 18.40.230: Rooftop Gardens. Rooftop gardens are particularly encouraged where the rooftop is highly visible from neighboring properties.

(2) Structural soils, as specified by the director of planning and community environment, shall be preferred where planting in compacted soil areas, such as parking lots and sidewalks.

(3) Landscape swales, ~~permeable pervious~~ paving and other landscape features should be incorporated into site design to the maximum extent feasible to accommodate filtration of storm water runoff from impervious areas, particularly from parking lots.

(4) All projects requiring discretionary review within the multi-family, commercial, or industrial zoning districts should, where feasible, pursuant to Section 16.12: Recycled Water, and include the following:

(a) Incorporation of recycled water usage into the design of landscape and irrigation systems.

(b) Consideration of plants suitable for irrigation with recycled water.

(c) The installation of the infrastructure necessary to connect the irrigation system to the city's recycled water supply, if available in the foreseeable future.

(5) The director may allow a combination of hardscape and landscape to satisfy landscape requirements where permeable surface materials are used and where the visual quality and screening functions of the hardscape/landscape area are maintained, as specified in the conditions of approval.

**SECTION 31.** Subdivision (d) of Section 18.52.040 (Off-Street Parking, Loading and Bicycle Facility Requirements) of Chapter 18.52 (Parking and Loading Requirements) of Title 18 (Zoning) is amended as follows:

**18.52.040 Off-Street Parking, Loading and Bicycle Facility Requirements**

[. . .]

(d) Residential and mixed use structures with fifty (50) or more dwelling units shall provide at least one (1) on-site, short-term loading space for passenger vehicles, to be used by taxicabs and similar transportation and delivery services.

**SECTION 32.** Section 18.54.015 (Definitions) of Chapter 18.54 (Parking Facility Design Standards) of Title 18 (Zoning) is added as follows:

### **18.54.015 Definitions**

The definitions provided in Section 18.52.020 shall apply to this Chapter 18.54.

**SECTION 33.** Subsection (c) of Section 18.54.070 (Parking Tables and Figures) of Chapter 18.54 (Parking Facility Design Standards) of Title 18 (Zoning) is amended as follows:

[. . .]

(c) Off-Site Parking

Parking required by this chapter may be provided by off-site parking, provided that such off-site parking is within 500 feet ~~a reasonable distance~~ of the site using it ~~or, if the site is within an assessment district, within a reasonable distance of the assessment district boundary~~ and approved in writing by the director of planning and community environment. The director shall assure that sufficient covenants and guarantees are provided to ensure use and maintenance of such parking facilities, including an enforceable agreement that any development occurring on the site where parking is provided shall not result in a net reduction of parking spaces provided, considering both the parking previously provided and the parking required by the proposed use.

[. . .]

**SECTION 34.** Subdivisions (a) and (b) of Section 18.54.020 (Vehicle Parking Facilities) of Chapter 18.54 (Parking Facility Design Standards) of Title 18 (Zoning) is amended as follows:

### **18.54.020 Vehicle Parking Facilities**

(a) Parking Facility Design

Parking facilities shall be designed in accordance with the following regulations:

- (1) Requirements for dimensions of parking facilities at, above, and below grade are contained in this section and in Figures [1-6](#) and Tables [3-6](#) of Section [18.54.070](#).
- (2) Stalls and aisles shall be designed such that columns, walls, or other obstructions do not interfere with normal vehicle parking maneuvers. All required stall and aisle widths shall be designed to be clear of such obstructions.
- (3) The required stall widths shown in [Table 3](#) of Section [18.54.070](#) shall be increased by 0.5 foot for any stall located immediately adjacent to a wall, whether on one or both sides. The director may require that the required stall widths be increased by 0.5 foot for any stall located immediately adjacent to a post, where such post limits turning movements into or out of the stall.
- (4) For property owners or tenants seeking to install EVSE, the required stall widths shown in [Table 3](#) of Section [18.54.070](#) may be reduced by no more than eighteen inches below the code required minimum dimensions in order to accommodate EVSE or associated electrical utility equipment. This reduction may be applied to 10% of the total required parking stalls, or two stalls, whichever is greater. The director may approve a reduction in

width for a greater number of stalls through a director's adjustment pursuant to Section [18.52.050](#).

(5) Dead-end aisles shall be avoided to the greatest extent feasible.

(6) Except for at-grade parking facilities serving a maximum of two dwelling units, all parking facilities shall be set back a sufficient distance from the street so that vehicles need not back out into or over a public street (not including an alley) or sidewalk.

(7) Surface parking areas shall be located so that garages or carports are not predominantly facing the street; parking locations behind the building(s) are preferable.

(8) 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.

(9) Except for single-family uses, parking should be underground, semi-depressed, enclosed or concealed for all projects to the extent feasible.

(10) 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.

(11) 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.

(b) Off-Street Parking Stalls

(1) Each off-street parking stall shall consist of a rectangular area not less than eight and one-half (8.5) feet wide by seventeen and one-half (17.5) feet long (uni-class stall), or as otherwise prescribed for angled parking by Table 1 in Section 18.54.070.

(2) Garages and carports for single-family and two-family development shall provide a minimum interior clearance of ten (10) feet wide by twenty (20) feet long for a single car and a minimum of twenty (20) feet wide by twenty (20) feet long for two cars to allow sufficient clearance.

(3) Dimensions of parking stalls for parallel parking shall be as follows. The minimum dimensions of such a stall located adjacent to a wall shall be ten feet wide and twenty feet long. The minimum dimensions of such a stall located adjacent to a curb with a minimum two-foot clearance to a wall shall be eight feet wide and twenty feet long. These required stall widths are in addition to the required width of the access driveway or aisle.

(4) Mechanical lifts may be used to satisfy off-street parking requirements, ~~subject to approval by the director or city council, as applicable, and~~ in accordance with the following provisions:

A. The regulations in this section apply to mechanical lifts, elevators and turn-around devices specified for vehicle use, and other mechanical devices that facilitate vehicle parking;

B. Mechanical vehicle lifts may be used for multi-family residential, office, hotel, automotive, industrial or institutional uses. Other uses may use mechanical vehicle lifts subject to approval from the Director of Planning and Community

Development and may be required to provide dedicated on-site valet assistance for no fee to the user.

C. The location of mechanical lifts shall be located within an enclosed parking facility. All lifts and associated equipment shall be screened from public views and the screening shall be architecturally compatible with the site conditions;

D. Applicant shall submit an analysis and report, prepared by a qualified professional, for review and approval by the Director of Planning and Community Environment that demonstrates the effectiveness of the proposed parking lift system; operational details; schematic or technical drawings; regular and emergency maintenance schedule, procedures and backup systems; vehicle queuing, access and retrieval efficiency; and potential impacts, delays, or inconveniences to all of the following:

- i. site residents, workers, and visitors
- ii. pedestrian and bicycle movement and safety on and nearby the site
- iii. vehicular movement and safety on and nearby the site

E. Mechanical car lifts shall not be used for accessible parking spaces or loading spaces;

F. Mechanical car lifts shall accommodate mid-size sport utility vehicles and full-size cars.

G. For all non-residential uses, a minimum of two spaces or 10% of the total number of parking spaces provided, whichever is greater, shall be provided as standard non-mechanical parking spaces. The required accessible spaces shall not be counted as one of the standard spaces for this requirement;

H. Additional information, reports and analysis may be required and conditions may be imposed to ensure the use, operation and function of the lift system is not detrimental to the public welfare, property, land uses and users of the property, other properties, or the public right of way, in the general vicinity.

I. Lift design must allow for removal of any single vehicle without necessitating the temporary removal of any other vehicle

J. The Director shall have authority to adopt regulations to implement this provision.

(5) Each off-street motorcycle parking stall shall consist of a rectangular area not less than five feet wide by ten feet long, as illustrated in Figure 7 of Section 18.54.070.

[. . .]

**SECTION 35.** Subdivision (c) of Section 18.54.050 (Miscellaneous Design Standards) of Chapter 18.54 (Parking Facility Design Standards) of Title 18 (Zoning) is amended as follows:

#### **18.54.050 Miscellaneous Design Standards**

[. . .]

(c) Additional Parking Facility Design Requirements

(1) Site design shall assure that connections to adjacent existing or planned bicycle or pedestrian facilities (sidewalks, bike paths or lanes, etc.) allow for ready access for residents and other users of the site.

(2) The location of driveways, shipping and receiving areas, and loading docks should be sited as far away from residentially zoned properties or properties with existing residential uses located within nonresidential zones as is reasonably feasible while recognizing site constraints and traffic safety issues.

(3) Employee ingress and egress to a site should be located to avoid the use of residential streets wherever feasible.

(4) Late hour and early morning truck traffic to a site located in or near a residential area should be discouraged.

(5) Vehicular access points should not conflict with pedestrian and bicycle walkways and facilities.

(6) Pedestrian and bicycle facilities (sidewalks, bike paths, etc.) should, where feasible, be provided through sites to provide connections to other pedestrian and bicycle routes and to allow for safe access to schools, recreation facilities and services.

(7) Additional requirements for parking facility design, internal layout, acceptable turning radii and pavement slope, vehicular and pedestrian circulation, and other design features may be adopted by the director when deemed appropriate.

[. . .]

**SECTION 36.** Subsection (b) of Section 18.76.020 (Architectural Review) of Chapter 18.76 (Permits and Approvals) of Title 18 (Zoning) is amended as follows:

#### **18.76.020 Architectural Review**

[. . .]

##### **(b) Applicability**

No permit required under Title 2, Title 12 or Title 16 shall be issued for a major or minor project, as set forth in this section, unless an application for architectural review is reviewed, acted upon, and approved or approved with conditions as set forth in Section [18.77.070](#).

(1) Exempt Projects. The following projects do not require architectural review:

(A) Single-family and two-family residences, except as provided under subsections (b)(2)(C) and (b)(2)(D).

(B) Projects determined by the director of planning and development services to be substantially minor in nature and have inconsequential visual impacts to the adjacent properties and public streets. These exempt projects are referred to as "over the counter projects". The director shall have the authority to promulgate a list of such exempt projects under this subsection.

(C) Housing development projects, as defined in Government Code Section 65589.5(h)(2) (the Housing Accountability Act), but only to the extent such projects comply with all objective standards in this code and thereby qualify for streamlining



under Government Code sections 65589.5, 65913.4, or 65905.5. Such projects shall be subject to the process set forth in Section 18.77.073.

(2) Major Projects. The following are "major projects" for the purposes of the architectural review process set forth in Section [18.77.070](#), and are subject to review by the architectural review board:

- (A) New construction, including private and public projects, that:
  - (i) Includes a new building or building addition of five thousand square feet or more; or
  - (ii) Is not exempt under the California Environmental Quality Act (CEQA) (Section 21000 et seq. of the California Public Resources Code); or
  - (iii) Requires one or more variances or use permits and, in the judgment of the director, will have a significant effect upon the aesthetic character of the city or the surrounding area;
- (B) Any multiple-family residential construction project that contains three or more units;
- (C) Construction of three or more adjacent single-family homes or duplexes;
- (D) In the Neighborhood Preservation Combining District (NP), properties on which two or more residential units are developed or modified, except when one of those units is an "accessory dwelling unit," as described in Section [18.10.140\(d\)](#);
- (E) Any project using transferred development rights, as described in [Chapter 18.18](#);
- (F) A master sign program, pursuant to [Chapter 16.20](#);
- (G) Signs that do not meet all applicable design guidelines adopted by the city council or do not conform to a previously approved master sign program;
- (H) Signs requiring a sign exception pursuant to [Chapter 16.20](#);
- (I) Any minor project, as defined in subsection (3), that the director determines will significantly alter the character or appearance of a building or site.

(3) Minor Projects. The following are "minor projects" for the purposes of the architectural review process set forth in Section [18.77.070](#), except when determined to be major pursuant to subsection (2)(I) or exempt pursuant to subsection (1)(B):

- (A) New construction, including private and public projects, that involves a new building or building addition of fewer than 5,000 square feet, and which is exempt under the California Environmental Quality Act (CEQA) (division 13 of the Public Resources Code, commencing with section 21000);
- (B) Signs that meet all applicable guidelines and conform to any previously approved master sign program;
- (C) Landscape plans, fences, exterior remodeling, and design of parking areas, when not part of a major project;
- (D) Any project relating to the installation of cabinets containing communications service equipment or facilities, pursuant to any service subject to [Chapter 2.11](#), [Chapter 12.04](#), [Chapter 12.08](#), [Chapter 12.09](#), [Chapter 12.10](#), or [Chapter 12.13](#).
- (E) Minor changes to the following:
  - (i) Plans that have previously received architectural review approval;

- (ii) Previously approved planned community district development plans;
- (iii) Plans that have previously received site and design approval;
- (iv) Previously approved plans for projects requiring council approval pursuant to a contractual agreement, resolution, motion, action or uncodified ordinance;
- (v) Existing structures requiring council site and design approval or approval pursuant to a contractual agreement, resolution, motion, action, or uncodified ordinance.

As used in this subsection (b)(3)(E), the term "minor" means a change that is of little visual significance, does not materially alter the appearance of previously approved improvements, is not proposed for the use of the land in question, and does not alter the character of the structure involved. If the cumulative effect of multiple minor changes would result in a major change, a new application for Architectural Review approval of a major project, Site and Design approval, Planned Community District approval, or other applicable approval is required.

(F) Any changes to previously approved plans requiring architectural review as a minor project as part of the conditions of a permit or approval.

[. . .]

**SECTION 37.** Section 18.77.073 (Housing Development Project Review Process) of Chapter 18.77 (Processing of Permits and Approvals) of Title 18 (Zoning) is added as follows:

**18.77.073 Streamlined Housing Development Project Review Process**

**(a) Applicability**

This section shall apply to applications for residential mixed-use and multifamily housing development projects, as defined in Government Code Section 65589.5(h)(2), that comply with all objective standards in this code and thereby qualify for streamlining under Government Code sections 65589.5 or 65905.5.

**(b) Preliminary Board Review**

Applicants are encouraged to seek preliminary review by the Architectural Review Board pursuant to Section 18.76.020(c) prior to submitting a formal application.

**(c) Public Study Session**

(1) Prior to preparing a written decision, the Director may, in his or her sole discretion, refer the application to the Architectural Review Board or to other advisory boards or committees for the purpose of determining whether minor adjustments to the application would result in closer adherence to the contextual design criteria and/or objective design standards contained in Chapter 18.24. An application should normally not be considered at more than one meeting of the Architectural Review Board.

(2) Notice of a public meeting to consider the application shall be given at least 7 days prior to the meeting by mailing to the applicant and all residents and owners of property

within 600 feet of the project. Notice shall include the address of the property, a brief description of the proposed project, and the date and time of the hearing.

(d) Decision by the Director

(1) The Director shall prepare a written decision to approve the application, approve it with conditions, or deny it.

(2) Neither the Director, nor the City Council on appeal, shall approve an application unless it is found that:

(A) The application complies with all applicable and objective standards in the Comprehensive Plan, the Palo Alto Municipal Code, and other City plans or policies.

(B) Approving the application will not result in a specific, adverse, impact upon the public health or safety, which cannot feasibly be mitigated or avoided in a satisfactory manner. As used in this Section, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(3) Notice of the proposed director's decision shall be given by mail to owners and residents of property within 600 feet of the property, and by posting in a public place. The notice shall include the address of the property, a brief description of the proposed project, a brief description of the proposed director's decision, the date the decision will be final if it is not appealed, and a description of how to file an appeal.

(4) The Director's decision shall become final 10 days after the date notice is mailed unless an appeal is filed.

(e) Appeals

(1) Any party, including the applicant, may file an appeal of the Director's decision in written form in a manner prescribed by the director.

(2) An appeal seeking disapproval of a project or a reduction in density shall be limited to the grounds that both of the following exist:

(A) The project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. And

(B) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to subsection (d)(2)(B)(i), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

(f) Decision by the City Council

At the Director's discretion, an appeal may be set for hearing before the City Council or may be placed on the Council's consent calendar, within 45 days. The city council may:

(1) Adopt the findings and decision of the director; or

(2) If the item is on the consent calendar, city council may remove the appeal from the consent calendar, which shall require three votes, and direct that the appeal be set for a new

noticed hearing before the city council, following which the city council shall adopt findings and take action on the application.

(g) Final Decision by the Council

The decision of the council on the appeal is final.

**SECTION 38.** As used in this ordinance, new text is underlined, deletions are ~~struck through~~, and omissions are noted with [ . . . ] for large sections of unchanged text.

**SECTION 39.** Any provision of the Palo Alto Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

**SECTION 40.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

**SECTION 41.** The Council finds that the Ordinance is within the scope of and in furtherance of the Comprehensive Plan 2030 which was evaluated in that certain Final Environmental Impact Report certified and for which findings were adopted by Council Resolution Nos. 9720 and 9721 on November 13, 2017, all in accordance with the California Environmental Quality Act. The Ordinance does not propose to increase development beyond what was analyzed in the Comprehensive Plan. Pursuant to Section 15168 of the State CEQA Guidelines, the City has determined that no new effects would occur from and no new mitigation measures would be required for the adoption of this Ordinance.

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**SECTION 42.** This ordinance shall be effective on the thirty-first date after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

NOT PARTICIPATING:

ATTEST:

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

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

APPROVED:

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

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

\_\_\_\_\_  
Director of Planning & Development  
Services